huu ay aht

ANCIENT SPIRIT, MODERN MIND

LAND ACT

OFFICIAL CONSOLIDATION
Current to March 31, 2026

The Huu-ay-aht Legislature enacts this law to establish a comprehensive financial administration system for the effective and efficient management of Huu-ay-aht resources.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Land Act* passed Third Reading in the Legislature on:

April 1, 2011

Chief Councillor Robert Dennis Sr.

Certified True Copy

I certify that the *Land Act* is enacted as law on:

April 1, 2011

Ta'yii Hawilth Derek Peters

I certify that the *Land Act* came into force on:

April 1, 2011

Law Clerk Connie Waddell

REGISTRY OF LAWS CERTIFICATION

I certify that the *Economic Development Act Consequential Amendments Regulation* was passed by Executive Council on:

March 12, 2015

Chief Councillor Jeff Cook

I certify that the *Economic Development Act Consequential Amendments Regulation* is enacted as law on:

March 12, 2015

Ta'yii Hawilth, Derek Peters

I certify that the *Economic Development Act Consequential Amendments Regulation* came into force on:

March 12, 2015

Deputy Law Clerk, Deborah Smith

REGISTRY OF LAWS CERTIFICATION

I certify that the *Financial Administration Act Amendment Act, 2020* was passed by Executive Council on:

March 30, 2020

Chief Councillor, Robert Dennis

I certify that the *Financial Administration Act Amendment Act, 2020* is enacted as law on:

March 30, 2020

Ta'yii Hawilth, Derek Peters

I certify that the *Financial Administration Act Amendment Act, 2020* came into force on:

April 14, 2021

Law Clerk, Coraleah Johnson

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

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Note to Reader

The *Land Act* sets out the framework for the management, protection and disposal of interests in Huu-ay-aht Lands. The Huu-ay-aht maintain ownership of all Huu-ay-aht Lands. Eligible parties may apply for an interest in the land, such as a residential lease or a natural resource tenure, and receive the interest if Executive Council considers it is in the best interests of the Huu-ay-aht. An interest in Huu-ay-aht Lands may not exceed 99 years.

For example, Executive Council may grant a 99 year residential lease in Huu-ay-aht Lands which must be registered in the Victoria land title office. Leaseholders may use their registered lease to grant other interests such as a mortgage to construct a house.

The Director of Lands & Natural Resources may grant temporary interests in certain Huu-ay-aht Lands, including permits of occupation or resource harvesting permits. Temporary interests may not exceed 6 months.

This Act also sets out:

- A Huu-ay-aht land registry and a Huu-ay-aht land registrar responsible for maintaining records for public inspection. The registry is for information purposes only.
- Offences and penalties for trespass and the unauthorized use of Huu-ay-aht Lands. Offenders may be ticketed and be liable for damages.
- Expropriation of interests in Huu-ay-aht Lands by government for certain purposes provided that fair compensation is paid to the interest holder.

The Legislature enacts as follows:

PART 1 – PURPOSE AND DEFINITIONS

Purpose

1 The purpose of this Act is to provide a fair and effective system for the management, protection and disposition of interests in Huu-ay-aht Lands.

Definitions

2 In this Act:

"acquire" means to obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;

"applicant" means an applicant for a disposition under this Act;

"certificate of transfer" means an instrument under section 7 for the sale, transfer or conveyance of a fee simple interest in Huu-ay-aht Lands;

"conditions" includes terms, covenants, stipulations, reservations, restrictions, exemptions or other requirements;

"director" means the Director of Lands and Natural Resources as defined in the *Community Planning and Development Act;*

"dispose" means to transfer or alienate by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;

"disposition", means the act of disposal of an interest in Huu-ay-aht Lands or an instrument by which

(a) an act of disposal is effected or evidenced,

(b) an interest in Huu-ay-aht Lands is disposed of or effected, or

(c) the Huu-ay-aht divests itself of, or creates an interest in, Huu-ay-aht Lands;

"entity" includes a corporation, trust, partnership, fund or other unincorporated association or organization, the Crown in right of Canada or of a province, a Crown agency, a foreign government and an agency of a foreign government, but does not include an individual;

"Executive Council" means Executive Council as defined in the *Government Act*;

"government" means government as defined in the *Government Act;*

"Huu-ay-aht body" means government and Huu-ay-aht public bodies;
HFNA 2/2013, s. 55(a).

"Huu-ay-aht business enterprise" means Huu-ay-aht business enterprise as defined in the *Economic Development Act;*
HFNA 2/2013, s. 55(b).

"Huu-ay-aht land registrar" means the Huu-ay-aht land registrar designated under section 47;

"Huu-ay-aht land registry" means the land registry established under Part 9;

"Huu-ay-aht Lands" means Treaty Lands and Other Huu-ay-aht Lands;

"Huu-ay-aht public body" means any entity that is owned or controlled, directly or indirectly, by government except for a Huu-ay-aht business enterprise or an entity owned or controlled, directly or indirectly, by a Huu-ay-aht special investment body;

HFNA 2/2020, s. 1(3).

