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June 27, 2005

Your file - Votre référence

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Our file - Notre référence

E4216-654

1-35 pgs.
x6

Chief and Council
Tsawout First Nation
7725 TETAYUT RD
SAANICHTON BC V8M 2C3

Dear Chief and Council:

RE: Tsawout First Nation Sanitary Sewer System By-law No. Sew 2005-01

Please find enclosed the original and three certified true copies of the following by-law:

- **Tsawout First Nation By-law No. Sew 2005-01**

We have kept copies of the originals on our file should you require additional copies certified pursuant to section 86 Indian Act in the future.

If you have any questions, please call me at 604-666-5305.

Yours truly,


Jean-Émile Dufault
Band Governance Officer & Indian Monies Officer
Lands and Trust Services
BC Region
600 - 1138 MELVILLE ST
VANCOUVER BC V6E 4S3
TEL: 604-666-5305
FAX: 604-666-2670

Canada

COPY

CERTIFICATION

**Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto,
I certify that the attached copy of the Tsawout First Nation By-law
No. Sew 2005-01 dated May 11, 2005 is a true copy of the said by-law.**



**Joanne Wilkinson, Associate Director
Lands and Trust Services,
a Superintendent as defined in
Section 2(1) Indian Act RSC 1985**



COPY

JUN 22 2005

Your file - Votre référence

Our file - Notre référence
E4216-654

Chief and Council
Tsawout First Nation
7725 Tetayut Rd.
SAANICHTON BC
V8M 2C3

Dear Chief and Council:

TSAWOUT FIRST NATION SANITARY SEWER SYSTEM
BY-LAW NO. SEW 2005-01

We wish to inform you that the above-captioned by-law will come into force on **June 22, 2005** pursuant to section 82 of the *Indian Act*. We have reviewed the by-law and would like to provide you with comments and recommendations for your consideration.

Subsection 2.2 states that "Sewer Services may also be provided by Tsawout to or for areas outside the Reserve". Section 81 by-laws are only applicable within the geographic area set aside as "reserves". Section 2(1) of the *Act* defines the term "reserve". Therefore, please note that the provisions of the present by-law are not enforceable outside a reserve's boundaries.

Subsections 7.5, 7.6 and 7.8 prescribe the imposition of a percentage of an amount owing in user fees. While this may be construed as a form of penalty, it is arguable whether a court would view this remedial mechanism as reasonably ancillary to the legislative powers of the Council (see paragraph 81(1)(q) of the *Indian Act*) or instead, deem this to be a form of penalty falling outside the scope of paragraph 81(1)r) of the *Indian Act*. Paragraph 81(1)r) prescribes the range of available penalties for an offence under a section 81 by-law. The latter view presupposes that since by-laws made pursuant to the *Act* constitute delegated legislation, they must conform with the statute from which they derive and thus would have to conform to paragraph 81(1)r).

Subsection 8.7 of the Sanitary Sewer System By-law gives Council power to give direction to the administrator in regard to enforcement. We note that section 3 provides for the appointment of an administrator for the purpose of

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administering and enforcing the by-law. It is our view as a matter of governance and law-making that as legislators, the Chief and Council of a Band should refrain from exercising enforcement functions, albeit indirectly, and particularly where these are entrusted in an individual or entity. In addition, it is arguable whether a court may determine that there is no authority for subsection 8.7 since Band Council Resolutions have no express legislative power to compel actions they prescribe. Therefore, we encourage you to review this aspect of the by-law with an independent legal counsel.

Paragraphs 5.2(d), (f) and subsection 15.6 make reference to a *Sewer Source Control Bylaw* and make these provisions subject to that by-law. However, we note that according to our records there is no such by-law in force at this time. We would appreciate any clarification in regards to these provisions.

Conclusion

Please note that the coming into force of your by-law, pursuant to section 82 of the *Act*, is not an expression of opinion by the Minister or a ruling by the Department of Indian Affairs and Northern Development (DIAND) that the by-law is valid. Only a court of law has the power to determine the validity of a law.

Please retain at least one original by-law for your records and provide your local law enforcement agency, judge or magistrate with a copy of these by-laws. In order to provide assurance to these agencies that this by-law has been properly enacted according to the statutory requirements (in particular section 82 of the *Act*), it may be useful to provide them with a copy of this letter stating the coming into force date, along with a certified true copy of the by-law. The original by-law submitted to our office will be sent to you through the DIAND regional office in order to produce certified true copies, as described in section 86 of the *Act*. These will be sent to you shortly.

Finally, by-laws made under the *Act* are subject to the *Statutory Instruments Act*. As such, no person may be convicted of an offence for contravening an unpublished by-law unless the Band Council proves that the by-law is exempted from publication in the Canada Gazette and that reasonable steps were taken to bring the by-law to the attention of persons who may be affected by it. An individual has the right to inspect and obtain copies of by-laws.

Although not a requirement, we recommend that First Nations submit their by-laws to our office in draft form prior to enactment whenever possible. An initial review of the draft of a proposed by-law gives First Nations an opportunity to discuss it and also assists in avoiding any major difficulties prior to enactment.

If you wish to discuss this matter or require further information you may reach me at (819) 994-6735 or, Philippe Ethier, By-Law Advisor, at (819) 997-6450.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Aubin', written in a cursive style.

Christine Aubin
A/Director
Band Governance

c.c.: Merle Marchessault, Manager, GCD

**TSAWOUT FIRST NATION
SANITARY SEWER SYSTEM BYLAW
BYLAW NO. SEW 2005-01**

**A BYLAW RESPECTING THE OPERATION AND USE OF THE SANITARY SEWER SYSTEM
FOR THE TSAWOUT FIRST NATION**

WHEREAS:

The Tsawout Council deems it advisable, necessary, expedient and in the best interests of Tsawout and all residents and occupants of the Reserve to establish a bylaw concerning the operation and use of the Sanitary Sewer System.

The Tsawout Council is providing a system for the collection, conveyance, treatment and disposal of sewage on the Reserve.

The Tsawout Council has determined that it is necessary to impose fees related to both maintaining and operating the Sanitary Sewer System on the Reserve, including fees for sewer connection and sewer services.

The Tsawout Council may regulate an on-reserve Sanitary Sewer System pursuant to section 81 of the *Indian Act*.

NOW THEREFORE the Tsawout Council enacts as a bylaw the following:

SHORT TITLE:

This Bylaw may be cited as the Sewer System Bylaw.

