

CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the Coldwater Indian Band Property Assessment and Taxation Bylaw dated 20 May 1997 is a true copy of the said by-law.



Richard Frizell
Lands and Trust Services,
a Superintendent as defined in
Section 2(1) Indian Act RSC 1985

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY
APPROVE, pursuant to section 83 of the *Indian Act*, the following bylaw
made by the Coldwater Indian Band, in the Province of British Columbia,
at a meeting held on the 20th day of May 1997.

- **Property Assessment and Taxation Bylaw**

Jane Stewart

Dated at Ottawa, Ontario this 30th day of September, 1997.

Canada

COLDWATER INDIAN BAND

Property Assessment and Taxation Bylaw

May 20 - 1997

COLDWATER INDIAN BAND
Property Assessment and Taxation Bylaw

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RECITAL

WHEREAS pursuant to paragraph 83(1)(a) of the Indian Act the Council of a Band may make bylaws for the purpose of taxation for local purposes of land, or interests in land, in the reserve, including rights to occupy, possess or use land, in the reserve;

AND WHEREAS the Council of the Coldwater Indian Band deems it to be in the best interests of the Band to make a bylaw for such purposes;

NOW THEREFORE BE IT RESOLVED the Council of the Coldwater Indian Band at a duly convened meeting, enacts the following bylaw.

SHORT TITLE

1. This bylaw may be cited as the Coldwater Property Assessment and Taxation Bylaw.

PART I INTERPRETATION

2. (1) In this bylaw,

"Act"	means the Indian Act, R.S., c. I-5.
"actual value"	means the market value for which an interest in land might reasonably be expected to bring if it were held in fee simple off reserve and offered for sale in the open market on the valuation date.
"assessed value"	means the actual value of interests in land as determined under this bylaw.
"assessment "	means the valuation of interests in land for taxation purposes.
"Assessment Act"	means the <i>Assessment Act</i> , R.S.B.C. 1979, c.21
"assessment area"	means the reserves of the Band, namely Coldwater Indian Reserve Number 1, Paul's Basin Indian Reserve Number 2, and Gwen Lake Indian Reserve Number 3.
"Assessment Authority Act"	means the <i>Assessment Authority Act</i> , R.S.B.C. 1979, c.22
"assessment roll"	means a list prepared pursuant to this bylaw and includes a supplementary roll, setting out interests in land within the assessment area and their assessed values for the purposes of taxation and includes any alterations or additions under Part IX of this bylaw.

"assessment year"	means the year, from January 1 to December 31, preceding the year in which taxes are to be levied.
"assessor"	means a person, or persons appointed by Chief and Council for the purposes of this bylaw and any related duties as required by Chief and Council.
"Band"	means the Coldwater Indian Band being a band within subsection 2(1) of the Act.
"band council resolution"	means a motion, as recorded in the minutes of the meeting, passed and approved by a majority of the councillors of the band present at a duly convened meeting.
"band member"	means a registered member of the Coldwater Indian Band.
"chartered bank"	means the branch of the Royal Bank of Canada, situated in Merritt, British Columbia, or any other Bank which Council may, from time to time, identify by band council resolution.
"Chief and Council", or "Council"	means the Chief and Council of the Coldwater Indian Band as selected according to the custom of the Band.
"classification"	means a class of property established pursuant to section 16(1) of this bylaw and set out in Schedule II.
"holder"	means a person in lawful possession of an interest in land in the reserve or a person who, for the time being, <ul style="list-style-type: none"> (a) is entitled to possession; (b) is an occupier; (c) has any right, title, estate or interest; or (d) is a trustee of the interest.
"improvement"	means an addition to land and, without restricting the generality of the foregoing, includes: <ul style="list-style-type: none"> (a) anything erected or placed in, upon or under land, or affixed to land, so that without special mention it would be transferred by a transfer of land; (b) anything erected or placed in or upon, or affixed to an improvement, so that without special mention it would be transferred by a transfer of land; (c) any item of immovable machinery and equipment which is prescribed assessable by band council resolution; (d) a manufactured home.
"interest in land"	means land or improvements, or both, and, without restricting the generality of the foregoing, includes any interest in land or improvements, the right to occupy, possess or use land or improvements in the reserve.

"land title office"	means the land title office or offices for the land title district in which land located in the reserve may have been registered under the <i>Land Title Act</i> of the Province of British Columbia.
"legal description"	means a description sufficient to describe an interest in land for assessment and taxation purposes.
"local improvement charge"	means a charge in respect of a local improvement based on the actual or estimated capital costs and interest amortized over a fixed period of years.
"locatee"	means an Indian who is in lawful possession of land in the reserve pursuant to subsections 20(1) and 20(2) of the Act, and for whose benefit the Minister has leased the land pursuant to subsection 58(3) of the Act.
"Minister"	means the Minister of Indian Affairs and Northern Development.
"manufactured home"	means any structure whether equipped with wheels or not and whether self-propelled or not, that: <ul style="list-style-type: none"> (a) is used or designed for use as a dwelling or sleeping place, and (b) is constructed or manufactured to be moved from one point to another by being towed or carried unless licenced and equipped to travel on a public highway and occupied by a genuine tourist and situated within a mobile home park for a period of less than 60 days.
"mobile home park"	means an interest in land occupied by a person for the purpose of providing space for the accommodation of two or more manufactured homes and for imposing a charge, fee or rental for the use of that space.
"occupier"	means a person who, for the time being, is in actual occupation of an interest in land.
"person"	in addition to its ordinary meaning includes a partnership, association, company, society or body corporate.
"pipeline"	means any pipe designed for or used in the commercial conveyance or transmission of any substance.
"prescribe"	means a decision set out in a schedule or band council resolution.
"prime rate"	means the prime rate as determined and set by the chartered bank
"property"	includes land and improvements
"Registrar"	means the Lands Administrator for the Coldwater Indian Band as appointed by Chief and Council.

- "Registers" means the Surrendered and Designated Lands Register kept pursuant to section 55 of the Act and the Reserve Land Register kept pursuant to section 21 of the Act.
- "Reserve" means Coldwater Indian Reserve Number 1, Paul's Basin Indian Reserve Number 2 and Gwen Lake Indian Reserve Number 3 as defined in subsection 2(1) of the Act and any land held as a special reserve for the use and benefit of the Coldwater Indian Band pursuant to section 36 of the Act.
- "Schedule" means a schedule to this bylaw.
- "service charge" means a charge in respect of a service based on the estimated or actual annual cost of the service.
- "tax" or "taxes" means a levy imposed by section 11 of this bylaw, and includes all interest, penalties, costs or other charges imposed and payable pursuant to this bylaw.
- "tax administrator" means the person appointed by Council pursuant to section 3 to administer this bylaw.
- "tax debtor" means a person with outstanding obligations to pay taxes imposed by this bylaw after the expiration of time provided for in Schedule XI, the Demand for Payment and Notice of Enforcement Proceedings served pursuant to section 60.
- "taxation authority" means the Chief and Council of the Coldwater Indian Band.
- "trustee" means an executor, administrator, guardian, committee, receiver or any person having or taking upon him or herself the lawful possession, administration or control of property affected by an express trust, or having by lawful possession, management and control of the property of a person under any legal disability.

(2) The recital forms part of this bylaw.

**PART II
ADMINISTRATION**

Tax Administrator

3. (1) Council may appoint a tax administrator for a specified or indefinite term to administer this bylaw.
- (2) The tax administrator is responsible for collection of taxes and enforcement of payment under this bylaw.
- (3) Council may
- (a) appoint an acting tax administrator who may act in the absence or disability of the tax administrator;
 - (b) appoint other officials to assist in the administration of this bylaw;
 - (c) establish educational and professional requirements for the tax administrator and other officials who assist in the administration of this bylaw;
 - (d) make such reasonable rules and guidelines as may be necessary to establish minimum standards of assessment performance; and
 - (e) develop, prescribe, and require the use of all forms necessary for the administration of this bylaw.
 - (f) prescribe by band council resolution, reasonable fees for administrative requirements which may arise from time to time and are not addressed in this bylaw.

**PART III
APPLICATION OF BYLAW**

Application of Bylaw

4. This bylaw applies to all interests in land within the Reserve.

**PART IV
LIABILITY TO TAXATION**

Taxable Property

5. (1) Subject to section 6, any interest in land including any right to occupy, possess, or use land, is subject to taxation under this bylaw.
- (2) Without derogating from Council's taxing authority or jurisdiction, the taxation authority may accept payment of taxes in the form of grants-in-lieu of taxes or may otherwise accept settlement of a taxation issue where it is in the best interests of the Band.

Exemption

6. The following interests in land are not subject to taxation:
 - (a) any interest in land of the Band or of a member of the Band;
 - (b) any interest in land of a corporation, all the shareholders of which are members of Council, and which interest in land is held for the benefit of all the members of the Band;
 - (c) a building used exclusively for school purposes and the land necessary as the site for the building;
 - (d) a building occupied by a religious body and used chiefly for divine service, public worship or religious education, and the land necessary as the site for the building;
 - (e) a building, or any part thereof, used as a hospital, other than a private hospital, and the land necessary as the site for the building;
 - (f) a building, or any part thereof, used as a university, technical institute, or public college, not operated for profit, and the land necessary as the site for the building;
 - (g) a building used chiefly for the purpose of providing housing accommodation for the elderly or persons suffering from physical or mental disability, not operated for profit, and the land necessary as the site for the building; and
 - (h) a cemetery to the extent that it is actually used for burial purposes.
7. Notwithstanding section 6, all interests in land are liable to service and local improvement charges under Part XVII of this bylaw.
8. Where an interest in land is not subject to taxation, the liability to taxation of any other interest in the same land is not affected.
9.
 - (1) An exemption does not apply to any portion of a building other than the portion occupied or used for the purpose for which the exemption was granted.
 - (2) Where an exemption applies to a portion of a building, it applies, in the same proportion, to the land that is necessary as the site for the building.

**PART V
LEVY OF TAX**

Persons Subject to
Taxation

10. Where an interest in land is subject to taxation, any person who has an interest in the land is jointly and severally liable to taxation.

Tax Rates

11.
 - (1) On or before the 31st day of May in each calendar year or as soon thereafter as practicable, Council shall adopt a bylaw to impose tax rates on interests in land subject to taxation under this bylaw. Taxes levied under this bylaw apply to the calendar year in which the levy is first made and are based upon the assessed values of the interest in land and improvements as determined under this bylaw.

