

OPASKWAYAK CREE NATION/LAND AUTHORITY

REGULATION

FOR THE DETERMINATION OF RENTS, FEES, RATES, ASSESSMENTS AND DUTIES FOR RESIDENTIAL USE AND OCCUPANCY

WHEREAS the *Land Law for Governing the Use and Occupancy of OCN Lands*, required Regulations for determining rents, fees, rates, assessments, and duties, for OCN Citizens and non-OCN Citizens, pursuant to Section 12.4e;

AND WHEREAS for greater certainty, the Land Authority requires a process for administering, determining and implementing fair and equitable rents, fees, rates, assessments and duties as part of their administration and management function under the *OCN Land Code*, and Land Laws;

AND WHEREAS it is the belief of the OCN Citizens that they have equal opportunity and rights to reside on any of the OCN Land and that they be given the same right as any other OCN Citizen residing on OCN Lands;

AND WHEREAS through community consultation meetings, the community expressed the need to regulate and implement the determination of rents, fees, rates, assessments and duties which will represent their interest in a fair and equitable manner;

NOW THEREFORE BE IT RESOLVED THAT the Chief and Council approve and adopt this Regulation to comply with the *Land Law for Governing the Use and Occupancy of OCN Lands* enacted on August 11, 2003, and that this Regulation will be the procedures and processes when determining rents, fees, rates, assessments, and duties on OCN Lands used and/or occupied.

1. **NAME**

1.1 This Regulation may be cited as the "Regulation for the Determination of Rents, Fees, Rates, Assessments and Duties for Residential Use and Occupancy" or in short form as the "Residential Rents Regulations".

2. **DEFINITIONS**

2.1 This section is for interpretations of words used throughout this Regulation, and shall have the following meanings:

- (a) "**Conditional Use**" means to grant, at the discretion of the Land Authority, of different type of use for the land and/or improvements on the lands that may be permitted in a particular zoning district;

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- (b) **“Council”** means the Chief and Council of Opaskwayak Cree Nation acting collectively for the benefit of OCN Citizen;
- (c) **“Individual Transfer Agreement”** means the transfer agreement made between Opaskwayak Cree Nation and Canada in accordance with Section 6.1 of the *Framework Agreement on First Nation Land Management*;
- (d) **“Fair Market Rental Value”** means the rate determined by a professional appraiser, for the highest and best use of the lands, within similar property in which the land rental is based on market value of the land and that rent reviews are conducted in intervals depending on the use;
- (e) **“First Nation Land Registry System”** means the registry system maintained by the Department of Indian Affairs and Northern Development pursuant to the *Framework Agreement on First Nation Land Management* and the *First Nation Land Management Act*, Section 25;
- (f) **“Interest”** means a right to possession or use of specific OCN Lands which has been documented through an agreement for a particular purpose such as a lease, permit, easement, right-of-way and is registered in the OCN Land Registry and the First Nation Land Registry System;
- (g) **“Land Authority”** means the executive body that facilitates land management activities, and whose duties include the administration, management and planning activities relating to Land Management, and which authority was established through Land Law #2003/002, as amended from time to time;
- (h) **“Land Law for Governing the Use and Occupancy of OCN Lands”** means the Land Law enacted on August 11, 2003 which set out the processes and procedures for administering and managing OCN Lands;
- (i) **“Land Use Fee”** means the fees that OCN has established for OCN Citizens to pay OCN in lieu of paying fair market rental value and is consistent with the use of the area;
- (j) **“Lease(s)”** means the Leasehold Interest in OCN Lands in which terms and conditions are set out in writing and signed by the parties (the Lessee and the Lessor) which grants exclusive use during the term of the Lease;
- (k) **“Lessee”** means the person(s), company or business that is a party to a Lease who receives or holds a Lease to use OCN Lands;
- (l) **“Lessor”** means OCN or its designate which grants or issues a Lease to a Lessor;
- (m) **“License”** means a written permission to operate, use, or enter upon OCN Lands

which is granted but not known as an Interest;

- (n) **“OCN Citizen(s)”** means a person whose name appears on the OCN membership list or is entitled to appear and shall have the same meaning as OCN members as defined in the *OCN Land Code*;
- (o) **“OCN Lands”** means all the lands referred to in the *OCN Land Code*, including any additional lands which will be acquired through treaty land entitlement process or land claim settlement or any other process;
- (p) **“OCN Land Code”** means the Land Code ratified and enacted by the eligible registered voters of OCN Citizens, as amended from time to time;
- (q) **“Opaskwayak Cree Nation (OCN)”** means the collective body of first nation members governed by Chief and Council exercising collective and individual rights as Opaskwayak Cree Nation;
- (r) **“Permit”** means an Interest granted to use, remove, occupy, or enter upon OCN Lands, which terms are set out in writing and signed by the parties (the Permittee and the Permitter), and does not issue an exclusive use for a particular area;
- (s) **“Permittee”** means the person(s), company or business who receives or holds a Permit to use or access to OCN Lands;
- (t) **“Permitter”** means OCN or its designate which grants or issues a Permit to a Permittee;
- (u) **“Pre-Existing Interest”** means any active Lease or Permit issued or approved under Her Majesty the Queen in Right of Canada and registered in the Indian Land Registry System prior to the enactment and coming into force of the *OCN Land Code*;
- (v) **“Residential”** means the type of use or purpose that will be used on the land which includes but is not limited to single dwelling units, condominium, cottage, town houses and duplexes; cabins that will be used for your own personal use and not as a business;
- (w) **“Resolution”** means a written resolution signed by a quorum of Chief and Council at a meeting duly constituted and valid under the Indian Act Band Meeting Regulations giving consent and/or approval on a particular issue.