"instrument of disposition" means the instrument disposing of an interest in Huu-ay-aht Lands under this Act;

"interest holder" means the holder of an instrument of disposition and any successor or permitted assign;

"land title office" means the Victoria land title office under the *Land Title Act* (British Columbia);

"mortgage" includes charge, pledge or hypothecate;

"Non-Member" means Non-Member as defined in Chapter 29 *[Definitions]* of the Treaty;

"Other Huu-ay-aht Lands" means lands owned by the Huu-ay-aht, whether Registered Lands or Unregistered Lands, but does not include

(a) Treaty Lands,

(b) lands owned by a company or Huu-ay-aht business enterprise in which the Huu-ay-aht is a shareholder, or

(c) lands beneficially owned by the Huu-ay-aht pursuant to a trust;

"peace officer" means a peace officer appointed under the *Offence and Law Enforcement Act*;

"person" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

"qualified land appraiser" means

(a) a person designated 'Accredited Appraiser Canadian Institute' by the Appraisal Institute of Canada, or

(b) a person qualified as an appraiser by the Real Estate Institute of British Columbia;

"**Registered Lands**" means Huu-ay-aht Lands for which indefeasible title has been registered under the *Land Title Act* (British Columbia);

"registrar" means the registrar of the land title office appointed in that capacity under the *Land Title Act* (British Columbia);

"report" means report as defined in the *Government Act*;

"road" means lands designated or indicated as a road or lane in an instrument of disposition, map or plan made under this Act, whether or not a road or lane is constructed;

"statutory right of way" means statutory right of way as set out in section 218 of the *Land Title Act* (British Columbia);

"transfer" includes assign or convey;

"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;

"tribunal" means Huu-ay-aht Tribunal;

"Unregistered Lands" means Huu-ay-aht Lands for which indefeasible title has not been registered under the *Land Title Act* (British Columbia).

PART 2 –ADMINISTRATION

Executive Council authority

3 (1) Subject to this Act, Executive Council has the power, authority and responsibility to manage and dispose of interests in Huu-ay-aht Lands.

(2) Executive Council may delegate in writing, with or without conditions, any power, authority or responsibility under subsection (1) to the director or another Huu-ay-aht employee.

(3) Executive Council must not delegate the power to delegate under subsection (2).

Land title registration

4 (1) Executive Council may apply on behalf of the Huu-ay-aht under the *Land Title Act* (British Columbia) for

(a) registration of an indefeasible title to all or part of Treaty Lands for which no indefeasible title is registered at the time of application, or

(b) cancellation of registration of an indefeasible title to all or part of Treaty Lands for which indefeasible title is registered at the time of application.

(2) An application under subsection (1) (a) may only be made for registration of a parcel of Treaty Lands in the name of the Huu-ay-aht.

PART 3 – LAND ACQUISITION AND SALE BY HUU-AY-AHT

Acquiring lands restriction

5 Before land with a fair market value exceeding $1 000 000 is acquired by a Huu-ay-aht body, the People's Assembly must approve the acquisition in accordance with the *Government* Act.

Sale of Treaty Lands restriction

6 (1) Executive Council must not sell or transfer the fee simple interest in Treaty Lands to a person or entity unless such sale or transfer has been approved by at least 60% of eligible voters in a referendum held in accordance with the *Referendum and Recall Act.*

(2) A person or entity under this section may not

(a) acquire a fee simple interest in Treaty Lands, or

(b) register a transfer of a fee simple interest in Treaty Lands in the land title office unless the person or entity is named in a certificate of transfer under section 7 as a permitted transferee of that interest.

(3) If unregistered Treaty Lands are approved for sale or transfer under subsection (1), Executive Council must take the necessary steps under section 4 to register an indefeasible title to those Unregistered Lands before executing a certificate of transfer under section 7 for those lands.

Certificate of Transfer

7 If a sale or transfer of the fee simple interest in Treaty Lands is approved under section 6, and those Treaty Lands are Registered Lands, Executive Council must issue a certificate of transfer that

(a) certifies

(i) the certificate is issued in accordance with this Act, and

(ii) the person or entity named in the certificate as transferee of the fee simple interest in Treaty Lands is a permitted transferee of that interest under this Act, and

(b) sets out the date the certificate ceases to be valid for the purposes of section 28 of Schedule 1 [*Application of Act to Treaty Lands*] of the *Land Title Act* (British Columbia).

Mortgage of Treaty Lands prohibition

8 (1) Executive Council must not mortgage the fee simple interest in Treaty Lands.

(2) A mortgage that contravenes this section is void.