- (2) Council may, by bylaw, establish different classes of real property and establish different tax rates according to the class of real property to be taxed.
 - (3) Taxes shall be levied by applying the rate of tax against each \$1,000 of assessed value of the land and improvements.
 - (4) Notwithstanding subsection (3), where the amount of tax levied on a taxable interest in land is less than \$100, the taxable interest in land shall be taxed \$100 for the taxation year and that sum shall be placed on the tax notice.
 - (5) Council may, by band council resolution, extend the period for payment of or abate or rebate taxes, rates, or local improvement assessments or any part of them assessed, levied or imposed on the interest in land, used or occupied by a holder, in the case and to the extent that Council considers it equitable under the circumstances, for the purposes of attracting capital investment, industry and business to the reserve, and creating employment on the reserve for band members.
12. Taxes levied in a taxation notice mailed under section 42 are due and payable on July 2 of the year in which they are levied.

PART VI INFORMATION FOR ASSESSMENT ROLL

Information for
Assessment Roll

13. (1) Every person liable for tax shall, on request, forthwith furnish to the assessor, in writing and signed, information in such detail as requested in the form of Schedule I concerning the land used or occupied by that person and without restricting the generality of the foregoing, including: purchase price; terms and covenants in leases; construction costs; costs of alterations and repairs; or, rents payable, paid or agreed to be paid.
- (2) Where an assessor does not receive the information referred to in subsection (1), or is not satisfied that the information received is accurate, the assessor shall value the interest in land on the basis of information in his or her possession.
- (3) When completing an assessment roll, the assessor shall make reference to, in his or her discretion, the records of the land title office or the registers as those stood on November 30 of the year in which the assessment roll is completed.

**PART VII
ASSESSED VALUE**

- Assessors 14. (1) Council may appoint by band council resolution one or more assessors for a definite or indefinite term.
- (2) An appointment under subsection (1) may be for the purpose of valuing particular interests in land in the assessment area as set out in the band council resolution.
- Valuation Date 15. (1) For the purpose of determining the actual value of an interest in land for an assessment roll, the valuation date is July 1 of the year during which the assessment roll is completed.
- (2) The actual value of the interest in land for an assessment roll is to be determined as if on the valuation date
- (a) the interest in land and all other properties were in the physical condition that they are in on October 31 following the valuation date, and
- (b) the permitted use of the property and all other interests in land were the same as on October 31 following the valuation date.
- Criteria for Valuation 16. (1) The assessor shall assess interests in land according to the classes of real property, established by this bylaw as set out in Schedule II.
- (2) Except as otherwise provided in this bylaw, for the purposes of assessing interests in land pursuant to this bylaw the assessor shall use the practices and regulations established under the *Assessment Authority Act* and the *Assessment Act* as amended from time to time.
- (3) Notwithstanding subsection (2), if Council has, in a lease or other instrument granting an interest in land, placed a restriction on the use of the land, the assessor shall consider the restriction.
- (4) The duration of the interest in land or the right of Council to terminate an interest in land is not a restriction within the meaning of subsection (3).
- (5) Where an interest in land is exempt from taxation under section 6, unless ordered by Council, the assessor need not assess the interest in land.
- Actual Value 17. Except as otherwise provided in this bylaw, the assessor shall value land and improvements at their actual value.

18. The assessor shall determine the actual value of the following using the equivalent rates as prescribed under the *Assessment Act*, as amended from time to time:
- (a) the pole lines, metallic or fibre optic cables, towers, poles, wires, transformers, conduits and mains of a telecommunications, trolley coach, bus or electrical power corporation, but not including substations;
 - (b) the track in place of a railway corporation;
 - (c) the pipe lines of a pipe line corporation for the transportation of petroleum, petroleum products, or natural gas, including valves, cleanouts, fastenings, and appurtenances located on the right of way, but not including distribution pipelines, pumping equipment, compressor equipment, storage tanks and buildings;
 - (d) the right of way for pole lines, cables, towers, poles, wires, transformers, conduits, mains and pipe lines referred to in paragraphs (a) and (c);
 - (e) the right of way for track referred to in paragraph (b).

PART VIII THE ASSESSMENT ROLL

Contents of
Assessment Roll

19. By no later than December 31 of each year, the assessor shall prepare an assessment roll containing the following particulars:
- (a) the name and last known address of the person assessed;
 - (b) legal description of the interest in land;
 - (c) the classification of
 - (i) the land, and
 - (ii) the improvements;
 - (d) the actual value by classification of
 - (i) the land, and
 - (ii) the improvements;
 - (e) the total assessed value;
 - (f) the total assessed value of exemptions from taxation, where applicable;
 - (g) the total net taxable value; and
 - (h) any other necessary information.
20. The assessor shall include in the assessment roll the particulars set out in section 19 for any interest in land in respect of which grants-in-lieu of taxes may be accepted.
21. The assessor shall set out the value of improvements separately from the value of the land on which they are located.

22. (1) A person whose name appears in the assessment roll shall give written notice to the tax administrator or assessor of any change of address.
- (2) The holder of a charge or an interest in land may give written notice, with full particulars of the nature, extent and duration of the charge to the tax administrator, and request copies of all tax notices issued during the duration of the charge, and the assessor shall enter that person's name and address on the assessment roll.

Return of Completed
Assessment Roll

23. The assessor shall return the completed assessment roll to the taxation authority forthwith upon its completion. The assessment roll is effective on its adoption by band council resolution.

Open for Inspection

24. On adoption, the assessment roll is open to inspection in the Coldwater Indian Band Administration office (2249 Quilchena Avenue Merritt, BC) by any person during regular business hours.

25. (1) The assessor shall on or before December 31 of each year mail a notice of assessment to every person named in the assessment roll in respect of each interest in land for which that person is liable to taxation or for which grants-in-lieu of taxes may be sought.
- (2) The notice of assessment shall be substantially in the same form as set out in Schedule III and shall contain the information set out in the assessment roll in respect of that interest in land and shall contain a statement as to the right of appeal.

PART IX AMENDMENTS TO ASSESSMENT ROLL

Amendment of
Assessment
Roll

26. (1) Where the assessor finds that during the current taxation year:
- (a) a taxable interest in land is not entered in the assessment roll;
 - (b) the value of an interest in land is not the same as the valuation entered in the assessment roll by reason of
 - (i) the demolition, destruction or damaging of an improvement,
 - (ii) new construction or new improvements,
 - (iii) a change in a permitted use, or
 - (iv) a subdivision;
 - (c) there has been a change in the possession, use or occupation;
 - (d) there is a clerical error; or
 - (e) there has been a change in the eligibility for an exemption from taxation;

the assessor shall amend the assessment roll to effect the necessary changes but subject to section 28, shall not make any amendments after December 31 of the current taxation year.

- (2) The amendment to the assessment roll is not effective until approved by band council resolution.

Notice of Amended
Assessment

27. Where the assessment roll has been amended, and the amendments have been approved by Chief and Council, the assessor shall, as soon as possible, mail a notice in the form set out in Schedule III in respect of the amended assessment to each person affected.

Under-assessment

28. Where there has been an under-assessment resulting from
- (a) a person's failure to disclose information required under this bylaw with respect to an interest in land; or
 - (b) a person's concealment of information required under this bylaw with respect to an interest in land;

the assessor shall issue an amended assessment notice, in the form set out in Schedule III, for the current year and for each previous year during which the condition giving rise to the amendment to the assessment roll existed.

29. Where a condition that gives rise to an amendment to the assessment roll existed during part of a taxation year, the tax administrator shall, in preparing an amended tax notice, adjust the amount of the taxes due on a pro rata basis.
30. Parts VIII, X, XI, XII and XIV apply with respect to an amended assessment roll and to an amended assessment notice.
31. Where Council approves an amendment to the assessment roll for the current year, the tax administrator shall forthwith refund any excess taxes that have been paid, together with interest at the rate of 2% per annum. Any unpaid balance shall, subject to notice of assessment and taxation, be due and payable, notwithstanding a receipt or certificate given by the tax administrator.

PART X APPEALS

Establishment of
Assessment Review
Committee

32. (1) Chief and Council by band council resolution shall establish an Assessment Review Committee consisting of three members, including:
- (a) one person who is or was duly qualified to practice law in the Province of British Columbia or who is or was a Judge of a Provincial, County or Supreme Court in the Province of British Columbia;
 - (b) one person who has sat as a member of an appeal board to review assessments in and for the Province of British Columbia;
 - (c) one person who may be a member of the Coldwater Indian Band who does not have any direct or indirect financial interest in any real property assessment to which an appeal relates, as set out in section 37.

Substitute Member

- (2) Chief and Council shall maintain a list of substitute members of the Assessment Review Committee. Where a member of the Assessment Review Committee is disqualified, unable or unwilling to act, Chief and Council shall appoint the first person on the list of substitute members of the Assessment Review Committee to act for the period for which the member of the Assessment Review Committee is unavailable. If for any reason the first person on the list of substitute members is disqualified, unable or unwilling to act, Chief and Council shall appoint the next person on the list until a substitute member of the Assessment Review Committee is able to act.

Term of Office

- (3) Each member of the Assessment Review Committee shall hold office for a period of three years unless the member resigns or is otherwise removed from office in accordance with the terms of this bylaw.

Remuneration

- (4) Each member of the Assessment Review Committee and each substitute member actually appointed to act, shall be paid remuneration for his or her services as a member of the Assessment Review Committee at a rate of \$500 per day or \$250 for half a day for time spent on activities related to the Assessment Review Committee

Removal from Office

- (5) A member of the Assessment Review Committee shall be removed from office if he or she:
- (a) is convicted of an offense under the *Criminal Code*;
 - (b) fails to attend three consecutive appeal hearings; or
 - (c) fails to perform any of his or her duties under this bylaw in good faith and in accordance with the terms of this bylaw.

Grounds for Appeal

33. (1) A person whose name appears in the assessment roll may appeal to the Assessment Review Committee in respect of:
- (a) the liability to assessment;
 - (b) the assessed value;
 - (c) the assessment classification; or
 - (d) any alleged error or omission.

Contents of Appeal

- (2) An appellant shall file an appeal by delivering a notice of appeal containing the information as set out in Schedule IV to the Assessment Review Committee at the address set out in the assessment notice within 30 days of the mailing of the assessment notice.
- (3) An appellant may make the appeal through his or her solicitor or agent subject to subsection 5, in which case the notice of appeal shall set forth the name and address of the solicitor or agent, as well as the name and address of the appellant.
- (4) The notice of appeal must be accompanied by the fee of \$25 per roll entry payable to Coldwater Indian Band.