3. **AUTHORITY**

- 3.1 Pursuant to the *OCN Land Code*, the *Land Law for Establishing a Land Authority*, enacted March 10, 2003 and the *Land Law for Governing the Use and Occupancy of OCN Lands*,

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- enacted August 11, 2003, the Land Authority has the responsibility and mandate to administer and manage OCN Lands on behalf of Council.
- 3.2 Pursuant to Subsection 6.2(b) of the *OCN Land Code*, Chief and Council may make Land Laws including, but not limited to the creation, regulation and prohibition of Interest and Licenses in relation to OCN Lands.
- 3.3 Pursuant to Section 18.(1) of the *First Nation Land Management Act*, OCN has the authority to exercise:
- (a) the powers, rights and privileges of an owner in relation to that land;
 - (b) grant Interests in and Licenses in relation to that land;
 - (c) manage the natural resources of that land; and
 - (d) receive and use all moneys acquired by or on behalf of the first nation under its land code.
- 3.4 The Land Authority, a responsible body for land management, through Land Law 2003/002, has general authority and administration over all Interests and Licenses relating to OCN Lands pursuant to the *OCN Land Code*.
- 3.5 The Land Authority has the authority to exercise rights and privileges as Lessor or Permitter under any Lease or Permit, as conferred by any collateral agreement, and any implicit in, or arising out of each transaction relating to OCN Lands.
- 3.6 Council herein adopts regulations to deal with equitable rents, fees, rates, assessments, and duties for Residential use and/or occupancy, and to set out the processes and procedures for the determination and calculation of the same.
- 3.7 This Regulation will set out the criteria that shall apply when determining rents, fees, rates, assessments and duties.

4. **OCN RIGHT TO ASSESS**

- 4.1 OCN has the legal authority to exercise the following:
- (a) to receive payment of rents and fees due on behalf of OCN;
 - (b) to enforce the terms and conditions of the Lease, Permit or Licence;
 - (c) to terminate or cancel Leases, Permits, or Licence that may be in default; and
 - (d) to evict Lessees, Permittees, or occupiers of the Leased or Permit area.

- 4.2 OCN delegates to the Land Authority, through this Regulation the responsible authority to ensure the provisions within this Regulation are implemented.

5. **APPLICATION**

- 5.1 For the purpose of this Regulation, these processes and procedures will apply to all users, occupiers of OCN Lands that have an Interest whether it be traditional/custom allocation, Lease, Permit or agreement.

6. **CRITERIA FOR ASSESSING RENTS AND TAXES**

- 6.1 Non-OCN Citizens occupying, permitting, or leasing OCN Lands for Residential purposes shall be required to:

- (a) pay fair market rent as per Lease terms and conditions as determined by a professional appraiser for each of the periods identified in the Lease;
- (b) pay the applicable interest rate set in the Lease; and
- (c) pay all applicable OCN taxes assessed as per OCN Land Tax by-law.

- 6.2 OCN Citizens occupying, permitting, or leasing OCN Lands for Residential purposes shall be required to:

- (a) pay any rents and fees determined and assessed under the Lease/Permit due to March 31, 2003;
- (b) pay any further rents and fees due and determined as Land Use Fees occurring subsequent to the effective date of April 1, 2003, for those OCN Citizens occupying more lands and subject to criteria set in Schedules for OCN Citizens:
 - (i) in the event that an OCN Citizen:
 - a. holds a double lot and there are records identifying this use (such as double lot user fees), the assessment will change from a double lot user fee to a Land Use fee, accounts will be adjusted to reflect the effective date;
 - b. has been granted use under a Lease/Permit for two surveyed lots, the assessment for the rents will be amended to reflect applying the Land Use Fees according to schedule for rates outlined in Schedule A-H;
 - c. has an application approved for use of more than one (1) lot and has

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been approved will be subject to pay a Land Use Fee which will include the occupation of the housing unit allocated by OCN Housing Authority; and

- d. has an application approved to increase their lot size outside of the survey or lot measurement will be subject to a Land Use Fee;
- (ii) in the event that an OCN Citizen has an Interest in a particular lot and that OCN Citizen is not occupying the lot but is allowing the use and occupancy of the unit located on the lot:
 - a. to an immediate family member then the determination of rent using Land Use Fee not will apply;
 - b. the Interest is held by a Lease/Permit and the unit is being rented and for profit, then fair market rental value may be assessed even if they are an OCN Citizen;
 - c. where there is an unattached unit on the same lot and that unit is being rented out to someone other than a immediate family member, for purposes of profit, then that fair market rental value shall apply; or
 - d. the OCN Citizen may provide proof to reasonably demonstrate the purpose of renting is for profit, in the absence of proof, then the presumption shall be that any rental to a non-family member is for profit;
- (iii) where an OCN Citizen has an active Lease in place and are utilizing the lot for purposes other than Residential use, a request for Conditional Use will be required and under the Conditional Use, a fee may be assessed;
- (c) where a financial institution acquires Interest in OCN Lands by means of an assignment of Lease and there is a sub-lease arrangement between the OCN Citizen and the financial institution and a subsequent action of foreclosure or equivalent to foreclosure, such that the OCN Citizen is no longer the occupier and the Interest reverts back to the financial institution, then fair market rental value will apply to the financial institution.