PART 4 – INTERESTS IN HUU-AY-AHT LANDS

Restriction

9 No person or entity may acquire an interest in Huu-ay-aht Lands except under this Act.

Permitted dispositions of Unregistered Lands

10 Subject to this Act, Executive Council may dispose of the following interests in Unregistered Lands:

(a) a right of way;

(b) a statutory right of way;

(c) an easement;

(d) a licence of occupation;

(e) a covenant;

(f) a restrictive covenant;

(g) a prescribed forestry, agricultural or other natural resource tenure.

Permitted dispositions of Registered Lands

11 Subject to this Act, Executive Council may dispose of the following interests in Registered Lands:

(a) a right of way;

(b) a statutory right of way;

(c) an easement;

(d) a lease;

(e) a covenant;

(f) a restrictive covenant;

(g) a prescribed forestry, agricultural or other natural resource tenure.

99 year interest restriction

12 (1) Executive Council must not dispose of an interest under section 10 or 11 for a period of time, including any renewal or option to renew, that exceeds 99 years in total.

(2) A disposition of an interest in Huu-ay-aht Lands that contravenes this section is void to the extent that it is inconsistent with subsection (1).

Treaty Lands exceptions and reservations

13 (1) Unless specifically stated otherwise in the instrument of disposition, a disposition of Treaty Lands under this Act excepts and reserves the following interests, rights, privileges and titles:

(a) a right in the Huu-ay-aht government, or any person acting for it, to resume any part of the Treaty Lands that is deemed to be necessary by the Huu-ay-aht government for making roads, canals, bridges or other public works, but not more than 1/20 part of the whole of the Treaty Lands, and no resumption may be made of any of the Treaty Lands on which a building has been erected in accordance with Huu-ay-aht law;

(b) a right in the Huu-ay-aht government, or any person acting for it or under its authority, to enter any part of the Treaty Lands,

(i) to raise and get out of it any geothermal resources, minerals, whether precious or base, as defined in section 1 of the *Mineral Tenure Act* (British Columbia), coal, petroleum and any gas or gases, that may be found in, on or under the Treaty Lands, and

(ii) to use and enjoy any and every part of the Treaty Lands, and its easements and privileges, for the purpose of the raising and getting, and every other purpose connected with them,

paying reasonable compensation to the interest holder for the raising, getting and use;

(c) a right in any person authorized by the Huu-ay-aht government

(i) to take and occupy water privileges, and

(ii) to have and enjoy the rights of carrying water over, through or under any part of the Treaty Lands,

as may be reasonably required for mining, agricultural or other resource or economic development purposes in the vicinity of the land, paying a reasonable compensation to the interest holder;

(d) a right in any person authorized by the Huu-ay-aht government to take from any part of the Treaty Lands, without compensation, gravel, sand, stone, lime, timber or other material that may be required in the construction, maintenance or repair of a road, ferry, bridge or other public work.

(2) Unless specifically stated otherwise in the instrument of disposition, a disposition of Treaty Lands under this Act conveys no right or title to, or interest in,

(a) geothermal resources as defined in the *Geothermal Resources Act* (British Columbia),

(b) minerals and placer minerals as defined in the *Mineral Tenure Act* (British Columbia),

(c) coal,

(d) petroleum as defined in the *Petroleum and Natural Gas Act* (British Columbia),

(e) gas,

(f) forest resources,

(g) roads,

(h) sand, or

(i) gravel

that may be found on, in or under the Treaty Lands.

(3) Unless specifically stated otherwise in the instrument of disposition, a disposition of Treaty Lands under this Act conveys no right or title to, or interest in highways, within the meaning of the *Transportation Act* (British Columbia), existing over or through the land at the date of the disposition.

Further Treaty Lands exceptions and reservations

14 (1) Section 13 applies whether or not express words are used in the disposition.

(2) An instrument of disposition of Treaty Lands under this Act may expressly except or reserve to the Huu-ay-aht government rights and privileges more extensive than those referred to in section 13.

(3) Without limiting subsection (2), an instrument of disposition of Treaty Lands may expressly except or reserve to the Huu-ay-aht government, a right in the Huu-ay-aht government, or any person acting for it, to

(a) harvest, replenish or protect forest resources that may be found on, in or under the Treaty Lands,

(b) use and enjoy any part of the Treaty Lands for any purpose connected with the harvesting, replenishing or protecting of forest resources, and

(c) provide access on and through the Treaty Lands for the harvesting, replenishing or protecting of forest resources on or outside the Treaty Lands.

(4) For all purposes, including section 23 of the *Land Title Act* (British Columbia), every disposition of Treaty Lands is conclusively deemed to contain express words making the exceptions and reservations contained in section 13 of this Act, except to the extent that the instrument of disposition states otherwise.

(5) The power under subsection (2) to except and reserve rights and privileges includes a power to create a right of way, and if this is done

(a) the Huu-ay-aht is, with respect to the right of way, a grantee,

(b) the right of way is conclusively deemed to be necessary for the operation and maintenance of the Huu-ay-aht government's undertaking, and

(c) section 218 of the *Land Title Act* (British Columbia) applies.