Authorization of Agent

- (5) Where a person authorizes a solicitor or an agent to act on his or her behalf this authorization shall be substantially in the same form as set out in Schedule V and delivered to the assessor.
- (6) Any notice or correspondence required to be given to an appellant shall be properly given if delivered to the solicitor or agent at the address set out in the appeal.
- (7) Where an appeal is taken with respect to an amended assessment notice, the appeal shall be confined to the amendment.

Duties of Committee

34.

- (1) The Assessment Review Committee shall:
 - (a) hear all appeals from assessment notices;
 - (b) investigate and advise Chief and Council on assessments, assessment classifications and assessment rolls which the Committee deems necessary;
 - (c) select a Chairperson who shall supervise and direct the work of the Committee;
 - (d) give the appellants, the assessor and the tax administrator at least 10 days written notice of the time and place for the hearing of appeals;
 - (e) have custody of all records, documents, evidence and proceedings before the Assessment Review Committee;
 - (f) subject to subsection 36(4), have control of its proceedings in order to fairly and adequately determine any appeal; and,
 - (g) where an appeal relates to an interest in land of which a person other than the appellant is the holder, give that person at least 10 days written notice of the time, date, and place of the hearing of the appeal, and the nature of the appeal in the notice.
- (2) In performing their duties under this bylaw, the members of the Assessment Review Committee shall:
 - (a) ensure that assessments and assessment rolls are equitable, and fairly represent the assessed values provided for in this bylaw;
 - (b) act impartially, fairly and reasonably, to the best of their skill and ability.
- (3) The Chairperson of the Assessment Review Committee shall:
 - (a) supervise and direct the work of the Committee, and
 - (b) preside at sittings of the Committee.
- (4) Chief and Council shall appoint a Secretary of the Assessment Review Committee.
- (5) The Secretary of the Assessment Review Committee shall:
 - (a) have the custody and care of all records, regulations, documents and orders made by or pertaining to the Committee; and
 - (b) relating to his or her office follow the direction of the Chairperson or the Committee.

Chairperson

Secretary

Parties

35. (1) The assessor, or his or her designate, shall be a party to all appeal proceedings under this bylaw and the Assessment Review Committee shall give the assessor 10 days written notice of any appeal and reasonable opportunity to be heard at any appeal proceedings.
- (2) The Assessment Review Committee shall give Council 10 days written notice of, and reasonable opportunity to be heard at any appeal proceedings which raise issues of law regarding anything done under this bylaw.

Quorum

36. (1) A majority of the members of the Assessment Review Committee constitutes a quorum.
- (2) Where a quorum of the members of an Assessment Review Committee is not present at the time at which a hearing is to be held, the hearing shall be adjourned to the next day that is not a holiday, and so on from day to day until there is a quorum.
- (3) All questions respecting appeals shall be decided by a majority vote of the members of the Assessment Review Committee at the hearing.
- (4) Chief and Council by band council resolution may establish procedures for the conduct of the proceedings of the Assessment Review Committee which shall not be inconsistent with this bylaw.

Conflict of Interest

37. No person shall sit as a member of the Assessment Review Committee hearing an appeal if that person:
- (a) has a direct or indirect financial interest in any property assessment to which an appeal relates;
 - (b) is the Chief or a member of Council;
 - (c) is an employee of the Band or Council;
 - (d) has financial dealings with the Band or Council which might reasonably give rise to a conflict of interest and impair that person's ability to deal fairly and impartially with an appeal as required under the terms of this bylaw.

Date of sittings

38. (1) Subject to subsection 41(2), the sittings of the Assessment Review Committee shall:
- (a) be commenced no later than 14 days after the final date for submission of the Notice of Appeal referred to in section 33; and
 - (b) be completed within 90 days of their commencement as set out in paragraph 1(a).
- (2) The assessor shall deliver the assessment roll to the Assessment Review Committee on or before the date upon which the Committee commences its sittings.
- (3) The Assessment Review Committee shall mail a Notice of Hearing to all parties to the appeal in the form of Schedule VI.

39. (1) The Assessment Review Committee may request the attendance of witnesses and the production and inspection of documents.
- (2) (a) A party to any appeal proceedings before the Assessment Review Committee may request that a Notice be issued by any member of the Committee, requesting the attendance of any person as a witness to give evidence at the hearing of the appeal;
- (b) The Chairperson of the Committee shall sign and issue the Notice, and the party shall serve it on the witness at least 2 days before the appeal.
- (c) The Notice shall be in the form of Schedule VII.
- (3) The party requesting the attendance of a witness shall pay a \$2 witness fee plus reasonable travelling expenses to the witness to attend and give evidence before the Assessment Review Committee, on the time and date set out in the Notice.

40. (1) The Assessment Review Committee may hear all appeals from an assessment notice on the same day or may adjourn from time to time until all appeals have been heard and determined.
- (2) The Assessment Review Committee may hear an appeal whether the appellant is present or not.
- (3) The Assessment Review Committee may, after hearing an appeal, postpone consideration thereof and the appellant shall, if required by the Committee, produce all relevant books, papers, documents and answer all proper questions and give all necessary information affecting the interest in land or the matter under consideration.
- (4) The Assessment Review Committee may order that the costs of a proceeding before the Committee be paid by or apportioned between the persons affected by the appeal provided that such costs do not exceed 10% of the amount of the taxes payable concerning the interest in land which is the subject of the appeal, as finally determined by the Assessment Review Committee.

- (5) In any appeal proceedings, the onus of proof is on the person bringing the appeal to establish that the assessed value of the interest in land should be different from the value determined by the assessor.

41. (1) Within 7 days from the completion of hearing all appeals, except those adjourned under subsection 41(2), the Assessment Review Committee shall submit to Council its decision on each appeal, including the vote of each member of the Committee, either in favour of or against allowing the appeal.
- (2) Notwithstanding subsection 38(1), the Assessment Review Committee may, with the consent of all parties to an appeal and without prejudice to the rights of any party, adjourn the appeal from time to time beyond the time for completion of the appeals and shall advise Chief and Council as provided in this section.

- (3) Within 15 days from the receipt of the decision of the Assessment Review Committee, Chief and Council shall instruct the assessor to prepare a final assessment roll including any amendments resulting from the decisions in subsection (1).
- Notice of decision (4) Not later than 14 days from the receipt of the instructions pursuant to subsection (3) the assessor shall notify in writing each appellant and person affected by the appeal, of the decision of the Assessment Review Committee.
- Amendment of Roll (5) Where the assessor is directed to amend an assessment roll under subsection (3), the assessor shall do so within 14 days, and shall return the assessment roll forthwith to the Chairperson of the Assessment Review Committee.
- (6) The assessor shall date and initial amendments made to the assessment roll pursuant to subsection (3).
- (7) Forthwith upon receiving an amended assessment roll under subsection (5), the Chairperson of the Assessment Review Committee shall:
- (a) verify that the roll has been amended according to the decisions of the Assessment Review Committee under subsections (3) and (5);
 - (b) authenticate the assessment roll by affixing to it a sworn or affirmed statement in the form prescribed by Chief and Council; and,
 - (c) forward the authenticated assessment roll to the taxation authority.

PART XI TAX NOTICE

- Tax Notice 42. (1) Where Council adopts an assessment roll, and after notices of assessment are mailed pursuant to subsection 25(1), the tax administrator shall mail to every person whose name appears in the assessment roll, a tax notice in the form set out in Schedule VIII, in respect of each interest in land for which that person is liable to taxation, and, in the case of an amended assessment roll that has been adopted, the tax administrator shall mail an amended tax notice to every person affected by the amendment.
- (2) The tax notice referred to in subsection (1) shall contain the information set out in Schedule VIII which includes the particulars of any arrears and interest, where payment is to be made, and the manner of payment.

43. (1) The tax administrator shall enter the date of mailing the tax notice on the assessment roll.
- (2) The mailing of the tax notice by the tax administrator constitutes a statement of and demand for payment of the taxes.
44. Where applicable, a tax notice shall state that taxes are payable in conjunction with periodic lease payments under Part XIII.
45. (1) Where it is shown that a person liable for taxes on an interest in land was not liable for taxes or was taxed in excess of the proper amount, at the direction of Council, the tax administrator shall refund to the taxpayer the amount paid in excess of liability.
- (2) Where taxes imposed under this bylaw are to be refunded under this section, Council may direct the tax administrator to refund the amount in whole or in part by applying it as a credit on account of the taxes due or accruing due.

PART XII DUE DATE AND INTEREST

- When Taxes Payable
46. (1) Subject to sections 47 and 48, taxes levied in a tax notice mailed under section 42 are due and payable as of July 2 of the year in which they are first levied at the office of the taxation authority notwithstanding that an appeal under Part X may be pending.
 - (2) All taxes payable under this bylaw are debts due to the taxation authority and are recoverable as such in any court of competent jurisdiction or in any other manner provided by this bylaw.
 - (3) Where an appeal under Part X may be pending, the giving of any Notice of Appeal or delay in hearing any appeal shall not affect the due date, the delinquency date, the interest or any liability for payment provided by this bylaw in respect of tax levied on the assessed value that is the subject of the appeal.
 - (4) Where any person alleges that he or she is not liable to pay taxes imposed pursuant to this bylaw, the person shall launch an appeal within 30 days of the date of mailing of the tax notice referred to in Part XI.
 - (5) Unless a challenge is initiated pursuant to subsection (4), the taxpayer shall thereafter be estopped from denying liability to pay taxes and estopped from challenging any steps taken to enforce the payment of taxes as provided in Part XVI.

Collection Pending
Appeal

(6) The locatee or any other person who has registered a security interest against the taxpayer's interest in land in the registers may pay the taxes due and such payment shall extinguish the debt owing to the taxation authority.

47. Where taxes are due and payable in conjunction with payment of rent under Part XIII, the proportionate payment is due and payable on the date that the rent is due and payable.

48. Where an assessment roll is amended under this bylaw, it shall, for the purposes of this Part, be deemed to be amended as of the date of adoption of the assessment roll under section 23.

Interest Penalty

49. If all or any portion of taxes remains unpaid on July 31 of the year they are first levied, the unpaid portion shall accrue interest at 2% above the chartered bank's prime rate as it is on the first of each month and shall be compounded annually.

50. Where taxes are in arrears and part payment is received, the payment shall be applied firstly to accrued interest and then arrears, and any balance shall be applied to current taxes.