6.3 In the event that OCN Housing Authority Inc. is the Lessee and holding the Interest of the lot for or on behalf of an OCN Citizen, then OCN Housing Authority will not be subject to paying fair market rent or Land Use Fee, but should an occupier of the OCN Housing Authority unit has applied for and has been approved granting of a permit/lease and is still occupying the OCN Housing Authority unit, the occupier will be subject to pay a Land Use Fee until such time as they have vacated the OCN Housing Unit and moved into the lot

granted to them.

- 6.4 In the event that an OCN Citizen has applied and is approved for use of Land for seasonal, hunting/trapping cabin or Small Agricultural/Residential use then the fees determined for such use will apply and is not subject to this Regulation.
- 6.5 The criteria where an OCN Citizen and a non-OCN Citizen holds a Lease or Permit joint and several, the following rules shall apply:
- (a) if the Interest is for one (1) lot only, the parties shall be required to pay one half (1/2) of the fair market rental value for the non-OCN Citizen;
 - (b) if the Interest is more than one (1) lot or is greater than a standard size lot, the parties shall be required to pay one half (1/2) of the fair market rental value for the non-OCN Citizen and the OCN Citizen will be subject to pay one half (1/2) of Land Use Fees that is assessed; and/or
 - (c) if they are renting the unit located on the lot, the parties shall be required to pay fair market rental value.

7. WATER SERVICE FEES

- 7.1 Fees for any water/sewer service that is provided will be determined as follows:
- (a) where the waterline connection provided by the RM of Kelsey, is being provided at OCN Reserve 21A (not including Timberland Trailer Court), 21C, 21D, 21I, 21N; the occupier shall enter into an agreement with OCN for fees and schedule of payments AND that Community Works and Operations of OCN is responsible for the management of these services and fees;
 - (b) where occupying or leasing land at OCN 21A - Timberland Trailer Court, where water and sewer service is provided and is stipulated within the Lease, the fees are determined by water metre readings read once every three (3) months at the rates determined by fees set by the Town of The Pas and made payable to OCN;
 - (c) where residing at OCN 21A, two (2) lots, known as Connaught Avenue and one (1) lot on LaRose Avenue and any other areas within the jurisdiction of the Town of The Pas, a service agreement will be entered into with the Town of The Pas and the fees and payments will be paid directly to the Town of The Pas;
 - (d) where occupying lands within OCN 21E and water and sewer service is available, the fees/rates are determined by OCN and fees are payable to OCN; and
 - (e) where water and/or sewer lines are not available, no fees will be assessed as it will

be the responsibility of the occupier/Lessee/ Permittee to ensure compliance for water and sewer requirements for holding tanks, wells and/or septic tank; costs incurred to maintain such systems are the responsibility of the occupier/Lessee/Permittee.

8. INTEREST FEE

8.1 Interest fees are assessed at the rates determined within the Lease or Permit:

(a) those Leases/Permits considered Pre-Existing Interest registered at the Indian Lands Registry System and transferred to the First Nation Land Registry System will be assessed a rate according to the Leases/Permits until such time as:

(i) amendments are made to the Lease/Permit;

(ii) relinquishment of the Lease and the Lessee entering into a new lease with OCN; or

(iii) the Lease/Permit has been cancelled;

(b) those Leases/Permits which have been entered into after August 1, 2002 are subject to a one percent (1%) interest rate for accounts thirty (30) days overdue;

8.2 Interest rates, shall be reviewed from time to time, and in the event of such review, the occupier or Lessee will be notified at least thirty (30) days prior to such review.

8.3 Interest rates for OCN Citizens shall not apply unless this Regulation is amended to reflect such rates.

9. ADJUSTMENTS OF RENTS/FEES/ASSESSMENT

9.1 The Land Authority and Council, through this Regulation, approve that accounts be retro-active in respect to the waiver of interest rates assessed and that the accounts shall have a cut-off date of July 31, 2002 for those Pre-Existing Interests, the date at which OCN assumed control of Leases and Permits from Canada.

9.2 FURTHER to Section 9.1, non-OCN Citizens will have their accounts adjusted accordingly, and new accounts will be set up as of April 1, 2003 as the start date, April 1st represents the due date for the rents to be paid for the year; however for those accounts that are invoiced monthly, the new accounts will have a start date of August 1, 2002.

9.3 In consultation with OCN Citizens, the Land Authority and OCN Finance and Administration Committee, the rental rates and interest charges assessed for OCN Citizens occupying OCN

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Lands through a registered interest or by way of approval through BCR the accounts will be adjusted accordingly, as per Appendix I

9.4 For the purpose of this Regulation, OCN Citizens occupying lands that previously were assessed rents and fees shall as of April 1, 2003 be subject to this Regulation and all accounts will be adjusted accordingly.

9.5 Where an Interest holder sells or releases their Interest, they are required to pay all outstanding charges in full, whether the account is pre-existing; rental; Land Use Fee; water fees, administration fee, etc, before the Land Authority approves the application for a Lease or relinquishment of the Lease/Permit.

10. **LAND USE FEES**

10.1 Land Use Fees will be assessed to those OCN Citizens who have met the criteria in Section 6.2 and the applicable rates for each of the OCN Reserve parcels are outlined in Schedule A - H.