(6) A disposition of Treaty Lands conveys no right or title to, or interest in, riparian rights, as defined in common law.

Acquisition of interest in Huu-ay-aht Lands

15 A disposition under section 10 or 11 is not binding on the Huu-ay-aht until the instrument of disposition is executed by Executive Council in accordance with this Act.

Huu-ay-aht Lands for disposition

16 (1) With the exception of section 28 interests, Executive Council may, by regulation, restrict the availability of an interest in Huu-ay-aht Lands under section 10 or 11 to a prescribed

(a) person or entity, or

(b) category of persons or entities

eligible under section 17.

(2) Executive Council may, by regulation, for any purpose it considers in the best interests of the Huu-ay-aht

(a) withdraw Huu-ay-aht Lands from availability for disposition, or

(b) amend or cancel a withdrawal made under paragraph (a).

(3) Huu-ay-aht Lands withdrawn under subsection (2) (a) may not be the subject of a disposition under this Act.

Eligibility for interests in Huu-ay-aht Lands

17 Subject to section 16 (1), the following persons and entities are eligible to apply for an interest in Huu-ay-aht Lands under section 10 or 11:

(a) a Huu-ay-aht citizen who is at least 19 years of age;

(b) a person or entity acting on behalf of either

(i) a child, or

(ii) an adult under paragraph (a)

whose affairs the individual has the legal authority to manage;

(c) a Huu-ay-aht business enterprise;

(d) a Huu-ay-aht public body;

(e) British Columbia;

(f) Canada;

(g) other persons or entities prescribed by Executive Council.

Application

18 (1) An application for an interest in Huu-ay-aht Lands under section 10 or 11 must

(a) be made in the prescribed form,

(b) include the prescribed fee, and

(c) be delivered to the director.

(2) An applicant does not obtain an interest in Huu-ay-aht Lands, or priority to acquire an interest in Huu-ay-aht Lands, by making an application under this section.

(3) This section does not apply to an application made under the housing legislation referred to in section 28.

Director review of application

19 (1) After receiving an application under section 18, the director must promptly deliver a written acknowledgement of its receipt to the applicant.

(2) As soon as practicable, the director must review the application and notify the applicant that the application

(a) is complete,

(b) is incomplete and will not be reviewed further until specified information is provided, or

(c) will not be considered because

(i) the applicant is ineligible under section 17 to apply for an interest in Huu-ay-aht Lands, or

(ii) the parcel of Huu-ay-aht Lands has been withdrawn from disposition under section 16 (2) (a).

(3) The applicant is responsible for submitting a complete application.

Public notice of application

20 (1) The director must

(a) give public notice of an application that is complete and has not been rejected under section 19 (2) (c), as soon as practicable, and

(b) file the complete application under paragraph (a) in the Huu-ay-aht land registry.

(2) The notice under subsection (1) (a) must be entitled "Huu-ay-aht Land Act: Notice of Application for an Interest in Huu-ay-aht Lands" and include the following information:

(a) the interest applied for;

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

(c) the location and approximate surface area of the land;

(d) the purpose for which the interest is required;

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

(f) other information specified by the director.

Information, studies and reports

21 (1) Before an application for an interest in Huu-ay-aht Lands is considered by Executive Council under section 26, the director may require the applicant, at the applicant's expense, to provide any of the following:

(a) feasibility studies;

(b) environmental assessments;

(c) land surveys;

(d) land valuation appraisals;

(e) timber cruises;

(f) other information, studies and reports specified by the director.

(2) Any information required under subsection (1) must be prepared according to the terms of reference provided by the director.

Impact of disposition

22 (1) In addition to any requirements under section 21, the director may, before the application is considered, require an applicant under section 18 to estimate the cost to the Huu-ay-aht of the following, if the application is approved:

(a) monitoring compliance with the terms and conditions of the disposition;

(b) establishing or maintaining infrastructure related to the disposition;

(c) assessing and addressing other potential impacts related to the disposition.

(2) The director may require the applicant to

(a) pay, or

(b) post security satisfactory to the director,

for all or part of the estimated costs under subsection (1) before the application is considered or the disposition is made.

(3) Cost estimates made under this section must be prepared in accordance with terms of reference provided by the director.

(4) The director may refund to an applicant all or part of the amount paid or cancel the security posted under subsection (2).

Security

23 (1) The director may require an applicant to post security for the performance and completion by the applicant of one or more of the obligations or requirements specified under this Act.

(2) The security under subsection (1) must be payable to the Huu-ay-aht for the amount, and on the terms, required by the director.

Affidavit may be required

24 The director may require an applicant to provide proof, in the form of an affidavit or other means specified by the director, of any information connected with the application, including the applicant's financial capacity.

Report of director

25 (1) The director must prepare and deliver a report to Executive Council on each complete application under section 20 (1) (a).