PART XIII PERIODIC PAYMENTS

Payment of
Percentage

51. Council, with the consent of the locatee where applicable, may declare that the tax, with respect to any interest in land that is leased, be expressed as a percentage of the rent payment and collected with it in accordance with the terms of a lease agreement or the terms of an agreement with the landlord.

Payment on Account

52. Where Council has entered an agreement with the Crown or with any person entitled to receive rents, for the collection of tax under this Part, the receipt by the Crown or such person of payment on account of tax shall be a discharge of the liability for tax to the extent of the payment.

PART XIV RECEIPTS AND CERTIFICATES

Receipt

53. Except where Part XIII applies, on receipt of a payment of taxes, the tax administrator shall issue an official receipt to the taxpayer, and shall enter the number of the receipt on the assessment roll opposite the interest in land for which the taxes are paid.

Certificate

54. On a request in writing, the tax administrator shall issue a certificate showing whether taxes have been paid with respect to any taxable interest in land, and if not, the amount of taxes outstanding.

PART XV APPLICATION OF REVENUES

Application of
Revenues

55. (1) All moneys raised under this bylaw shall be placed in a special account or accounts.
- (2) Moneys raised shall include:
- (a) taxes;
 - (b) grants-in-lieu of taxes;
 - (c) interest; and
 - (d) amounts collected on account of costs.
- (3) Subject to section 56, an expenditure made out of moneys raised under this bylaw shall be made under authority of a separate bylaw.

Authorized
Expenditures

56. The following expenditures of funds raised under this bylaw are hereby authorized:
- (1) refunds of overpayment and interest;
 - (2) all expenses of preparation and administration of this bylaw;
 - (3) remuneration of the assessor and the tax administrator;
 - (4) remuneration of the members of the Assessment Review Committee;
 - (5) all legal costs and other expenses of enforcement of this bylaw.

PART XVI COLLECTION AND ENFORCEMENT

PROOF OF DEBT

Costs of Enforcement

57. The taxation authority may charge the person named in an assessment roll with all reasonable costs incurred in the collection of taxes or other costs imposed by this bylaw. Such costs shall be in accordance with Schedule IX.

Liability for Taxes

58. (1) A person named in an assessment roll as having an interest in land in the reserve is liable for all taxes imposed in respect of the interest in land during the year and all unpaid taxes imposed in previous years.

- (2) Tax, or a portion thereof, due and payable under this bylaw that has not been paid may be certified by the tax administrator, who shall attach a copy of that part of the assessment roll that refers to the taxes payable. Such certification shall be in the form provided in Schedule X, and is *prima facie* proof of the debt.

SPECIAL LIEN AND PRIORITY OF CLAIM

Taxes are a
Special Lien

59. (1) Taxes due and payable are a special lien and encumbrance on the interest in land.
- (2) The special lien and encumbrance referred to in subsection (1) attaches to the interest in land being taxed, and without limiting the foregoing, attaches to the interest in land of a subsequent holder.
- (3) The person who acquires an interest in land on which a lien under this bylaw has been registered and the person to whom the taxes were originally levied are jointly and severally liable for the lien.
- (4) The tax administrator may register a certificate issued under subsection 58(2) in either register on or after January 2 following the taxation year in which the taxes are imposed.
- (5) Pursuant to subsection (4), the special lien and encumbrance shall have priority over every subsequently registered claim, privilege, lien, charge, security interest, or encumbrance of every person, from the time of its registration.
- (6) When all taxes levied against the interest in land have been paid, the tax administrator shall certify that the special lien and encumbrance against the interest in land has been discharged, and shall register such certification in either register. Such certification shall be sufficient proof of the payment of the taxes and the discharge of the special lien or encumbrance.
- (7) The special lien and encumbrance is not lost or impaired by reason of any technical error or omission.

DEMAND FOR PAYMENT AND NOTICE OF ENFORCEMENT PROCEEDINGS

- List of Unpaid Taxes 60. (1) Except for tax proceedings postponed pursuant to subsection 60.1(1), on or after January 2 following the year for which taxes are imposed, the tax administrator shall prepare a list of outstanding taxes and of the persons liable for payment.
- Demand for Payment and Notice of Enforcement (2) Within 30 days of completion of the list pursuant to subsection (1), the tax administrator shall mail, in the form of Schedule XI, a Demand for Payment and Notice of Enforcement Proceedings to every person named on the list, and to every locatee, tenant, agent or person whose rights, proprietary or otherwise, may be affected by the enforcement proceedings.
- Proceedings (3) For the purposes of this section the mailing of a Demand for Payment and Notice of Enforcement Proceedings is deemed to be delivery to the addressee.
- Commencement of Enforcement Proceedings (4) Upon the expiration of the 30 day period provided in the Demand for Payment and Notice of Enforcement Proceedings delivered pursuant to subsection (2), the tax administrator shall request authorization from Council to commence enforcement proceedings against the tax debtors. Council may direct the tax administrator to commence enforcement proceedings.
- (5) Prior to the authorization of any of the enforcement proceedings set out in sections 61, 63, 64, 65, and 66, Council shall consult with any affected locatee.
- Postponement, Reduction and Remission of Taxes 60.1 Council may upon application by the tax debtor:
- (1) postpone taking enforcement proceedings for a specified period; or
 - (2) reduce or remit the taxes where Council determines that:
 - (a) full payment would result in undue hardship to the tax debtor; or
 - (b) it is necessary and in the best interest of the Band to effect a transfer of the tax debtor's interest.
- 60.2 Council may, from time to time, provide by band council resolution for the reduction of taxes due by taxpayers for a taxation year by an amount equal to or less than the amount to which the taxpayers would be entitled in accordance with the home owner grant legislation that would apply if the taxpayer's interest in land was subject to taxation by a municipality.

DISTRESS: SEIZURE OF GOODS

Distress

61. (1) With the authorization of Council, the tax administrator may proceed by way of distress if the taxes or any portion thereof remain unpaid after the 30 day period provided by the Demand for Payment and Notice of Enforcement served pursuant to section 60 or the period specified by Council pursuant to subsection 60.1(1) has expired.

Notice of Distress

(2) The tax administrator shall serve a Notice of Distress on the tax debtor and provide a copy of same to the locatee, where applicable, in the form of Schedule XII.

Seizure of Property

(3) If the taxes, or any portion thereof, remain outstanding following the time provided by the Notice of Distress, the tax administrator shall effect a seizure by distress of such goods and post a notice on the goods which are seized. The seized goods shall then be in the possession of the Band, as represented by the tax administrator.

(4) So long as the taxes, or any portion thereof, remain outstanding, no goods seized pursuant to subsection (3) which are located on reserve shall be removed therefrom, and any such removal shall be considered a trespass. Without restricting the generality of the foregoing, no such goods shall be seized by a bailiff, sheriff, assignee or liquidator or trustee, or authorized trustee in bankruptcy, except under the authority of Council.

DISTRESS: SALE OF GOODS SEIZED BY DISTRESS

Sale of Goods

Seized by Distress

62. (1) If the tax administrator seizes by distress the tax debtor's goods pursuant to subsection 61(3), and the tax debtor does not commence legal proceedings in a court of competent jurisdiction within 60 days after the date of seizure challenging such seizure, the goods may be sold in accordance with this Part and the tax debtor is estopped from denying the validity of the seizure and the sale of such goods.

(2) If the outstanding taxes have not been paid in full 60 days after a seizure by distress pursuant to subsection 61(3), the goods seized will be deemed to have been abandoned by the tax debtor and may be sold by public auction, the proceeds of which will be used for payment of the outstanding taxes.

(3) A Notice of Sale of Goods Seized by Distress in the form of Schedule XIII shall be published in at least one newspaper of general local circulation for 7 days prior to the sale, and shall be posted on the tax debtor's premises located on reserve.

- (4) The sale of the goods seized by distress shall be conducted at the time and place advertised pursuant to subsection (3), unless it is necessary to adjourn such sale, in which case an additional notice shall be published in the manner provided by subsection (3).
- (5) Any surplus resulting from the sale conducted pursuant to subsection (4), after deducting all liabilities of the tax debtor, including all costs and charges arising from the sale, shall be paid to the tax debtor. In the event that the tax administrator is uncertain who is entitled to such surplus, the tax administrator shall pay such money into court by way of interpleader action.
- (6) Goods of a tax debtor that would be exempt from seizure under a writ of execution issued by a superior court of the province in which the seizure is made are exempt from seizure under this section.

SALE OF IMPROVEMENTS OR PROPRIETARY INTEREST

Sale of
Improvements or
Cancellation
Proprietary Interest

63. (1) If the taxes or any part thereof remain unpaid after the 30 day period provided by the Demand for Payment and Notice of Enforcement served pursuant to section 60 or the period specified by Council pursuant to subsection 60.1(1) has expired, Council may authorize the tax administrator to proceed by way of sale of improvements or proprietary interests. The tax administrator shall serve the tax debtor and, where applicable, the locatee, a Notice of Sale of Improvements and Disposition of Interests on Reserve in the form of Schedule XIV.

By Public Auction

(2) On June 30 following the year in which the taxes are imposed or, if enforcement proceedings are postponed under subsection 60.1(1), six months from the end of the period specified by Council, and upon the failure of the tax debtor to pay the outstanding taxes or to commence legal proceedings in a court of competent jurisdiction challenging the sale or disposition, the tax administrator shall sell the improvements or dispose of the interest of the tax debtor in the Reserve by public auction, or pursuant to subsection (3) by public tender.

Publication of Auction

(3) Council shall prescribe the method of public tender, including the conditions of sale, method of publication or circulation, and conditions attached to the acceptance of any offer.

(4) A Notice of Sale of Improvements and Disposition of Interest on Reserve in the form of Schedule XIV shall be published in at least one newspaper of general local circulation for 7 days prior to the sale, and shall be posted on the tax debtor's premises located on reserve.

(5) The sale of the improvements and disposition of interest on reserve shall be conducted at the time and place advertised pursuant to subsection (3), unless it is necessary to adjourn such disposition. If an adjournment is necessary an additional notice shall be published in the manner provided by subsection (3).

Upset Price

(6) With prior approval of Council, the tax administrator may at any sale and disposition conducted pursuant to subsection (2) or (5), set an upset price equal to the outstanding taxes and that upset price shall be the lowest price for which the improvements may be sold and the interest in the reserve disposed.

(7) Where the tax administrator sets an upset price pursuant to subsection (6), and there is no bid at the sale and disposition conducted pursuant to subsection (2) or (5) that is equal to or greater than the upset price, the taxation authority shall be deemed to be the purchaser and shall acquire the interest in the land free and clear of all encumbrances or charges.

