huu ay aht

ANCIENT SPIRIT, MODERN MIND

COMMUNITY PLANNING AND DEVELOPMENT ACT

OFFICIAL CONSOLIDATION
Current to May 14, 2026

The Huu-ay-aht Legislature enacts this law to provide a fair and effective system for community planning and development of Huu-ay-aht Lands.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Community Planning and Development Act* passed Third Reading in the Legislature on:

April 1, 2011

Chief Councillor Robert Dennis Sr.

Certified True Copy

I certify that the *Community Planning and Development Act* is enacted as law on:

April 1, 2011

Ta'yii Hawilth Derek Peters

I certify that the *Community Planning and Development Act* came into force on:

April 1, 2011

Law Clerk Connie Waddell

REGISTRY OF LAWS CERTIFICATION

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* was passed by Executive Council on:

March 31, 2026

Chief Councillor John Jack

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* is enacted as law on:

March 31, 2026

On behalf of the Ta'yii Hawilth, Theresa Nookemus

I certify that the *Huu-ay-aht General Legislation Amendment Act, 2026* came into force on:

March 31, 2026

Acting Law Clerk Alexis Young

REGISTRY OF LAWS CERTIFICATION

I certify that the *General Legislation Correction and Amendment Regulation, 2026* was passed by Executive Council on:

May 14, 2026

Chief Councillor John Jack

I certify that the *General Legislation Correction and Amendment Regulation, 2026* is enacted as law on:

May 14, 2026

ḥawiiḥ Councillor Theresa Nookemus

I certify that the *General Legislation Correction and Amendment Regulation, 2026* came into force on:

May 14, 2026

Acting Law Clerk Alexis Young

COMMUNITY PLANNING AND DEVELOPMENT ACT

Contents

PART 1 – PURPOSE AND DEFINITIONS

1 Purpose

2 Definitions

3 Land use and development goals

PART 2 – ADMINISTRATION

4 Executive Council may delegate

5 Director of Lands and Natural Resources

PART 3 – HUU-AY-AHT LAND USE PLAN

Division 1 – Establishing and Amending Land Use Plan

6 Land use plan

7 Effect of land use plan

Division 2 – People's Assembly Review of Land Use Plan

8 Land use plan definition

9 Procedure for adopting land use plan

10 People's Assembly

11 People's Assembly consideration of land use plan

Division 3 – Development Permit Areas

12 Area designation

13 Prohibitions

Division 4 – Foreshore Management Guidelines

14 Foreshore management guidelines

15 Effect of foreshore management guidelines

PART 4 – ZONING

Division 1 – Establishing and Amending Zoning Regulation

16 Zoning regulation requirements

17 Regulation within zones

18 Procedure for adopting zoning regulation

Division 2 – People's Assembly Review of Zoning Regulation

19 Zoning regulation definition

20 People's Assembly

21 People's Assembly consideration of zoning regulation

PART 5 – APPLICATIONS TO AMEND LAND USE PLAN AND ZONING

22 Amendment process

23 Public notice of application

PART 6 – LAND USE VARIANCE TO RELIEVE HARDSHIP

Division 1 – Variance Board

24 Huu-ay-aht Variance Board established

25 Role of variance board

Division 2 – Variance Applications to Relieve Hardship

26 Application to variance board

27 Application process

PART 7 – SUBDIVISION APPROVAL

Division 1 – Approving Officer

28 Appointment of approving officer

Division 2 – Subdivision and Development Requirements

29 Subdivision servicing regulation

30 Subdivision approval requirement

31 Subdivision plan approval

32 Further conditions for subdivision approval

33 Prohibition

34 Amendment process

35 Public notice of application

PART 8 – BUILDING PERMITS

36 Definitions

37 Building inspector for Treaty Lands

38 Building Code

39 Building permit approval

40 Further conditions for building permit

41 Prohibition

42 Building inspector authority

PART 9 – DEVELOPMENT COST RECOVERY

43 Development cost charges

44 Amount of development cost charges

45 Development cost charge payment required

46 Development cost charges by instalment

47 Development Cost Reserve Fund

48 Exemptions from development cost charges

49 Offsets against development cost charges

50 Latecomer charges

PART 10 – NON-CONFORMING USES

51 Definitions

52 Non-conforming pre-existing buildings

53 Non-conforming pre-existing land use

PART 11 –PROPERTY CONDITIONS

54 Unsightly or unsanitary property

PART 12 – ENFORCEMENT AND PENALTIES

55 Compliance notices and tickets

56 Offences

PART 13 – GENERAL

57 Application process
58 No compensation in relation to adoption of regulation or issuance of permit
59 Entry on land
60 Entry warrants
61 Security
62 Power to make regulations
63 Regulations respecting fees
64 No further effect
65 Land use plan and zoning regulation deemed consultation
66 Amendments to this Act
67 Commencement

Note to Reader

The *Community Planning and Development Act* sets out the regulatory framework to guide Huu-ay-aht land use planning decisions and the management of Huu-ay-aht Lands. The Huu-ay-aht land use plan also provides guidance for decisions on other lands within Huu-ay-aht territory. The following regulations are made under this Act:

- Land use plan (LUP) - the paramount law governing land use planning and management. All other land use regulations must comply with it.
- Design and development guidelines
- Foreshore management guidelines
- Zoning
- Development cost recovery
- Subdivision approval
- Building permits

The People's Assembly may, at a session called by Executive Council, make recommendations concerning the LUP and zoning regulations.

This Act also establishes:

- a Director of Lands and Natural Resources
- a Huu-ay-aht Variance Board with the power to make minor variations to zoning or subdivision servicing requirements if they cause hardship
- an approving officer responsible for subdivision approval on Treaty Lands
- a building inspector responsible for granting building permits and ensuring that construction complies with the BC Building Code.

The LUP, Zoning, Design and Development Permit Guidelines approved by the Huu-ay-aht membership before Effective Date continue and are deemed to meet the requirements for legislation made under this Act.

The Legislature enacts as follows:

PART 1 – PURPOSE AND DEFINITIONS

Purpose

1 The purpose of this Act is to establish a fair and effective system for decisions on land use planning and management of ḥaḥuułi Lands.

