HUU-AY-AHT FIRST NATIONS

RESIDENTIAL LEASE AMENDMENT REGULATION

DRAFT NO. 1 – JANUARY 21, 2013

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

REGISTRY OF LAWS CERTIFICATION

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

_____

_____
Chief Councillor Jeff Cook

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

_____

_____
Ta'yii Hawilth Derek Peters

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

_____

_____
Law Clerk Connie Waddell

RESIDENTIAL LEASE AMENDMENT REGULATION

Existing residential use exception extended

1 Section 22 of the *Residential Lease Regulation*, HFNR ___/2012 is amended as follows:

(a) Subsections (2) to (5) are repealed and substituted by the following:

(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 interest under subsection (4) by February 28, 2013;

(b) Subsection (7) and (8) are repealed and substituted by the following:

(7) Executive Council must register an executed residential lease and related residential interest 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.

Commencement

2 (1) Section 1 is deemed to have been continuously in force from March 30, 2012.

(2) Subsection (1) is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

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RESIDENTIAL LEASE REGULATION, HFNR____/ 2012 **LIST OF AMENDMENTS**		
Section	**Amending provision**	**In force**
22	*Residential Lease Amendment Regulation*, HFNR____/2013, s.1	Retroactive to March 30, 2012

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Transitional – existing residential use exception

Note - Changes are highlighted for reference purposes only. This section will not be included in the regulation when passed.

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 the eligible person 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 related residential interests for an existing residential use by January 31, 2013.

(5) An eligible person must execute a residential lease and related residential interest under subsection (4) by February 28, 2013.

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

(7) Executive Council must register an executed residential lease and related residential interest 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.

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