1.0 DEFINITIONS

1.1 In this Bylaw, including the recitals, unless the context otherwise requires:

- (a) **“Action”** means any demand, claim, cause of action, action, suit or proceeding whatsoever, whether brought in court proceedings, arbitration proceeding or otherwise;
- (b) **“Administrator”** means the Person appointed by the Tsawout Council to administer the Sewer System and the Sewer Source Control Bylaws;

- (c) **"Applicant"** means any Person, including an agent or employee, who has made or is required to make an Application for Sewer Connection or a disconnection of Sewer Services, pursuant to sections 4.1 or 7.1 respectively of this Bylaw;
- (d) **"Application for Sewer Connection "** means the application required by sections 4.1 and 4.2 or section 7.1, in the form attached as Schedule "A";
- (e) **"Band Council Resolution"** means a motion as recorded in the minutes of the meeting, passed and approved at a duly convened meeting of the Tsawout Council pursuant to the consent of a majority of the quorum present at that meeting;
- (f) **"Basic Rate"** means the amount designated in Schedule "C" to this Bylaw as the Sewer User Rate;
- (g) **"Billing Date"** means the date of the invoice sent by the Administrator to the Customer;
- (h) **"Billing Period"** means each four consecutive calendar months in a calendar year;
- (i) **"Building Sewer"** means a pipe that is connected to a building drain one (1) meter outside a wall of a building and that leads to a Sewer Connection, or in the case of a Private Development means any Sewer within the development that leads to a Sewer Connection;
- (j) **"Bylaw"** means this or any other bylaw lawfully enacted by the Council;
- (k) **"Cost"** means all costs incurred by or for the Tsawout Council, including the amount expended by the Council for gross wages and salaries, employee benefits, administrative costs, professional fees, materials and equipment rentals at rates paid or set by the Tsawout Council for its own equipment, or at cost, and any other costs or expenditures;
- (l) **"Customer"** means:
 - (i) any Applicant who has or is required by this Bylaw to obtain a Sewer Connection Permit and is receiving Sewer Services;
 - (ii) the owner, developer, community or strata-like association listed in Schedule "T" that is responsible for a Private Collection System which is receiving Sewer Services from the Sewer System on or before April 2000;
 - (iii) any owner, developer, community or strata-like association that is responsible for a Private Collection System whose connection to the Sewer System has been approved pursuant to this Bylaw and is receiving Sewer Services; or
 - (iv) any Person, other than those who are connected within a Private Collection System, who owns or occupies a Premise which is receiving Sewer Services;
- (m) **"Damage"** means any loss, cost, damage, expense or liability of any kind or nature whatsoever, including those in respect of negligence, negligent misrepresentation or mis-

statement, failure to warn, nuisance or other tort, personal injury, death, contract damages or debt, economic loss, consequential damage and any reasonable legal or other professional fee or disbursement and any tax on any of the foregoing;

- (n) **“Disconnection Fee”** means the Service Fee for disconnecting a Sewer Connection imposed and levied pursuant to section 8.1;
- (o) **“Extension”** means proposed sewerage works, including pipes, valves or other equipment, that will either increase the capacity of or continue, enlarge, lengthen or extend a Private Collection System or the Sewer System, and **“Extend”** has a corresponding meaning;
- (p) **“including”** when following any statement means and will be construed broadly to refer to all other things that could reasonably fall within the scope of such statement, whether or not non-limiting language (such as “without limitation” or “without limiting the generality of the foregoing”) is referenced;
- (q) **“Indian Act”** means the *Indian Act* R.S.C. 1985 c-6 and any amendments thereto and any statutes or any regulations that may be passed which have the effect of supplementing or superseding such statutes or regulations;
- (r) **“INAC”** means the Department of Indian and Northern Affairs Canada;
- (s) **“Lawful Authority”** means Tsawout, the Council and any other government or governmental authority, office or official exercising lawful authority, and includes any authorized delegate, appointee, board, bureau, commission, department, administrative agency or regulatory body thereof;
- (t) **“Laws”** means any applicable law, statute, regulation, bylaw or other lawful requirement issued by or under the direction or authority of any Lawful Authority;
- (u) **“Minister”** means the Minister of Indian Affairs and Northern Development;
- (v) **“Officer”** means any Person who is appointed by the Council as a bylaw officer to enforce Tsawout bylaws, and any peace officer entitled or authorized to enforce Tsawout bylaws;
- (w) **“Person” or “person”** in addition to its ordinary meaning shall mean and include an association, the Band, the Council, or any firm, partnership, company, society, or corporate body, or any trustee, manager or other person owning or occupying any Premise, building or other structure, individually or jointly with others, and includes the agent, contractor, or employee of such;
- (x) **“Plumbing Fixture”** means:
 - (i) a fixture which uses water and has a separate connection to a Building Sewer; or
 - (ii) a Building Sewer which is existing and not currently in use, but is capable of being connected to a fixture at some future date;

- (y) **"Premises"** means any lands or improvement , or both, or any part thereof which is situated within the Reserve;
- (z) **"Primary Residence"** means the dwelling and ancillary buildings providing accommodation and home life, but specifically not including any business or commercial purpose;
- (aa) **"Private Collection System"** means all sewerage works, including pipes, valves or other equipment, used to connect more than one Plumbing Fixture from more than one building or structure within a Private Development, to one or more Sewer Connection which connects that Private Collection System to the Sewer System;
- (bb) **"Private Development"** means a development , which contains more than one commercial, industrial, institutional, residential or other type of building, facility or other improvement which are or will be located on one or more lot, parcel, Premise or other portion of the Reserve, and which are or will be obtaining Sewer Services from a Private Collection System or any Extension of a Private Collection System and includes all developments listed in Schedule "I";
- (cc) **"Property Line"** means the boundaries, separating lines or limits identified by the location of legal survey pins as recorded on a CLSR or BCLR survey plan;
- (dd) **"Reconnection Fee"** means the Service Fee for reconnecting a Sewer Connection imposed pursuant to section 7.9;
- (ee) **"Reserve"** means the East Saanich Indian Reserve #2, which is a reserve as defined in the *Indian Act* set aside for the use and benefit of Tsawout;
- (ff) **"Sanitary Sewer System" or "Sewer System"** means all sewerage works and all appurtenances thereto which are maintained, owned or operated by Tsawout for the purpose of conveying, treating and disposing of Wastewater on the Reserve, including the trunk sewer line, and the sewer mains, Sewer Connections, lift or pumping stations, treatment facilities, and sewer out-falls illustrated in Schedule "D" attached to this Bylaw and not including any Private Collection System;
- (gg) **"Schedule"** means the following Schedules attached to and constituting an integral part of this Bylaw, being:
 - (i) Schedule A - Application for Sewer Connection or Disconnection
 - (ii) Schedule B - Application For Inspection Of Sewer Connection
 - (iii) Schedule C - Sewer User Fee
 - (iv) Schedule D - Sanitary Sewer System
 - (v) Schedule E - Application for Extension of Sanitary Sewer System