Redemption Period

(8) At any time within six months after the sale and disposition held pursuant to subsection (2) or (5), the tax debtor may redeem his or her interest on reserve by paying to the tax administrator the full amount of all taxes for which the interests were disposed, together with all taxes which have subsequently fallen due and the reasonable costs incurred by the taxing authority in disposing of the interest.

(9) If upon the expiration of the redemption period provided by subsection (8), any portion of the taxes remains outstanding, the disposition of the interest shall be considered final and with Ministerial consent, the purchaser shall obtain title to the interest on reserve. The tax administrator shall certify the transfer in the form of Schedule XV and shall register it in one or both registries and shall serve it on the tax debtor.

(10) Upon the filing of the certificate provided by subsection (9), the purchaser shall be substituted for the tax debtor as the holder of the interest in the reserve, and in addition to any other obligations, shall be liable for all future taxes assessed against that interest.

(11) Upon the filing of the certificate provided by subsection (9), any surplus resulting from the sale and disposition conducted pursuant to subsection (2) or (5), after deducting all outstanding taxes of the tax debtor, including reasonable costs and charges arising from the sale and disposition, shall be returned to the tax debtor. In the event that the tax administrator is uncertain who is entitled to such surplus, the tax administrator shall pay such money into court by way of interpleader action.

(12) Upon the filing of the certificate provided by subsection (9), any remaining debt of the tax debtor with respect to that interest in land, including all reasonable costs and charges arising from the sale and disposition, shall be extinguished.

- (13) If pursuant to subsections (7) and (9) the Band has become the owner of the interest in the reserve, the tax administrator may sell such within 90 days for not less than the upset price set pursuant to subsection (6).

CANCELLATION OF INTEREST IN LAND HELD BY TAXPAYER

Notice of
Cancellation

64. (1) If the taxes or any part thereof remain unpaid after the 30 day period provided by the Demand for Payment and Notice of Enforcement served pursuant to section 60 or the period specified by Council pursuant to subsection 60.1(1) has expired, Council may authorize the tax administrator to proceed by way of cancellation of the interest. The tax administrator shall serve a Notice of Cancellation of the tax debtor's interest in land in the form of Schedule XVI.
- (2) The tax administrator shall mail a copy of the notice referred to in subsection (1) to every place where the interest is registered and to the locatee, where applicable.
- (3) Where taxes are not paid before June 30 of the year following the taxation year in which they were imposed or within six months after the specified period if enforcement proceedings are postponed under subsection 60.1(1), Council may direct the tax administrator to cancel the lease, licence or permit to occupy the interest in land. The tax administrator shall certify the cancellation in the form of Schedule XVII and shall register it in the registers.
- (4) Upon cancellation of the tax debtor's interest and with the consent of the Minister, the taxation authority shall acquire the interest in the land free and clear of all encumbrances or charges.

FORFEITURE OF PROPERTY

Forfeiture of Property

65. (1) Notwithstanding any other action for the recovery of taxes set out in this bylaw, if any taxes remain unpaid 24 months after the mailing of the Demand for Payment and Notice of Enforcement served pursuant to section 60, the tax debtor's interest in land in respect of which the taxes remain unpaid shall, subject to subsections (2), (3), (4) and (5), be absolutely forfeited.

Notice of Forfeiture

- (2) The tax debtor's interest in land shall be forfeited under subsection (1) forty days after the tax administrator serves a Notice of Forfeiture pursuant to subsection (4) in the form of Schedule XVIII on the tax debtor and on anyone else who may be in lawful possession of the interest in land.

- (3) Prior to serving the Notice of Forfeiture pursuant to subsection (4), the tax administrator shall obtain authorization from Council to proceed by forfeiture.
- (4) The Notice of Forfeiture shall state:
 - (a) that the interest in the reserve held by the tax debtor is subject to forfeiture under this section,
 - (b) the amount of all taxes, costs and fees due and payable on the date of the notice,
 - (c) the date on which the interest in reserve held by the tax debtor will forfeit,
 - (d) that the tax debtor has the right to prevent forfeiture by payment under this section, and
 - (e) that on forfeiture under this section, the interest held by the tax debtor in the reserve will be forfeited clear of all charges except those third party interests which otherwise attach to the land or interest in land.
- (5) The Notice of Forfeiture shall be mailed or delivered to the tax debtor's last known address or to the address of the person specified in the records of the taxation authority.
- (6) Where any taxes remain unpaid on December 31 of the second year after the calendar year in which they were imposed, payment of those taxes does not prevent forfeiture unless the payment:
 - (a) includes all taxes then due and payable,
 - (b) includes the reasonable costs incurred by the taxation authority in the forfeiture proceedings, and
 - (c) is made before forfeiture occurs under this section.
- (7) With the consent of the Minister, the tax administrator shall certify, in the form of Schedule XIX, that the interest in the reserve held by the tax debtor has been forfeited and the Registrar shall record the document cancelling the tax debtor's interest in the registers.
- (8) Upon forfeiture of the tax debtor's interest in land the taxation authority shall acquire the interest in the land free and clear of all encumbrances or charges.

ABSCONDING TAXPAYER

66. Where the tax administrator has reasonable grounds to believe that the taxpayer intends to remove his or her goods from the Reserve, or intends to dismantle or remove his or her improvements from the Reserve, or take any other actions which may preclude or impede the collection of outstanding taxes owing pursuant to this bylaw, the tax administrator shall apply to a court of competent jurisdiction for remedy, notwithstanding the fact that the time for payment of taxes has not yet expired.

DISCONTINUANCE OF SERVICES

Discontinuance
of Services

67. If the taxes or any part thereof remain unpaid after the 30 day period provided by the Demand for Payment and Notice of Enforcement served pursuant to section 60 or the period specified by Council pursuant to subsection 60.1(1), Council may authorize that any services provided by the Band or pursuant to any contract with the Band, to the tax debtor or to the interest in land assessed pursuant to this bylaw may be discontinued. A Notice of Discontinuance of Services in the form of Schedule XX shall be delivered to the tax debtor and to the locatee, where appropriate, 30 days prior to such discontinuance, and shall include the date, time and place within that 30 days when the tax debtor or the locatee may appear before Council to show cause as to why the services should not be discontinued, and Council shall determine whether or not it will discontinue such services.

PART XVII SERVICE AND LOCAL IMPROVEMENT CHARGES

Establishment of
Service and Local
Improvement Charges

68. (1) Council may, by bylaw, impose service and local improvement charges applicable to a part of the reserve (hereinafter in this part called "area") to raise money for the following purposes:
- (a) the construction or installation of a highway, lane, sidewalk, boulevard, sanitary or storm sewer, irrigation work, street lights, water supply system, parking facility, gas supply system, drain, or other works that benefit property in the area;
 - (b) the maintenance, operation, repair or construction of works;
 - (c) the cutting of grass or weeds or the trimming of trees or shrubbery on any highway, lane or other public place;
 - (d) the suppression of dust on any highway, lane, or other public place;
 - (e) the collection and disposal of garbage;
 - (f) the collection and disposal of night soil or the contents of sewage holding tanks; and
 - (g) notwithstanding subsections 1(a) to (f) inclusive, such other projects for the maintenance, improvement or repair of properties within the area as Council may determine to be necessary or beneficial.
- (2) In this Part, "**charge**" means a local improvement charge and a service charge.
- (3) A charge shall be based on the actual or estimated annual cost of the local improvement or service and shall be levied at
- (a) a uniform rate, or

- (b) rates for each class of property based on
 - (i) the number of lineal feet along the fronting or abutting lands;
 - (ii) the area determined by the fronting or abutting lands;
 - (iii) the number of dwelling-units or commercial or industrial occupancies on the lands served; or
 - (iv) the estimated or actual use or consumption of the service by occupants of the lands served.

- (4) The costs levied shall include engineering and advertising expenses, interest and carrying costs, sinking-fund or amortization costs, banking and legal fees, administration costs and any other expenses incidental to initiating and carrying out the work.

Notice of Charges

- 69. (1) Before imposing a charge, Council shall give at least 15 days notice by:
 - (a) publishing the notice, prior to the meeting referred to in section 70, in a newspaper of general circulation on the reserve, if any;
 - (b) posting the notice in the band administration offices and in prominent locations on the reserve; and
 - (c) sending the notice by registered mail, in the form of Schedule XXI, to affected holders or occupiers who are not resident on the reserve and providing the locatee with a copy of the notice.
- (2) It shall be sufficient notice under paragraph (1)(c) if the address in the current assessment roll is used.
- (3) The notice shall state
 - (a) the intention of Council to have the work performed and to levy the charge;
 - (b) the area in respect of which the charge is to be levied;
 - (c) the rate at which the charge will be levied; and
 - (d) that Council shall hold a public meeting to consider written and oral representations.

Hearing of
Representations

- 70. (1) On the date and at the time and place set out in the notice referred to in section 69, Council shall sit and receive and hear representations.
- (2) Council shall not proceed with the charge until after it holds public meetings to consider representations.
- (3) Where Council imposes a charge, it need not give notice in each succeeding year, unless it proposes to amend the bylaw that imposes the charge.
- (4) A uniform increase, not exceeding 10%, in the rate of a charge because of an increase in actual or estimated cost shall be deemed not to be an amendment to the bylaw that imposes the charge.

- 71. (1) The tax administrator shall keep separate accounts for money raised by each charge under this Part.

- (2) Council shall expend the money raised under this Part, and any interest that has accrued on that money, for the purpose and within the area stated in the implementing bylaw.
72. (1) Charges under this Part shall be administered and enforced under this bylaw in the same manner as taxes.
- (2) For greater certainty charges are a special lien under Part XVI.
 - (3) The roll for a charge may be part of or a supplement to the assessment roll.

**PART XVIII
GENERAL AND MISCELLANEOUS**

Interpretation

73. (1) Nothing under this bylaw shall be rendered void or invalid, nor shall the liability of any person to pay tax or any other amount under this bylaw 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 an assessment roll, tax notice, or any notice hereunder; or
 - (c) a failure of the taxation authority to do something within the required time.

Severance of Sections

74. A finding by a court that a provision of this bylaw is void or invalid shall not affect the validity or invalidity of the rest of the bylaw.

Tense

75. Where a provision in this bylaw is expressed in the present tense, the provision applies to the circumstances as they arise.

Amendments to Bylaw

76. This bylaw may be amended by a bylaw adopted by Council and approved by the Minister.

Extension of Time

77. Chief and Council may, by band council resolution, extend for a maximum of 60 days the time in which anything is required to be done under this bylaw and anything done within this period of time is as valid as if it had been done within the time otherwise provided for by this bylaw.

