

INUIT COMMUNITY COUNCIL BYLAW

A Bylaw Respecting the Administration of Community Land in the Inuit Community of Makkovik

WHEREAS freehold title to all land that is not held under pre-existing title within the Inuit Community of Makkovik is vested in the Makkovik Inuit Community Government;

AND WHEREAS the Makkovik Inuit Community Government believes it is desirable in the best interests of the Community to enact regulations for the administration of its Community Land

NOW THEREFORE BE IT ENACTED by the Makkovik Inuit Community Council as follows:

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PART 1 GENERAL

Short Title

- 1.1 This Bylaw may be cited as the *Makkovik Community Land Administration Bylaw*.

Definitions and Interpretation

- 1.2 For the purposes of this Bylaw, unless otherwise required by the context, the following definitions apply:

“Agreement” means the Labrador Inuit Land Claims Agreement;

“Applicant” means a person who makes an Application;

“Application” means an application for a private interest under section 3.4 and includes an application for a renewal, extension or variation of a private interest;

“Bylaw” means a law or regulation enacted by the Council and includes this Bylaw;

“Clerk” means the employee or employees of the Council designated by Council from time to time to perform one or more functions in relation to the administration of Community Land under this Bylaw;

“Community” means the Inuit Community of Makkovik;

“Community Land” means land owned by the Makkovik Inuit Community Government and includes land vested in the Makkovik Inuit Community Government under sections 17.42.1 and 17.38.2 of the Agreement and land referred to in section 17.42.3 of the Agreement;

“Crown” means Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of Newfoundland and Labrador;

“Council” means the Inuit Community Council of the Makkovik Inuit Community Government;

“land use plan” includes a land use plan, zoning Bylaw and subdivision Bylaw, and a Municipal Plan and Development Regulations enacted under Provincial legislation that is in effect in the Community;

“lot” means an area within Community Land defined by survey in which a private interest will be created or in which a private interest exists;



“permitted lot size” means the minimum lot size permitted for a particular land use under a land use plan;

“pre-existing interest” means a Surface Interest on Community Land referred to in section 17.42.3 of the Agreement;

“pre-existing title” means, with reference to a piece, parcel or lot of land within the Community, freehold title that is held at the time when the Provincial Order-in-Council referred to in section 17.42.1 of the Agreement comes into effect;

“private interest” means an interest in Community Land referred to in section 4.1 and a pre-existing interest but does not include pre-existing title or the rights and interests of the Makkovik Inuit Community Government in its Community Land;

“protected area” means an area of Community Land that is:

- (a) a Protected Area as defined in the Agreement; or
- (b) an area protected under or pursuant to section 6.1; and
- (c) includes an area within the Community that is protected under an order or regulation made by a town council pursuant to Provincial legislation which is in effect in the Community;

“Province” and “Provincial” refer to the Province of Newfoundland and Labrador;

“Resident” means an individual who is Ordinarily Resident in the Community;

“Schedule A” means the Schedule of Fees, Rents and Payments attached to this Bylaw as Schedule A; and

“structure” includes a building, mobile home, trailer, bus or other motor vehicle, wharf, fence, a footing, foundation or wall and includes materials that may be used in the erection of a structure, fixtures, and the contents of a structure but does not include a tent or snow house.

Incorporation of Agreement definitions

- 1.3 Terms that are not defined in this Bylaw but which are defined in the Agreement and are used in this Bylaw have the meanings assigned to them in the Agreement.

Application of this Bylaw

- 1.4 Subject to the Agreement and section 1.9, this Bylaw applies to all land in the Inuit Community of Makkovik. For greater certainty, this Bylaw does not apply to land in the Inuit Community of Makkovik that is under the administration and control of the Crown or the Nunatsiavut Government.

Rights in Community Land Governed by General Laws and this Bylaw

- 1.5 For greater clarity, subject to the Agreement, the rights of the Makkovik Inuit Community Government in its Community Land are governed by laws of general application in the Province and this Bylaw.

Access to Community Land

- 1.6 Subject to section 1.7, Residents have the right to enter and to use Community Land that is unoccupied and that is not subject to a private interest.

