



FIRST NATIONS TAX COMMISSION
COMMISSION DE LA FISCALITÉ DES PREMIÈRES NATIONS

The First Nations Tax Commission, pursuant to the *First Nations Fiscal Management Act*, hereby approves the following law made by the Tzeachten First Nation in the Province of British Columbia,

*TZEACHTEN FIRST NATION
PROPERTY TRANSFER TAX AMENDMENT LAW, 2023*

Dated at Ottawa, Ontario this 28th day of June, 2023.



Chief Commissioner C.T. (Manny) Jules
On behalf of the First Nations Tax Commission





TZEACHTEN FIRST NATION



PROPERTY TRANSFER TAX AMENDMENT LAW, 2023

WHEREAS:

- A. Pursuant to section 5 of the *First Nations Fiscal Management Act*, the Council of the Tzeachten First Nation enacted the *Tzeachten First Nation Property Transfer Tax Law, 2013*, which came into force and effect on June 27, 2013;
- B. That law was amended by the *Tzeachten First Nation Property Transfer Tax Amendment Law, 2017*;
- C. Tzeachten Council has determined it to be in the best interests of the Tzeachten First Nation to further amend that law, as set out in this amendment law; and
- D. Tzeachten Council has given notice of this Law and has considered representations received by the Council, in accordance with the requirements of the *First Nations Fiscal Management Act*;

NOW THEREFORE the Council of the Tzeachten First Nation, at a duly convened meeting, enacts as follows:

1. This Law may be cited as the *Tzeachten First Nation Property Transfer Tax Amendment Law, 2023*.
2. In this Law, references to the “Property Transfer Tax Law” are references to the *Tzeachten First Nation Property Transfer Tax Law, 2013*, as amended.
3. Section 3, Definitions, of the Property Transfer Tax Law is amended by deleting the definition of “interest in land” and replacing with the following:

means land or improvements, or both, used for residential, commercial or industrial purposes in the reserve under a lease or similar right of use or occupation with a term or remaining term of greater than ten (10) years;
4. Section 3, Definitions, of the Property Transfer Tax Law is amended by adding the following definition:

“qualifying property” means property the fair market value of which does not, on the registration date, exceed five hundred thousand dollars (\$500,000);
5. Subparagraph 19(k)(ii) of the Property Transfer Tax Law is amended by adding “and confirms this in writing” after the word “purpose”.
6. Subparagraph 19(p)(ii) of the Property Transfer Tax Law is amended by inserting “, commercial or industrial” after the word “residential”.

7. Section 20, First Time Home Buyer, of the Property Transfer Tax Law is deleted and replaced with the following:

First Time Home Buyer

20. A transferee who applies for registration of a transfer of a qualifying property is exempt from taxation under this Law if:

- (a) the taxable transfer is referenced in paragraph (a), (b), or (c) of the definition of “transfer” in section 3;
- (b) the residential improvement is the only improvement on the qualifying property;
- (c) the transferee:
 - (i) is a first-time home buyer who applies for an exemption under this section by tendering an application for an exemption, with the application for registration;
 - (ii) is a Canadian citizen or permanent resident of Canada on the registration date of a taxable transfer;
 - (iii) has lived in B.C. for at least one (1) year immediately before the date of the application for the exemption;
 - (iv) has not previously:
 - (A) owned land in British Columbia or elsewhere that constituted the individual's principal residence,
 - (B) held a lease in British Columbia or elsewhere that constituted the individual's principal residence, or
 - (C) held an interest in reserve lands under a lease that constituted the individual's principal residence;
 - (v) has not previously obtained a first time home buyers' exemption or refund under this Law or under any other federal, provincial or first nation enactment;
 - (vi) includes a declaration, in the form required by Tzeachten, by which the transferee declares that the transferee is a first time home buyer;
 - (vii) provides sufficient information to confirm that the interest is a qualifying property; and
 - (viii) includes a consent, in the form required by Tzeachten, by which the transferee consents to the tax administrator conducting inquiries respecting the transferee that the administrator considers necessary to confirm the qualifications of the transferee for the exemption.

Retaining First Time Home Buyer Qualification and Exemption

20.1 To retain their qualification and exemption as a first time home buyer, a transferee must demonstrate that:

- (a) the property contains a residential improvement that the transferee inhabits as the transferee's principal residence:
 - (i) beginning on a date that is not more than 92 days after the registration date, and
 - (ii) continuing to a date that is not earlier than the second anniversary of the registration date,or
- (b) the property does not contain a residential improvement but, before the first anniversary of the registration date, there is established on the property a residential improvement that the transferee inhabits as the transferee's principal residence beginning at the time it is completed, and continuing to a date that is not earlier than the second anniversary of the registration date.

Unqualified Transferee

20.2 In relation to section 20.1:

(a) the administrator shall, after the first anniversary of the registration date for each transferee, confirm with each transferee who has obtained an exemption under section 20 or a refund under section 21 that the requirements in section 20.1 have been met;

(b) where the administrator determines that a transferee who has obtained an exemption under section 20 or a refund under section 21:

(i) did not qualify for the exemption on the registration date, or

(ii) fails, refuses or ceases to comply with section 20.1,

the administrator shall deliver a Notice of Assessment to the transferee and the transferee shall pay to the Tzeachten First Nation the tax that would have been owing by the transferee had the transferee not received the exemption or refund, plus interest calculated on the tax from the registration date and any penalty assessed under Part XIV; and

(c) paragraph (b) does not apply where a transferee does not comply with section 20.1 only because:

(i) the transferee dies before the first anniversary of the registration date; or

(ii) the interest in reserve lands is transferred by the transferee to a spouse or former spouse pursuant to a written separation agreement or court order under the Tzeachten First Nation Matrimonial Real Property Law or under an applicable provincial or federal enactment relating to the division of matrimonial or family property.

8. Sections 58 and 59 of the Property Transfer Tax Law are deleted and replaced with the following:

Interest

58. Where this Law provides for the payment of interest on unpaid taxes, the interest accrues on the unpaid taxes at the rate of fifteen percent (15%) per year until paid or recovered, and accrued interest is, for all purposes, deemed to be part of the taxes.

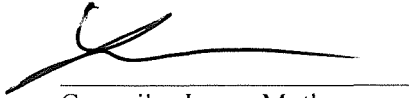
Penalty

59. Where this Law provides for a penalty to be added to the unpaid taxes, a one-time penalty of ten percent (10%) of the portion of the taxes that remain unpaid must be added to the amount of the unpaid taxes and the amount added is, for all purposes, deemed to be part of the taxes.

BE IT KNOWN that this Law entitled the *Tzeachten Property Transfer Tax Amendment Law, 2023* is hereby enacted by a quorum of Council at a duly convened Council of the Tzeachten First Nation held on June 20, 2023.



Chief Derek Epp



Councilor Loren Muth



Councilor Sandra Bonner-Pederson



Councilor Anthony Malloway

A quorum consists of 3
Council Members