(vi) Schedule F - Notice of Suspension, Revocation or Termination of
Sewer Services

(vii) Schedule G - Notice of Review

(viii) Schedule H - Notice of Hearing

(ix) Schedule I - List of Existing Private Developments as of April 1, 2000

- (hh) **"Service Fee"** means a fee in respect of a service based on the estimated or actual annual Cost of such service, which shall include any expenses for engineering, advertising, interest and carrying costs, sinking fund or amortization costs, banking, legal and professional fees, administration and any other expenses incidental to the provision of the service;
- (ii) **"Sewer"** means a pipe, including manholes and other appurtenances other than a Sewer Connection, in the Sanitary Sewer System;
- (jj) **"Sewer Connection"** means the pipe and fittings necessary to connect the Sanitary Sewer System to either a Building Sewer or a Private Collection System and which bring the Sewer System to the Property Line of a lot, parcel, Premise or other portion of the Reserve;
- (kk) **"Sewer Connection Fee"** means a Service Fee for a Sewer Connection charged pursuant to section 4.4;
- (ll) **"Sewer Connection Permit"** means the permit granted by the Administrator pursuant to section 5.1 in the form attached as Schedule "A";
- (mm) **"Sewer Operator"** means the Person or Persons appointed by Tsawout Council to operate and maintain the Sanitary Sewer System;
- (nn) **"Sewer Services"** includes the collection, treatment and disposal of Wastewater through the Sewer System, the operation, maintenance, extension, repair and capital replacement or improvement of the Sewer System, the review and approval of Applications for Sewer Connections, the monitoring of the use of the Sewer System, the acquisition of rights of way and easements, sewerage planning and the establishment of the administrative systems and financial instruments and reserves, reasonably required for such Services;
- (oo) **"Sewer Source Control Bylaw"** means any Tsawout First Nation Bylaw regulating the discharge of waste into the Sewer System, as amended or replaced from time to time;
- (pp) **"Sewer User Fee"** means the Service Fee for Sewer Services charged under section 7.1;
- (qq) **"Standard Methods"** means the Standard Methods of Water and Wastewater Analysis (16th Edition 1985) as published by the American Public Works Association, the American Water Works Association, and the Water Pollution Control Federation;

- (rr) **“Tsawout” or “First Nation”** means the Tsawout Band of Indians or any successor thereto pursuant to any successor legislation or any other valid authorizing act or proceeding whatsoever, as represented by the Council;
- (ss) **“Tsawout Council” or “ Council”** means the Chief and Council of Tsawout as elected by the members of Tsawout pursuant to the *Indian Act* or as chosen according to the custom of Tsawout or any successor to the Chief and Council;
- (tt) **“Wastewater”** means the water-borne wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater, but does not include rainwater, groundwater, storm water, or drainage of Uncontaminated Wastewater.

1.2 The preamble forms part of this Bylaw.

2.0 TSAWOUT SEWER SERVICES AND ACCOUNTING

- 2.1 The Council, in a manner and to a standard consistent with the provision of local government services, and subject to this Bylaw and all other Laws, are committed to providing safe, continuous and efficient Sewer Services within the Reserve.
- 2.2 Sewer Services may also be provided by Tsawout to or for areas outside the Reserve except that in such cases it will only be provided when those services will not hinder the provision of Sewer Services to Customers on the Reserve.
- 2.3 The Sewer User Fees and Sewer Connection Fees shall be separately accounted for and used by Council only for the provision of Sewer Services.

3.0 APPOINTMENT AND AUTHORITY OF ADMINISTRATOR

- 3.1 The Council will, by resolution in writing, appoint a Person to be the Administrator under this Bylaw, and appoint such other staff and Officers as may be considered necessary for the proper administration and enforcement of this Bylaw.
- 3.2 When appointed by Council pursuant to this Bylaw, the Administrator, under the direction of Council, shall be charged with the administration and enforcement of this Bylaw.
- 3.3 The Administrator is authorized and directed to:
 - (a) supervise, control and administer the provision of Sewer Services under this Bylaw;
 - (b) manage all construction, operations and maintenance related to the provision of Sewer Services;
 - (c) receive, investigate, and process all Applications for Sewer Connections;
 - (d) consider and make recommendations to Council on those matters under this Bylaw which require Council's determination or about which the Administrator requests their direction;

- (e) perform all acts that may be necessary for the efficient management, operation and use of the Sewer System; and
- (f) administer and apply this Bylaw.

- 3.4 The Administrator will maintain a record of all Applications for Sewer Connections and fees and charges received under this Bylaw and retain on file a copy of all Sewer Connection Permits issued or rejected under this Bylaw, together with their particulars.
- 3.5 In response to any written complaint, the Administrator will make inquiries and inspect Premises to determine whether any Customer is complying with the terms of the Sewer Connection Permit or this Bylaw, and no Customer shall obstruct or hinder the making or completion of this inspection.
- 3.6 The Administrator shall report to the Band administrator or Band manager, or any other person appointed from time to time by the Council to administer the affairs of Tsawout, stating the number of Sewer Connection Permits issued, the type of premises, improvements or business conducted under any such permit, and the fees received since the previous report, along with a summary stating the total number of Sewer Connection Permits issued and the total amount of Sewer Connection Fees and Sewer User Fees received to date for the current year. This report should be provided annually on or before March 31st of each year, and at such other times as requested by Council.

4.0 APPLICATION FOR SEWER CONNECTION

- 4.1 Except as provided in sections 9.1 and 9.2, any Person who:
 - (a) owns or occupies any lot, parcel, Premise or portion of the Reserve upon which a building or other structure containing a Plumbing Fixture is situate, or will be situated; or
 - (b) wishes to install or Extend a Private Collection System,is required to complete and submit an Application for Sewer Connection seeking to connect, extend or reconnect such building, structure or Private Collection System to a Sewer Connection.
- 4.2 An Application for Sewer Connection, in the form attached as Schedule "A", must be completed and submitted to the Administrator. The Applicant must disclose all information required by Schedule "A", and provide true and accurate details as to all such information.
- 4.3 An Application for Sewer Connection shall be signed by the owner or occupant of the Premises or the owner of a Private Development for which Sewer Services are required, or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all the partners or owners. Where the Applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with a completed Application for Sewer Connection.