Restrictions and Exclusions from the Right to Use Community Land

- 1.7 The right to use Community Land under section 1.6:
- (a) may be restricted under and in accordance with a designation under section 2.2;
 - (b) does not include any right to disturb the surface of Community Land or to pollute Community Land; and,
 - (c) without restricting the generality of clauses (a) and (b), does not include the right to:
 - (i) build, place or incorporate a structure on or in Community Land;
 - (ii) construct, lay out, survey, or establish a road, trail, right of way, utility, subdivision, landing pad or landing strip on Community Land;
 - (iii) establish a place of trade or business on Community Land;
 - (iv) bring onto or deposit on Community Land any garbage, any abandoned or discarded personal property, or any polluting substance;
 - (v) carry out any excavation, mining, quarrying or drilling on Community Land; or
 - (vi) carry out an archaeological activity, disturb an archaeological site or archaeological material, excavate or disturb an Inuit burial site or a site of religious or spiritual significance to Inuit, or excavate or disturb human remains.

Private Interests in Community Land

- 1.8 Except as provided in section 1.6, no person is entitled to any estate, right, title or interest in Community Land unless the estate, right, title or interest:
- (a) is a pre-existing interest;
 - (b) is a private interest that has been issued by the Council in accordance with this Bylaw; or
 - (b) arises under a private interest issued by the Council in accordance with this Bylaw.

Pre-existing Title to Land within the Community not Affected

- 1.9 Unless otherwise expressly stated, nothing in this Bylaw affects land within the boundaries of the Community that is held under pre-existing title.

PART 2 ADMINISTRATION OF COMMUNITY LAND

Council Responsible for Administration

- 2.1 The Council is responsible for the administration of Community Land and this Bylaw and may from time to time designate one or more employees of the Council to perform the duties and functions assigned in this Bylaw to the Clerk.

Designation of Community Land for Community Purposes

- 2.2 The Council may, by resolution, designate areas of Community Land for use by the Makkovik Inuit Community Government for Community purposes.

How Designations are Made

- 2.3 A designation of Community Land under section 2.2:
- (a) does not require nor constitute the creation or issuance of a private interest in Community Land;
 - (b) may be made without surveying the land to be designated;
 - (c) may not exceed an area of 2 hectares unless, prior to the passage of the resolution, the proposed designation and the boundaries and proposed use of the area have been publicly advertised in the Community for a minimum of 2 weeks and a meeting has been convened by the Council to discuss the proposed designation and to consider any public views that may have been received with respect to the proposed designation;
 - (d) must stipulate the boundaries or the area being designated, the purpose for which the designation is made, and the use or uses that may be made of the designated area; and
 - (e) may prohibit or restrict public access to the designated area despite anything to the contrary in section 1.6.

Restrictions on Community Use

- 2.4 Any use by the Council of Community Land, including an area designated under section 2.2, is subject to applicable laws and any land use plan.

No Private Interests in Designated Community Land

- 2.5 Except as provided in section 2.6, no private interest may be created or issued in or with respect to any Community Land that has been designated under section 2.2.



Designated Community Land May be Encumbered or Made the Subject of Agreements

2.6 Despite section 2.5, the Council may:

- (a) by resolution of the majority of all the members of the Council mortgage or otherwise encumber Community Land that has been designated under section 2.2; or
- (b) by ordinary resolution of the Council establish leases, easements, including utility easements, and licenses and enter into agreements with respect to the administration and management of an area of Community Land designated under section 2.2 provided any such lease, easement, license or agreement is necessary for or incidental to the purpose for which the land has been designated.

Revocation of Designation

2.7 The Council may, by ordinary resolution, revoke a designation under section 2.2 if:

- (a) the designated area of Community Land is not subject to a subsisting interest referred to in section 2.6 unless the holder or beneficiary of the interested has consented to the revocation in writing;
- (b) if at least 2 weeks public notice has been given of the proposed resolution; and
- (c) a meeting has been convened by the Council to discuss the proposed revocation and to consider any views that may have been received from the public with respect to the proposed revocation.