HFNR 2/2026, s. 3 (9)(c).

Definitions

2 In this Act:

"**appoint"** includes employ, retain under contract or designate in writing;

"**approving officer**" means the approving officer for Treaty Lands appointed under section 28;

"**authorized public officer**" means the director, approving officer, building inspector or a person authorized in writing by the director or Executive Council;

"**building inspector**" means the building inspector for Treaty Lands appointed under section 37;

"building regulations" includes the British Columbia Building Code, this Act, the regulations and any applicable building standards;

"comprehensive development zone" means a zone, established by a zoning regulation, in which there are no uniform regulations and in which any person wishing to carry out development must obtain a development permit;

"**design guidelines**" means the design guidelines established by regulation under section 17 (5);

"development permit" means a permit issued pursuant to a land use plan that specifies development permit areas, or a zoning bylaw that designates a comprehensive development zone;

"**director**" means the Director of Lands and Natural Resources appointed under section 5;

"ḥaḥuuli Lands" means lands within the area described as the Huu-ay-aht First Nations area in Appendix A-1 of the Treaty and other land owned in fee simple or otherwise controlled by the Huu-ay-aht;

"Huu-ay-aht Lands" means Huu-ay-aht Lands as defined in the *Land Act*;

"**interest holder**" means

(a) the holder of an interest in Huu-ay-aht Lands under the *Land Act,* and for the purposes of this Act, includes a fee simple interest held by the Huu-ay-aht, and

(b) a person who is authorized in writing to act on behalf of a person or entity under paragraph (a), and is approved by the director to act on behalf of that person or entity;

"**land use designation**" means the designation of broad land uses for lands within Huu-ay-aht territory specified in the land use plan;

"**land use plan**" means the land use plan established under Divisions 1 and 2 of Part 3;

"latecomer charge" means a charge imposed under section 50;

"local government" means local government as defined in the *Local Government Act* (British Columbia);

"Other Lands" means lands which the Huu-ay-aht own in fee simple or otherwise control which are not Treaty Lands;

"tribunal" means Huu-ay-aht Tribunal;

"Treaty Lands" means the lands set out in Appendix B-1 of the Treaty, as amended from time to time under the Treaty, and includes all subsurface resources on or beneath the surface of those lands;

"variance board" means the Huu-ay-aht Variance Board established under section 24;

"**zoning regulation**" means the zoning regulation established under Part 4.

HFNR 2/2026, s. 3 (9)(c).

Land use and development goals

3 Huu-ay-aht land use planning and management decisions on ḥaḥuuƚi Lands must be made in the best interests of the Huu-ay-aht and be intended to

(a) provide diverse recreational and cultural opportunities,

(b) generate a wide range of economic opportunities,

(c) create a strong and vibrant village centre,

(d) honour the connection of the Huu-ay-aht to the land, resources and cultural heritage,

(e) recognize the importance of land for Huu-ay-aht physical and spiritual needs,

(f) protect the land and land resources for future generations,

(g) promote environmentally sustainable development, and

(h) promote design that reflects the Huu-ay-aht community identity.

HFNR 2/2026, s. 3 (9)(c).

PART 2 – ADMINISTRATION

Executive Council may delegate

4 (1) Subject to subsection (2), Executive Council may delegate, with or without conditions, its powers, duties and functions under this Act to the director or another Huu-ay-aht employee.

(2) Executive Council must not delegate

(a) the power to make, amend or repeal regulations under this Act, or

(b) the power to delegate under this section.

Director of Lands and Natural Resources

5 The Executive Director must appoint a Director of Lands and Natural Resources.

PART 3 – HUU-AY-AHT LAND USE PLAN

Division 1 – Establishing and Amending Land Use Plan

Land use plan

6 (1) Subject to this Act, Executive Council may, by regulation, approve, amend or repeal a land use plan to guide decisions on land use and management of ḥaḥuuḥi Lands.

(2) A land use plan must include the following:

(a) a statement of objectives and policies to guide decisions on land use and management of ḥaḥuuḥi Lands;

(b) land use designations which may include residential, rural residential, commercial, industrial, resource management, protected areas and any other land use designations Executive Council deems advisable, and

(i) an explanation of the purpose, objectives and policies for each type of land use designation, and

(ii) the boundaries of the land use designations;

(c) other content similar to that required in the official community plans of local government.

HFNR 2/2026, s. 3 (9)(c).

Effect of land use plan

7 (1) Subject to this Act,

(a) the management, land use and development of Treaty Lands,

(b) all Huu-ay-aht regulations, guidelines, policies, and decisions regarding the management, land use and development of ḥaḥuuḥi Lands, and

(c) all works constructed on Huu-ay-aht Lands,

must be consistent with a land use plan adopted by Executive Council under this Part.

(2) If there is a conflict under subsection (1) (c) between a land use plan and a local government land use plan on Other Lands, the local government land use plan prevails to the extent of the conflict.

(3) A land use plan does not commit or authorize the Huu-ay-aht to proceed with any project specified in the plan.

HFNR 2/2026, s. 3 (9)(c).

Division 2 – People's Assembly Review of Land Use Plan

Land use plan definition

8 In this Division, **"land use plan"** includes an amendment to, and repeal of, a land use plan.

Procedure for adopting land use plan

9 Before adopting a land use plan under section 6, Executive Council must consult with

(a) Huu-ay-aht citizens,

(b) the ḥaẁiiḥ Council,

(c) the Regional District of Alberni Clayoquot,

(d) other persons, organizations and authorities Executive Council is required to consult with under the Treaty on the development, amendment or repeal of a community plan, and

(e) other persons, organizations, and authorities Executive Council considers advisable.

HFNA 3/2026, s 4 (1) (c).

People's Assembly

10 (1) Executive Council may present a land use plan to the People's Assembly at a session called in accordance with the *Government Act*.

(2) The following must be included in the public notice required for a session of the People's Assembly under subsection (1):

(a) proposed motions;

(b) a summary of the proposed land use plan;

(c) notice of where the proposed land use plan may be reviewed by interested members of the public during normal business hours;

(d) a map of the area affected by the proposed land use plan, and the adjacent properties;

(e) any other information Executive Council considers advisable.