Delivery of Notices

78. (1) Except where otherwise specifically provided in this bylaw, where any notice, notification, demand, statement or direction is required or permitted to be delivered or given under this bylaw, such notice, notification, demand, statement or direction shall be sufficient if mailed by registered mail, postage pre-paid, or delivered personally to:

- (a) the address of the person set forth in the assessment roll, or
- (b) such other address of which the tax administrator or assessor have received notice.

(2) Any notice, notification, demand, statement or direction shall be conclusively deemed to have been received on the second business day following the mailing thereof.

Bylaw Remedial 79. This bylaw shall be construed as being remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

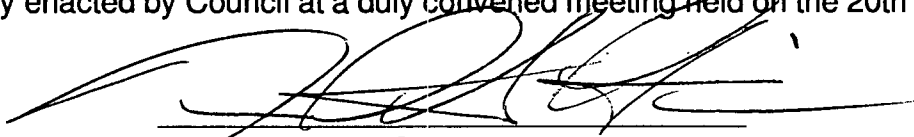
Head notes, Marginal Notes, etc. 80. Headnotes, marginal notes and headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.

Schedules to Bylaw 81. The following schedules are attached to and constitute part of this bylaw:

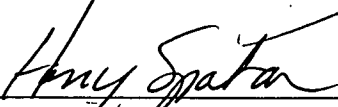
- Schedule I - Request for Information (section 13)
- Schedule II - Classes of Property (subsection 16(1))
- Schedule III - Notice of Assessment (section 25 and Part IX)
- Schedule IV - Appeal to Assessment Review Committee (section 33)
- Schedule V - Authorization of Agent (subsection 33(5))
- Schedule VI - Notice of Hearing (subsection 38(3))
- Schedule VII - Request for Attendance (section 39)
- Schedule VIII - Tax Notice (section 42)
- Schedule IX - Costs Payable By A Taxpayer Arising From Enforcement Proceedings (section 57)
- Schedule X - Certification of Debt Owning by the Taxpayer (subsection 58(2))
- Schedule XI - Demand for Payment and Notice of Enforcement Proceedings (section 60)
- Schedule XII - Notice of Distress (sections 61 and 62)
- Schedule XIII - Notice of Sale of Goods Seized by Distress (section 62)
- Schedule XIV - Notice of Sale of Improvements and Disposition of Interest on Reserve (subsections 63(1) and 63(4))
- Schedule XV - Certification of Sale and Disposition of Interest on Reserve (section 63)
- Schedule XVI - Notice of Cancellation of Interest in the Reserve (subsection 64(1))
- Schedule XVII - Certification of Cancellation of Interest on Reserve (section 64)
- Schedule XVIII - Notice of Forfeiture (subsection 65(2))
- Schedule XIX - Certification of Forfeiture (subsection 65(7))
- Schedule XX - Notice of Discontinuance of Services (section 67)
- Schedule XXI - Notice of Hearing (paragraph 69(1)(c))

82. This bylaw shall come into force and effect on approval by the Minister.

This bylaw is hereby enacted by Council at a duly convened meeting held on the 20th day of May, 1997.



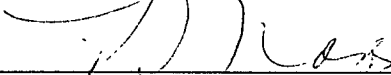
Chief



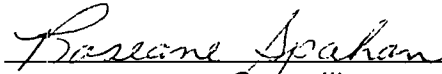
Councillor



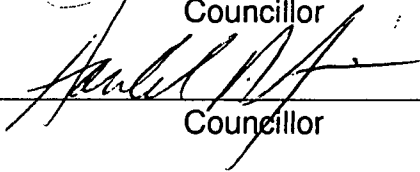
Councillor




Councillor



Councillor



Councillor



Councillor

Councillor

**SCHEDULE I
(section 13)**

REQUEST FOR INFORMATION

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest)

Pursuant to section 13 of the Coldwater Property Assessment and Taxation Bylaw, and pursuant to the authority vested in me by band council resolution made the _____ day of _____, 19____, I hereby request that you furnish me, in writing, information concerning the following matters:

- 1.
- 2.
- 3.

Please be advised that if you do not provide me with accurate information as requested, it will be necessary for me to carry out my assessment on the basis of whatever information I may have in my possession.

Sincerely,

Assessor

SCHEDULE II

Classes of Property (subsection 16(1))

Prescribed Classes of Property:

1. Class 1 - Residential
2. Class 2 - Utilities
3. Class 3 - Unmanaged Forest Land
4. Class 4 - Major Industry
5. Class 5 - Light Industry
6. Class 6 - Business and Other
7. Class 7 - Managed Forest Land
8. Class 8 - Recreational Property/Non-Profit Organizations
9. Split Classification

Class 1 - Residential

1. Class 1 property shall include only:
 - (a) land or improvements, or both, used for residential purposes, including single family residences, duplexes, multi-family residences, apartments, condominiums, manufactured homes, nursing homes, rest homes, summer and seasonal dwellings, bunkhouses, cookhouses and ancillary improvements compatible with and used in conjunction with any of the above, but not including:
 - (i) hotels or motels other than the portion of the hotel or motel building occupied by the owner as his residence, and
 - (ii) land or improvements or both that are owned by the Crown in right of Canada or the Province of British Columbia, or by an agent of either, and are used for the purposes of:
 - (A) a penitentiary or correctional centre;
 - (B) a provincial mental health facility as defined in the *Mental Health Act*, or
 - (C) a hospital for the care of the mentally or physically handicapped; and

- (iii) 20 or more strata lots
 - (A) on a parcel or contiguous parcels,
 - (B) controlled or managed by persons, or a person, who control or manage 85% or more of the strata lots on the parcel or contiguous parcels referred to in clause (A), and
 - (C) offered for rent, or rented, for periods of less than 7 days to persons, or a person, as overnight accommodation for at least 50% of the 12 month period ending on October 31 of the year during which the assessment roll is completed;
- (b) improvements on land classified as a farm and used in connection with the farm operation, including the farm residence and outbuildings;
- (c) land having no present use and which is neither specifically zoned nor held for business, commercial, forestry or industrial purposes;
- (d) land or improvements, or both, used for child daycare purposes, including group daycares, preschools, special needs daycares, family daycares, out of school care, residential care, emergency care and child minding, as defined in the *Community Care Facility Act* or regulations to that Act.

Class 2 - Utilities

- 2. Class 2 property shall include only land or improvements, or both, used or held for purposes of
 - (a) transportation by railway;
 - (b) transportation, transmission or distribution by pipeline;
 - (c) communication by telegraph or telephone, including transmission of messages by means of electric currents or signals for compensation;
 - (d) generation, transmission, or distribution of electricity; or
 - (e) receiving, transmission and distribution of closed circuit television; but does not include that part of land or improvements, or both:

- (f) included in Classes 1, 4 or 8,
- (g) used as an office, retail sales outlet, administration building or purpose ancillary thereto, or
- (h) used for a purpose other than a purpose defined in paragraphs (a) or (e) of this class.

Class 3 - Unmanaged Forest Land

- 3. Class 3 property shall include only land meeting the definition of forest land which is not classified as managed forest land.

Class 4 - Major Industry

- 4. Class 4 property shall include only the property referred to in subsection 17(3) of this bylaw, that is to say:

- (a) land used in conjunction with the operation of industrial improvements, and
- (b) industrial improvements.

Class 5 - Light Industry

- 5. Class 5 property shall include only land or improvements, or both, used or held for the purpose of extracting, processing, manufacturing or transporting of products, and for the storage of these products as an ancillary to or in conjunction with such extraction, processing, manufacture or transportation, but does not include those lands or improvements, or both,

- (a) included in class 2 or 4,
- (b) used principally as an outlet for the sale of a finished product to a purchaser for purposes of his own consumption or use and not for resale in either the form in which it was purchased or any other form, and
- (c) used for processing, manufacturing or storage of food or non-alcoholic beverages.

Class 6 - Business And Other

6. Class 6 property shall include all land and improvements not included in Classes 1 to 5 and 7 to 9.

Class 7 - Managed Forest Land

7. Class 7 property shall include only land meeting the definition of forest land which is classified as managed forest land.

Class 8 - Recreational Property/Non-Profit Organization

- 8.(1) Class 8 property shall include only:

- (a) land, but not improvements on that land, used solely as an outdoor recreational facility for the following activities or uses:

- (i) golf;
- (ii) skiing;
- (iii) tennis;
- (iv) ball games of any kind;
- (v) lawn bowling;
- (vi) public swimming pool;
- (vii) motor car racing;
- (viii) trap shooting;
- (ix) archery;
- (x) ice skating;
- (xi) waterslides;
- (xii) museum,;
- (xiii) amusement parks;
- (xiv) horse racing;
- (xv) rifle shooting;
- (xvi) pistol shooting;
- (xvii) horse back riding;
- (xviii) roller skating;
- (xix) marinas;
- (xx) parks and gardens open to the public;

- (b) that part of any land and improvements used or set aside for use as a place of public worship or as a meeting hall for a non-profit fraternal organization of persons of either or both sexes, together with the facilities necessarily incidental to that use, for at least 150 days in the year ending on June 30, of the calendar year preceding the calendar year for which the assessment roll is being prepared, not counting any day in which the land and improvements so used or set aside are also used for:
 - (i) any purpose by an organization that is neither a religious organization nor a non-profit fraternal organization,
 - (ii) entertainment where there is an admission charge, or
 - (iii) the sale or consumption, or both, of alcoholic beverages.

Split Classification

- 9. Where a property falls into two or more prescribed classes the assessor shall determine the share of the actual value of the property attributable to each class and assess the property according to the proportion each share constitutes of the total actual value.

**SCHEDULE III
Notice of Assessment (section 25 and Part IX)**

ASSESSMENT ROLL NUMBER	OFFICE USE Neighborhood Code
Coldwater Taxation District	

(TAXATION YEAR) NOTICE OF ASSESSMENT

Pursuant to the Coldwater Property Assessment and Taxation Bylaw, this is your (taxation year) Notice of Assessment. The purpose of this notice is to provide you with an estimate of your property value. This information will be used by the Coldwater Taxation Authority to calculate your (taxation year) property taxes.

PROPERTY DESCRIPTION
Your property description may consist of a property address, legal description and the property identification (PID) number assigned by the Land Title Office and/or Indian Land Registers.