PART 3 CREATION OF LOTS AND DISPOSITION OF INTERESTS IN COMMUNITY LAND BY THE COUNCIL

Power to Issue Private Interests in Community Land

3.1 The Council may in accordance with this Part, create, or authorize the creation of, lots and private interests in lots within Community Land upon such terms and conditions and subject to such reservations, easements, public rights of way and restrictive covenants as the Council in its sole discretion deems appropriate and, subject to this Bylaw, require the payment of the consideration, rents, or other charges that the Council deems appropriate.

Maximum Size of Lots

3.2 The Council shall not create a lot that is larger than the permitted lot size or issue an interest in a lot that is larger than the permitted lot size.

Procedure for Creation of Lots that Exceed Maximum Size Limits

3.3 If, after considering an Application under section 3.4, the Council believes that it is in the best interests of the Community to establish a lot that exceeds the permitted lot size, it may do so despite anything to the contrary in this Bylaw if:

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- (a) before approving the Application, it has given 2 weeks public notice of its intention to create a lot that exceeds the relevant maximum size; and
- (b) has considered any views that may be received from the public with respect to the matter.

Applications for Private Interests in Community Land

- 3.4 (1) Any person who wishes to acquire a private interest in a lot within Community Land or who wishes to renew, extend or vary a private interest in Community Land or a pre-existing interest must apply to the Council.
- (2) Nothing in subsection (1) or this by-law prevents the Makkovik Inuit Community Government from limiting the number of lots, or private interests that may be applied for or that may be granted to any person.

Minimum Contents of Application

- 3.5 An Application must provide
- (a) full details of the Applicant's identity,
 - (b) the location and size of the lot applied for,
 - (c) the type of private interest applied for,
 - (d) the purpose for which the lot will be used, and
 - (e) an undertaking to:
 - (i) have the lot surveyed at the Applicant's cost prior to and for purposes of the private interest applied for, or, where the Council has already established the lot through subdivision and survey, to pay the Council's costs for the survey.
 - (ii) pay all consideration, rents, fees or other charges required by the Council, and
 - (iii) conform to all conditions, covenants, and restrictions that may be lawfully imposed or agreed to by the Council in the creation or issuance of the interest applied for, including requirements to develop the lot in accordance with the terms and conditions set by the Makkovik Inuit Community Government.

Application of Land Use Plan

- 3.6 For greater certainty:



- (a) an Applicant must ensure the Application complies with all relevant provisions of the land use plan; and
- (b) if there is a conflict or inconsistency between the land use plan and a condition, covenant, or restriction set out in the grant, deed, lease, easement, licence or permit, the land use plan prevails to the extent of the conflict or inconsistency.

Additional Requirements for Applications

- 3.7 (1) In addition to the information required under section 3.5, if the Application is for freehold title or for leasehold title for a term of 5 years or more it must contain an offer to purchase or an offer to lease, as the case may be, at a price or rent that is at least equal to the amount set out in Schedule A.
- (2) If the Application is for a renewal, extension or variance of a private interest, that interest must be fully identified in the Application and the nature, extent and term of the renewal, extension or variance must be specified.

Filing of Application

- 3.8 (1) Once an Application has been completed it must be filed with the Clerk and all Application fees must be paid to the Clerk.
- (2) The Clerk may refuse to accept any Application that the Clerk determines in his or her sole discretion is incomplete.

Effect of Filing of Application for a New Lot

- 3.9 (1) Once an Application for a new lot has been filed with the Clerk, no other person may file an Application with respect to the proposed lot identified in the Application for a period of two years from the date on which the Clerk receives the Application or the interest applied for is granted, whichever happens first.
- (2) The Applicant has ten months from the date on which the Application is filed with the Clerk to complete a survey of the lot satisfactory to the Council if the Council has not already surveyed the lot, and two years from that date to complete all contracts, deeds and documents that may be required by the Council and the Applicant in order to create the lot and complete a conveyance of the interest applied for.
- (3) Nothing in subsection 3.9(2) prevents the Council from extending a time limit under that subsection or from establishing time limits for the commencement or completion of a structure on the lot in accordance with the terms of the instrument creating the Applicant's interest in the lot or in accordance with the land use plan.

Application Creates no Interest in Community Land

- 3.10 Except as provided in subsection 3.9(1), the filing of an Application for a new lot creates no interest in Community Land and does not create, recognize, authorize or grant any private right to enter or to use the land for any purpose nor does it exclude any Resident from enjoying the right of access set out in section 1.5.