- 4.4 Except as provided in section 9.1 or 9.2 an Applicant must pay to Tsawout, at the time of the Application for Sewer Connection, the Sewer Connection Fee and any related fees set out in Schedule "A".
- 4.5 No Person shall connect any Building Sewer, Extension, or Private Collection System, to a Sewer Connection until he has completed and submitted to the Administrator an Application for Sewer Connection, paid any applicable fees, and a Sewer Connection Permit has been issued by the Administrator pursuant to this Bylaw.
- 4.6 Where Premises are occupied by a tenant or other occupant or lessee, the Administrator may require that the Application for Sewer Connection be submitted by the owner of the Premises. When there is more than one owner, the owners may jointly or severally apply for Sewer Services, and in any event all owners will be jointly and severally responsible for meeting the terms and conditions of this Bylaw.
- 4.7 Upon a refusal of an Application for Sewer Connection under this Bylaw, any fees and charges paid pursuant to this Bylaw related to such application, less \$100.00 will be reimbursed to the Applicant.

5.0 SEWER CONNECTION PERMIT

- 5.1 The Administrator shall approve the Application for Sewer Connection in the form set out in Schedule "A", where he is satisfied that the Application complies with the requirements of this Bylaw.
- 5.2 The Administrator may refuse any Application for Sewer Connection and not issue a Sewer Connection Permit if:
- (a) any portion of the Sewer System is incapable of handling the additional load which reasonably may result from such Application;
 - (b) the acceptance or treatment of the sewage proposed to be discharged into the Sewer System may cause, result in or contribute to any danger, hazard, pollutant, damage, including sewer overflowing, flooding of property, or damage to the environment, or any other activity detrimental to the health, welfare, safety and environment of Tsawout, the Reserve, or the exercise of aboriginal or treaty title and rights of the Saanich People;
 - (c) the sewage proposed to be discharged into the Sewer System will injure or impair the efficiency of the Sewer System;
 - (d) the sewage does not comply with the Sewer Source Control Bylaw, or any other Laws;
 - (e) the Tsawout Council has determined that an Extension of the Sewer System is a preferred option to the Sewer Connection proposed in the Application;
 - (f) the subject of the Application, including any connection within a proposed Private Collection System or any proposed extension of an already existing Private Collection

System, does not comply with this Bylaw, the Sewer Source Control Bylaw or any other Laws;

(g) the Applicant has not paid all fees or charges due and owing to Tsawout.

- 5.3 Where an Application for Sewer Connection has been refused, the Applicant may apply to have the decision reviewed by Council in the manner provided for in Article 14.0. If the Administrator refuses the Application for Sewer Connection, the Applicant will be informed of the reasons for its refusal.
- 5.4 In the event the Administrator refuses an Application for Sewer Connection, no Sewer Connection Permit will be issued and the Sewer Connection applied for shall not be installed or connected.
- 5.5 Upon issuance of the Sewer Connection Permit pursuant to Section 5.1, the Administrator will cause to be constructed at the cost of the Applicant, a Sewer Connection.
- 5.6 Every Sewer Connection shall be installed in accordance with all Laws and any applicable INAC standards or policies. Tsawout shall not be responsible to meet the elevation or connect to any Building Sewer which is installed prior to the installation of the Sewer Connection.
- 5.7 The Administrator shall have the authority to suspend a Sewer Connection Permit where he has reasonable and probable grounds for believing that the Applicant has breached a provision of this Bylaw and shall give immediate notice of such suspension to the Applicant. A Person whose permit has been suspended may apply to have the decision reviewed by the Council in the manner provided for in Article 14.0.

6.0 BUILDING SEWER AND INSPECTION

- 6.1 Upon construction of the Sewer Connection, the Applicant shall construct and lay down, at no cost to Tsawout or the Council and in accordance with all Laws, any applicable INAC standards and good engineering practice, a Building Sewer to connect the building or structure on the Premises to the Sewer Connection.
- 6.2 Upon the substantial completion of the Building Sewer and the Sewer Connection, the Applicant shall notify the Administrator that the works are ready for inspection using the form attached as Schedule "B".
- 6.3 In the event any Applicant fails to complete the Sewer Connection and Building Sewer required by a Sewer Connection Permit within ninety (90) days of the issuance of the Permit, the Administrator may have the work completed at the Applicant's cost. The Administrator may grant, upon the request of the Applicant, an extension for up to 30 days for the completion of such works.
- 6.4 Upon receipt of the Notice of Inspection under subsection 6.2, the Administrator shall forthwith cause an inspection of the works and if the works meet the requirements of section 6.1, approve such works. All such works shall be left uncovered and convenient for examination until inspected and approved by the Administrator in writing and the Building Sewer shall not be

proceeded with, covered, back-filled, finished or connected with the Sewer Connection or the Sewer System in any way, until the Administrator has inspected the work and his approval has been provided in the manner set out on Schedule "B".

- 6.5 If upon inspection it is determined that any Building Sewer work is defective or faulty, or that such works were not ready for inspection despite receiving the Notice of Inspection, the Administrator shall immediately advise the Applicant of the reasons for the rejection.
- 6.6 Materials and workmanship which in the opinion of the Administrator are defective, faulty or otherwise not in accordance with the provisions of this or any other applicable Law shall be removed and replaced by the Applicant at the direction of the Administrator, and the Building Sewer shall not be covered or back-filled or connected to the Sewer Connection unless and until the Sewer Connection has been accepted and approved by the Administrator as provided in Section 6.4. Failure to replace defective materials or correct faulty workmanship as provided in this section shall be cause for the Administrator to refuse the provision of sewer services until such time as all defective or faulty workmanship has been corrected.
- 6.7 Once the Applicant has taken the necessary corrective measures required by the Administrator pursuant to Section 6.6, he shall provide the Administrator with another Notice of Inspection.
- 6.8 Each Building Sewer shall be maintained, at the Cost of the Customer or owner of the Premises, in accordance with all Laws.
- 7.0 SEWER USER FEES**
- 7.1 Except as provided in section 9.1 or 9.2, all Customers are required to pay a Sewer User Fee, due and payable in the manner provided for in this part, and as set out in Schedule "C".
- 7.2 The Administrator shall classify each Premise applying for or receiving Sewer Services, including each Premise connected within a Private Collection System, in accordance with the categories set out in Schedule "C", and the corresponding rate for such Premise or Private Collection System is the Sewer User Fee levied against each Customer pursuant to section 7.1. Once an Application for Sewer Connection for an extension to a Private Collection System has been approved pursuant to the Sewer System Bylaw, the Administrator shall classify each additional Premise connected within the Private Collection System in accordance with the categories set out in Schedule "C", and the corresponding additional rates shall be levied against the Customer accordingly.
- 7.3 The Customer will be charged a Sewer User Fee in each Billing Period and that Sewer User Fee shall be due and payable within 30 days of the Billing Date.
- 7.4 If a Sewer Connection received final approval during a Billing Period, the Sewer User Fee shall be prorated from the day during which the final inspection and approval of the Sewer Connection was made.
- 7.5 Any Sewer User Fee remaining unpaid 30 days after the Billing Date shall have added to it an additional fee in the amount of 10% of all outstanding Sewer User Fees for that Premise. Any

Sewer User Fee remaining unpaid on the 45th day after the Billing Date will have a further 10% fee added to the outstanding Sewer User Fee.

