



Uchucklesaht Executive

Policy on Fee Simple Grants

Adopted by Motion on March 16, 2021

From the date it is adopted (but not retroactively), this Policy will guide decisions of the Executive to be made regarding the grant of fee simple title to Uchucklesaht titled lands to a Uchucklesaht enrollee (the “Applicant”) under section 7.1(b) of the Land Act.

For certainty, and in accordance with section 3.1 of the Integrity Act UTS 4/2011, a member of the Executive must disclose any conflict of interest regarding an application for the grant of fee simple title to Uchucklesaht titled lands and withdraw from the meeting during which the applicable application is being considered.

An application made by an Applicant will be considered on the following basis:

1. The Applicant must be eligible under, and have complied with all applicable requirements of, the Land Act UTS 12/2011, the Lands Registry Forms Regulation UTR 6/2011 and the Uchucklesaht Titled Lands Transfer Regulation UTR 35/2021, including the following:
 - a. Payment of the \$75 application fee in advance; and
 - b. Payment of the consideration (either \$1, in the case of an occupied lot, or \$2,500, in the case of a vacant lot), in this Policy called the “Reduced Rate”.
2. The Reduced Rate is not available to an Applicant who has any amounts owing to the Uchucklesaht Government and who has not made appropriate arrangements for repaying that amount.
3. In the case of a vacant lot and at the request of the Applicant, the \$2,500 payment will not be processed until the final approval is given by the Executive at which time the director of lands and resources will let the Applicant know the cheque will be processed within the next three days.
4. Only one lot may be purchased by an Applicant at the Reduced Rate and only in the following circumstances:
 - a. for the Reduced Rate of \$1, only when the Applicant has occupied the home on the lot for at least 10 years and has either paid off, or is in good standing on, a CMHC mortgage for that home;
 - b. for the Reduced Rate of \$2,500, only when the Applicant is not the owner of, or the applicant for ownership of, another lot.
5. All other purchases of Uchucklesaht titled lands by an Applicant must be at fair market value, using the BC Assessment values as a guide.
6. If the Applicant is eligible for a Reduced Rate, the Executive will not require an independent appraisal of the applicable lot under section 7.2 of the Land Act but will accept the BC Assessment value for that lot as the appraisal required by that section and

in all other cases the appraisal required by that section must be provided by the Applicant.

7. Notice of the Applicant's application must have been posted in accordance with the Land Act UTS 12/2011.
8. If any objection is filed regarding the Applicant's application, the Executive will consider the following factors in making its decision on the application based on the stronger claim, however, the decision of the Executive will be made in its sole and unfettered discretion and is binding on the Applicant:
 - a. does the Applicant currently occupy the home (stronger) or is their claim based on a relative occupying the home (weaker);
 - b. does the Applicant have children they are responsible for currently occupying the home with them (stronger) or do they not have children (weaker);
 - c. what is the strength of the Applicant's claim against the objection (taking into account the rules of evidence admissibility in court – such as written evidence (stronger) versus hearsay evidence (weaker)); and
 - d. is the objection based on notions of perceived equity within the context of a legal interest (such as a written contract of sale or transfer, stronger) or an equitable interest (such as an un-administered estate, weaker).
9. The preference is to have the title to a parcel of Uchucklesaht titled lands divided between as few individuals as reasonably possible.