(2) A report under subsection (1) must include

(a) a summary of comments on the application from

(i) Huu-ay-aht citizens,

(ii) the ḥaw̓iiḥ Council, including comments on traditional interests, and

(iii) other interested persons, and

(c) if consultation with Non-Members is required, a summary of comments received from Non-Members.

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

PART 5 – DISPOSITION OF INTERESTS IN HUU-AY-AHT LANDS

Executive Council review of application

26 (1) Within 45 days of the delivery of the director's report under section 25 (1), Executive Council must

(a) consider the application contained in the report, or

(b) decide not to consider the application contained in the report.

(2) In addition to any information obtained by the director under sections 21 and 22, Executive Council may require the applicant, at the applicant's expense, to provide further information, studies and reports satisfactory to Executive Council.

(3) Executive Council may approve an application for an interest in Huu-ay-aht Lands under section 18, after

(a) considering the information provided under subsection (2) of this section, and

(b) if required, obtaining the approval of the People's Assembly under section 27.

(4) Executive Council's approval of an application under subsection (3) may be subject to any conditions that Executive Council considers advisable.

(5) Executive Council must advise the applicant of its decision on the application as soon as practicable.

People's Assembly approval requirement

27 The approval of the People's Assembly is required for a disposition of an interest in Huu-ay-aht Lands under section 10 or 11 if

(a) the interest is in a parcel with an area greater than 10 hectares,

(b) the term of the interest, including any renewal or option to renew, exceeds 49 years in total, or

(c) the appraised fair market value of the interest exceeds $ 1 000 000.

Housing exemption

28 (1) Despite section 26, Executive Council must consider an application for a residential lease or other residential interest in Huu-ay-aht Lands under section 10 or 11 that is made in accordance with Huu-ay-aht housing legislation.

(2) Executive Council must approve the application under subsection (1) subject to any conditions Executive Council reasonably requires which are consistent with the type of disposition.

(3) Despite section 27, an application under this section does not require the approval of the People's Assembly.

Requirement for survey

29 (1) If Executive Council approves an application under section 26, the applicant must have the boundaries of the surface area of the parcel of Huu-ay-aht Lands surveyed to prescribed standards and procedures before the applicant may receive the instrument of disposition for the interest.

(2) If Executive Council has not prescribed the standards and procedures for the survey required under subsection (1), the director may specify the standards and procedures for the survey.

(3) Despite subsection (1), the director may waive the requirement for a survey if an existing survey of the parcel satisfactory to the director is deposited with the director.

Issuing instrument of disposition

30 (1) If

(a) Executive Council approves an application under this Act, and

(b) the applicant has, to the satisfaction of Executive Council,

(i) fulfilled any conditions precedent to the disposition, and

(ii) completed a survey of the parcel, if required,

Executive Council must execute the instrument of disposition for the interest in Huu-ay-aht Lands as soon as practicable.

(2) The disposition under subsection (1) must be made in the name of the applicant.

(3) The instrument of disposition is effective on the date stated in the instrument.

(4) For Registered Lands, after an instrument of disposition is executed by Executive Council,

(a) the applicant must as soon as practicable register the instrument of disposition against the indefeasible title in the land title office if

(i) Executive Council requires registration of the disposition in the land title office, or

(ii) the registration of the interest is otherwise required by law, and

(b) Executive Council must file a copy of the instrument of disposition in the Huu-ay-aht land registry.

(5) For Unregistered Lands, after an instrument of disposition is executed by Executive Council,

(a) Executive Council must file a copy of the instrument of disposition in the Huu-ay-aht land registry, and

(b) the Huu-ay-aht land registrar must record such details of the disposition as he or she considers advisable.

Disallowing a disposition

31 (1) If an application is approved under section 26 subject to a condition precedent, Executive Council may disallow the disposition if that condition precedent is not fulfilled to the satisfaction of Executive Council.

(2) If an application is approved subject to completion of a satisfactory survey, Executive Council may disallow the disposition, if

(a) the survey is not completed by the date specified by the director, or

(b) Executive Council decides the disposition is not in the best interests of the Huu-ay-aht, because of information

(i) disclosed by the survey,

(ii) reported by the British Columbia land surveyor who conducted the survey, or

(iii) received by Executive Council from another source.

(3) If Executive Council disallows a disposition under this section, Executive Council may reimburse the applicant for the applicant's costs related to fulfilling the condition precedent requirement.

PART 6 – TRANSFERRING INTERESTS IN REGISTERED LANDS

Transfer of interest in Registered Lands

32 Subject to any conditions contained in their instrument of disposition, interest holders of Registered Lands may

(a) transfer all or part of their interest to another person or entity, or

(b) mortgage their interest.

PART 7 – TEMPORARY INTERESTS IN HUU-AY-AHT LANDS

Definition

33 In this Part, **"temporary interest"** means an interest in Huu-ay-aht Lands where

(a) the parcel is not more than 2 hectares, and

(b) the period of time of the interest, including any renewal or option to renew, does not exceed 6 months in total.