Council to Consider and Decide All Applications

- 3.11 (1) The Council must consider an Application as soon as practicable after it is received by the Clerk. [Those applicants not already legally owning a lot within Community Lands will be given priority to anyone applying who already owns a lot, and these lots will be allocated by earliest date of application. If there are no application received toward available lots, council will consider those applicants who already owns a lot, to be allocated by earliest date of application.
- (2) Where the Application is for a new lot the Council may either reject the Application or issue an approval, with or without conditions. If the Council rejects the Application it must give written reasons for its decision.
- (3) Where the Application is for an extension, renewal or variation of a private interest in an existing lot the Council may, subject to the Agreement, reject or approve the Application with or without conditions. If the Council rejects the Application it must give written reasons for its decision.
- (4) Except as provided in the Agreement with respect to pre-existing interests, a decision under subsection (2) or (3) to reject an Application is final and not subject to review or appeal.

Negotiation of Conditions of Approvals

- 3.12 (a) The Council may authorize a member of Council or the Clerk to enter into negotiations with an Applicant for finalization of the terms and conditions that will apply to the interest applied for, including the consideration, rents, or other amounts payable, and terms and conditions respecting the size and type of development to be constructed on the lot and the time limits for the start of construction on the lot and the time limits for start of construction, and to either report to Council on the outcome of the negotiations or to enter an agreement with respect to all such terms and conditions.
- (b) The Council may enter into an agreement with a certified contractor and the proposed lot owner, to temporarily transfer legal title of residential lot to the said contractor and the said contractor will pay the residential lot fees as outlined in the Schedule of Fees, should the proposed lot owner be hiring a building contractor to build a residential dwelling and once the dwelling is near or fully completed, and the said contractor will transfer legal title of the residential lot to the new homeowner for the same cost and all parties, including council, said contractor and proposed lot owner will sign the agreement which will outline the terms and conditions of the agreement, which is to include the building contract.

Special Majority Required for Approvals Related to the Grant of Freehold



- 3.13 Pursuant to subsection 10.3.6(e) of the Labrador Inuit Constitution under the *Nunatsiavut Constitution Act*, IL 2005-02, a decision under section 3.12 to approve and authorize the execution of a document granting freehold title in Community Land must be made by a resolution supported by a majority of all of the members of the Council.

Conformity with Land Use Plans and Zoning Bylaws

- 3.14 The Council must not approve an Application or create a lot or issue a private interest in a lot within Community Land for a purpose that would be contrary to any applicable land use plan.

No Lots in Protected Areas

- 3.15 The Council must not approve an Application or create a lot or issue a private interest in a lot within Community Land if the lot, or any part of it, would fall within a protected area.

All Lots Must be Surveyed

- 3.16 (1) Except where otherwise allowed under subsection (3) or this Bylaw, the Council must not approve an Application or create a lot or issue a private interest in a lot within Community Land unless the lot has been surveyed.
- (2) Nothing in subsection (1) prevents the Council from surveying and sub-dividing lots of Community Land in preparation for or anticipation of sale of lots to the public, or from re-covering the costs of survey from a transferee.
- (3) The Council may by resolution authorize the issuance of a private interest in an area of Community Land if the interest is a lease, license, permit or authorization having a maximum term of five years or less, including all renewal terms, and the Council is satisfied that the area within which the interest will exist can be defined without need of boundaries that are established by survey.

All Consideration, Rental and Fees to be Paid

- 3.17 Every Applicant for a private interest in Community Land must pay the consideration, rental or fees prescribed in Schedule A prior to the issuance of the interest.

Clerk to Collect Fees

- 3.18 The Clerk must collect all the payments, rents and fees prescribed in Schedule A in respect of Applications and the issuance of interests under this Bylaw and no other person is authorized or permitted to collect such money or to issue a receipt for it

Public Access to Applications

- 3.19 The public may, on payment of the administration fees prescribed in Schedule A, access the records maintained by the Clerk with respect to Applications and the administration

of Community Land during normal office hours subject to any requirements established by Bylaw with respect to security, personal privacy and confidentiality.

