

Ministre des  
Relations Couronne-Autochtones



Minister of  
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations, HEREBY APPROVE, pursuant to section 83 of the *Indian Act*, the following by-laws made by the Squamish Nation, in the Province of British Columbia, at a meeting held on August 15, 2024 and November 14, 2024, respectively.

***Squamish Nation Business Licensing By-law (Capilano)  
By-law No. 1, 2024***

***Squamish Nation Business Licensing Amendment By-law (Capilano)  
By-law No. 2, 2024***

Dated at Ottawa, Ontario, this 26 day of November 2024.

A handwritten signature in blue ink, consisting of a stylized 'G' followed by a horizontal line.

Hon. Gary Anandasangaree, P.C., M.P.

**SQUAMISH NATION**  
**BUSINESS LICENSING BYLAW (CAPILANO)**  
**BY-LAW NO. 1, 2024**

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**WHEREAS** the council of the Squamish Nation, pursuant to paragraphs 83(1)(a.1), (e.1) and (g) of the *Indian Act*, R.S.C. 1985, c.I-5, may, subject to the approval of the Minister of Indigenous Services, make by-laws for the licensing of businesses, callings, trades and occupations and with respect to any matter arising out of or ancillary to the exercise of powers under such by-laws, including the enforcement of payment of amounts that are payable thereof, and for the imposition and recovery of interest on amounts that are payable thereof; and

**AND WHEREAS** the council of the Squamish Nation desires to make a by-law for the licensing of businesses, callings, trades and occupations in Capilano 5;

**NOW THEREFORE** the council of the Squamish Nation, hereby enacts the following by-law.

#### **SHORT TITLE**

1. This By-law may be cited as the *Squamish Nation Business Licensing By-law (Capilano 5)*.

#### **INTERPRETATION**

2. In this By-law,

“**business**” means a calling, trade, occupation, employment or profession, vocation, commercial activity, or an enterprise that habitually occupies or engages the regular time, attention, labour and effort, of the licensee or person(s) for purposes of gain, benefit, advantage, livelihood or profit, or, in which the licensee or person(s) show(s) willingness to invest time and capital on future outcome;

“**Charitable Soliciting (Over 90%)**” has the meaning provided for in DWV Business Licence Bylaw;

“**Charitable Soliciting (Under 90%)**” has the meaning provided for in DWV Business Licence Bylaw;

“**Council**” means the “council of the band”, as defined in the *Indian Act*, R.S.C. 1985, c.I-5, of the Squamish Nation;

“**Councillor**” means a member of Council, including its Chairperson;

“**Detached Secondary Suite**” has the meaning provided for in DWV Business Licence Bylaw;

“**DWV Business Licence Bylaw**” means District of West Vancouver *Business Licence Bylaw No. 4455, 2005*, as may be amended, replaced or supplemented from time to time;

“**Entertainment Facility**” has the meaning provided for in DWV Business Licence Bylaw;

“**Itinerant Show**” has the meaning provided for in DWV Business Licence Bylaw;

“**licence**” means a licence issued under this By-law, unless otherwise stated;

“**licensee**” means a person to whom a licence is issued under this By-law;

“**Licence Inspector**” means a person(s) appointed under section 11 of this By-law;

“**person**” includes not only an individual, but also a partnership, syndicate, association, corporation or the agent or trustee of a person;

“**Reserve**” means the reserve known as “Capilano 5” set apart for the use and benefit of the Squamish Nation;

“**Secondary Suite**” has the meaning provided for in DWV Business Licence Bylaw;

“**Senior Financial Officer**” means the person appointed senior financial officer pursuant to the *Squamish Nation Financial Administration Law, 2022*, as may be amended, replaced or supplemented from time to time; and

“**Special Event**” has the meaning provided for in DWV Business Licence Bylaw.

### **REQUIREMENTS FOR LICENCE**

3.(1) Subject to subsection (2), every person conducting or carrying on a business in the Reserve must hold a valid licence issued under this By-law.

(2) Where a business is located and operating lawfully on the Reserve prior to January 1, 2025, that business may continue to lawfully operate without a licence issued under this By-law until December 31, 2024.