(3) Executive Council must present a proposed land use plan at the session of the People's Assembly called under subsection (1) and provide an opportunity to applicants, members of the public, organizations, and authorities to speak on the proposed land use plan.

People's Assembly consideration of land use plan

11 The People's Assembly may consider a land use plan presented by Executive Council under section 10 and may, by resolution, make recommendations to Executive Council.

Division 3 – Development Permit Areas

Area designation

12 (1) Executive Council may specify development permit areas in a land use plan applicable to Treaty Lands with one or more of the following objectives:

(a) protection and preservation of Huu-ay-aht cultural resources and heritage;

(b) protection of the natural environment, its ecosystems and biological diversity;

(c) protection from hazardous conditions;

(d) establishment of objectives for the form and character of

(i) intensive residential development, and

(ii) commercial, industrial or multi-family residential development.

(2) A land use plan must

(a) describe the conditions or objectives that justify a development permit designation, and

(b) specify guidelines for the manner in which the conditions or objectives will be addressed, which may include design guidelines.

(3) In accordance with the guidelines under subsection (2) (b), the director may issue a development permit that

(a) varies or supplements a zoning regulation,

(b) includes requirements or conditions or sets standards for development, or

(c) imposes conditions respecting the sequence and timing of construction.

Prohibitions

13 (1) If a land use plan designates development permit areas, the following prohibitions apply unless the interest holder obtains a development permit:

(a) a parcel within the area must not be subdivided;

(b) construction of, addition to or alteration, repair, removal or demolition of a building or other structure on the parcel must not be started;

(c) clearing, grading, filling, blasting or other alteration of the parcel must not be started.

(2) A development permit issued in respect of a designated development permit area must not vary the use or density of the use of the land from that permitted under the zoning regulation.

Division 4 – Foreshore Management Guidelines

Foreshore management guidelines

14 (1) Executive Council may, by regulation, establish guidelines for the management of the foreshore of ḥaḥuułi Lands.

(2) Foreshore management guidelines established under subsection (1) for Treaty Lands must be consistent with the land use plan, zoning regulation and Foreshore Agreement and in the best interests of the Huu-ay-aht.

HFNR 2/2026, s. 3 (9)(c).

Effect of foreshore management guidelines

15 (1) Subject to this Act,

(a) the management, land use and development of the foreshore of Treaty Lands,

(b) all Huu-ay-aht regulations, guidelines, policies and decisions regarding the management, land use and development of the foreshore of ḥaḥuuƚi Lands, and

(c) all works constructed on the foreshore of Treaty Lands,

must conform to the foreshore management guidelines adopted by Executive Council under this Part.

(2) If there is a conflict under subsection (1) between the foreshore management guidelines and federal or provincial law, federal or provincial law prevails to the extent of the conflict.

(3) Foreshore management guidelines do not commit or authorize the Huu-ay-aht to proceed with any project specified in the plan.

HFNR 2/2026, s. 3 (9)(c).

PART 4 – ZONING

Division 1 – Establishing and Amending Zoning Regulation

Zoning regulation requirements

16 (1) Subject to this Act, Executive Council may, by regulation, divide Treaty Lands into zones to provide direction, consistent with the land use plan, on development of Treaty Lands.

(2) A regulation under subsection (1) may include the following zones:

(a) residential, including single family residential, intensive residential, multi-family residential and rural residential;

(b) commercial, including local commercial and highway commercial;

(c) industrial, including light industrial and general industrial;

(d) comprehensive development;

(e) community services and administration;

(f) other zones Executive Council considers necessary or advisable.

(3) Executive Council may approve, amend or repeal a zoning regulation under subsection (1).

Regulation within zones

17 (1) A zoning regulation under section 16 may

(a) name each zone and establish boundaries for the zones,

(b) limit the vertical extent of a zone and provide other zones above or below it,

(c) regulate, within a zone,

(i) the use of land, buildings and other structures,

(ii) the density of the use of land, buildings and other structures,

(iii) the siting, size and dimensions of

(A) buildings and other structures, and

(B) uses that are permitted on the land, and

(iv) the location of uses on the land and within buildings and other structures, and

(d) regulate the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision, in which case

(i) the regulations may be different for different areas, and

(ii) the boundaries of those areas need not be the same as the boundaries of zones created under paragraph (a).

(2) The zoning regulation may be different for different

(a) zones,

(b) uses within a zone,

(c) locations within a zone,

(d) standards of works and services provided, and

(e) siting circumstances.

(3) A zoning regulation may prohibit any use or uses in a zone.

(4) A zoning regulation may have other content similar to a local government bylaw enacted under Division 7 of Part 26 of the *Local Government Act* (British Columbia).

(5) Executive Council may, by regulation, establish guidelines for development in comprehensive development zones, including

(a) design guidelines, and

(b) guidelines for the compatibility of development with development in adjacent areas.

(6) Guidelines established under subsection (5) must be consistent with the land use plan.

(7) The director may issue a development permit authorizing development of land in a comprehensive development zone,

(a) in accordance with the guidelines established under subsection (5), or

(b) if no guidelines have been established under subsection (5), in accordance with design guidelines specified under section 12 (2).

(8) Before issuing a development permit under subsection (7), the director may present the proposed permit to the People's Assembly for a recommendation in the same manner as a proposed zoning regulation may be presented to the People's Assembly under section 20.

Procedure for adopting zoning regulation

18 Before adopting a zoning regulation under section 16, Executive Council must consult with

(a) Huu-ay-aht citizens,

(b) the ḥaẃiiḥ Council,

(c) the Regional District of Alberni Clayoquot,

(d) other persons, organizations, and authorities Executive Council is required to consult with under the Treaty, and

(e) other persons, organizations and authorities that Executive Council considers advisable.

HFNA 3/2026, s 4 (1) (c).