No Liability

- 3.20 Neither the Makkovik Inuit Community Government nor any employee of the Makkovik Inuit Community Government is liable to a civil action, in damages or otherwise, with respect to the processing or the determination of an Application for a private interest in Community Land, the operation and maintenance of the data bases with respect to Applications and the administration of Community Land, the accuracy or reliability of the data bases, or for any other act done in good faith under authority of this Bylaw.

PART 4 PRIVATE INTERESTS IN COMMUNITY LAND

Private interests in Community Land

- 4.1 The Council may, upon approval of an Application, create, convey or otherwise issue the following interests in lots within Community Land:
- (a) freehold title;
 - (b) life estates;
 - (c) leases;
 - (d) licenses and permits to occupy or use;
 - (e) easements, including rights of way for roads and utilities; and
 - (g) agreements.

Private Interests Confined to Surface Rights

- 4.2 An interest or instrument referred to in section 4.1 does not confer, convey or include any right, title or interest in or to any mineral, quarry material, specified material, carving stone or other subsurface resource or to any archaeological material.

Lots Granted Under Freehold Title Cease to Be Community Land

- 4.3 When the Council creates, grants, conveys or otherwise issues freehold title to a lot within Community Land, upon execution and delivery to the grantee of the documents of grant or conveyance by the authorized signing officers of the Council the land ceases to be owned by the Makkovik Inuit Community Government as Community Land but, for greater clarity, the land remains within the jurisdiction of the Makkovik Inuit Community Government.

Lots Held Under Private Interests Other Than Freehold Title Remain Community Land

- 4.4 For greater certainty, a lot that is subject to a private interest referred to in section 4.1 other than a lot held under freehold title continues to be owned by the Makkovik Inuit Community Government as Community Land subject to the relevant interest.

Maximum Term of Leases

- 4.5 The Council must not issue a lease for a term, including all renewal terms, that is longer than 99 years.

Maximum Term of License or Permit

- 4.6 The Council must not issue a license or permit for a term, including all renewal terms, that is longer than 5 years.

Private Interests are Subject to Land Use Plan, and Applicable Bylaws

- 4.7 Every private interest, including freehold, is subject to the land use plan and all applicable Bylaws and no private interest may be used for any purpose that is not consistent with the land use plan or that is in contravention of any Bylaw.

Additional Terms and Conditions

- 4.8 The Council may establish, under the provisions of the instrument creating a private interest in Community Land and in addition to any term or condition specifically established or authorized under this Bylaw, such other additional, reservations, easements, covenants, restrictions, terms and conditions that the Council considers advisable having regard to the well-being of the Residents, the protection of the Environment within the Community, the development of the Community and the intended uses that will be made of the land. Nothing in this section or this Bylaw is intended to restrict the authority of the Makkovik Inuit Community Government to establishing policies or Bylaws to govern the development of the Community generally, or any division or sub-division of the Community.

Easements

- 4.9 (1) An easement may be created and issued under written instrument by the Council over or with respect to any Community Land including Community Land subject to a private interest excluding for greater certainty lots held under freehold title.
- (2) When the Council creates or issues an easement under subsection (1) the Council must seek the consent of any owner of a private interest in Community Land that will be affected by the easement if the owner holds the private interest under a lease or other instrument that has a term that is longer than 5 years.
- (2) Nothing in this Bylaw prevents the Council from creating, granting, conveying or otherwise issuing a private interest subject to a planned or existing easement.
- (3) The owner of a leasehold interest in Community Land for a term of 5 years or more may, by written instrument, grant an easement on or over his or her lot with



the written consent of the Council which may require such terms and conditions in respect of the easement as it in its sole discretion deems appropriate.

- (4) Where the Council has consented to the grant of an easement under subsection (3), the easement continues unaffected upon termination of the leasehold title.