PROPERTY VALUE		
The value of your property is determined by local real estate market conditions. The ASSESSED VALUE is B.C. Assessment's estimate of the assessed value (most probable selling price) for your property had it been for sale on (valuation date)		
	VALUE	CLASS
		Land Building (Other Items)
		ASSESSED VALUE TAXABLE VALUE
This value reflects the physical condition of your property as of October 31, <u>(year)</u> and ownership according to Land Title Office and/or Indian Land Registers as of November 30, <u>(year)</u> .		

ADDITIONAL INFORMATION
This information relates to your property and may be of interest to you.

YOUR ASSESSMENT OFFICE FOR THIS PROPERTY IS:
Kamloops Assessment Area 707 Tranquille Road Kamloops, BC V2B 3J1
Local Office (250) 376-6281 or 1-800-806-6788 Fax (250) 376-4032

OFFICE HOURS
If you have any questions about your <u>(taxation year)</u> Property Assessment, please call the assessment office.
During the month of January, the office will be open between 8:30 a.m. and 5:00 p.m., Monday through Friday
For more information, please see the back of this notice.

THE INTEREST HOLDER/LESSEE OF THIS PROPERTY IS:
Name/Address of Interest Holder/Lessee

APPEAL DEADLINE
Please note that the deadline for appealing your assessment is January 31, <u>(taxation year)</u> .

NEED MORE INFORMATION

Every effort has been made to provide you with an accurate assessment of your property.

However, if you have a concern, please contact your assessment office. If we find that a change to your assessment is necessary, we will recommend the change to the Assessment Review Committee.

After talking to the assessment office, if you still have a concern, you may want to appeal your assessment to the Assessment Review Committee. The appeal process is outlined below.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL US.

THE APPEAL PROCESS

What can you appeal?

- the liability to assessment
- the assessed value
- the assessment classification
- any alleged error or omission

What can't you appeal?

- Property taxes cannot be appealed.

How do you appeal?

You must send a WRITTEN appeal to the Assessment Review Committee in care of the address shown for your assessment office along with a fee of \$25.00 per roll entry payable to Coldwater Indian Band. Please include the following information about the property you are appealing:

- the Assessment Roll Number
- your reason for appealing
- the property description (address/legal description)

Also include the following information:

- your name
- your mailing address
- your home and business phone number

If you appoint someone to act on your behalf, then a special form must be used to appoint an agent. Please contact your assessment office for assistance and a copy of this form.

What is a Assessment Review Committee?

- The Assessment Review Committee is appointed by the Coldwater Taxation Authority to review property assessments and hear appeals in respect to assessments.
- The Assessment Review Committee is comprised of three people who are there to ensure you receive a fair and impartial hearing.
- Hearings are held no later than June 1 of each year.

What happens after you appeal?

- We may contact you to review your property file.
- If necessary, we may arrange to re-inspect your interest in land.
- You will be notified of the date, time and location of your Appeal hearing.
- At the hearing you will be given the opportunity to provide the Assessment Review Committee with evidence. If you are appealing the value of your property, your evidence should include sales of similar properties at (or near) July 1, (valuation year), to support your estimate of value.

What is the deadline for filing an appeal?

Your WRITTEN appeal must be delivered to your assessment office or postmarked not later than January 31, (taxation year).

We have used plain language to help you understand some of the laws affecting Property Assessment and Taxation. Whenever words or expressions used in this notice differ from the wording of the bylaw, the bylaw shall prevail.

**SCHEDULE IV
(section 33)**

APPEAL TO ASSESSMENT REVIEW COMMITTEE

TO: Coldwater Assessment Review Committee
c/o Office of the Assessor for Coldwater Band
Kamloops Assessment Area
707 Tranquille Road
Kamloops, BC V2B 3J1

RE: _____
(Assessment Roll Number)

(Description of Interest)

Pursuant to the provisions of the Coldwater Property Assessment and Taxation Bylaw, I hereby appeal the assessment of the following interest in land:

(Description of Interest)

on the following grounds:

- 1.
- 2.
- 3.
- 4.

Dated at _____ this _____ day of _____, 19_____.

PRINTED NAME OF APPELLANT

APPELLANT'S SIGNATURE

(or Solicitor or Agent's Signature pursuant to subsection 33(3) of this bylaw)

MAILING ADDRESS to which all notices to appellant are to be sent.
(and if applicable, mailing address of solicitor or agent)

SCHEDULE V

**AUTHORIZATION OF AGENT
(subsection 33(5))**

TO: THE ASSESSOR, _____
(Assessment Area Name / Area Number)

FROM: (the person authorizing the agent)

Name _____ Phone _____ Fax _____

Mailing Address _____

- I AM THE: (check one of the following) OWNER
 TENANT
 PROPERTY MANAGER
 OTHER (specify _____)

OF THE FOLLOWING PROPERTY:

Civic Address _____

Legal Description _____

Assessment Roll No. _____

Note: If more than one property, attach a "Schedule of Additional Properties."

I HEREBY APPOINT: (Agent's Name) _____

(Agent's Address) _____

(Agent's Phone Number) _____

(Agent's Fax Number) _____

AS MY AGENT FOR THE PURPOSE OF:

(check one or more of the following)

- A REVIEW OF THE ASSESSMENT TO DETERMINE WHETHER OR NOT TO APPEAL
 AN APPEAL OF THE ASSESSMENT TO THE ASSESSMENT REVIEW COMMITTEE
 THE FOLLOWING PURPOSES:

1. _____
2. _____
3. _____

for the 19__ Assessment Roll only, and for no other purposes.

It is understood and agreed that if the Agent uses any of the information provided for any other purpose either in this year or future years, the Assessor is not responsible or liable.

SIGNATURE OF THE PERSON APPOINTING THE AGENT:
(Owner, Property Manager, Tenant or Other)

Name - person or corporation (please print)

If corporation, name of authorized signatory (please print)

If corporation, position of authorized signatory (please print)

Signature of Owner or authorized signatory

Date

SIGNATURE OF AGENT:

I AGREE TO ABIDE BY THE TERMS AND CONDITIONS OF THIS APPOINTMENT.

Agent's Name (please print)

Company (if applicable)

(Agent's Signature)

Date

DISCLOSURE OF CONFIDENTIAL INFORMATION

If one or more of the following items are checked, and this section is signed by the Owner of the property, the Assessor may release confidential information relating to the property to the above named Agent. (check one or more of the following)

- Field Cards or other office records detailing the physical inventory of the identified property.
- Details of the method of valuation of the above property. This may include costing information and/or details relating to income, expenses, vacancy or capitalization rate.
- Income and Expense Statements returned by the current owner to the Assessment Authority, where copies have not been retained by the current owner.

SIGNATURE OF OWNER:

_____	_____
Name of Owner - person or corporation (please print)	If corporation, name and position of authorized signatory (please print)
_____	_____
Signature of Owner or authorized signatory	Date

Note: If a "Schedule of Additional Properties" is used, the "Schedule" must also be signed by the Owner before the Assessor may release confidential information relating to those "additional" properties.

**SCHEDULE VI
(subsection 38(3))**

NOTICE OF HEARING

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest)

TAKE NOTICE THAT the Assessment Review Committee will hear an appeal from assessment requested in Schedule XI dated the _____ day of _____, 19____ relating to the above-noted interest in land at _____ (a.m./p.m.) on the _____ day of _____ 19_____.

AND TAKE NOTICE that you should bring to the hearing all relevant documents pertaining to such appeal.

DATED AT _____ this _____ day of _____, 19_____.

Chairperson
Assessment Review Committee

**SCHEDULE VII
(section 39)**

REQUEST FOR ATTENDANCE

TO: _____

ADDRESS: _____

Whereas an appeal has been filed with respect to the assessment of _____
_____ (description of interest in land), and you may
have information to assist the Assessment Review Committee.

This is to request your attendance before the Assessment Review Committee at
_____ (location) on the _____ day of _____,
19____ at _____ (a.m./p.m.) to give evidence concerning the said assessment, bringing
with you any documents in your possession that may relate to the said assessment.

DATED AT _____ this _____ day of _____, 19____.

Chairperson
Assessment Review Committee

**SCHEDULE VIII
(section 42)**

TAX NOTICE

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest in land)

Pursuant to the provisions of the Coldwater Property Assessment and Taxation Bylaw, taxes in the amount of _____ are hereby levied with respect to the above-noted interest in land, and take notice that said taxes are due and payable on or before July 2, (taxation year), by cheque payable to the Coldwater Indian Band.

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

Assessed value	\$
Taxes (current year)	\$
Arrears	\$
Interest	\$
Total Payable	\$

DATED AT _____ this _____ day of _____, 19_____.

Tax Administrator

**SCHEDULE IX
(section 57)**

**COSTS PAYABLE BY A TAXPAYER
ARISING FROM ENFORCEMENT PROCEEDINGS**

- | | | |
|----|---|-------------------------|
| 1. | For preparation of and serving any and all notices required by Part XVI on the Taxpayer, Tax Debtor or any other person, newspaper or on any interest in land, etc.: | \$35.00 per notice |
| 2. | For attending, investigating, taking inventory, cataloguing, or seizing property, and preparing and conducting a Sale by Distress, for each person involved: | \$40.00 per hour |
| 3. | For drafting, filing and executing a lien or encumbrance: | \$150.00 |
| 4. | For sale of improvements or disposition of interests in reserve land, including attending, investigating, taking inventory, cataloguing, preparing and executing a Sale of Improvements and Disposition of Interest on Reserve, for each person involved: | \$40.00 per hour |
| 5. | For issuing and registering any and all certificates required by Part XVI: | \$10.00 per certificate |
| 6. | For disbursements, including without limiting photocopying (.30 per page), advertising, storage fees, etc. | as and when arising |

**SCHEDULE X
(subsection 58(2))**

**CERTIFICATION OF DEBT
OWING BY THE TAXPAYER**

PURSUANT TO THE COLDWATER PROPERTY ASSESMENT AND TAXATION BYLAW

I, _____, Tax Administrator of the Coldwater Indian Band, certify that \$ _____ is the amount of the outstanding taxes which is due and owing by _____ (Taxpayer) with respect to _____ (description of interest in the reserve).

Attached hereto is a copy of that part of the assessment roll of the Coldwater Indian Band that refers to the property taxes which are due and payable by _____ (Taxpayer) with respect to _____ (description of interest on reserve).

DATED at _____ the _____ day of _____, 19 _____.

