huu ay aht

ANCIENT SPIRIT, MODERN MIND

RESIDENTIAL LEASE REGULATION

OFFICIAL CONSOLIDATION
Current to May 14, 2026

Provisions of the Financial Administration Act*, HFNA 7/2011, relevant to the enactment of this regulation: section 83.*

REGISTRY OF LAWS CERTIFICATION

I certify that the *Residential Lease Regulation* was passed by Executive Council on:

March 30, 2012

Chief Councillor Jeff Cook

I certify that the *Residential Lease Regulation* is enacted as law on:

March 30, 2012

Ta'yii Hawilth Derek Peters

I certify that the *Residential Lease Regulation* came into force on:

March 30, 2012

Law Clerk Connie Waddell

REGISTRY OF LAWS CERTIFICATION

Certified True Copy

I certify that the *Residential Lease Amendment Regulation, 2013* was passed by Executive Council on:

Mar 28/2013

Chief Councillor Jeff Cook

I certify that the *Residential Lease Amendment Regulation, 2013* is enacted as law on:

Mar 28/2013

Ta'yii Hawilth Derek Peters

I certify that the *Residential Lease Amendment Regulation, 2013* came into force on:

Mar 28/2013

Law Clerk Connie Waddell

pp1

REGISTRY OF LAWS CERTIFICATION

I certify that the *Residential Lease Regulation Amendment Regulation, 2015* was passed by Executive Council on:

March 2, 2015

Chief Councillor, Jeff Cook

I certify that the *Residential Lease Regulation Amendment Regulation, 2015* is enacted as law on:

March 2, 2015

Ta'yii Hawilth, Derek Peters

I certify that the *Residential Lease Regulation Amendment Regulation, 2015* came into force on:

March 2, 2015

Deputy Law Clerk, Deborah Smith

REGISTRY OF LAWS CERTIFICATION

I certify that the *Residential Lease Regulation Amendment Regulation, 2020* was passed by Executive Council on:

October 8,2020

Chief Councillor, Robert Dennis

I certify that the *Residential Lease Regulation Amendment Regulation, 2020* is enacted as law on:

October 8,2020

Ta'yii Hawilth, Derek Peters

I certify that the *Residential Lease Regulation Amendment Regulation, 2020* came into force on:

October 8,2020

Coraleah Bauer, Law Clerk

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

RESIDENTIAL LEASE REGULATION

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Purpose

1 The purpose of this regulation is to establish a fair and effective system for the disposition of residential leases and other residential interests in Huu-ay-aht Lands.

Definitions

2 In this regulation:

"Act" means the *Land Act*;

"committee" means Citizen Development Committee;

"director" means the Director of Lands and Natural Resources;

"eligible person" means a person or entity eligible under section 4 to apply for a residential lease or other residential interest;

"other residential interest" means a residential interest other than a residential lease;

"residential interest" means an interest in Huu-ay-aht Lands for residential purposes under section 10 or 11 of the Act;

"residential lease" means a lease interest in Huu-ay-aht Lands for residential purposes;

"residential lease holder" means an eligible person who holds a residential lease on Huu-ay-aht Lands;

"residential lot" means a lot set out in a residential lot plan;

"residential lot plan" means a residential lot plan under section 19;

"tribunal" means the Huu-ay-aht Tribunal.

Restriction

3 A residential interest in Huu-ay-aht Lands may only be acquired in accordance with this regulation.

Eligibility for residential interests

4 The following are eligible to apply for a residential interest in Huu-ay-aht Lands:

(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 Huu-ay-aht citizen who is under 19 years of age, or

(ii) an adult under paragraph (a) whose affairs the person or entity has the legal authority to manage;

(c) other persons or entities specified by Executive Council.

Limitation

5 Despite section 4, Executive Council may do any of the following:

(a) prohibit

(i) a category of eligible persons from applying for more than one residential lease under section 6, or

(ii) residential lease holders or a category of residential lease holders from applying for another residential lease under section 6;

(b) specify each lot available in a residential lot plan for which a category of eligible persons may apply under section 6.

Residential lease application

6 (1) An eligible person may apply for a residential lease by delivering an application in the form specified by the director on or before February 28 in the year following Executive Council's approval of a residential lot plan.

(2) An application under subsection (1) must

(a) specify each lot available in the approved residential lot plan for which the applicant wishes to apply for a residential lease,

(b) include proof in affidavit form satisfactory to the director that the applicant

(i) has the financial capacity to fulfill the terms of a residential lease, including residential construction, and

(ii) is prepared to execute a residential lease for the lot or lots and comply with the lease terms, and

(c) include any other information that the director believes advisable in an application for a residential lease.

(3) An application under this section must be accompanied by

(i) a non-refundable fee of $500, and

(ii) a down payment in an amount determined by the director for the rent payable on the residential lease.

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

Residential leases of designated properties

6.1 (1) In this section:

"**designated occupant**" means an occupant designated by Executive Council under subsection (2) as eligible to apply for a lease of a designated property and may refer to more than one occupant where more than one (1) occupant is designated in respect of a single designated property.