Division 2 – People's Assembly Review of Zoning Regulation

Zoning regulation definition

19 In this Division, **"zoning regulation"** includes an amendment to, or repeal of, a zoning regulation.

People's Assembly

20 (1) Executive Council may present a proposed zoning regulation to the People's Assembly at a session called in accordance with the *Government Act*.

(2) The following must be included in the public notice required for a session of the People's Assembly under subsection (1):

(a) proposed motions;

(b) a summary of the zoning regulation;

(c) notice of where the proposed zoning regulation may be reviewed by interested members of the public during normal business hours;

(d) a map of the area affected by the proposed zoning regulation, and the adjacent properties;

(e) any other information Executive Council considers advisable.

(3) Executive Council must present a proposed zoning regulation at the session of the People's Assembly called under subsection (1) and provide an opportunity to applicants, members of the public, organizations and authorities to speak on the proposed zoning regulation.

People's Assembly consideration of zoning regulation

21 The People's Assembly may consider the zoning regulation presented by Executive Council under section 20 and may, by resolution, make recommendations to Executive Council.

PART 5 – APPLICATIONS TO AMEND LAND USE PLAN AND ZONING

Amendment process

22 (1) Subject to this Act, Executive Council may, by regulation, establish policies and procedures for applications to amend a land use plan or zoning regulation including the following:

(a) who may apply for an amendment;

(b) the form and content of the application;

(c) information to be submitted with the application;

(d) fees and security requirements;

(e) consultation and public input requirements;

(f) preparation of information, studies and reports by the applicant;

(g) review and consideration of applications;

(h) a process for review of decisions;

(i) other policies and procedures for amendment applications.

(2) The director is responsible for processing applications in accordance with a regulation under subsection (1).

Public notice of application

23 (1) The director must give public notice of a complete application under section 22 as soon as practicable after its receipt.

(2) The notice under subsection (1) must be entitled "Application to Amend the Land Use Plan" or "Application to Amend the Zoning Regulation", as applicable, and include the following:

(a) the applicant's name and contact information;

(b) a description of the location and approximate surface area of the land affected by the proposed amendment;

(c) an explanation of the purpose for which the amendment is required;

(d) a summary of the proposed amendment;

(e) information about how interested individuals may comment on the application;

(f) other information specified by the director.

PART 6 – LAND USE VARIANCE TO RELIEVE HARDSHIP

Division 1 – Variance Board

Huu-ay-aht Variance Board established

24 (1) The Huu-ay-aht Variance Board is established, consisting of 4 members including

(a) a Council member appointed by Executive Council,

(b) the Executive Director,

(c) the director, and

(d) a Huu-ay-aht citizen appointed by Executive Council.

(2) A quorum for a meeting of the variance board is 3 members.

(3) The provisions of Part 6 of the *Government Act* apply to the variance board as if it were a committee of Executive Council with the following exceptions:

(a) the Executive Director is chair of the variance board and, in the chair's absence, the Council member appointed under subsection (1) (a) is chair;

(b) the variance board must provide at least 10 days notice to the applicant of the meeting at which his or her application for a variance will be decided;

(c) the Executive Director must ensure that

(i) accurate records of proceedings before the variance board are prepared, and

(ii) a copy of the variance board decision is delivered to

(A) the applicant for the variance, and

(B) Executive Council.

Role of variance board

25 The variance board is responsible for

(a) evaluating and making decisions respecting variance applications and appeals under this Part,

(b) subject to section 27, establishing policies and procedures for its operation and for carrying out its duties, and

(c) carrying out other prescribed duties and responsibilities.

Division 2 – Variance Applications to Relieve Hardship

Application to variance board

26 (1) A person may apply to the variance board for relief from compliance with any of the following requirements in a zoning regulation or this Act if the person believes that compliance causes the person hardship:

(a) the siting, dimensions, site coverage, or size of a building or structure;

(b) the prohibition of a structural alteration or building addition under section 52 (3) or the prohibition of the repair or reconstruction of a damaged building or structure under section 52 (4).

(2) A person may apply to the variance board for relief from compliance with a subdivision servicing regulation if the person believes that compliance causes the person hardship.

(3) A person may appeal to the variance board if the person believes that the determination by the director of the amount of damage under section 52 (4) is in error.

(4) In approving an application for relief under subsections (1) and (2), the variance board may impose such restrictions, limitations or conditions as it considers advisable in the circumstances.

Application process

27 Subject to this Act, Executive Council may, by regulation, establish policies and procedures for applications and appeals to the variance board under section 26 including the following:

(a) who may apply for a variance;

(b) the form and content of the application;

(c) information to be submitted with the application;

(d) fees;

(e) notice requirements;

(f) consultation and public input requirements;

(g) preparation of information, studies and reports by the applicant;

(h) review and consideration of applications;

(i) the procedure for appeal or review of decisions;

(j) other policies and procedures for variance applications Executive Council considers advisable.

PART 7 - SUBDIVISION APPROVAL

Division 1 – Approving Officer

Appointment of approving officer

28 (1) The Executive Director must appoint an approving officer.

(2) The approving officer is responsible for carrying out his or her duties in accordance with Huu-ay-aht legislation and the *Land Title Act* (British Columbia) as they apply in respect of subdivisions and related matters on Treaty Lands.

Division 2 – Subdivision and Development Requirements

Subdivision servicing regulation

29 (1) Executive Council may require works and services in relation to the subdivision of Treaty Lands and for that purpose Executive Council may, by regulation, do the following:

(a) prescribe criteria to determine whether a subdivision or the development of Treaty Lands may proceed;

(b) impose requirements, conditions or both with which persons must comply in the course of subdividing or developing Treaty Lands;

(c) establish standards for works and services required to be constructed and installed in subdivisions;

(d) prescribe minimum standards for the dimensions, locations, alignment and gradient of highways in connection with subdivisions of land;

(e) require that, within a subdivision, highways, sidewalks, boulevards, boulevard crossings, transit bays, street lighting or underground wiring be

(i) provided, and

(ii) located and constructed in accordance with prescribed standards;

(f) require that, within a subdivision,

(i) a water distribution system,

(ii) a fire hydrant system,

(iii) a sewage collection system,

(iv) a sewage disposal system,

(v) a drainage collection system, or

(vi) a drainage disposal system

be provided, located and constructed, each in accordance with prescribed standards;

(g) require fees for the subdivision application, which may be different for different areas, or different types or sizes of subdivisions;

(h) specify the form and amount of security required in connection with an agreement under section 30 (2) (b) or 39 (b);

(i) require, if a community water system is not available for each parcel in the subdivision, that each parcel have a source of potable water with a flow capacity at a rate established by regulation;

(j) require, if a community sewer system is not available for connection to each parcel in the subdivision, that each parcel have a discharge area sufficient to provide for on-site sewage disposal from a septic tank, including any replacement discharge area required, unless the applicable zoning regulations do not permit land uses that generate sewage.

