

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 by-law made by the Tsawout Indian Band, in the Province of British Columbia, at a meeting held on the 16th day of September 1996.

- **Assessment Amending By-law No. 1996-2**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Dated at Ottawa, Ontario this 8th day of November, 1996.

Canada

TSAWOUT INDIAN BAND
ASSESSMENT AMENDING BYLAW NO. 1996-2

BEING A BYLAW TO AMEND BYLAW 1994-1

WHEREAS the Council of the Tsawout Indian Band is amending its Assessment By-law in accordance with direction from the Supreme Court of Canada decision rendered on January 26, 1995 and in particular the reasons for judgment written by The Honorable Antonio Lamer, P.C., Chief Justice, in

Matsqui Indian Band and Matsqui Indian Band Council

-v,-

Canadian Pacific Limited and Unitel Communications Inc.

-and-

Indian Taxation Advisory Board

-and between-

Siska Indian Band and Siska Indian Band Council
Kanaka Bar Indian Band and Kanaka Bar Indian Band Council
Nicomen Indian Band and Nicomen Indian Band Council
Shuswap Indian Band and Shuswap Indian Band Council
Skuppah Indian Band and Skuppah Indian Band Council
Spuzzum Indian Band and Spuzzum Indian Band Council

-v-

Canadian Pacific Limited

-and-

Indian Taxation Advisory Board

(the "Matsqui Decision")

NOW THEREFORE BE IT RESOLVED that the Council of the Tsawout Indian Band, at a meeting duly called and held, make as a By-law the following:

Bylaw No. 1994-1 approved and passed at a duly convened meeting of the Council of the Tsawout Indian Band held at Tsawout Indian Band office, Saanichton, British Columbia on the 30th day of March, 1994, where the Tsawout Band deemed it advisable and in the best interest of the members of the Tsawout Indian Band to establish, by by-law, a system for the assessment and taxation of land, or interest in land, including rights to occupy, possess or use land in the reserve, such assessment being ancillary to and necessary for the establishment of an equitable system of levying taxes for local purposes on land, or interest on land, including rights to occupy, possess or use land in the reserve, and the same is hereby amended by:

1. Short Title

This Bylaw may be cited as the Tsawout Indian Band Assessment Amending Bylaw No. 1996-2.

2. Section 40 of the Assessment Bylaw is hereby amended by repealing it and replacing it with the following :

40.(1) The Chief and Council shall by Band Council Resolution establish a Board of Review which shall consist of :

- (a) one person who is or was duly qualified to practice law in the Province of British Columbia, or 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 Tsawout Indian Band who does not have any direct or indirect financial interest in any real property assessment to which an appeal relates.

(2) Each member of the Board of Review 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.

- (3) The member of a Board of Review shall be paid their reasonable and necessary travelling and out of pocket expenses incurred in carrying out their duties and in addition shall be paid the remuneration as may be ordered by the Lieutenant Governor in Council pursuant to sub-section 48(5) of the British Columbia Assessment Act, R.S.B.C. 1979 c.21 as amended from time to time with respect to the remuneration of the members of the Assessment Appeal Board (as that term is defined in that British Columbia Assessment Act) during the term of office of the member of a Board of Review.
- (4) A Member of the Board of Review shall be removed from office by Chief and Council if he or she:
 - (a) is convicted of an offense under the *Criminal Code*;
 - (b) fails to attend three consecutive appeal hearings;
 - (c) fails to perform any of his or her duties under this Bylaw in good faith; or
 - (d) hears an appeal while disqualified by virtue of subsection 5 of this Bylaw.
- (5) No person may sit as a member of the Board of Review to hear an appeals if that person:
 - (a) has a direct or indirect financial interest in any real property assessment which an appeal relates;
 - (b) is the Chief or a member of the Council of the Tsawout Indian Band;
 - (c) is an employee of the Band or the Council of the Band; or
 - (d) has financial dealings with the Band or Council of the band which might reasonably give rise to a conflict of interest and impair that person's ability to deal fairly and impartially with the appeal as required under the terms of this Bylaw.

APPROVED AND PASSED at a duly convened meeting of the Tsawout Indian Band held at the Tsawout Indian Band Office, Saanichton, British Columbia this 16 day of September, 1996, as witnessed by our signatures given below being a majority of the Councillors of the Band present at the meeting.

MOVED BY Henry Indwood SECONDED BY Joel K. Pelletier

A QUORUM OF BAND COUNCIL CONSISTS OF 4 COUNCILLORS.

Allan L. Claxton

(Chief)

Stan Sam

(Member of the Council)

Henry Indwood

(Member of the Council)

(Member of the Council)

Joel K. Pelletier

(Member of the Council)

(Member of the Council)