"**designated property**" means a property designated by Executive Council under subsection (2).

(2) Executive Council may designate a property as available for disposition to an occupant and may designate an occupant as eligible to apply for a lease of that property if the following conditions are met:

(a) The occupant is an eligible person;

(b) The property has been occupied by the occupant for at least three (3) years under a rental agreement between the occupant and the Huu-ay-aht;

(c) The property was the subject of a mortgage from Canada Housing and Mortgage Corporation that was granted prior to April 1, 2011; and

(d) The mortgage has been paid in full.

(3) Where all of the requirements of subsection (2) are met in respect of more than one occupant of a property, Executive Council will designate all occupants meeting the requirements as eligible to apply for a lease of that property under subsection (2).

(4) A designated occupant may apply for a residential lease of a designated property by delivering an application in the form specified by the director within six (6) months following a resolution by Executive Council under subsection (2).

(5) An application under subsection (4) must

(a) specify the designated property in respect of which the application is made,

(b) include proof in affidavit form satisfactory to the director that the applicant

(i) has the financial capacity to fulfill the terms of a residential lease, and

(ii) is prepared to execute a residential lease for the property and comply with the lease terms, and

(c) include any other information that the director believes advisable in an application for a residential lease.

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

(7) As soon as practicable, the director must review an application under this section 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 the application is not made by a designated occupant is respect of a designated property.

(8) As soon as practicable after receipt of a complete application under this section the director must provide to Executive Council the application for residential lease.

(9) As soon as practicable following receipt of a completed application from the director, Executive Council must approve the residential lease application provided by the director under subsection (8) and grant a residential lease to the applicant in accordance with section 28 of the Act.

HFNR 4/2020, s. 1 (a).

Other residential interest application

7 (1) An eligible person may apply for other residential interests by delivering the following to the director:

(a) an application in the form specified by the director;

(b) a non-refundable fee of $50;

(c) a down payment, in an amount determined by the director, for any rent or fee payable for the other residential interest;

(d) other information that the director believes advisable in an application for the other residential interest.

(2) The eligible person is responsible for submitting a complete application.

Effect of application

8 An eligible person does not obtain a residential interest in Huu-ay-aht Lands or priority to acquire a residential interest in Huu-ay-aht Lands by making an application under section 6 or 7.

Director acknowledgement of application

9 (1) After receiving an application under section 6 or 7, 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 not an eligible person,

(ii) the applicant is ineligible under section 5 (a),

(iii) the residential lot is not an available lot under section 5 (b), or

(iv) the interest in Huu-ay-aht Lands has been withdrawn from disposition.

Disposition of complete applications

10 (1) By March 31 of each year, the director must provide the Speaker with any complete applications for residential leases.

(2) Parts 4 and 5 of the Act apply to the disposal of complete applications for other residential interests.

HFNR 4/2020, s. 1 (b).

Allocating residential leases

11 (1) In this section and section 12, **"Speaker"** means the Speaker appointed under section 39 of the *Government Act* or the acting Speaker appointed under section 41 of the *Government Act*.

(2) By April 30 of each year, the Speaker must review applications for residential leases received from the director.

(3) The Speaker must recommend Executive Council grant a residential lease to a qualified applicant if the applicant is the only applicant for a specified residential lot.

(4) If more than one residential lease application is made for a specified residential lot,

(a) a member of the Huu-ay-aht Council designated by the Chief Councillor must place the names of the qualified applicants on separate pieces of paper of uniform size and shape in a receptacle that ensures the pieces of paper cannot be seen when a draw is made,

(b) the Speaker, in the presence of at least 2 trusted and respected Huu-ay-aht citizens designated by the Chief Councillor, must draw one piece of paper from the receptacle, and

(c) the Speaker must recommend that Executive Council grant the residential lease for the specified residential lot to the applicant whose name appears on the paper drawn under paragraph (b).

(5) If no application is made for a specified residential lot, the Speaker must offer qualified applicants who were not recommended for a lot under subsection (4) an opportunity to apply for the residential lot.

(6) The Speaker must follow the process set out in subsections (3) and (4) for recommending an applicant for a specified residential lot under subsection (5).

(7) If no applications are made for a specified residential lot under subsection (5), Executive Council may

(a) restart the application process under section 6 with a new deadline for residential lease applications,

(b) make the specified residential lot available in a residential lot plan in another year, or

(c) withdraw the specified residential lot from a residential lot plan.

(8) The Speaker may make rules the Speaker considers appropriate to ensure the fairness and effectiveness of selecting residential lease applicants for recommendation to Executive Council.

HFNR 3/2015, s. 1 (a)-(d).

Granting residential lease

12 As soon as practicable, Executive Council must approve the residential lease application recommended by the Speaker and grant a residential lease to the applicant in accordance with section 28 of the Act.

HFNR 3/2015, s. 1(e).

Refund

13 If a residential interest is not granted to an applicant, the director must refund the down payment made by the applicant under section 6 or 7.

Residential lease application fee waiver

14 If an applicant for a residential lease is not granted a residential lease, the director may apply the applicant's fee to another residential lease application made by that applicant.