(2) A regulation under subsection (1) may provide differently in relation to one or more different

(a) circumstances,

(b) areas,

(c) land uses,

(d) zones, and

(e) classes of highways.

(3) Executive Council may approve, amend or repeal a regulation made under subsection (1).

Subdivision approval requirement

30 (1) Before an approving officer may approve a subdivision, all works and services required to be constructed and installed at the expense of the interest holder of the parcel being subdivided must be constructed and installed to the standards established by a regulation under section 29.

(2) As an exception to subsection (1), the approving officer may approve a subdivision if the interest holder

(a) deposits, with the director, security issued in favour of the Huu-ay-aht

(i) in the form and amount established by regulation, or

(ii) if no amount or form is established by regulation, in a form and amount satisfactory to the approving officer having regard to the cost of installing and paying for all works and services required by regulation, and

(b) enters into an agreement with the Huu-ay-aht to construct and install the required works and services by a specified date or otherwise forfeit to the Huu-ay-aht the amount secured under paragraph (a).

(3) The security required under subsection (2) must be deposited with the director within a time period specified by the director.

Subdivision plan approval

31 (1) A subdivision plan must be approved or rejected by the approving officer within 2 months of the date the complete subdivision plan is tendered for examination and approval.

(2) If the approving officer rejects a subdivision plan under subsection (1), the approving officer must

(a) notify the applicant in writing,

(b) state briefly the reasons for rejecting the subdivision plan, and

(c) list the requirements, if any, to enable the approving officer to approve the subdivision plan.

(3) The approving officer must refuse to approve a subdivision plan if it

(a) does not comply with Huu-ay-aht law, or

(b) adversely affects the interests of the Huu-ay-aht.

Further conditions for subdivision approval

32 (1) As a condition of the approving officer granting approval for a subdivision of Treaty Lands, Executive Council may require the interest holder seeking the subdivision to provide one or both of the following:

(a) works and services on the part of any road immediately adjacent to the site of the proposed subdivision, up to the centre line of the road;

(b) works and services that serve Treaty Lands other than the land being subdivided, or that extend beyond the boundary of Treaty Lands.

(2) The works and services referred to in subsection (1) must, if constructed on Treaty Lands, be carried out in accordance with the standards prescribed under section 29.

(3) Requirements under this section

(a) may only be imposed on an interest holder to the extent that the requirements are directly attributable to the subdivision, and

(b) must not include specific services that are included in calculations to determine the amount of a development cost charge unless the interest holder agrees to provide those services.

(4) For the purposes of granting relief from compliance with section 75 (1) (a) (i) of the *Land Title Act* (British Columbia), access by statutory right of way is deemed to be adequate access.

Prohibition

33 An interest holder must not subdivide, or allow the subdivision of, a parcel of Treaty Lands unless the interest holder

(a) submits to the approving officer a subdivision plan that meets all land use, zoning, subdivision servicing and other applicable requirements,

(b) constructs the works and services in accordance with the standards prescribed under section 29, or enters into an agreement and deposits the required security in accordance with section 30 (2),

(c) submits to the director the required development cost charges under section 43 and any applicable latecomer charge, and

(d) receives the approving officer's written approval of the subdivision plan,

for the parcel.

Amendment process

34 (1) Subject to this Act, Executive Council may, by regulation, establish policies and procedures for applications to amend a subdivision servicing regulation including the following:

(a) who may apply for an amendment;

(b) the form and content of the application;

(c) information to be submitted with the application;

(d) fees and security requirements;

(e) consultation and public input requirements;

(f) preparation of information, studies and reports by the applicant;

(g) review and consideration of applications;

(h) a process for review of decisions;

(i) other policies and procedures for amendment applications.

(2) The director is responsible for processing applications in accordance with a regulation under subsection (1).

Public notice of application

35 (1) The director must give public notice of a complete application under section 34 as soon as practicable after its receipt.

(2) The notice under subsection (1) must be entitled "Application to Amend the Subdivision Servicing Regulation" and include the following:

(a) the applicant's name and contact information;

(b) a description of the location and approximate surface area of the land affected by the proposed amendment;

(c) an explanation of the purpose for which the amendment is required;

(d) a summary of the proposed amendment;

(e) information about how interested individuals may comment on the application;

(f) other information specified by the director.

PART 8 – BUILDING PERMITS

Definitions

36 In this Part:

"builder" includes a person acting on behalf of a builder whether under contract or as an agent or employee;

"**building"** includes structure;

"**building inspector"** includes other authorized public officer;

"**construction"** includes alteration, repair, removal or demolition.

Building inspector for Treaty Lands

37 The Executive Director must appoint a person to exercise the powers and perform the functions and duties of a building inspector for Treaty Lands under

(a) this Act and any applicable regulations, and

(b) other applicable law.

Building Code

38 (1) Any construction of a building on Treaty Lands must comply with

(a) the British Columbia Building Code,

(b) any standards established under section 13.30.4 of the Treaty, and

(c) other building regulations.

(2) In the event of conflict between the standards under subsection (1) (b) and the British Columbia Building Code, the standards under subsection (1) (b) prevail.