- 7.6 If a portion of the Sewer User Fee, including any additional fees pursuant to section 7.5, remains unpaid on the 90th day after the Billing Date will have a further 10% added to the outstanding Sewer User Fee.
- 7.7 All additional fees added pursuant to sections 7.5 and 7.6 shall for all purposes be deemed part of any outstanding Sewer Service Fees.
- 7.8 Any Premises for which a Sewer User Fee remains unpaid on the 120th day after December 31st may have its Sewer Service disconnected pursuant to section 8.5.
- 7.9 A Reconnection Fee in the amount set out in Schedule "A" is payable by any Person whose Sewer Service has been disconnected.
- 7.10 Sewer Service will not be restored to any Premises disconnected, until the Reconnection Fee required by section 7.9, plus all outstanding Sewer User Fees, have been paid.

8.0 SUSPENSION, DISCONNECTION OR TERMINATION OF SEWER SERVICES

- 8.1 Where a Building Sewer is no longer in use, or a Customer no longer requires Sewer Services from a Sewer Connection, the Customer must submit for the approval of the Administrator an application to disconnect Sewer Service in the form set out in Schedule "A" and pay to Tsawout the Disconnection Fee in the amount set out in Schedule "A".
- 8.2 Upon approval of the application to disconnect by the Administrator, the Customer shall, at his own Cost, block the Building Sewer at the Sewer Connection with a watertight seal, with the seal and its location being approved in advance by the Administrator.
- 8.3 The Administrator may, without notice, cease, suspend or restrict Sewer Services to any Customer or part of the Reserve if, in the sole and reasonable opinion of the Administrator, an emergency makes such action necessary.
- 8.4 The Administrator may, in a non-emergency situation, including scheduled repairs or alterations to the Sewer System, cease, suspend or restrict Sewer Services to any Customer or part of the Reserve, provided the Administrator shall, when it is practical to do so, provide public notice of such intended cessation, suspension or restriction of Sewer Services to all affected Customers.
- 8.5 Upon providing the notice required by section 8.9, the Administrator may, subject to any prior direction of Council pursuant to section 8.7, discontinue, suspend, terminate or revoke the Sewer Connection Permit, and the Sewer Services, including disconnecting any Building Sewer from the Sewer Connection in any of the following circumstances:
 - (a) failure to apply for service as required by this Bylaw;
 - (b) fraudulent application for service under this Bylaw;

- (c) non payment of fees or charges levied pursuant to this Bylaw;
- (d) failure to provide access to the Premises required or permitted under this Bylaw;
- (e) contravention of this Bylaw;
- (f) activities on the Premises are being conducted in a manner that is detrimental to the health, welfare, safety or environment of Tsawout or the Reserve; or
- (g) where any Premises are not fit to be occupied, planned to be demolished, or otherwise abandoned,

until such time as there is no contravention of this Bylaw and a reconnection has been authorized by the Administrator.

8.6 When Sewer Service is discontinued pursuant to section 8.5, neither Tsawout, the Council, nor the Administrator or other employee or agent of the Band, will be responsible for any costs or damages to the Customer or Premises resulting from the discontinuance of such service.

8.7 Where the Administrator seeks Council's direction on any matter falling within section 8.5 and subject to Sections 8.8 and 8.9, the Council may by Band Council Resolution, direct the Administrator to:

- (a) suspend for a period not exceeding ninety days, the provision of Sewer Services to a Premise, including a Private Development,
- (b) terminate the provision of Sewer Services to a Premise, including a Private Development;
- (c) revoke any permit issued pursuant to this Bylaw; or
- (d) disconnect any Sewer Connection.

8.8 In determining whether to direct a suspension, termination, revocation or disconnection under Section 8.5, or providing direction under section 8.7, the following will be considered:

- (a) the type and length of contravention;
- (b) whether the contravention could be resolved or remedied by actions willingly taken by a Person other than the Customer;
- (c) the impact of the contravention on the safety and integrity of the Sewer System or the provision of Sewer Services; and
- (d) such further and other matters relevant to its consideration.

8.9 Ten working days prior to any suspension, termination, revocation or discontinuance of Sewer Services under subsection 8.5, the Administrator shall provide written notice in the form attached as Schedule "F", to the Customer stating:

- (a) the infraction;
- (b) the remedy to be made; and
- (c) the date that Sewer Services will be discontinued unless the remedy is made.

8.10 The Administrator will post the notice of suspension, termination, revocation or discontinuance of a Sewer Connection upon the Premises and provide a copy to the Customer, owner and occupant, and the notice posted on the Premises must not be removed until the Sewer Connection is reinstated or the Premises are demolished, or a new Sewer Connection Permit is issued for the Premises.

8.11 A Customer may, upon application, have a suspension, termination, revocation or discontinuance of a Sewer Connection reviewed by Council in the manner provided for in Article 14.0.

9.0 EXEMPTIONS

9.1 An Applicant or Customer is exempt from paying the Sewer Connection Fee imposed pursuant to section 4.4, or the Sewer User Fee imposed pursuant to section 7.1 for the following Premises or buildings:

- (a) the primary residence of a member of the Band; and
- (b) a Premise owned or occupied by the Band, the Council, or any entity owned or controlled by the Band or the Council which assists the Council to perform a function of government, including those providing local government services, community, health and recreational services, and social housing services.

9.2 Any Person owning or occupying:

- (a) a building which on or before April 1, 2000 was receiving Sewer Services from the Sewer System;
- (b) a Private Collection System of a Private Development listed in Schedule "I",

are exempt from the requirement to apply for a Sewer Connection imposed pursuant to section 4.1 and from paying the Sewer Connection Fee imposed pursuant to 4.4 for the building or for the Private Collection System, respectively, as it was existing on or before April 1, 2000.