11. **EXCLUSION**

11.1 This Regulation does not apply:

- (a) to Administration Fees assessed, which are determined by the *Regulations for Application for Use of Land*;
- (b) to sublease fees that may be charged by a third party interest within their sublease agreement;
- (c) to land use development plans under the Land Use Plan; or
- (d) to environmental assessments fee which will be addressed under the Environmental Management Plan.

12. **APPEALS**

12.1 Where there is a dispute which the Lands Staff cannot resolve the issue, the dispute may be appealed, by notice in writing to the Land Authority Board of Directors with a copy to the Land Manager.

12.2 The Land Manager shall prepare any necessary information and documentation relating to the appeal and will ensure the appeal is on the agenda for the Land Authority Board's review and decision.

12.3 Upon receipt of a formal request, for an appeal, in writing, a meeting shall be called no later

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13. GENERAL PROVISIONS

- 13.1 Where any section or subsection or provision of this Regulation is struck down by a Court of Law, then that provision shall be deemed to be severed, and the remainder of this Regulation will remain and continue to be in force.
- 13.2 Except where otherwise specifically intended, the plural shall include the singular, the singular shall include the plural, the masculine shall include the feminine and the feminine shall include the masculine where used in this Regulation.
- 13.3 The headings used in this Regulation have been inserted for convenience only and shall not be used in the interpretation, within this Regulation.

14. AMENDMENTS

- 14.1 This Regulation will be reviewed, from time to time, at the discretion of the Land Authority or upon Council's request.
- 14.2 If it is found during or upon review that an amendment is required, the Land Authority shall recommend to Council to make such amendment and that prior to an amendment being approved, at least one (1) community consultation meeting with OCN Citizens will be required.
- 14.3 Amendment to this Regulation shall be by Resolution of Council and shall form part of this Regulation.
- 14.4 Notice of the amendment will be posted.

REVIEWED AND PASSED by the Board of Directors of the Land Authority at a meeting held on the 9th date of March, 2006 and recommended to Council for their approval.

IMPLEMENTATION OF THIS REGULATION SHALL commence on the 7th day of July, 2006 which represents the date that Chief and Council approved and adopted Opaskwayak Cree Nation/Land Authority Regulation for the Determination of Rents, Fees, Rates, Assessments and Duties for Residential Use and Occupancy.

APPENDIX 1

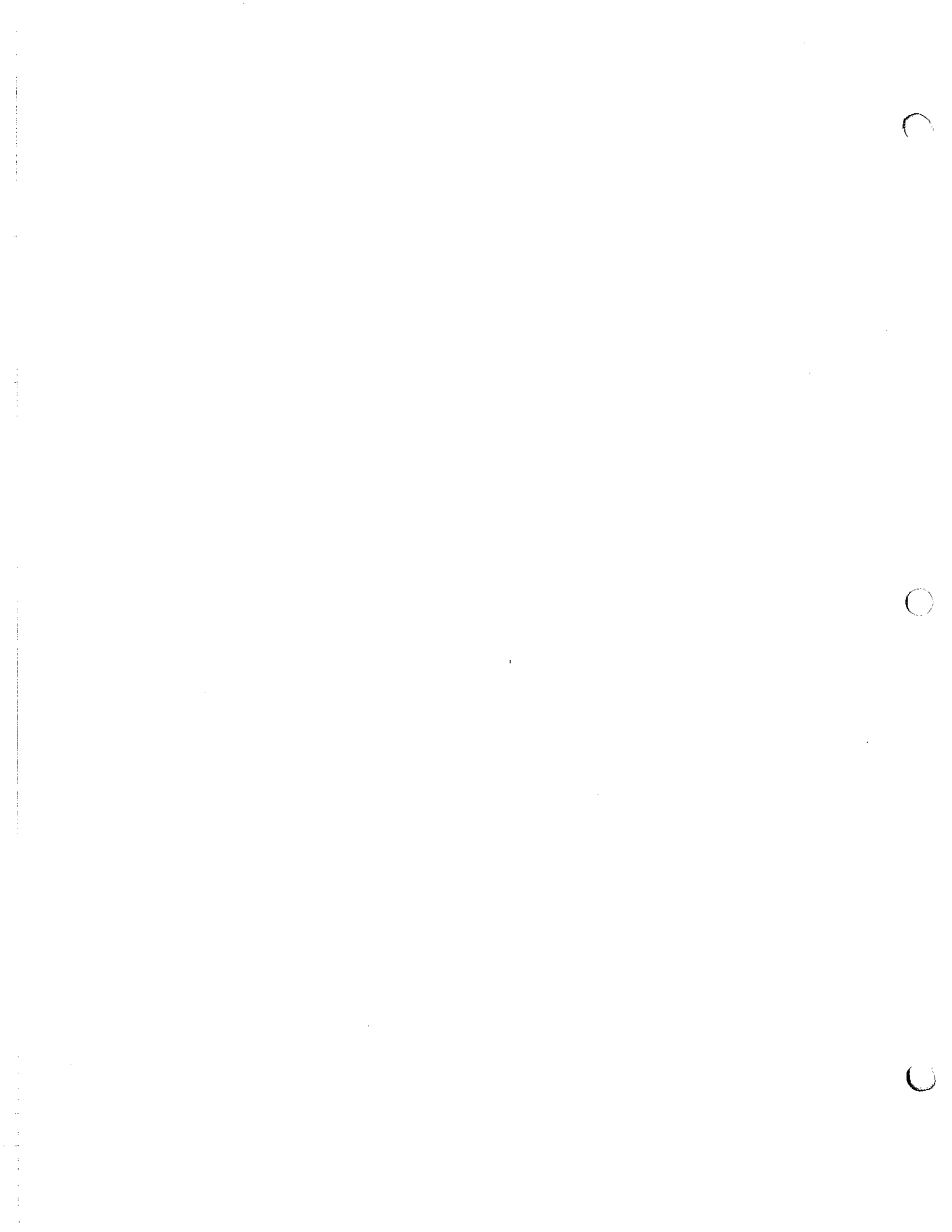
**FOR THE USE ON DETERMINING OCN CITIZENS' (INTEREST HOLDERS)
ELIGIBILITY FOR WAIVER OF INTEREST CHARGES FOR RENT
AND THE DETERMINATION OF ASSESSING LAND USE FEES**