Tax Administrator

SCHEDULE XI
(section 60)

DEMAND FOR PAYMENT AND NOTICE OF ENFORCEMENT PROCEEDINGS

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest in land)

The payment date of July 2, (taxation year) prescribed by the Notice of Taxes served on you with respect to the above-noted interest in land has now expired. The Coldwater Taxation Authority **HEREBY DEMANDS IMMEDIATE PAYMENT IN FULL** of the following debt which is due and owing:

Taxes:
Interest:
Other costs:
TOTAL OUTSTANDING TAX DEBT:

TAKE NOTICE THAT the failure to pay in full the above-mentioned tax debt within 30 days from the date of this Demand may result in procedures being taken by the Taxation Authority for the enforcement and collection of such debt. Additional costs may accrue to this debt.

The Coldwater Property Assessment and Taxation Bylaw contains detailed procedures allowing for the enforcement and collection of a tax debt which is due and owing. These enforcement and collection procedures may affect your interest in land, including personal property located on this interest in land and may affect the on-going services being provided to your interest in land. The remedies and procedures which may be used by the Tax Administrator are set out in the Coldwater Property Assessment and Taxation Bylaw. A copy of which is available from the Tax Administrator upon request.

DATED AT _____ this _____ day of _____, 19_____.

Tax Administrator

SCHEDULE XII
(sections 61 and 62)

NOTICE OF DISTRESS

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest in Land Property)

TAKE NOTICE THAT failure to pay the outstanding tax debt due and owing of \$ _____ with respect to the above-noted property, on or before the expiration of 7 (seven) days after the date of this notice will result in the Tax Administrator, pursuant to subsection 61(3) of the Coldwater Property Assessment and Taxation Bylaw, seizing by distress the property generally described as follows:

(a general description of property which has been assessed)

AND FURTHER TAKE NOTICE THAT failure to pay the outstanding tax debt upon the expiration of the 7 (seven) days set out above, will result in a copy of this notice being posted at the locations on reserve where the property is located and will result in the seizure of such property, which will be held in the possession of the Tax Administrator, at your cost, such cost being added to the amount of the taxes outstanding, until the tax debt is paid.

AND FURTHER TAKE NOTICE THAT pursuant to subsection 62(1) of the Coldwater Property Assessment and Taxation Bylaw, you must commence legal proceedings in a court of competent jurisdiction to challenge such seizure within 60 (sixty) from the date of such seizure, or you will be estopped from denying the validity of both the seizure and the sale of such property.

AND FURTHER TAKE NOTICE THAT upon the expiration of 60 (sixty) days after the property has been seized and the failure to pay the outstanding tax debt or to commence court proceedings as set out above, you will be deemed to have abandoned the property seized and the Tax Administrator may authorize that the property will be sold by public auction. A copy of the Notice of Sale of Property seized by Distress will be posted on your property located on reserve, and will be published for at least 7 (seven) days in the _____ Newspaper, (one or more newspapers of general local circulation) before the date of sale.

DATED AT _____ this _____ day of _____, 19____.

Tax Administrator

**SCHEDULE XIII
(section 62)**

NOTICE OF SALE OF GOODS SEIZED BY DISTRESS

TAKE NOTICE THAT a sale by public auction for outstanding taxes owed to the Coldwater
Taxation Authority will occur on _____ 19__ at _____ o'clock at
_____ (Location) on the _____ Reserve.

At the above-noted sale, the following goods, seized by distress pursuant to sections 61
and 62 of the Coldwater Property Assessment and Taxation Bylaw, will be sold, with the
proceeds of such sale being used to pay the outstanding tax debt:

GENERAL DESCRIPTION OF GOODS

DATED AT _____ this _____ day of _____, 19__.

Tax Administrator

SCHEDULE XIV
(subsections 63(1) and 63(4))

**NOTICE OF SALE OF IMPROVEMENTS AND
DISPOSITION OF INTEREST ON RESERVE**

TO: _____
ADDRESS: _____

RE: _____
 (Description of Interest on Reserve)

 (Description of Improvements)

TAKE NOTICE THAT failure to pay all outstanding taxes with respect to the above-mentioned property, being \$ _____, on or before the expiration to 60 (sixty) days after the date of this notice will result in the Tax Administrator for the Coldwater Indian Band holding a sale by public auction (or tender) of the improvements located on the above-mentioned property and a disposition by public auction (or tender) of the above-noted interest on Reserve. The Sale of Improvements and Disposition of Interest on _____ Reserve shall be published in the _____ newspaper for 7 (seven) days prior to such sale and disposition, and shall be posted on the above-noted property located on the Reserve.

AND TAKE NOTICE THAT on or before the expiration of 6 (six) months after the above-mentioned sale and disposition, you may redeem your improvements and interest on reserve by paying to the Tax Administrator the full amount of all taxes for which the improvements were sold and the interest disposed, together with all taxes which have subsequently fallen due, including without restricting, the cost of the above-mentioned sale and disposition. If upon the expiration of those 6 (six) months any amount of the taxes remain outstanding, the sale of the improvements and disposition of the interest will be declared final, and the purchaser shall obtain both your title in the improvements sold and your interest on the reserve.

AND TAKE NOTICE THAT upon the sale and disposition being declared final, you will be required to immediately vacate the property, and any rights or interests which you held in the improvements and to the reserve land will be transferred in full to the purchaser.

DATED AT _____ this _____ day of _____, 19____.

Tax Administrator

**SCHEDULE XV
(section 63)**

**CERTIFICATION OF SALE AND
DISPOSITION OF INTEREST ON RESERVE**

RE:

(Description of Interest on Reserve)

(Description of Improvements)

I, _____, Tax Administrator of the Coldwater Indian Band, hereby certify that resulting from the failure of _____ to pay the outstanding tax debt on the above-mentioned interest on reserve, that interest has been disposed of by public auction (or tender) and the above-mentioned improvements have been sold by public auction (or tender) pursuant to section 63 of the Coldwater Property Assessment and Taxation Bylaw. The following person shall, pursuant to subsection 63(10) of that bylaw, be substituted for the Tax Debtor as the holder/owner of the above-noted interest on the reserve.

NAME AND ADDRESS OF PURCHASER AT SALE

DATED AT _____ this _____ day of _____, 19_____.

Tax Administrator

**SCHEDULE XVI
(subsection 64(1))**

NOTICE OF CANCELLATION OF INTEREST IN THE RESERVE

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest)

TAKE NOTICE THAT failure to pay in full the outstanding tax debt of \$_____ with respect to the above-noted property will result, upon the expiration of 6 (six) months from the date of this notice, in the cancellation of your interest in such property on the Reserve. The failure to pay such taxes is a breach of the _____ (lease, licence or permit) which can result in the cancellation of such interest.

Upon the cancellation of such interest you will be required to immediately vacate the reserve, and any rights or interests which you acquired through such _____ (lease, licence or permit) will cease to exist.

DATED AT _____ this _____ day of _____, 19_____.

Tax Administrator

**SCHEDULE XVII
(section 64)**

CERTIFICATION OF CANCELLATION OF INTEREST ON RESERVE

RE: _____
(Description of Property)

(Interest on Reserve)

I, _____, Tax Administrator for the Coldwater Indian Band, hereby certify that the above-mentioned interest on the _____ Reserve has been cancelled or terminated pursuant to subsection 64(3) of the Coldwater Property Assessment and Taxation Bylaw as a result of the failure of _____ to pay the outstanding tax debt.

DATED AT _____ this _____ day of _____, 19____.

Tax Administrator

**SCHEDULE XVIII
(subsection 65(2))**

NOTICE OF FORFEITURE

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest)

TAKE NOTICE THAT taxes imposed by Coldwater Band's Property Assessment and Taxation Bylaw for the above-noted interest in the years _____, _____, have been outstanding for two (2) years and pursuant to subsection 65(1), the above-noted interest on the Reserve is now subject to forfeiture.

The amount of all taxes which are due and payable to the date of this notice is as follows:

**ITEMIZED STATEMENT OF ALL TAXES, INCLUDING INTEREST,
PENALTIES, COSTS ETC.**

AND FURTHER TAKE NOTICE that unless the above-noted outstanding taxes are paid in full on or before the 40th (fortieth) day after the date of this notice, the interest you hold in this property will be absolutely and unconditionally forfeited to the Coldwater Indian Band. Upon such forfeiture, your interest in the Reserve will vest in the Band clear of all charges except those rights of way, easements or other such third party interests which attach to that Reserve land.

AND FURTHER TAKE NOTICE THAT where any taxes remain unpaid on December 1 of the second year after the calendar year in which they were imposed, the payment of those taxes does not prevent forfeiture unless the payment:

- (i) includes all taxes then due and payable, and
- (ii) is made before forfeiture occurs.

DATED AT _____ this _____ day of _____, 19____.

Tax Administrator

**SCHEDULE XIX
(subsection 65(7))**

CERTIFICATION OF FORFEITURE

RE: _____
(Description of Interest)

I, _____, Tax Administrator for the Coldwater Indian Band, hereby certify that resulting from the failure of _____ (Tax Debtor) to pay the outstanding tax debt owing on the above-mentioned interest in the _____ reserve, such interest has been forfeited to the Coldwater Indian Band pursuant to section 65 of the Coldwater Property Assessment and Taxation Bylaw.

DATED AT _____ this _____ day of _____, 19____.

Tax Administrator

**SCHEDULE XX
(section 67)**

NOTICE OF DISCONTINUANCE OF SERVICES

TO: _____
ADDRESS: _____

RE: _____
(Description of Interest)

TAKE NOTICE THAT the taxes for the above-note interest have been due and outstanding for _____ months, and unless that payment in full is received on or before 30 (thirty) days after the date of this Notice, or you have appeared before Council and shown cause as set out below, the following services provided to this property will be discontinued:

AND FURTHER TAKE NOTICE THAT you may attend a meeting at the Band Council scheduled for _____, 19__ at _____ o'clock, at _____ (place), (within the 30 days set out above) and show cause as to why the services should not be discontinued.

DATED AT _____ this _____ day of _____, 19__.

Tax Administrator

**SCHEDULE XXI
(paragraph 69(1)(c))**

NOTICE OF HEARING

TO: _____
ADDRESS: _____

RE: _____
(Specify proposed service or local improvement charge)
(Specify proposed service or local improvement charge)

TAKE NOTICE THAT the Council shall hold a public meeting at _____
(location) on the _____ day of _____, 19____, to consider representations
from affected rate payers with respect to the above-noted proposed service/local
improvement charge.

AND TAKE NOTICE that you may also submit to the Council any written submissions
which will be considered at the said meeting.

DATED AT _____ this _____ day of _____, 19____.

Chief and Council