9.3 Any Person owning or occupying a Premise which is or will be connected within a Private Collection System is exempt from the requirement to apply for a Sewer Connection or hold a Sewer Connection Permit as required by sections 4.1 or 5.1.

9.4 For greater certainty nothing in sections 9.2 or 9.3 exempt the owner, leasee or developer of a Private Development from the requirement to apply for a Sewer Connection, for any Private Development not listed in Schedule "I" or for any phased extension of such development not in existence on or before April 1, 2000.

10.0 EXTENSION OF SEWER SYSTEM

- 10.1 In addition to any required Application for Sewer Connection, a Person may apply in writing using the form attached as Schedule "E", seeking an Extension of the Sanitary Sewer System to include sewerage works beyond that which is provided for in Schedule "D".
- 10.2 Upon receipt of an application pursuant to section 10.1, the Administrator will review the application to determine if it is in the interests of Tsawout, or the residents of the Reserve, to Extend the Sewer System, and if so, on what conditions. Upon completion of such review, the Administrator will provide recommendations to Council regarding the application.
- 10.3 Upon receipt of the Administrator's recommendations pursuant to section 10.2, Council may, by Band Council Resolution, approve a proposed Extension of the Sanitary Sewer System. Any Extension will be built and installed on the conditions and in the manner required by the Administrator, including the acquisition of any necessary easements or rights of way, and once built, installed and approved, the Extension will become part of the Sewer System and thereafter owned, operated and maintained by Tsawout and the Council, all in the manner provided for in this Bylaw.
- 10.4 Any Extension shall be constructed in accordance with good engineering standards and practices.

11.0 SEPTIC TANKS

- 11.1 Except as specifically authorized by the Administrator, no septic tank located on the Reserve will be connected to the Sewer System.
- 11.2 No person shall permit any sludge or deposit contained in any septic tank on Reserve to enter into the Sewer System.
- 11.3 Whenever a Sewer Connection Permit is issued where a septic tank exists on the Premises, such Permit will require that the sludge or deposit in the said tank be removed and hauled away. The septic tank or tanks shall be filled with fresh earth, gravel or sand or broken down and removed from the Premises, all at the Cost of the Applicant.

12.0 RIGHT OF ENTRY

- 12.1 The Administrator, or any Officer, is hereby authorized upon providing reasonable notice to enter upon any Premises situated on the Reserve at a reasonable time in order to ascertain whether or not there is compliance with this Bylaw. For greater clarity, "reasonable notice" in section 12.0 means seventy-two (72) hours in the case of residential premises and forty-eight (48) hours for commercial premises, and "at a reasonable time" means between 9:00 a.m. and 5:00 p.m.
- 12.2 A Customer shall give to the Administrator and to any Officer, access to the Premises owned or occupied by the Customer on the Reserve at any reasonable time, and provide such information as may be required by the Administrator to enforce this Bylaw.

- 12.3 Any Person interfering with or obstructing the entry onto any Premises located within the Reserve by the Administrator, or Officer, after that person has identified himself, shall be deemed to be guilty of an infraction of this Bylaw.
- 12.4 No Person shall hinder or prevent the Administrator, or Officer from entering and making reasonable inspection of any Premises whenever necessary to secure compliance with, or prevent a violation of any provisions of this Bylaw, or from carrying out their duties under this Bylaw.

13.0 PROHIBITIONS AND OFFENCES

- 13.1 No Person shall do any work upon, or interfere or connect in any way with the Sewer System without the permits required under this Bylaw.
- 13.2 No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of or connected to the Sewer System.
- 13.3 No building or obstruction of any kind shall be erected on, or limit any access to, any Sewer or other local works, or be built or installed in a manner which could obstruct or prevent ease of access for maintenance of Sewers or the Sewer System.
- 13.4 Where any Sewer is laid on property over which the Band holds a right of way for Sewer purposes, no person shall connect to or disturb such Sewer except in accordance with this Bylaw and by the direction of, and with permission of, the Administrator.
- 13.5 Other than in accordance with the provisions of this Bylaw, no Person shall connect, attempt to connect, allow to be connected, or allow to remain connected, any Premises or Building Sewer to the Sewer System.
- 13.6 No Person other than the Band, its servants, employees, agents, contractors or licensees shall install or cause to be installed any part of a Sewer Connection or in any way break, interfere or tamper with the Sewage System.
- 13.7 Every Person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw is guilty upon summary conviction of an offence against this Bylaw.
- 13.8 Each day that a violation, contravention or breach is permitted to exist shall constitute a separate offence.
- 13.9 Every Person who commits an offence against this Bylaw is liable upon summary conviction to a fine not exceeding One Thousand (\$1000) Dollars or imprisonment for a term not exceeding thirty days, or both.
- 13.10 Every Person who commits an offence of a continuing nature is liable to the penalties as set out in section 13.9 herein for each day such offence occurs.

13.11 Without restricting any other remedy available under this Bylaw or any other Law, if any fee imposed under this Bylaw has remained unpaid for 120 days, the Administrator may issue written demand for payment and if any such amount due and payable is not paid forthwith after such demand, the Council may, in addition to any other remedies or action available by law, commence an action for its recovery and costs in any court of competent jurisdiction.

13.12 Except as provided under section 4.7 no fee or charge paid pursuant to this Bylaw is refundable.

14.0 REVIEWS

14.1 Within thirty (30) days of service of a notice under sections 5.3 or within ten (10) days of service of a notice under section 8.9 of this Bylaw, the Applicant or Customer may apply for a review by Council by completing and filing with the Administrator a Notice of Review in the form set out in Schedule "G".

14.2 Upon receipt of a Notice of Review, the Administrator, will forthwith transmit to the Council and the Customer or Applicant:

- (a) a copy of any relevant Application;
- (b) a copy of the Applicant's or Customer's completed Notice of Review; and
- (c) a copy of the Administrator's refusal and reasons for refusal.

14.3 Council will give the Applicant or Customer, as the case may be, at least 7 days' notice of the review hearing referred to in section 14.5 and the Administrator will serve notice in the form of Schedule "H" personally or by registered mail to the Applicant or Customer at the address shown on Schedule "F" or "G" but if the Applicant or Customer, after reasonable efforts of the Council and the Administrator, cannot be found and has not come forward, then the notice will be considered to be duly served if delivered and posted at the Premises and an *ex parte* decision may be issued against such Person.