(3) Any person carrying on more than one business in the Reserve must obtain a separate licence for each business, and where a business is conducted in or from more than one premises, the business conducted in or from each premises will be deemed a separate and distinct business and will require a separate licence.

(4) A person must not carry on business in or on any premises other than those identified on the licence without first making an application for a new licence or a change to the licence under subsection 6(2).

(5) The licensee or person in charge or control of the premises where the business is conducted must at all times keep the licence or licences prominently displayed in an area of the premises to which the public has access or in an area designated by the Licence Inspector.

(6) Every licence issued shall be deemed to be a personal licence to the person named as the licensee in that licence, and shall not be transferable to another person.

### **LICENCE APPLICATION**

4.(1) Every person who wishes to conduct a business in the Reserve must submit a completed and signed application in the form of Schedule 3 to the Licence Inspector.

(2) Every person applying for a licence under this By-law to operate a business that is governed or requires registration by any provincial or federal statute, or self-regulating professional body, must supply proof of their qualifications and the qualifications of their employees, if applicable, to carry on such a business at the time the application is submitted pursuant to subsection (1).

(3) Where the applicant is a corporation or a partner in a partnership, proof of incorporation or partnership must be provided at the time the application is submitted pursuant to subsection (1).

## **LICENCES**

5.(1) A licence is granted for a one (1) year period commencing January 1 and expiring December 31 in each calendar year.

(2) Notwithstanding subsection (1):

(a) a licence for an Entertainment Facility is for the period specified in the application, but may not exceed a period of six months; and

(b) a licence for an Itinerant Show, Special Event, Charitable Soliciting (Over 90%) or Charitable Soliciting (Under 90%) is for one day.

(3) A licence referred to in subsection (2) is not renewable and will be expired at the end of the period specified in the licence.

(4) Subject to subsection (3), a licensee who wishes to renew a licence must complete an application in the form of Schedule 3 by December 31 of each calendar year or the licence will have expired and be suspended. Licences may be renewed, and reinstated from suspension for non-timely renewal in accordance with subsections 7(4) and 7(5) of this By-law.

(5) A licence will specify the time period, type and location of the business the licensee is permitted to conduct.

(6) A licence will be issued in the form of Schedule 1.

## **LICENCE CHANGES**

6.(1) For the purposes of subsections (2) and (3), "**change**" means:

(a) a change to the location of the premises or place of business for which the licence was issued;

(b) a change to the name of the business;

(c) a change to a term or condition on which the licence was issued; and

(d) a change that would increase the fee payable for the licence under Schedule 2.

(2) Before undergoing any licence change, the holder of a licence must apply to the Licence Inspector for a licence change by completing an application in the form of Schedule 3.

(3) A person applying for a licence change described in subsection (1)(d) must, at the time of making the application, pay to the Licence Inspector the amount by which the licence fee under Schedule 2 will increase.

## **FEES**

7.(1) Subject to subsection (2), the fee payable for a licence for each category of business, including licence renewal, is provided for in Schedule 2.

(2) The fee payable pursuant to subsection (1) will be reduced by one-half where a licence is issued after July 31 in a calendar year except this reduction is not available for:

- (a) Special Events;
- (b) businesses for which the licence fee is calculated on a daily basis; or
- (c) licences for Secondary Suites and Detached Secondary Suites.

(3) The fee payable for a licence for the category of Secondary Suites or Detached Secondary Suites issued after July 31 in a calendar year shall be reduced by one hundred dollars (\$100).

(4) Where a licensee has not renewed the licence on or before the expiry date as set out in subsection 5(1) of this By-law, the licence will be suspended and the licensee has fifteen (15) days after the date of expiry to renew the licence and have the licence reinstated by completing an application in the form of Schedule 3 and will pay the licence fee set out in subsection (1) and an added fee equal to twenty-five percent (25%) of such licence fee.

(5) Where a licensee has not renewed a suspended licence within the fifteen (15) days after the expiry date referred to in subsection (4), the licensee has another seventy-five (75) days to renew the licence and have the licence reinstated by completing an application in the form of Schedule 3 and will pay the licence fee set out in subsection (1) and an added fee equal to fifty percent (50%) of such licence fee. The licence will be revoked if not renewed at the end of this time.