Council upon approving this Regulation:

1. Shall waive all interest charges assessed on overdue rents/fees to OCN Citizens accounts from the date that Lease/Permit was entered into, to current date.
2. Shall authorize that only principal rent (rent acknowledged in a Lease agreement or Band Council Resolution (BCR)) be applied to Lease accounts from the effective date of the Lease/Permit or BCR until March 31, 2003 AND that this account will be separate from new accounts to be set up.
3. Shall inform each OCN Citizens Interest holder who has a Lease, Permit, or who was allocated land by way of a BCR, the status of their account, and they will be requested to enter into an agreement for payment of their account.
4. That all accounts that are in arrears to March 31, 2003 will remain open until such time as they are paid in full.
5. Shall direct staff to set up new accounts for OCN Citizens with an effective date of April 1, 2003, assessed as Land Use Fee, where applicable, for those OCN Citizens occupying more lands than is allocated for a particular section of OCN Lands (see schedules to determine rates).
6. Where adjustment is required, within a reasonable time, an amendment to the Lease/ Permit document will be implemented to reflect new rates/fees;
7. In some cases, reimbursement for payments received for lot rent (fair market rent) may be required to be reimbursed due to the adjustments being made to the accounts, OCN will, within a reasonable time, make arrangement for reimbursement.

IN THE EVENT that there is a joint tenancy with a spouse that is not an OCN Citizen, one half (1/2) of fair market rent will apply and accounts will be adjusted accordingly. The interest rate however will be forgiven.

FURTHER, IF OCN LANDS DEPARTMENT is aware that the unit located on the lot is being rented, full fair market rent will be implemented as the use is not for personal use.



Schedule A
Opaskwayak Cree Nation Reserve 21A

The following principles will apply when determining Land Use Fees for OCN Citizens occupying the following areas:

1. **Young's Point Subdivision** consisting of approximately 53 lots unsurveyed - each lot is approximately one (1) acre
 - holding tanks are required for septic use and will be at occupants own cost
 - Land Use Fee will not be assessed for those holding only one (1) lot in this area
 - in the event of an OCN Citizen holding two (2) or more lots a Land Use Fee of \$120.00 per year will be assessed (\$10.00 per month) for each additional lot.

2. **Drive-Inn Road and 16th Street West**
CLSR 59313, CLSR 74272, RSM 2114R, RSM 2111R, RSM 1585;
 - average lot size for this area is about 0.24 acres
 - Land Use Fee will not be assessed if only one (1) lot is held for Residential use in this area and where acreage is not more than 0.40 acres
 - in the event that two (2) or more lots are held within a Lease/Permit containing more than 0.37 acres, a Land Use Fee of \$120.00 per year (\$10.00 per month) is applicable;
 - for those occupying land between 1.00 acre to 2.00 acre then the Land Use Fee for that area will be \$180.00 per year (\$15.00 per month).

3. **Connaught Avenue**
CLSR 50393 - Block 69-1 containing about 0.47 acres
 - there are two lots which have been subdivided (unsurveyed)
 - Land Use Fee will not be assessed as long as this lot is subdivided and into two (2) lots with two (2) different occupants.

4. **Timberland Trailer Court**
CLSR 78191 - average lot contains about 0.15 acres
 - Land Use Fee will not be assessed if only one (1) Residential lot is held and acreage is less than 0.16 acres
 - Land Use Fee will be assessed if two (2) or more lots are held; for each additional lot a fee of \$120.00 per annum will be assessed (\$10.00 per month).

5. **Other Areas within OCN 21A**
 - Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

**Schedule B
Opaskwayak Cree Nation Reserve 21B**

The primary use for Opaskwayak Cree Nation Reserve 21B is for Residential Purposes. There is no water or sewer hook up to a community system. Holding tanks and in some areas septic fields are to be installed and maintained by the occupant. In the event that an OCN Citizen is occupying, leasing or permitting the use of land, the following will be subject to a Land Use Fee:

1. **Cemetery Road**
CLSR 59110 - lot allocations along the hydro lines (Lots 1 - 17 & Lot 22)
 - average lot size is 0.21 acres
 - holding tanks are required
 - Land Use Fee will not be assessed if only one (1) lot is held in this location
 - in the event that two (2) lots are held within or Lease/Permit contains more than 0.40 acres and less than 1.50 acres, a Land Use Fee of \$120.00 per annum will be assessed (\$10.00 per month);
2. **Cemetery Road** - lot located along the curve and along the road near the river
CLSR 59110 - Lot 18 - 21
 - average lot size is 1.50 acres
 - most of these lots have septic fields
 - Land Use Fee will only apply if the lot is over 1.50 acres and which rate will then be assessed at \$120.00 per annum (\$10.00 per month).
3. **Cemetery Road & PR 285**
RSM 125 (Lot 23) & RSM 315 (Lot 24)
 - holding tanks are required
 - this RSM only has one lot allocation and that is for 0.30 acres
 - no Land Use Fee is to apply unless there is a request for an expansion
4. **Cemetery Road**
RSM 1613R - (Lots 27, 28, 29)
 - the lot sizes are varied from 1.28, 1.00 to 0.509 acres
 - since septic fields is used for this purpose then Land Use Fee will not apply to these lots
5. **PR 285**
CLSR 74596 & RSM 1830R (Lots 26 & 30 total acres for both lots 1.475)
 - two (2) lots are actually being used and they have a septic field, this situation will be subject to a Land Use Fee for Lot 30, as the purpose identified for Lot 30 was for yard purposes
 - the Land Use Fee will be assessed at \$120.00 per annum (\$10.00 per month).
6. **Other Areas within OCN 21B**
 - Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

**Schedule C
Opaskwayak Cree Nation Reserve 21C**

The primary use for Opaskwayak Cree Nation Reserve 21C in the area known as White Bridge is for Residential Purposes. There is water connection to the RM of Kelsey waterline system. For the sewer system there are fields and holding tanks. Some lots in this area are developed and some or not. In the event that an OCN Citizen is occupying/leasing/ permitting the use of land, the following will be subject to a Land Use Fee:

1. **Whitebridge Area**
CLSR 62252 - (Lots 1 - 13)
 - flood clause is required
 - average lot size varies
 - few septic fields but as these fields reach capacity then holding tanks are recommended
 - Land Use fee will not be assessed if only one (1) lot is held which is legally surveyed;
 - in the event that two (2) or more lots are held, then a Land Use Fee of \$120.00 per annum (\$10.00 per month) for each additional lot will be assessed

2. **Agricultural Area**
RSM 1764R (Lots 14 & 15)
 - lots are not set aside for Residential purposes, therefore rates do not apply under this Regulation.

3. **Other Areas within OCN 21C**
 - Land Use Fee will be determined as a sub-division is developed of new lots have been identified.

**Schedule D
Opaskwayak Cree Nation Reserve 21D**

The primary use for Opaskwayak Cree Nation Reserve 21D is for agricultural purposes with three (3) Residential homes currently located within this area. There is water connection to the RM of Kelsey waterline system for some of the residences. For the sewer systems, there are fields and holding tanks. In the event that an OCN Citizen is occupying/leasing/ permitting the use of land for Residential purposes, the following will be subject to a Land Use Fee:

1. **Dyke Road**
CLSR 73297 - (Parcel 1)
 - flood clause is required
 - contains 5.26 acres (originally used for agricultural purposes)
 - a Residential/Agricultural Lease was granted in 1994 and a residence has now been erected and which home has a septic field, therefore 2.26 acres should be set aside for Residential purposes and no Land Use Fee is to be assessed due to septic field requiring at least 2.00 acres
 - the balance of the acreage of 3.00 the fee shall be determined as per agricultural policy or regulations approved that determines rates

2. **Along the Dyke**
RSM 809A - (Parcels 2 - 11)
 - parcels are considered Agricultural area, therefore rates have been established for this use (agricultural areas now consist of 119.81 acres more or less)

3. **Along the Dyke and Bodners Road**
RSM 1520 - (divided parcel 2 into Parcel 13 and Parcel 14)
 - parcel 14 is Residential containing about 1.51 acres with the home having a septic field, therefore 1.51 acres is set aside and no Land Use Fee is to be assessed
 - parcel 15 is agricultural use area

4. **Before the Dyke**
CLSR 73295 (Lot 12)
 - Lot 12 is Residential containing about 0.72 acres and lot is triangular in shape and cannot be subdivided therefore Land Use Fee is not to be assessed

5. **Other Areas within OCN 21D**
 - Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

**Schedule E
Opaskwayak Cree Nation 21E**

Opaskwayak Cree Nation Reserve 21E has various types of use and land allocations ranging from Residential to commercial, public interest areas, recreation, natural resources and agricultural. This schedule will refer to Residential purposes only. Most of the Residential lots within the Eastside, Townsite, Carrot River, Cow's Head and Big Eddy areas are connected to the main piped water and sewer system. When establishing Land Use Fees, the lots, depending on the area that is occupied, have an average lot size and if there are no average lot sizes then the following will be implemented in determining the Land Use Fee to be assessed for OCN Citizens:

- ▶ an elder with previously waived double lot user fees set by Community Works and Operations (CWO), this fee will remain waived for as long as the occupant remains as the main holder of the unit, and in the event that a new occupant has been granted the use of the two (2) lots then that occupant will be responsible for paying a Land Use Fee of \$120.00 per annum (\$10.00 per month)
- ▶ if an OCN Citizen holds more than one (1) lot within OCN Lands and the OCN Citizen was not previously waived the right not to pay the double lot user fees, then the OCN Citizen will be subject to pay a Land Use Fee of \$120.00 per annum (\$10.00 per month) for each additional lot held
- ▶ where the lots vary in size, particularly in the Carrot River, Cow's Head and Big Eddy area, most of these lots have been legally surveyed, THEREFORE if lot allocation is within a legally surveyed lot, will not be subject to paying a Land Use Fee BUT in the event that more land is being utilized and is outside of the surveyed area and a request was granted, then a Land Use Fee will be assessed at \$120.00 per annum (\$10.00 per month)