Building permit approval

39 Before a building inspector may approve a building permit, all works and services required to be constructed and installed at the expense of the interest holder of the parcel being developed must be constructed and installed to the standards established by a regulation under section 29, unless the interest holder

(a) deposits, with the director, security issued in favour of the Huu-ay-aht

(i) in the amount and form established by regulation under section 29, or

(ii) if no amount or form is established by regulation, in an amount and form satisfactory to the building inspector having regard to the cost of installing and paying for all works and services required, and

(b) enters into an agreement with the Huu-ay-aht to construct and install the required works and services by a specified date or otherwise forfeit to the Huu-ay-aht the amount secured under paragraph (a).

Further conditions for building permit

40 (1) As a condition of the building inspector issuing a building permit to an interest holder, Executive Council may require the interest holder to provide one or both of the following:

(a) works and services on the part of any road that is immediately adjacent to the site of the proposed development, up to the centre line of the road;

(b) works and services that serve Treaty Lands other than the land being developed, or that extend beyond the boundary of Treaty Lands.

(2) The works and services referred to in subsection (1) must, if constructed on Treaty Lands, be carried out in accordance with the standards prescribed under section 29.

(3) Requirements under this section

(a) may only be imposed on an interest holder to the extent that the requirements are directly attributable to the development, and

(b) must not include specific services included in calculations used to determine the amount of a development cost charge unless the interest holder agrees to provide those services.

(4) For the purposes of granting relief from compliance with section 75 (1) (a) (i) of the *Land Title Act* (British Columbia), access by statutory right of way is deemed to be adequate access.

Prohibition

41 An interest holder must not construct, or allow the construction of, a building on a parcel of Treaty Lands unless the interest holder

(a) submits to the building inspector a building permit application that meets all land use, zoning, subdivision servicing, building regulation and other applicable requirements,

(b) constructs any works and services required under section 40 in accordance with the standards prescribed under section 29, or enters into an agreement and deposits the required security under section 30 (2),

(c) submits to the director all applicable fees and charges including development cost charges and latecomer charges, and

(d) receives a building permit from the building inspector,

for construction on the parcel.

Building inspector authority

42 (1) Subject to section 59 (4), the building inspector may, for the purposes of the administration and enforcement of building regulations and zoning regulations

(a) at any reasonable time, enter on and inspect any parcel of Treaty Lands on which construction of one or more buildings is in progress or has been completed,

(b) order a builder or an interest holder to comply with one or more specified building regulations or zoning regulations,

(c) issue a stop work order for all or part of any construction if

(i) the construction is proceeding in contravention of building regulations or zoning regulations, or

(ii) the building inspector considers the work to be unsafe,

(d) order a builder to provide, at the builder's expense, evidence that the construction complies with building regulations,

(e) terminate the occupancy of any building, if the building does not comply with building regulations, and

(f) exercise any other prescribed powers.

(2) The orders under subsection (1) must be issued in the form of a compliance notice under section 55.

(3) For greater certainty, the building inspector may, in addition to any actions under subsection (1), issue a compliance notice or a ticket under section 55.

PART 9 – DEVELOPMENT COST RECOVERY

Development cost charges

43 (1) Executive Council may, by regulation, impose development cost charges on an interest holder who obtains

(a) subdivision approval, or

(b) a building permit.

(2) Development cost charges under subsection (1) may be imposed for the purpose of providing funds to pay the capital costs of

(a) providing, constructing, altering or expanding

(i) sewage and water works,

(ii) drainage and highway facilities,

(iii) parking facilities,

(iv) pedestrian infrastructure, and

(v) community facilities, including community halls, museums, cultural centres, recreational facilities and schools,

(b) acquiring land within the ḥaḥuuḥi Lands for

(i) park land or other community amenities, and

(ii) the protection of Huu-ay-aht cultural heritage and resources, and

(c) undertaking and carrying out such other activities for the benefit of the Huu-ay-aht as may be prescribed by Executive Council, including

(i) land use planning,

(ii) in conjunction with land use planning, market research and land appraisals, and

(iii) legal analysis, feasibility studies, surveys, environmental assessments, landscaping and project management.

HFNR 2/2026, s. 3 (9)(c).

Amount of development cost charges

44 (1) A regulation under section 43 must specify the amount of the charge in a schedule of development cost charges.

(2) Development cost charges may vary as provided in subsection (3), but must be similar for all developments that impose similar capital cost burdens on the Huu-ay-aht.

(3) Development cost charges may vary with respect to one or more of the following:

(a) different zones or different defined or specified areas;

(b) different uses;

(c) different capital costs as they relate to different classes of development;

(d) different sizes or different numbers of lots or units in a development.

(4) Executive Council must take the following into consideration when setting development cost charges in a regulation under section 43:

(a) future land use patterns and development;

(b) the phasing of works and services;

(c) the provision of park land described in the land use plan;

(d) the protection of Huu-ay-aht cultural heritage and resources;

(e) how development designed to result in a low environmental impact may affect the capital costs of infrastructure;

(f) whether the charges for Huu-ay-aht Lands

(i) are excessive in relation to the capital cost of prevailing standards of service,

(ii) will deter development,

(iii) will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or

(iv) will discourage development designed to result in a low environmental impact.

(5) Executive Council must make available to the public, on request, the considerations, information and calculations used to determine the schedule referred to in subsection (1), but any information respecting the contemplated acquisition costs of specific properties need not be provided.

Development cost charge payment required

45 A person required to pay development cost charges under this Part must pay the amount of the charge before

(a) a subdivision plan is approved, or

(b) a building permit is issued.

Development cost charges by instalment

46 (1) Despite section 45, if development cost charges exceed $50 000, a person may elect to pay them in instalments.

(2) Instalments under subsection (1) must be paid as follows:

(a) a first instalment of 1/3 of the total development cost charges owing before approval of a subdivision plan or issuance of a building permit;

(b) a second instalment of 1/2 of the balance of the development cost charges owing, within one year of the date of the first instalment;

(c) a final instalment of the remaining development cost charges owing, within 2 years of the date of the first instalment.

(3) If an instalment is not paid in accordance with subsection (2), the total balance of the development cost charges owing becomes due and payable immediately.

(4) Interest is payable to the Huu-ay-aht on the amount owing under subsection (3)

(a) from the date the instalment was due but not paid, and

(b) at the prescribed rate.