Director may grant temporary interests

34 (1) Subject to this Act, the director may dispose of the following temporary interests:

(a) a right of way;

(b) an easement;

(c) a licence of occupation;

(d) a prescribed temporary access and use permit;

(e) a prescribed forestry, agricultural or other natural resource tenure;

(f) a prescribed resource harvesting permit.

(2) The director may only dispose of interests under subsection (1) to

(a) eligible persons or entities under section 17,

(b) categories of persons or entities approved by Executive Council, or

(c) a person or entity approved by Executive Council.

(3) The disposition of a temporary interest may only be made if it does not adversely affect Huu-ay-aht interests.

(4) A disposition of a temporary interest that contravenes this section is void.

Application for temporary interest

35 (1) An application for a temporary interest under this Part must

(a) be made in the prescribed form,

(b) include the prescribed fee, and

(c) be delivered to the director.

(2) Nothing in this Act requires the director to approve an application for a temporary interest.

(3) The director may refer an application for a temporary interest to Executive Council for its review and approval.

(4) An applicant does not obtain a temporary interest, or priority to acquire a temporary interest, by making an application under this Part.

Review of application

36 (1) After receiving an application under section 35, the director must promptly deliver a written acknowledgement of its receipt to the applicant.

(2) As soon as practicable, the director must review the application and deliver a written acknowledgment to the applicant that the application

(a) is complete,

(b) is incomplete and will not be reviewed further until specified information is provided, or

(c) will not be considered because

(i) the applicant is ineligible under section 17 to hold a temporary interest,

(ii) the parcel of Huu-ay-aht Lands is withdrawn from disposition under section 16, or

(iii) disposition of the temporary interest adversely affects Huu-ay-aht interests.

(3) The applicant is responsible for submitting a complete application.

Determination of application

37 (1) Within 14 days of receiving a complete application for a temporary interest, the director must consider the application and determine whether to grant the temporary interest.

(2) The director may require, at the applicant's expense, any studies related to the temporary interest that the director considers advisable.

(3) The director may approve an application for a temporary interest under section 34 subject to any conditions that the director considers advisable.

Issuing disposition of temporary interest

38 If the director approves an application under section 37 and all conditions precedent to execution of the disposition have been fulfilled to the director's satisfaction, the director must execute the instrument of disposition for the temporary interest as soon as practicable.

Acquisition of temporary interest

39 A disposition under section 38 is not binding on the Huu-ay-aht until the instrument of disposition is executed in accordance with this Act.

Notice of temporary interest disposition

40 The director

(a) must file a copy of the instrument of disposition for the temporary interest in the Huu-ay-aht land registry,

(b) must prepare and deliver a report to Executive Council on the disposition of any temporary interests, and

(c) may give public notice of an instrument of disposition for a temporary interest.

PART 8 – EXPROPRIATION OF INTERESTS IN TREATY LANDS

Definitions

41 In this Part:

"expropriation" means a taking or partial taking of an interest in a parcel of Treaty Lands, whether granted under this Act or otherwise, in accordance with this Part;

"interest holder", in this Part, means an interest holder who is

(a) a person or entity who has an interest or right in or to the parcel, including a person who holds a subsisting judgment or builder's lien,

(b) a committee appointed under the *Patients Property Act* (British Columbia) and a guardian, executor, administrator or trustee in whom the interest is vested, or

(c) a person or entity who is in legal possession or occupation of the parcel, other than a person who leases residential premises under an agreement that has a term of less than one year.

Expropriation

42 (1) Except for an interest that is exempt from expropriation under the Treaty, Executive Council may, subject to this Part, expropriate an interest granted in Treaty Lands.

(2) An expropriation must be

(a) of the smallest interest necessary,

(b) for the use of

(i) the Huu-ay-aht,

(ii) a Huu-ay-aht public body,

(iii) a Huu-ay-aht business enterprise, or

(iv) an agent of the Huu-ay-aht,

(c) as determined by Executive Council, in the best interests of the Huu-ay-aht, or necessary for Huu-ay-aht public purposes, including community purposes for public works, and

(d) initiated by a resolution of Executive Council.

Good faith negotiations

43 Before an interest in Treaty Lands may be expropriated, Executive Council must make a reasonable effort in good faith to acquire the interest by agreement with the interest holder.

Public report on expropriation

44 Executive Council must publish a report setting out the reasons for the expropriation before initiating an expropriation.

Notice of expropriation

45 As soon as practicable after Executive Council initiates an expropriation, Executive Council must

(a) deliver notice to the interest holder of the interest to be expropriated, and

(b) file a prescribed notice of the proposed expropriation in the Huu-ay-aht land registry.