## **REFUND**

8. No licence fee paid pursuant to this By-law will be refunded.

## **ISSUANCE OF LICENCE**

9.(1) Upon a licence applicant meeting the provisions for licence issuance under subsection (2), a licence will be issued to the applicant.

(2) The Licence Inspector will, upon receiving an application for a licence, promptly issue, by delivery by email, a licence to the licensee at the email address shown in the licence application provided:

- (a) the Licence Inspector is satisfied that the applicant's business complies with all provisions of the laws, including by-laws, of the Squamish Nation;
- (b) the application complies with this By-law;
- (c) the applicant has disclosed all required information in the application form and the Licence Inspector is satisfied under subsections 12(c) and (d) of this By-law;

(d) the applicant, if they are an individual, or a director or officer of the applicant, if the applicant is a company, has not, within the preceding three (3) years, been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of the applicant's business whether on or off the Reserve, for which the applicant, director or officer, as applicable, has not been pardoned;

(e) the Licence Inspector is satisfied that the applicant's business would not be detrimental to the health, welfare, safety or environment of the inhabitants, including lessees, on the Reserve;

(f) the Licence Inspector's investigations do not disclose any reason to believe that the carrying on of the said business may result in a breach of the law, or may be in any way adverse to the public interest; and

(g) the required fee for the licence has been paid.

(3) If any of the requirements provided for in subsection (2) are not satisfied, the Licence Inspector will forthwith serve the applicant notice of the refusal to issue the licence in the form of Schedule 4 and said notice will be served personally or by registered mail to the applicant at the address shown in the licence application.

#### **REVIEW OF NOTICE OF REFUSAL TO ISSUE LICENCE**

**10.(1)** Within fourteen (14) days of service of the notice under subsection 9(3) of this By-law, the applicant may apply for a review of the decision of the Licence Inspector by the Senior Financial Officer by completing an application for review in the form of Schedule 5, paying a non-refundable fee of one hundred and fifty (\$150.00) dollars and submitting these to the Licence Inspector.

(2) Upon receipt of the application and payment of the fee pursuant to subsection (1), the Licence Inspector will forthwith transmit to the Senior Financial Officer and the applicant:

(a) a copy of the original licence application as completed by the applicant and copies of any supporting documentation accompanying the licence application;

(b) a copy of the applicant's application for review submitted pursuant to subsection (1); and

(c) a copy of the Licence Inspector's refusal and reasons for refusal.

(3) Within fourteen (14) days of receipt of the materials described in subsection (2), the Senior Financial Officer must render a decision in writing, and provide the written decision to the Licence Inspector.

(4) The Licence Inspector will forthwith notify the applicant of the decision of the Senior Financial Officer referred to in subsection (3) by serving a copy of the decision personally or by registered mail to the applicant at the address shown on the application for review submitted by the applicant.

## **LICENCE INSPECTOR**

**11.(1)** Council, by band council resolution, will appoint a Licence Inspector, who will receive applications, appeals, issue licences and carry out the business licensing administrative functions under this By-law including enforcement.

(2) The Licence Inspector may delegate any of their duties and functions under this By-law to any personnel of the Squamish Nation whom they supervise.

## **DUTIES OF LICENCE INSPECTOR**

**12.** The Licence Inspector will:

- (a) receive and process all applications, appeals and renewals of licences to be issued under this By-law;
- (b) maintain a record of all applications and fees for licences and retain on file a copy of all licences issued, together with their particulars;
- (c) ascertain, as far as reasonably practicable, that all information furnished by the applicant in connection with an application for a licence is accurate;
- (d) make all investigations required by subsection 9(2) of this By-law or by the Squamish Nation, relative to an application;
- (e) in response to receipt of a written complaint, or at least once a year, with the consent of the licensee (such consent not to be unreasonably withheld) make inquiries and inspect premises to determine whether every holder of a licence is in compliance with the licence issued and the laws, including by-laws of the Squamish Nation, and no licensee shall obstruct or hinder the making or completing of the inspection;
- (f) report in writing to the Senior Financial Officer on a semi-annual basis, or more frequently upon request, stating the number of licences issued, the type of business conducted under each licence, and the fees received since the previous report along with a summary stating the total number of licences issued and the total amount of money received to date for the current year;
- (g) perform such other duties as may be requested by the Senior Financial Officer.