Part 5 ARCHAEOLOGY, BURIAL SITES AND HUMAN REMAINS

No Archaeological Activity in Community Land Without a Permit

- 5.1 (1) A person may not carry out an archaeological activity, disturb an archaeological site or archaeological material, excavate or disturb an Inuit burial site or a site of religious or spiritual significance to Inuit, or excavate or disturb human remains in Community Land that is not subject to a private interest without:
 - (a) a permit authorizing the activity issued by the Nunatsiavut Government and
 - (b) a permit issued by the Council authorizing the entry on such Community Land for a purpose or purposes set out in the permit referred to in clause (a).
- (2) An Application for a permit to enter and use Community Land under clause 5.1(1)(b) must, in addition to the information required under Part 3 of this Bylaw, include a copy of the permit referred to in clause 5.1(1)(a).
- (3) The Council may dispense with the requirement for a survey under subsection 3.16(1) in approving a permit to use Community Land under clause 5.1(1)(b) if, as a condition of the permit, the area of land to be used for archaeological purposes is to be fenced or otherwise protected from interference or disturbance.

Entry into Private Land for Archaeological Purposes

- 5.2 (1) The holder of a permit issued by the Nunatsiavut Government authorizing the permit holder to carry out an archaeological activity, disturb an archaeological site or archaeological material, excavate or disturb an Inuit burial site or a site of religious or spiritual significance to Inuit, or excavate or disturb human remains in private land within the Community must obtain the permission of the owner of the land, or the lawful occupant, in order to enter the land unless the requirement to obtain that permission has been dispensed with by the Nunatsiavut Government.
- (2) In subsection (1) "private land" means land that is subject to a private interest or pre-existing title.

PART 6 PROTECTED AREAS



How Protected Areas Established

- 6.1 A protected area may be established in Community Land:
- (a) by a Bylaw;
 - (b) by order of the Council; or
 - (c) by a designation under section 2.2.

Purpose of Protected Areas

- 6.2 Unless otherwise stated in a Bylaw, order or designation establishing a protected area, the purpose of a protected area shall be to protect the natural environment and the ecological integrity of the area.

Prohibitions and Restrictions Applicable in Protected Area

- 6.3 A Bylaw, order or designation establishing a protected area must set out
- (a) the boundaries of the protected area;
 - (b) the purpose or purposes for which the protected area is established if different from the purpose set out in section 6.2; and
 - (c) the activities and land uses that are prohibited in the protected area.

No Private Interests to be Issued in Protected Areas

- 6.4 No private interest may be created or issued by the Council within a protected area other than under a permit that is issued in connection with the purpose for which the protected area is established.

The Council is Responsible for Protected Areas

- 6.5 The Council:
- (a) is responsible for the administration and management of protected areas other than those established by the Crown or the Nunatsiavut Government; and
 - (b) may enter into agreements with the Crown or the Nunatsiavut Government and their respective ministers and agencies, for purposes of establishing, managing and administering protected areas.

PART 7 TRANSFER OF ADMINISTRATION AND CONTROL OF COMMUNITY LAND TO THE CROWN AND THE NUNATSIAVUT GOVERNMENT

Transfers to Crown and Nunatsiavut Government Require Unanimous Consent

- 7.1 The Council may with the written consent of all members of the Council transfer any Community Land to the administration and control of the Crown or the Nunatsiavut Government subject to such terms and conditions as may be agreed by the Council.

Transfers to the Crown and Nunatsiavut Government with Consent of Community

- 7.2 Transfers under section 7.1 must not exceed 10 hectares in aggregate at any one time without the consent of the Residents of the Community as determined in a plebiscite.

Issuance of Leases and Permits to the Crown and Nunatsiavut Government

- 7.3 Nothing in this Part prevents the Council from granting freehold title or other private interest to the Crown or the Nunatsiavut Government in accordance with this Bylaw.

PART 8 RECORDS OF APPLICATIONS FOR PRIVATE INTERESTS IN COMMUNITY LAND AND ALIENATIONS AND DISPOSITIONS OF COMMUNITY LAND

Clerk to maintain records

- 8.1 The Clerk must maintain documents and records in relation to the administration of Community Land and this Bylaw in accordance with this Part.

Clerk's Responsibilities to Council

- 8.2 The Clerk is responsible to the Council for:
- (a) maintaining a public, current and accurate record of all designations of Community Land under section 2.2;
 - (b) maintaining a public, current and accurate record of all Applications for interests in Community Land;
 - (c) the processing of all Applications for private interests in Community Land including ensuring that Applications are considered on a timely basis by the Council;
 - (d) maintaining a public, current and accurate record of all decisions made by the Council with respect to Applications for interests in Community Land;
 - (e) maintaining the Council's copies of all private interests issued with respect to Community Land; and
 - (f) maintaining a public, current and accurate record of all alienations and dispositions of Community Land made by the Council and of all private interests in Community Land.