(5) At the time of payment of the first instalment under subsection (2) (a), the director may require the person to secure the balance of the development cost charges owing by

(a) depositing with the director, security issued in favour of the Huu-ay-aht

(i) in the form and amount established by regulation, or

(ii) if no amount or form is established by regulation, in a form and amount satisfactory to the director, and

(b) entering into an agreement to pay

(i) the development cost charges owing in accordance with subsection (2), and

(ii) any interest on the development cost charges under subsection (4),

or otherwise forfeit to the Huu-ay-aht the amount secured under paragraph (a).

Development Cost Reserve Fund

47 (1) The Development Cost Reserve Fund is established.

(2) Funds received under the development cost charges regulation under section 43 must be deposited in the Development Cost Reserve Fund.

(3) Money in the Development Cost Reserve Fund, together with any interest on it, must

(a) not be paid out for purposes other than those set out in section 43 (2), and

(b) be spent in a manner consistent with the land use plan and capital projects planned in accordance with the *Financial Administration Act* and regulations.

Exemptions from development cost charges

48 (1) A development cost charge is not payable if such a charge has previously been paid for the same project unless new infrastructure is required for that project.

(2) Development cost charges are not payable for development authorized by a building permit

(a) for the construction, alteration, repair, removal or demolition of places of public worship, community halls, cultural centres and other community facilities, or

(b) if the value of the work identified in the building permit is estimated by the building inspector at $50 000 or less.

Offsets against development cost charges

49 (1) Executive Council may provide a waiver or reduction of development cost charges if the development

(a) incorporates green initiatives greater than any required by the zoning regulation, development permit or design guidelines,

(b) is designed to minimize or eliminate the development's use of Huu-ay-aht physical infrastructure, or

(c) involves the construction of all or part of a project that is contained within the capital works plan.

(2) The amount of the waiver or reduction under subsection (1) (c), must not be greater than the cost of the construction.

Latecomer charges

50 (1) In this section:

"**latecomer**" means an interest holder connecting to or using works and services;

"**works and services**" means works and services constructed or installed by an interest holder at the interest holder's expense under section 32 (1) or 40 (1).

(2) Executive Council and the interest holder who constructs or installs works and services must, by agreement, determine the time period for requiring latecomers to pay for the works and services.

(3) The time period determined under subsection (2) must not exceed 15 years.

(4) Executive Council must determine the proportion of the cost for works and services that may be required from latecomers to connect to or use the works and services.

(5) A latecomer charge includes

(a) the cost determined under subsection (4) for the applicable connection or use, and

(b) interest at the prescribed rate, calculated from the date the works and services were completed to the date the latecomer's connection is made or use begins.

(6) A latecomer must pay latecomer charges to the Huu-ay-aht before connecting to or using the works and services.

(7) The director must pay the latecomer charges collected under subsection (6) to the interest holder who constructed or installed the works and services.

PART 10 – NON-CONFORMING USES

Definitions

51 In this Part:

"lawful" means in compliance with any applicable land use or zoning laws at the time of

(a) the construction or erection of the pre-existing building, or

(b) the use of land

before another zoning regulation came into force;

"**pre-existing building**" means a building or structure that was constructed or erected before the date on which another zoning regulation comes into force;

"pre-existing land use" means a use of land before the date on which another zoning regulation comes into force.

Non-conforming pre-existing buildings

52 (1) Subject to this section, a lawful use of a pre-existing building which use does not conform to a zoning regulation may be continued after the date the zoning regulation comes into force.

(2) If a non-conforming use of a pre-existing building is discontinued for a period of 60 consecutive days, any subsequent use of the pre-existing building must comply with the zoning regulation.

(3) No person may make any addition or structural alteration to a pre-existing building, except as required by law, without first applying for and obtaining the approval of the variance board under section 26.

(4) If a pre-existing building is damaged or destroyed to the extent of 75% or more of its value above the foundations, as determined by the director, no person may repair or reconstruct that pre-existing building, except for a use that conforms with the zoning regulation.

(5) If the use of a pre-existing building conforms to a zoning regulation but the siting, size or dimensions of the pre-existing building do not conform, the pre-existing building may be repaired, maintained, altered or extended if and to the extent that the change would, when completed, involve no further contravention of the zoning regulation.

Non-conforming pre-existing land use

53 (1) Subject to subsection (2), a lawful pre-existing land use which does not conform to a zoning regulation may be continued after the date the zoning regulation comes into force, but that pre-existing land use may not be continued on a scale or to an extent or degree greater than the pre-existing land use.

(2) If a non-conforming pre-existing land use is discontinued for a period of 60 consecutive days, any subsequent land use must comply with the zoning regulation.

PART 11 – PROPERTY CONDITIONS

Unsightly or unsanitary property

54 (1) In this section, **"property"** includes residential, commercial and industrial premises and manufactured home parks.

(2) Executive Council may, by regulation, require property to be maintained to specified standards.

(3) A regulation under subsection (2) may

(a) prohibit or impose requirements in relation to any or all of the following:

(i) the accumulation on the property of refuse, garbage, inoperative motor vehicles or other material that is offensive to the public;

(ii) the accumulation of water on property;

(iii) unsanitary or unsafe conditions on property;

(iv) graffiti on, or unsightly condition of, property;

(v) noise, vibration, odour, dust, illumination or any other matter arising from property that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of Huu-ay-aht citizens or the general public;

(vi) the emission from property of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia liable to foul or contaminate the atmosphere;

(vii) the use of waste disposal and recycling services on property;

(viii) drains, cesspools, septic tanks and outhouses on property;

(ix) nuisances;

(x) trees, weeds or other growths on property that Executive Council considers should be removed, cut down or trimmed;

(xi) the carrying on of a noxious or offensive business activity on property;

(xii) any other matters Executive Council considers advisable to prevent unsightly or unsanitary conditions on Treaty Lands, and

(b) authorize, in relation to the enforcement of a compliance notice issued for a contravention under subsection 3 (a) of this section, any of the following in addition to the measures under section 22 of *the Offence and Law Enforcement Act*:

(i) the sale of goods, chattels, improvements or other materials removed;

(ii) the entering of a charge against the interest of the interest holder for any debt arising from the removal of goods, chattels, improvements or other materials.