## **REVOCATION OR SUSPENSION OF LICENCE**

**13.(1)** The Senior Financial Officer will, and after giving notice in the form of Schedule 6 and holding a hearing, (i) suspend, for a period not exceeding ninety (90) days, or (ii) revoke, any licence, where it has come to the attention of the Senior Financial Officer that:

- (a) the licensee has failed to comply with this By-law;
- (b) the licensee is carrying on a business that fails to comply with all provisions of the laws, including by-laws, of the Squamish Nation;



(c) within the preceding three (3) years of licence issuance and since licence issuance, the licensee, if they are an individual, or a director or officer of the licensee, if the licensee is a company, has been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of the licensee's business whether on or off the Reserve, for which the licensee or the director or officer of the licensee, as applicable, has not been pardoned;

(d) the licensee has conducted the business in a manner that is detrimental to the health, welfare, safety or environment of the inhabitants, including lessees, in the Reserve;

(e) the licensee, if the licensee is an individual, or a director or officer of the licensee, if the licensee is a company, is convicted of any offence under any statute of the province in respect of the licenced business or with respect to the premises named in the licence; or

(f) the licensee is carrying on a business, the purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in any activity that violates the *Criminal Code* (Canada).

(2) The Senior Financial Officer will give the licensee at least seven (7) days' notice of the hearing referred to in subsection (1) and the Licence Inspector will serve the notice of hearing personally or by registered mail to the licensee at the address shown in the licence application, but if a licensee who by reasonable efforts of the Senior Financial Officer and Licence Inspector cannot be found and has not come forward then the notice will be considered to be duly served and an *ex parte* decision will be issued against the licensee.

(3) The Senior Financial Officer will give its decision in writing to the Licence Inspector within fourteen (14) days of the date of the completion of the hearing referred to in subsection (1).

(4) The Licence Inspector will forthwith notify the licensee of the decision of the Senior Financial Officer referred to in subsection (3) by serving a copy of the decision personally or by registered mail to the licensee at the address shown in the licence application of the licensee.

(5) The Licence Inspector will post the notice of suspension or revocation of a licence by the Senior Financial Officer upon the premises for which the licence was issued and the notice must not be removed until the licence is reinstated or the licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is licenced on the premises.

### **APPEAL OF DECISION OF SENIOR FINANCIAL OFFICER**

14.(1) Within fourteen (14) days of being served a decision of the Senior Financial Officer made pursuant to subsection 10(3) or 13(3) of this By-law, the applicant or licensee, as applicable, may appeal the decision to Council by completing an appeal application in the form of Schedule 7, paying a non-refundable fee of two hundred (\$200.00) dollars and submitting these to the Licence Inspector.

(2) The Licence Inspector, upon receipt of the appeal application and the fee referred to in subsection (1), will forthwith transmit to Council, with a copy to the Senior Financial Officer:

(a) a copy of the appeal application submitted pursuant to subsection (1) including the grounds of appeal and any supporting documentation;

(b) a copy of the Senior Financial Officer's decision; and

(c) if the appeal arises from a decision of the Senior Financial Officer pursuant to subsection 10(3) of this By-law, a copy of the original licence application as completed by the applicant, and a copy of the Licence Inspector's refusal and reasons for refusal.

(3) Upon receipt of the materials described in subsection (2), Council will determine the time and date of the appeal hearing, which will be at least fourteen (14) days hence but not more than forty-five (45) days and notify the Licence Inspector accordingly. The Licence Inspector will forthwith serve notice of the hearing on the applicant or licensee, as applicable, in the form of Schedule 8 by personal service or by registered mail at the address shown in the appeal application, with a copy to the Senior Financial Officer. Council will hold the appeal hearing at the time and date set out in Schedule 8. The applicant or licensee, as applicable, and the Senior Financial Officer will be given at least seven (7) days' notice of the hearing.

(4) Within fourteen (14) days of the date of the completion of the appeal hearing, Council must render a decision in writing, and provide the written decision to the Licence Inspector.