Fair compensation to be provided

46 (1) Before expropriating an interest, or any part of it, under this Part, Executive Council must provide fair compensation to each affected interest holder, based on

(a) the market value of the parcel that comprises the interest,

(b) the replacement value of any improvement on the parcel,

(c) disturbance caused by the expropriation, including moving, legal and survey costs, and

(d) other prescribed factors.

(2) A qualified land appraiser

(a) appointed by agreement between Executive Council and the interest holder, or

(b) appointed by Executive Council if there is no agreement under paragraph (a) within 30 days of the date of the expropriation,

must determine the amount of fair compensation under subsection (1) to be provided to each interest holder under the proposed expropriation.

(3) After receiving the calculation of fair compensation from a qualified land appraiser under subsection (2), Executive Council may elect not to proceed with the expropriation by

(a) filing a notice of abandonment in the prescribed form in the Huu-ay-aht land registry, and

(b) delivering a notice of abandonment to each affected interest holder.

(4) If Executive Council pays each affected interest holder the amount determined under subsection (2) relative to each interest holder's interest in the parcel, Executive Council may file the prescribed documents to vest the expropriated interest in the name of the Huu-ay-aht as follows:

(a) for Unregistered Lands, in the Huu-ay-aht land registry;

(b) for Registered Lands, in the land title office and the Huu-ay-aht land registry.

PART 9 – HUU-AY-AHT LAND REGISTRY

Huu-ay-aht land registrar

47 (1) The Executive Director must designate a Huu-ay-aht employee or contractor as the Huu-ay-aht land registrar for the purposes of this Act.

(2) The Huu-ay-aht land registrar is responsible for the security and maintenance of the Huu-ay-aht land registry.

Huu-ay-aht land registry

48 (1) The Huu-ay-aht land registry is established for the purpose of maintaining an inventory of Huu-ay-aht Lands.

(2) The Huu-ay-aht land registrar must record in the Huu-ay-aht land registry

(a) a description of all Huu-ay-aht Lands,

(b) applications for dispositions under this Act,

(c) all dispositions of Unregistered Lands made under this Act, and

(d) other information the Huu-ay-aht land registrar considers advisable.

(3) The Huu-ay-aht land registrar must make every reasonable effort to ensure copies of any instrument of disposition issued under this Act are filed in the Huu-ay-aht land registry.

(4) Executive Council may, by regulation, set procedures, rules, information to be recorded and other requirements for the Huu-ay-aht land registry.

(5) Executive Council must advise the Huu-ay-aht land registrar of any acquisition of Huu-ay-aht Lands.

(6) A person may examine and inspect records contained in the Huu-ay-aht land registry during regular business hours

(a) after completing the application form specified by the Huu-ay-aht land registrar, and

(b) subject to any conditions established by the Huu-ay-aht land registrar.

Limitation of liability

49 The Huu-ay-aht make no representation as to the accuracy or completeness of records in the Huu-ay-aht land registry and a person may not recover from the Huu-ay-aht or any public officer any loss or damage that the person suffers by reliance on the Huu-ay-aht land registry or records in the Huu-ay-aht land registry.

PART 10 – PUBLIC ORDER, PEACE AND SAFETY

Treaty Lands prohibition

50 (1) A person must not do anything that constitutes, or may constitute, a nuisance, a trespass, a danger to public health or a threat to public order, peace or safety on Treaty Lands.

(2) Without limiting subsection (1), a person must not, without lawful authority under Huu-ay-aht law, do any of the following:

(a) occupy, possess or use Treaty Lands;

(b) damage Treaty Lands or improvements on Treaty Lands;

(c) harvest, extract or damage natural resources, forest resources, mineral resources, migratory birds or other wildlife on Treaty Lands;

(d) interfere with the lawfully authorized use, occupation or possession of Treaty Lands;

(e) excavate Treaty Lands;

(f) construct a building, structure, enclosure or other works on Treaty Lands;

(g) throw, deposit or in any way cause to be placed on Treaty Lands any glass, metal, garbage, soil or other material;

(h) abandon any vehicle or vessel on Treaty Lands;

(i) interfere with or remove a sign erected by, on behalf of or with the authority of the Huu-ay-aht on Treaty Lands;

(j) use a designated area of Treaty Lands contrary to Huu-ay-aht law.

PART 11 – OFFENCES AND PENALTIES

Penalties for contravention

51 (1) A peace officer or the director may issue one or both of the following to a person who has contravened section 50:

(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*.

(2) A ticket issued under subsection (1) may be for a fine

(a) in an amount prescribed for the contravention, or

(b) where no amount is prescribed for the contravention, an amount specified by the director up to $ 5 000.

(3) A compliance notice issued under subsection (1) may require a person to do one or more of the following:

(a) cease a trespass or unauthorized activity on Treaty Lands;

(b) restore Treaty Lands to a condition satisfactory to the director if the Treaty Lands on which a trespass or unauthorized activity occurred have been affected by the person's trespass or unauthorized activity;

(c) require the person to remove any improvements on the Treaty Lands made by or on behalf of the person in contravention of section 50;

(d) pay the Huu-ay-aht a sum of money considered by the director to be reasonable compensation for the possession, occupation or use of Treaty Lands in contravention of section 50;

(e) take other prescribed actions or make other prescribed payments.