Form and content of residential lease

15 Executive Council may establish the form and content of a residential lease and may vary the form and content of a residential lease for

(a) different categories of eligible persons, or

(b) different lots in a residential lot plan.

Director may sign

16 If an application for a residential interest is approved under section 6.1 (1) or 12, the director may sign on behalf of the Huu-ay-aht for the grant of the residential interest.

HFNR 4/2020, s. 1 (c).

Residential lease cycle

17 The following timetable sets out the tasks for completion before a residential lease may be granted:

TIME REQUIRED	RESIDENTIAL LEASING CYCLE TASKS		SECTION
September 30	Lot plan	Committee develops or amends a residential lot plan for recommendation to Executive Council	18
November 30	Lot plan	Executive Council approves a residential lot plan	19
January 1	Application process notice	Director gives public notice of application process for residential leases	20
February 28	Application deadline	Completed residential lease applications received by director	6
March 31	Applications processed	Director forwards complete applications to chair of tribunal	10
April 30	Lot allocation	Lots allocated to applicants by chair of tribunal	11
After April 30	Residential lease granted	Residential leases granted	12

Residential lot plan recommended by committee

18 (1) By September 30 of each year, the committee must recommend a residential lot plan to Executive Council.

(2) Before providing Executive Council with the residential lot plan under subsection (1), the committee must consult with

(a) the Finance Committee on the financial implications of the plan,

(b) the Lands and Natural Resources Committee on the land management implications of the plan,

(c) the ḥaẇiiḥ Council, and

(d) Huu-ay-aht citizens on their housing needs on Huu-ay-aht Lands.

(3) The following must be set out for each residential zone in the residential lot plan:

(a) the number of residential lots available for leasing by April 30 in the following year;

(b) the location of the residential lots under paragraph (a);

(c) an estimate of government infrastructure and ongoing operating expenditures incurred or to be incurred, by location in the residential lot plan, for the creation of the residential lots;

(d) committee recommendations on

(i) options for recovering government expenditures under paragraph (c) from residential lot lease holders;

(ii) terms and conditions for the residential leases including the length of the term and the rent payable under the leases;

(iii) social and market rental housing units including

(A) the number of units by residential lot location, and

(B) the development of any required infrastructure to support such housing;

(e) other information that will assist Executive Council in its deliberations;

(f) any other recommendations of the committee.

HFNR 2/2026, s. 1 (1)(e).

Residential lot plan approval by Executive Council

19 By November 30 of each year, Executive Council must consider the residential lot plan recommended by the committee, and

(a) approve a plan setting out the residential lots which will be made available for residential leases by April 30 the following year,

(b) specify the rent to be paid and the term of the lease for each lot to be made available under the approved plan,

(c) specify other residential lease terms under section 15,

(d) give public notice of the plan as soon as practicable after it is approved, and

(e) provide any other direction Executive Council considers advisable.

Public notice of residential lots

20 By January 1 in the year a residential lot is available for disposition, the director must

give public notice of the application process for residential leases.

Committee report

21 By April 1, 2014, the committee must provide Executive Council with a report on the operation of this regulation including the following:

(a) an assessment of whether the process established under this regulation is a fair and effective system for the disposition of residential leases and other residential interests in Huu-ay-aht Lands;

(b) any recommended amendments to this regulation or other related Huu-ay-aht legislation;

(c) any other recommendations to facilitate achievement of the purposes of this regulation.

Transitional – existing residential use exception

22 (1) In this section:

"eligible person" means an eligible person who is the undisputed user or occupier of an existing residential use;

"existing residential use" means a residential use or occupation of a parcel on Treaty Lands that existed on April 1, 2011.

(2) An eligible person may notify Executive Council in writing by January 31, 2013 that he or she wishes to obtain a residential lease for an existing residential use or in substitution for an existing residential lease.

(3) Despite the provisions of this regulation, Executive Council may grant a residential lease and other related residential interests to an eligible person in subsection (2).

(4) Executive Council or the director must specify the form and content of a residential lease and other residential interests for an existing residential use by January 31, 2013.

(5) An eligible person must execute a residential lease and related residential interests under subsection (4) by March 31, 2013.

(6) The director may sign a residential lease and related residential interests on behalf of the Huu-ay-aht.

(7) Executive Council must register an executed residential lease and related residential interests granted under this section by March 31, 2013.

(8) After March 31, 2013,

(a) Executive Council may designate a parcel with an existing residential use as part of a residential lot plan, and

(b) an eligible person has no priority to acquire a residential interest in Treaty Lands.

HFNR 9/2013, s. 1

Validity of disposition of existing interests

23 Each disposition made under section 22 is

(a) of the same force and effect as if it had been made in the manner and form provided for in this regulation, the *Land Act*, the Treaty or under Huu-ay-aht law, as applicable, authorizing the disposition,

(b) valid despite not fulfilling requirements in this regulation, the *Land Act* and other Huu-ay-aht law, as applicable, to authorize the disposition, and

(c) effective on the date specified in the instrument of disposition or otherwise by law.