(5) The Licence Inspector will forthwith notify the applicant or licensee, as applicable, of the decision of Council referred to in subsection (4) by serving a copy of the decision personally or by registered mail to the applicant or licensee, as applicable, at the address shown in the appeal application, with a copy to the Senior Financial Officer.

(6) A decision of Council under this section will be the final disposition of the matter and will not be subject to any further review or appeal process of the Squamish Nation or in the courts of British Columbia or Canada.

(7) Council may, in its discretion, constitute a committee composed of two (2) or more members of Council, and delegate to that committee any duties and functions of Council provided for in this section.

### **CONFLICT OF INTEREST**

**15.(1)** A member of Council, the Senior Financial Officer and the Licence Inspector must declare any potential conflict of interest in accordance with the conflict of interest policies and procedures of the Squamish Nation. In each case where a conflict of interest may arise, a member of Council, the Licence Inspector or the Senior Financial Officer, as applicable, must not perform the duties assigned to them under this By-law, and in the case of a member of Council or the Senior Financial Officer, must not participate in, or withdraw from, any hearing held under subsection 13(1) or 14(3), as applicable, of this By-law.

(2) In the event that the Senior Financial Officer or the Licence Inspector, has declared a potential conflict of interest pursuant to subsection (1), Council shall appoint by band council resolution another person to carry out the responsibilities and duties of the Senior Financial Officer or the Licence Inspector, as applicable, in respect of the matter for which a conflict of interest has been declared, and all references to the Senior Financial Officer or Licence Inspector, as applicable, in this By-law in respect of such matter shall mean the person appointed pursuant to this subsection (2).

### **PENALTY**

**16.** Every person who contravenes subsection 3(1) of this By-law is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars (\$1,000).

## ENFORCEMENT

17. The Senior Financial Officer may charge a licensee, whether the licence is expired, revoked or suspended, with all reasonable costs that are incurred in the collection of all fees, fines, interest, penalties or other costs imposed by this By-law.

APPROVED AND PASSED at a duly convened meeting of the Council of the Squamish Nation this 15<sup>th</sup> day of August, 2024.



**Councillor Deborah Baker**  
K'ana

**Councillor Stewart Gonzales**  
Sempúlyan



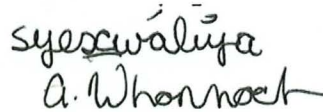
**Councillor Shayla Jacobs**  
Sumkwaht



**Chairperson Dustin Rivers**  
Sxwchálten iy Xelsílem



**Councillor Kristen Rivers**  
Tiyáltelut



**Councillor Ann Whonnock**  
Syexwáliya



**Councillor Joyce Williams**



**Councillor Wilson Williams**  
Sxwíxwtñ

A quorum of the Squamish Nation Council consists of the Chairperson & four (4) Councillors.



# **Skwxwú7mesh Úxwumixw**

## **Squamish Nation**

### SCHEDULE 1

(section 5)

### LICENCE



## **S7ánulhtn tl'a Skwxwú7mesh Squamish Business Licence**

**Kwétsi wa íp'ístas ta s7ánulh':**

Name of Licensee:

Account No:

Licence Number:

Issued Date:

Expires On:

**Ta sna ta7 a sts'its'áp':**

Business Trade Name:

Signature  
of Licensee:

Signature  
of Licence Inspector:

**Wa lhna7s ta sts'its'áp':**

Business Location:

Reserve:

Number of Employees  
working on Reserve:

Licence Fee:

**Nach' sts'its'áp':**

Business Type:

**Skwéshnech tl'a s7ánulhtn / Renewal Fee:**

**I7xw ta tála kwis k'aw / Total Fee Paid:**

#### **Terms and Conditions**

The licensee is permitted to conduct business as described in this licence provided all lawful requirements are satisfied and remain satisfied during the term of the licence. Any change to business location, name of business, nature of business or any terms and conditions on which the licence was issued requires an application for change, and approval of such change application, in accordance with the Squamish Nation Business Licensing By-Law (Capitlan 5).