1. Eastside

RSM 768; RSM 769 & RSM 762

- there are various lot sizes with the lots allocated prior to the OCN Land Code and a RSM has been completed; the lots range from 0.21 acres to 0.80 acres

2. Eastside

Unsurveyed lots - lot outlined in development plan

- the average lot size for lots that do not have a RSM number is about 114.845' X 164.05 or 0.43 acres (35m X 50m)

3. Townsite Area includes Resolution Drive, Waller Road, Riverside Drive, Bignell Crescent, Jebb's Drive and part of Kiche Maskanow

CLSR 59504 & CLSR 60653

- the average lot size for two CLSR Plans are; 60 X 150 or 0.21 acres

4. Townsite Area includes Seta Street, Niska Street, Mikisew Street (known as the Sinclair Sub-Division) CLSR 73958 - 42 lots

- the average lot size in this sub-division is about 64 X 119 or 0.17 acres

OCN/LAND AUTHORITY REGULATION FOR RESIDENTIAL RENTS, FEES, RATES, ASSESSMENTS AND DUTIES

Schedule E ...continued.....

5. **Amisk Subdivision** - 73 lots
Unsurveyed Lots - New Sub-Division located near the proposed High School
- the average lot size is about 80' X 160' or 0.293 acres (24.38m X 48.768m)
6. **Whitehead Subdivision** - 24 lots
unsurveyed lots
- the average lot size is about 98.43' X 65.62' or 0.15 acres (30m X 20m)
7. **Kiche Maskanow** - Lots 66 to 75 (lots are between Che me Maskanow road entrance to the proposed access road to highway #10)
unsurveyed lots
- the average lot size in this sub-division is about 75' X 130' or 0.22 acres
8. **Kiche Maskanow** - Lots 49 - 55
unsurveyed lots between proposed access road to Lot 48 CLSR 77663
- the average lot size in this sub-division is about 100' X 120' or 0.28 acres
9. **Carrot River, Cow's Head and Big Eddy**
CLSR 77663 & CLSR 77664 & CLSR 77665
- the lots vary in size and are legally surveyed, therefore predetermined lots
10. **Abraham Sub-Division** - 19 lots
unsurveyed - across from the Church of Redeemer
- the average lot size in this sub-division is about 109.3' X 130" or 0.33 acres
11. **Seeseep Proposed Sub-Division** - approximately 20 lots
unsurveyed -
- currently there are no accesses to water or sewer connection
- the average lot size in this sub-division is about 80' X 120" or 0.22 acres
12. **Cow's Head along Kiche Maskanow**
unsurveyed - regular size lots
- the average lot size 100' X 130' or 0.30 acres
13. **Cow's Head and Big Eddy area**
unsurveyed - for bachelor units
- 60' X 100' or 0.14 acres
14. **Other Areas within OCN 21E**
- Land Use Fee will be determined as a subdivision is developed or new lots have been identified.

OCN/LAND AUTHORITY REGULATION FOR RESIDENTIAL RENTS, FEES, RATES, ASSESSMENTS AND DUTIES

Schedule E ...continued.....

15. **Residential Lots along Highway #10** - 3 known lots
lots are unsurveyed and allocation was not officially granted
- these lots will be grandfathered and no Land Use Fee will be assessed

16. **Oliver Bay Sub-Division**
unsurveyed - approximately 62 lots
- this sub-division was identified under the OCN Land Use Plan up-date 1991
and are undeveloped lots, holding tanks are recommended.
- lots are approximately one (1) acre each
- these lots will not be subject to a Land Use Fee unless two (2) lots are
granted, additional lots will require Land Use Fee to be assessed

17. **Watchi Bay Sub-Division**
unsurveyed - approximately 24 lots
- this sub-division was identified under the OCN Land Use Plan up-date 1991 was
intended to be for small agricultural use and may have Residential use.
- there are 21 lots which are approximately 5 acres more or less
- there is one lot which is approximately 4 acres more or less
- there are 2 lots which are approximately 3 acres more or less
 - ▶ this area will remain as Residential Small Agricultural areas and the rates will remain
the same

 - ▶ this area is intended for some sort of agricultural use to be utilized such as gardening,
chickens, horses, or tree planting, etc., agricultural fee will be assessed as per policy

18. **Agricultural Area**
- this area may require that a cabin or building is built for the purpose of monitoring
their agricultural area, therefore no Land Use Fee will be assessed but must
comply with environmental standards for the use of the area.

OCN/LAND AUTHORITY REGULATION FOR RESIDENTIAL RENTS, FEES, RATES, ASSESSMENTS AND DUTIES

**Schedule F
Opaskwayak Cree Nation Reserve 211**

Opaskwayak Cree Nation Reserve 211 has two types of uses, which are residential and agricultural, therefore the following principles will apply when determining Land Use Fee for OCN Citizens occupying the following areas:

1. **Bracken Dam**
CLSR 59012 - Lot # range from 8 - 50
 - flood clause is required
 - some units have connection to the RM of Kelsey waterline system and sewer system are holding tanks and some fields
 - Land Use Fee will not be assessed if only one (1) lot is held in this area
 - in the event that more than one (1) surveyed lot is held, this includes ½ lot, then a Land Use Fee will apply, example: ½ lot more will be \$60.00 per annum (\$5.00 per month) and for those holding additional survey lot would be \$120.00 per annum (\$10.00 per month) for each additional lot held