14.4 Sections 14.6 through 14.12 apply to the hearing referred to in section 14.5.

14.5 Upon receipt of the material described in section 14.2 of this Bylaw, Council will determine the time and date of the review hearing, which will be at least fifteen (15) days hence but no more than forty-five (45) days thereafter and will advise the Administrator of its decision. The Administrator will forthwith serve the Notice of Hearing in the form set out in Schedule "H" on the Applicant or Customer by personal service or by registered mail at the address shown in the Application for Sewer Connection. Council will hold the review hearing at the time and date set out in the Notice of Hearing. The Applicant or Customer shall be given at least seven (7) days notice of the hearing.

14.6 At the review hearing, the Administrator, Applicant or Customer are entitled to submit arguments in reply to the evidence and argument presented.

- 14.7 At the review hearing the Applicant or Customer has the onus to show just cause why the decision to refuse, suspend or terminate Sewer Services or the Sewer Connection should be reviewed and reversed or otherwise changed.
- 14.8 Council will give its decision in writing to the Applicant or Customer within seven (7) days of the date of the completion of the review hearing. When making its decision, Council may consider those matters set out in sections 5.2 and 8.5, and such further and other matters which are in the best interests of Tsawout.
- 14.9 The Administrator will forthwith notify the Applicant or Customer of the decision referred to in section 14.8 of this Bylaw, including notification that the Applicant or Customer has a further right of appeal to a court of competent jurisdiction, by serving a copy of the decision personally or by registered mail to the Applicant or Customer at the address shown on the Application for Sewer Connection or the Notice of Hearing.
- 14.10 All review hearings will be held in camera unless the Applicant or Customer requests in the Notice of Review that the hearing be open to the public, and Council will approve such request. The decision resulting from the review hearing will be made public forthwith, and any minutes of the review hearing will be available to the public within fifteen (15) days of the decision.
- 14.11 If Council renders a decision granting or continuing the Sewer Service, the grant or continuance will be subject to the Applicant or Customer complying with this Bylaw.

15.0 GENERAL POWERS

- 15.1 Where the Council imposes an annual or on-going Service Fee, it need not give notice of such fee in each succeeding year, unless it proposes to amend the Bylaw that imposes the Service Fee.
- 15.2 Where any fees or charges are related to matters included in the budget of the Council, the Council may, in fixing the fees or charges, take into consideration, the Tsawout Community or Physical Development Plan and whether the fees or charges:
- (a) are excessive or inadequate in relation to the cost of prevailing standards or service in jurisdictions reasonably comparable to the Reserve; or
 - (b) will deter development on the Reserve;
- and amend the fees or charges accordingly.
- 15.3 The Council will review and consider the adequacy and appropriateness of the Sewer User Fees imposed pursuant to this Bylaw at least once every two years.
- 15.4 All orders, specifications and forms prescribed by Council shall be available for inspection by a Customer during regular business hours at the Band Administration Office.
- 15.5 The Band or the Council, shall not be liable for damages, including business losses caused by:

- (a) the break of any sewer pipe, or the break in any ditch;
- (b) sewage collected at or through any Premises;
- (c) the interference or cessation of Sewer Services in connection with the repair, expansion, replacement, or proper operation and maintenance of the Sewer System;
- (d) any increase or decrease in pressure in a Sewer; or
- (e) any accident due to the operation of Tsawout's Sewer Systems,

unless such action has been shown to be directly due to the negligence of Tsawout, its Council or its employees.

- 15.6 Nothing in this Bylaw relieves a Person discharging Wastewater from complying with all applicable Laws governing the discharge of substances, including the requirements set out in the Sewer Source Control Bylaw, as amended from time to time.
- 15.7 Council, by Band Council Resolution, or the Administrator in writing, may extend for up to thirty days the time which anything is required to be done under this Bylaw and anything done within the extended period of time is as valid as if it had been done within the time otherwise provided for in this Bylaw.

16.0 NOTICES

- 16.1 Notice to the Band shall be made in writing to the Band and mailed by registered mail, postage pre-paid or personally delivered to:

Tsawout First Nation
P.O. Box 121
Saanichton, BC V8M 2C3

Attention: Sewer Administrator

- 16.2 Notice from the Band to an Applicant or Customer, including Sewer User Fee invoices, notices of overdue payments, contravention of any provision or requirement of this Bylaw, or for any other reasons, shall be in writing and mailed postage pre-paid or personally delivered to the address on the Application for Sewer Connection, or at the last known address of the Applicant or Customer.
- 16.3 Public notice must be given to the general public in any one or more of the following ways:
 - (a) by inserting at least one notice in a newspaper circulating on the Reserve; and
 - (b) by posting a notice in at least three different and conspicuous places on the Reserve.

17.0 INTERPRETATION

- 17.1 Words within this Bylaw importing the male gender include the female gender and either includes the neuter, and vice versa, and words importing the singular number include the plural number and vice versa.
- 17.2 The Schedules annexed to this Bylaw shall be deemed to be part of and integral to this Bylaw.
- 17.3 This Bylaw shall be construed as being remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.
- 17.4 Head notes, marginal notes and provision headings form no part of this Bylaw but shall be construed as being inserted for convenience of reference only.
- 17.5 A finding by a court of competent jurisdiction that a section or provision of this Bylaw is ultra vires, void or invalid, shall not affect or bear upon the validity or invalidity of any other section or part of this Bylaw, or this Bylaw as a whole.
- 17.6 Where a provision in this Bylaw is expressed in the present tense, future tense or in the past tense, the provision applies to the circumstances as they arise.
- 17.7 Any section of this Bylaw, including its schedules, may be amended by a Bylaw adopted by Council and approved in accordance with the *Indian Act*.
- 17.8 This Bylaw shall come into force upon it not being disallowed by the Minister pursuant to section 82(2) of the *Indian Act*.

APPROVED AND PASSED at a duly convened meeting of the Tsawout First Nation held at the Tsawout First Nation Administration Offices at 7725 Tetayut Road Saanichton, British Columbia, this 11th day of MAY, 2005.

A QUORUM OF COUNCIL CONSISTS OF 4 COUNCILORS

Allen S. Claxton
CHIEF

[Signature]
COUNCILOR

[Signature]
COUNCILOR
[Signature]

[Signature]

COUNCILOR

Stasem

an Underwood

I, Gwen Underwood, a Band Councilor of the Tsawout Band of Indians, do hereby certify that a true copy of the foregoing Bylaw was forwarded to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the *Indian Act* this 11 day of May, 2005.