## **Skwxwú7mesh Úxwumixw**

### **Squamish Nation**



SCHEDULE 2  
(sections 6 and 7)

FEES

Fee for New Licence

1. The fee payable for a licence for a business pursuant to subsection 6(1) of this By-law will be the same as the licensing fee payable for the same category of business pursuant to Schedule C of the *District of West Vancouver, Fees and Charges Bylaw No. 5251, 2023 ("DWV Fees Bylaw")*, as may be amended, replaced or supplemented from time to time.

Fee for Renewal of Licence

2. To the extent that the DWV Fees Bylaw does not provide for the fees payable on renewal of licences issued under the DWV Business Licence Bylaw, the fee payable for each renewal of licence issued pursuant to this By-law shall be the same as the fee payable for the issuance of that licence provided for in section 1 of this Schedule.



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## Squamish Nation

### SCHEDULE 3 (sections 4, 5, 6)

Date: \_\_\_\_\_

#### LICENCE APPLICATION

Application Type: ☐ New Business/Ownership Change ☐ Address Change ☐ Name Change

1. Applicant's Name: \_\_\_\_\_  
(Name of proposed licensee, which may be a company or an individual)
2. Mailing Address: \_\_\_\_\_
3. Phone Number: \_\_\_\_\_
4. Email Address : \_\_\_\_\_
5. Operating Name of Business: \_\_\_\_\_
6. Location of Business: \_\_\_\_\_
7. Name and Title of Individual in Charge at This Location: \_\_\_\_\_
8. Description of Business : \_\_\_\_\_
9. Business Start or Opening Date at This Location: \_\_\_\_\_
10. Total Square Footage: \_\_\_\_\_
11. Number of Employees at This Location: \_\_\_\_\_
12. Has the applicant had a business licence for the business described in this application at this location:
  - from the District of West Vancouver? Yes \_\_\_\_\_ No \_\_\_\_\_
  - from the Squamish Nation? Yes \_\_\_\_\_ No \_\_\_\_\_
13. Is the applicant presently registered with the federal government or a self-regulating professional body with respect to the conduct of the applicant's business at this location? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If yes, applicant must provide proof and give details below.)



# Skwxwú7mesh Úxwumixw

## Squamish Nation

14. Are you bonded with a bonding agency with respect to the conduct of your business? Yes \_\_\_ No \_\_\_  
(If yes, applicant must provide proof and give details below.)

\_\_\_\_\_

15. Is the applicant incorporated? Yes \_\_\_ No \_\_\_ Federal \_\_\_ Provincial \_\_\_  
(If yes, applicant must provide proof and give details below.)

\_\_\_\_\_

16. Is the applicant a partner in a partnership? Yes \_\_\_ No \_\_\_  
(If yes, applicant must provide proof and give details below.)

\_\_\_\_\_

18. Has the applicant (if the applicant is an individual), or a director or officer of the applicant (if the applicant is a company), within the previous three (3) years, been convicted of an offence under the *Criminal Code* (Canada) for which the applicant or a director or officer, as applicable, has not been pardoned? Yes \_\_\_ No \_\_\_

*NOTE: Please read section 13 of this By-law, which outlines the conditions whereby your licence could be denied, revoked or suspended.*

The undersigned, who is the applicant or an authorized signatory of the applicant (if the applicant is not an individual), declares that the statements contained in this application are true and correct.

Print Name: \_\_\_\_\_

Title : \_\_\_\_\_



SCHEDULE 4  
(subsection 9(3))

NOTICE OF LICENCE REFUSAL

TO: \_\_\_\_\_  
(name of applicant)

ADDRESS: \_\_\_\_\_

RE: \_\_\_\_\_  
(location of business)

TAKE NOTICE that pursuant to the *Squamish Nation Business Licensing By-law (Capilano 5)* your application to:

\_\_\_ receive \_\_\_ renew

a LICENCE is refused.

AND TAKE NOTICE that you have fourteen (14) days from the date of this notice within which you may apply for a review by the Senior Financial Officer of this refusal decision by completing and filing an application for review in the form of Schedule 5 of the said By-law with, and paying the applicable fee pursuant to the said By-law to, the Licence Inspector.

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name of Licence Inspector

\_\_\_\_\_  
Signature of Licence Inspector