(4) A compliance notice issued under subsection (1) may

(a) specify a time for compliance including a time by which

(i) Treaty Lands must be restored under subsection (3) (b), or

(ii) any improvements on Treaty Lands must be removed under subsection (3) (c).

(b) require that matters under subparagraph (i) and (ii) be done to the satisfaction of the director.

(5) If subsection (4) applies, the director must set out the specific requirements in the compliance notice.

(6) The compensation required by the director under subsection (3) (d) may exceed the value of any resources harvested, extracted or damaged contrary to section 50.

Seizing assets or improvements

52 Without restricting the powers of Executive Council to enforce compliance notices under the *Offence and Law Enforcement Act,* the director may seize on behalf of the Huu-ay-aht any goods, chattels, improvements or other materials left on Treaty Lands by a person who contravenes section 50.

Seized improvements, goods or other materials

53 (1) Any goods, chattels, improvements or other materials seized under section 52 become the property of the Huu-ay-aht.

(2) The director may do one or both of the following:

(a) authorize the goods, chattels, improvements or other materials seized to be sold, leased or destroyed;

(b) require a person who contravenes section 50 to pay all or part of the cost of removing the goods, chattels, improvements or other materials under section 52.

Liability for prohibited activities

54 A person who does, or causes another person to do, anything described in section 50 is liable for loss and damages suffered by the Huu-ay-aht or any other person as a result of that activity.

Offence

55 A person who fails to comply with a compliance notice issued under section 51 commits an offence subject to proceedings under Division 4 of Part 3 of the *Offence and Law Enforcement Act.*

PART 12 – GENERAL

Right of entry

56 (1) In this section, an "**authorized person**" includes the director, a peace officer and a person authorized in writing by the director.

(2) For any purpose related to the administration of this Act or the regulations, an authorized person may, at reasonable times, enter on any Huu-ay-aht Lands or premises on those lands.

(3) The authorized person under subsection (1) must carry identification in the prescribed form, and if requested, present the identification to the interest holder or occupant of the Huu-ay-aht Lands or premises on those lands.

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

(a) the occupier consents;

(b) the authorized person 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 person 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 person 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 person has authority under this or another Act to regulate, prohibit and impose requirements.

Entry warrants for private dwelling

57 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.

Power to make regulations

58 (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 as follows:

(a) prescribing forestry, agricultural or other natural resources tenure;

(b) prescribing an interest in Huu-ay-aht Lands;

(c) prescribing eligible persons, entities and categories of persons under section 17;

(d) prescribing standards for surveys required under section 29 (1);

(e) respecting temporary access and use permits and resource harvesting permits;

(f) prescribing factors relevant to assessments of fair compensation under section 46 (1);

(g) respecting the practice, procedure or any other similar matters, that Executive Council considers necessary or advisable for the better carrying out of Part 8;

(h) respecting required actions to be taken and payments to be made under section 51 (2);

(i) specifying the form of identification to be carried under section 56 (3);

(j) prescribing the forms for certificate of transfer, instrument of disposition and other documents required under this Act;

(k) providing for the issuance of tickets, compliance notices or both for the contravention of any regulation under this Act;

(l) designating as an offence the breach of any regulation under this Act;

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

(3) Executive Council may, by regulation, prescribe forms used and fees payable under this Act.

No further effect

59 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.

Amendments to this Act

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

Signatories on Effective Date

61 (1) The Chief Councillor, a Councillor, the taayii ḥaẇiɬ, the Executive Director or the director is authorized on behalf of the Huu-ay-aht, on Effective Date, to

(a) perform all acts, duties, functions and obligations of the Huu-ay-aht set out in the Treaty under Chapter 2 [*Lands*], Chapter 3 [*Land Title*] and Appendices E, L, and M,

(b) for greater certainty, execute any instruments and other documents relating to the subject matter set out in the Treaty under Appendices E, L and M,

(c) perform all the duties, functions and obligations of the Huu-ay-aht being performed on Effective Date under this Act and the *Community Planning and Development Act*,

(d) for greater certainty, execute any instruments and other documents required to be executed on Effective Date related to this Act and the *Community Planning and Development Act*, and

(e) appoint an approving officer for Treaty Lands for the purposes of

(i) the *Land Title Act* (British Columbia),

(ii) the *Community Planning and Development Act*, and

(iii) any other laws applicable to Treaty Lands that require an approving officer.

(2) Legal counsel designated in writing by the Chief Councillor is authorized to make any changes necessary to correct errors or omissions and to facilitate registration of documents filed or to be filed in the land title office on Effective Date.

HFNA 3/2026, s. 4 (5)(c).

Commencement

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