2. **Bracken Dam - flood clause required**
CLSR 73296 - Lot # range from Lot 52 -56
 - flood clause is required
 - some units have connection to the RM of Kelsey waterline system and sewer system are holding tanks and some fields
 - Land Use Fee will not be assessed if only one (1) lot is held in this area
 - in the event that more than one surveyed lot is held, this includes ½ lot, then a Land Use Fee will apply, example: ½ lot more will be \$60.00 per annum (\$5.00 per month) and for those holding additional survey lot would be \$120.00 per annum (\$10.00 per month) for each additional lot held

3. **Bracken Dam**
RSM 1134 - Parcel 6-4 containing 1.317 acres
 - flood clause is required
 - divided into 2 lots (2 lots unsurveyed)
 - no Land Use Fee will be assessed, if used for Residential purposes

4. **Bracken Dam -**
- flood clause is required
no official plan but is lot between Lot 8 and Lot 52
 - no Land Use Fee will be assessed, if used for Residential purposes

5. **Dyke Road**
 - flood clause is required
 - RSM 1487 Lot 7-6 (0.353 acres) Lot 7-7 & CLSR 73299 (1.28 acres)
 - occupied by non-OCN Citizen, but in the event it is allocated to an OCN Citizen, then no Land Use Fee will be assessed, if used for Residential purposes

OCN/LAND AUTHORITY REGULATION FOR RESIDENTIAL RENTS, FEES, RATES, ASSESSMENTS AND DUTIES

Schedule F ...continued.....

6. **Dyke Road**
Parcel 7-8 - RSM 1487 - contains 9.24 acres
 - flood clause is required
 - sub-divided (unsurveyed) to allow for 6 lots and this area is considered rural
 - average lot contains approximately 1.5 - 2 acres (long narrow lots)
 - no Land Use Fee is required due to location and access

7. **Along PR 283** - strip within plan 3598
unsurveyed - approximately 10 lots
 - flood clause is required
 - lots have been established before Land Code was in effect
 - no Land Use Fee will apply

8. **Along PR 283**
unsurveyed - triangular lot, 2 lots identified
 - flood clause is required
 - lots have been established before Land Code was in effect
 - no Land Use Fee will apply

9. **Along PR 283**
RSM 296A - parcel 5-1 containing 15 acres
 - 2 acres should be allocated for residential use and the remaining 13 acres as agricultural
 - no Land Use Fee will apply as long as the allocation is residential

10. **Along PR 283**
Part of Lot 4, CLSR Plan F3598
 - an agricultural area and residential use for part of this lot
 - estimate use for residential purposes is 2.06 acres and the remaining acreage of 40 acres will remain agricultural
 - No Land Use Fee to be assessed (grandfathered for current user)

11. **Other Areas within OCN 211**
 - Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

**Schedule G
Opaskwayak Cree Nation 21N**

Opaskwayak Cree Nation Reserve 21N has two (2) types of use, that is residential and agricultural, therefore the following principles will apply when determining Land Use Fee for OCN Citizens occupying the following areas:

1. **Just off of PR 283**
RSM 1521 - Parcel 10 - containing 1.08 acres
 - 1.08 acres is currently allocated for residential use.
 - no Land Use Fee will apply as long as the allocation is residential

2. **Other Areas within OCN 21N**
 - Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

Schedule H
Other OCN Reserve Parcels that may have Residential

The following OCN Reserve Lands will have some impact for Residential use or even for traditional use such as cabins for OCN Citizens: OCN 21D Salt Channel, OCN 21F, OCN 21L, OCN 21P, OCN Stony Point, OCN 21G, OCN 21J, OCN 21K, Root Lake 231 and OCN 27A. The OCN Lands listed below are considered rural areas. These areas are currently not identified for residential use but may be granted a conditional use for that area.

1. **OCN 21D Salt Channel** is mainly used for agricultural, natural resource, and wildlife management. Currently there are no plans to have Residential areas other than traditional use (cabin for trappers) until such time as more occupants are utilizing this area. No Land Use Fee for Residential purposes will be assessed.
2. **OCN 21F** is mainly used for recreation, natural resources and one(1) agricultural use. The area identified as agricultural use is approximately 5 acres more or less and may have a temporary residence, there will be no Land Use Fee assessed but must comply with environmental standards for use of area.
3. **OCN 21L (Rocky Lake)** is mainly to be used for Resource management, Recreation and proposed cottage sub-division. Currently there is one allocation of use granted for a one (1) acre lot and no Land Use Fee will be assessed but must comply with environmental standards for use of area.
4. **OCN 21P** - is mainly to be used for wildlife management area. An application was approved for seasonal/traditional use (cabin) and no Land Use Fee will be assessed but must comply with environmental standards for use of area.
5. **OCN Stony Point** is mainly to be used for recreation purposes with perhaps cottage or resort in the future, and also identified as resource management area. If in the future there is a sub-division or cottages, then a fee will be determined as sub-division or development occurs.
6. **OCN 21G** is mainly to be used for wildlife management.
7. **OCN 21J** is mainly to be used for wildlife management.
8. **OCN 21K** is mainly to be used for wildlife management.
9. **Root Lake 231** is mainly to be used for wildlife management.
10. **OCN 27A** - in Saskatchewan is mainly used for resource management, wildlife management, forestry, and recreation purposes.

NOTE: Land Use Fee will be determined as a sub-division is developed or new lots have been identified.