Functions of Clerk in Relation to Community Land

8.3 The Clerk shall:

- (a) receive and process all Applications for private interests in Community Land;
- (b) refer all Applications for private interests in Community Land to the Council for approval;
- (c) liaise with Applicants in relation to the processing and approval of Applications for private interests in Community Land;
- (d) as requested, provide recommendations and advice to the Council with respect to the issuance of permits, licenses and other private interests in Community Land and the terms and conditions that should apply;
- (e) subject to advice and instructions from legal counsel and the approval of the Council prepare grants, leases, licenses, permits, agreements and other authorizations in relation to private interests in Community Land for issuance in accordance with this Bylaw; and
- (f) perform any other functions that may be assigned to the Clerk in relation to the administration of Community Land by the Council or under this or another Bylaw.

Recording of Private Interests by the Clerk

- 8.4 Where the Council issues freehold title or a lease having a term of 5 years or more, the Clerk shall ensure that the freehold title or lease is recorded in the Registry of Deeds. The costs of registration shall be paid by the grantee or lessee and shall be paid to the Clerk before he or she releases the relevant document or documents to the Registry for recording.

Fees

- 8.5 The amounts set out in Schedule A for the interest applied for, as stated in application, is payable to Makkovik Inuit Community Government upon issuance of the deed of conveyance to applicant.

Purchase Price and Rental

- 8.6 The purchase price for freehold title and the monthly rental for leasehold title shall be established by agreement between the Applicant and the Council prior to execution of a grant or lease as the case may be, but the amount shall not be less than the amount set out in Schedule A unless, before agreeing to a lesser amount, the Council has given 2 weeks public notice of the lesser amount and has considered any views that may be received from the public with respect to the matter.

Vendors Must Inform the Clerk

- 8.7 Any person who holds land within the boundaries of the Community under freehold or leasehold title, including a person who holds such title by way of pre-existing title or a pre-existing interest, who sells, conveys, leases or sub-leases title to another shall give written notice of the sale, conveyance, lease or sublease and full particulars of the purchaser to the Clerk.

Duty of Owner Where Vendor Cannot Inform Clerk

- 8.8 In circumstances where a person acquires freehold title to land within the boundaries of the Community other than by purchase or in circumstances where there is no vendor who can meet the obligation under section 9.7, the new owner of the freehold must inform the Clerk of his or her acquisition of the freehold and provide his or her full name, residential and mailing addresses, and phone number(s).

Repeal

- 9.0 Simultaneously with the coming into force and taking effect of this amended by-law, the original By-Law Respecting the Administration of Community Land in the Inuit Community of Makkovik shall be automatically repealed, provided that neither the coming into force of this By-law nor the repeal of the old By-law shall in any way affect the previous operation of the old By-law or any part thereof nor affect the validity of any act done or right, privilege, obligation or liability acquired or incurred thereunder nor the validity of any contract or agreement made pursuant thereto prior to repeal.



SCHEDULE A

SCHEDULE OF FEES, RENTS AND PAYMENTS

APPLICATIONS

INTEREST APPLIED FOR	APPLICATION FEE
1. Application of plot of land	\$ 20.00

INTERESTS

INTEREST ISSUED, PER LOT	FEES, RENTS AND PAYMENTS
1. Freehold estate, fully-serviced or un-serviced land residential lots	\$ 500.00 per residential lot plus legal, registry and survey fees payable upon issuance of the deed.
2. Freehold estate fully- serviced or un-serviced commercial lots.	\$ 5,000.00 per commercial lot plus legal, registry and survey fees payable upon issuance of the deed.
3. Easement	As agreed, subject to the Agreement

ADMINISTRATION

1. search of database or records by clerk	\$5.00 per name, lot, Application or interest
2. copy of a record, entry or document	\$0.25 per page

Definitions applicable to this Schedule:

“fully-serviced land” means land served by all of the following: a road or street; solid waste removal; water; sewage; and electricity; and

“serviced land” means land served by any three of the following: a road or street; solid waste removal; water; sewage; and electricity.

BA