Harvey Underwood
COUNCILOR
G Underwood

COPY

SCHEDULE "A"

**APPLICATION FOR SEWER CONNECTION
(OR DISCONNECTION OR RECONNECTION)**

Application Date: _____ Legal Description of Lot: _____

Owner's Name: _____ Lessee/Occupant's Name (if different): _____

Mailing Address: _____

Date Service Required: _____ Type of Premises Served: _____

Size of Service Connection _____ Type of Waste Discharge: _____

Type of Application (check one only)

Sewer Connection **\$300** (incl. one inspection)

Disconnection **\$300** (incl. one inspection)

Reconnection **\$300** (incl. one inspection)

I hereby agree to comply with all the requirements and provisions of Tsawout's Sewer System and Sewer Source Control Bylaws as amended and in effect from time to time.

Date

Signature of Applicant

This Sewer Connection Permit is allowed this _____, 20____.

by _____
(Sewer Administrator)

SCHEDULE "B"

**APPLICATION FOR INSPECTION OF SEWER CONNECTION
(Section 6.2)**

Application Date: _____

Legal Description of Lot: _____

Owner's Name: _____

Lessee/Occupant's Name (if different): _____

Mailing Address: _____

Date Inspection Required: _____

Type of Premises Served: _____

Type of Inspection (check one only)

Initial Inspection

Additional Inspection

Cost: \$300

I hereby agree to comply with all the requirements and provisions of Tsawout's Sewer System and Sewer Source Control Bylaws as amended and in effect from time to time.

Date

Signature of Applicant

Approval of Final Inspection pursuant to section 6.4 provided this _____, 200__.

by _____
(Sewer Administrator/Engineer)

SCHEDULE "C"

SEWER USER FEES (Section 7.1)

Class	Description	Sewer User Rate
A	Single Family Dwelling	\$557.00/year
B	Manufactured Home/Unit	\$250.00/year
C	Uses other than in Classes A or B	Rate of \$1.15 per cubic metre

Sewer User Fee apply to each existing or new sewer connection point on the Sanitary Sewer System.

NOTE: The Sewer User Fee are calculated using the following formulae:

Single Family Dwellings $R = (3.8/A) \times B$

Manufactured Homes $R = (1.7/A) \times B$

Other $R_o = C \times D_o$

WITH:

- A equals the total reserve population including commercial equivalency
 - B equals the annual Operation and Maintenance cost for the preceding year
 - C equals the rate (total annual O&M cost / (0.8 x annual measured waterflow for Reserve))
 - D_o equals the user's sewage flow (water meter reading for the billing period x 0.8)
 - R equals the respective annual rate for the billing period
 - R_o equals the respective rate
-

SCHEDULE "D"
SANITARY SEWER SYSTEM

COPY

See attached.

SCHEDULE "E"

APPLICATION FOR EXTENSION OF SANITARY SEWER SYSTEM

Application Date: _____

Applicant's Name: _____

Address: _____

Land Affected: _____
(legal description)

Nature of Interest in Lot: Lease _____ CP Holder _____ Number _____

Proposed Premises to be serviced by extension:

General Description of Proposed Extension:

SCHEDULE "F"

**NOTICE OF SUSPENSION, TERMINATION, REVOCATION OR
DISCONTINUANCE OF SEWER SERVICES**

TO: _____

ADDRESS: _____

RE: _____

(Description of Property)

TAKE NOTICE THAT PURSUANT to the Tsawout Sewer System Bylaw

_____ [set out in detail the infraction under this bylaw] Please
remedy this infraction on or before 30 (thirty) days after the date of this Notice, or you may appear before the Band
Council and show cause as set out below. If you fail to remedy this infraction or show cause, the following services
provided to this property will be suspended/discontinued on _____, 20__:

LIST SERVICES TO BE DISCONTINUED

AND FURTHER TAKE NOTICE THAT you may attend a meeting of the Band Council scheduled for _____,
20__ at _____ o'clock, at _____ (place), (within the 30 days set out above) and
show cause as to why the services should not be discontinued.

DATED AT _____ this _____ day of _____, 20__.

Administrator

SCHEDULE "G"
NOTICE OF REVIEW

TO: Tsawout Council
c/o _____
(Administrator)

PURSUANT to the Tsawout Sewer System Bylaw, I hereby request a review of the decision as outlined in the NOTICE OF _____, dated the _____ day of _____, 20__ and signed by the Administrator:

_____ to refuse to issue a _____

for the following premises located at:

(description of the Premises)

On the following grounds:

- 1.
- 2.
- 3.
- 4.

I request that the review hearing be open to the public. [If not requested, all review hearings are held in camera before Council only.]

DATED AT _____ this _____ day of _____, 20__.

Printed Name

Signature

Address to which All Notices to are to be Sent

SCHEDULE "H"

NOTICE OF HEARING

TO: _____

ADDRESS: _____

RE: _____

(Specify proposed service, refusal or fee etc.)

TAKE NOTICE that the Tsawout Council shall hold a [public] review hearing at
_____ (give location) on the _____ day of _____, 20____, to
consider representations from _____ with respect to the above-noted review of
_____.

AND TAKE NOTICE that you may also submit to the Tsawout Council any written submissions which will be
considered at the said review hearing.

DATED AT _____ this _____ day of _____, 20____.

Chief and Council

SCHEDULE "I"

LIST OF EXISTING PRIVATE DEVELOPMENTS AS OF APRIL 1, 2000

Development Name	Owner/Operator	Lot No./Parcels
Country Park Village Properties Ltd.	Norm Eden	3-2, 3-3, 4-5, 6-3 & 65
Central Saanich Estates	Gus Underwood	2-1-1, 2-1-2, 2-1-3 & 2-1-4
Westwind Estates	Charles Danbrook	1-4
Saanichton Bay Projects Ltd.	Norm Cross	South East portion of 4-6-1
Mount Newton Square Development	Orchard Parks Properties	12-1 & 12-1-1
Cedar Meadows	Vivian Hermesen	11-1 & south portion 12-2-2
Mary Underwood Park	Estate of M.U.	Northerly portion of 12-2-2
Sandhill Creek Estates	Herman Underwood	13 & South East corner of 12-2-2 portion of 11-2 & 11-3
Pelkey Park	Terry Greene Estate Manager	14-2, 52 & 53
Mapletree Estates	Earl Claxton Sr./M. Pelkey	22-1
Cedar Ridge Estates East & Cedar Ridge Estates	Ray, Marge and Stan Sam	57-1 and part of lot 58
Cedar Ridge Place	Earl, Calvin & Clyde Claxton	48
Country Park Village Phase III	Harry Underwood	3-1
Popeye's Campground	Jimmy Family Joint	25-2