PART 12 – ENFORCEMENT AND PENALTIES

Compliance notices and tickets

55 An authorized public officer or Executive Council may issue one or both of the following to a person for the contravention of this Act or regulations:

(a) a compliance notice under Division 2 of Part 3 of the *Offence and Law Enforcement Act*;

(b) a ticket under Division 3 of Part 3 of the *Offence and Law Enforcement Act.*

Offences

56 A person who does any of the following commits an offence subject to proceedings under Division 4 of Part 3 of the *Offence and Law Enforcement Act*:

(a) refuses entry to a building inspector under section 42;

(b) refuses entry to an authorized public officer under section 59 (3) or (4) (b) to (e).

PART 13 – GENERAL

Application process

57 (1) Subject to this Act, Executive Council may prescribe procedures, forms, rules, fees and other requirements for applications for the following:

(a) development permits;

(b) subdivision applications;

(c) building permits.

(2) A regulation under subsection (1) may set out the following:

(a) who may apply;

(b) the form and content of the application;

(c) information to be submitted with the application;

(d) fees and security requirements;

(e) consultation and public input requirements;

(f) preparation of information, studies and reports by the applicant;

(g) review and consideration of applications;

(h) the process for appeal of decisions;

(i) other policies and procedures for applications.

No compensation in relation to adoption of regulation or issuance of permit

58 Compensation is not payable to any person for any reduction in the value of that person's interest in Treaty Lands or other ḥaḥuuḥi Lands, or for any loss or damages that result from, or are in relation to

(a) a land use plan,

(b) a zoning regulation,

(c) a building permit, or

(d) any other regulation made under this Act.

HFNR 2/2026, s. 3 (9)(c).

Entry on land

59 (1) For any purpose related to the administration of this Act or the regulations, and subject to subsection (4), an authorized public officer may enter on a parcel at any reasonable time if the authorized public officer has reasonable grounds for believing that the parcel is the site of an activity regulated under this Act.

(2) An authorized public officer who enters on a parcel under this section

(a) may inspect any thing or activity that is reasonably related to the purpose for which the person entered on the parcel,

(b) may require the production of the following for inspection:

(i) an authorization to engage in the activity;

(ii) a record required to be kept in accordance with a provision of this Act or the regulations, and

(c) must provide proof of his or her identity on request.

(3) An interest holder, contractor, employee or agent of the interest holder must admit the authorized public officer to all parts of the parcel**.**

(4) An authorized public officer may enter a place that is occupied as a private dwelling if any of the following applies:

(a) the occupier consents;

(b) the authorized public officer has given the occupier at least 24 hours' written notice of the entry and the reasons for it;

(c) the entry is made under the authority of a warrant;

(d) the authorized public officer has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (5) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

(5) Without limiting the matters to which this section applies, an authorized public officer may enter on property to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the authorized public officer has authority under this or another Huu-ay-aht Act to regulate, prohibit and impose requirements.

Entry warrants

60 If satisfied by evidence on oath or affirmation that access to a private dwelling is necessary for the purposes of this Act or regulations, the tribunal may issue a warrant authorizing a person named in the warrant to enter on or into the property and conduct an inspection or take other action authorized by the warrant.

Security

61 (1) A person who is required to provide security may, at that person's option, provide the security by

(a) cash deposit,

(b) irrevocable letter of credit, or

(c) another form of security satisfactory to Executive Council or the person who imposed the requirement for the security.

(2) The security must be dealt with as follows:

(a) interest on the security becomes part of the security;

(b) the security may only be used for the purpose for which it was provided;

(c) any amount not required for that purpose must be returned to the person who provided the security.

Power to make regulations

62 (1) Executive Council may make regulations referred to in section 39 of the *Interpretation Act*.

(2) Without limiting subsection (1), Executive Council may make regulations

(a) for any purpose in relation to which regulations are contemplated by this Act,

(b) establishing guidelines under section 17 for development of Treaty Lands,

(c) prescribing duties and responsibilities of the variance board under section 25 (c),

(d) establishing a flow capacity rate under section 29 (1) (i),

(e) establishing the form and amount of security to be deposited with the director under section 30 (2) (a) (i),

(f) prescribing works and services required for a building permit under sections 39, 40 and 43,

(g) prescribing activities to be undertaken or carried out under section 43 (2) (c),

(h) prescribing the building inspector's powers under section 42 (1) (f),

(i) prescribing fees for copying,

(j) respecting the form and content of applications, notices and reports required or permitted under this Act,

(k) defining words and expressions used but not defined in this Act, and

(l) for any other purpose for which regulations are contemplated by this Act.

Regulations respecting fees

63 (1) Executive Council may make regulations respecting fees for matters connected with the administration of this Act.

(2) Executive Council must ensure that fee schedules setting out all fees prescribed under this Act are

(a) prepared and maintained, and

(b) publicly available for viewing free of charge at the Huu-ay-aht administration offices.

(3) Any person may request and obtain a copy of a fee schedule on payment of the prescribed copying fee.

No further effect

64 Unless otherwise specified in the Treaty or a Huu-ay-aht Act, all motions, resolutions, bylaws, directives, policies, guidelines or other forms of decision that directly or indirectly affect the subject matter of this Act which were approved or passed before Effective Date by the band council of the Huu-ay-aht under the *Indian Act* or the membership of the Huu-ay-aht Indian Band have no further effect after the date on which this Act comes into force.

Land use plan and zoning regulation deemed consultation

65 (1) The land use plan approved by the membership of the Huu-ay-aht on February 19, 2011 is deemed to have complied with the consultation requirements under section 9.

(2) The zoning regulation approved by the membership of the Huu-ay-aht on February 19, 2011 is deemed to have complied with the consultation requirements under section 18.

Amendments to this Act

66 An amendment or repeal of this Act must be approved by the People's Assembly before that amendment or repeal is brought into force.

Commencement

67 This Act comes into force on the date of its enactment by the Legislature.