

Land Act Summary

The Tsawwassen *Land Act* is one of the most important laws to be enacted by Tsawwassen First Nation. It establishes the overall framework for the administration of Tsawwassen Lands, including the procedures for the management of lands by the Tsawwassen Government.

The Act prevents any sale of Tsawwassen Lands to any non-Member or non-TFN entity under any circumstances, though the prohibition of alienation under Section 6. This makes sure that land will always continue to be owned by Tsawwassen First Nation.

The Act establishes the legal framework for Tsawwassen Fee Simple Interest (TFSI) holdings of Tsawwassen Lands. All former Certificate of Possession (CP) holdings on the former reserve lands were converted into TFSI holdings on Treaty Effective Day (April 3rd 2009). As with any fee simple interest, TFSI holders own their land and are able to develop it or lease it, so long as the use conforms to the Tsawwassen *Land Use Planning and Development Act*, as well as zoning and other regulations under this Act or other Acts. The main difference between TFSI lands and other fee simple interests is that lands held as TFSI cannot be sold to anyone other than a TFN Member or a TFN entity.

Tsawwassen Public Lands and Other Tsawwassen Lands are land owned and managed by the Tsawwassen Government. The Act sets out who may apply for an interest in these lands, and the process that Executive Council must follow in order to approve an interest in these lands. As with TFSI lands, any uses of Tsawwassen Public Lands or Other Tsawwassen Lands must conform to the Tsawwassen *Land Use Planning and Development Act*, as well as applicable regulations. Maximums are set for the number of years that land may be leased. TFSI land may be put out to lease for up to 99 years; TFN public lands may not be leased for any period longer than 49 years if it is to be used for non-residential purposes, unless a longer lease period (up to 99 years) is approved by Executive Council.

The Act sets out the authority and procedures for the Executive Council to prohibit people from trespassing on Tsawwassen Public Lands, and penalties for violating a prohibition. It also sets out rules for the expropriation of lands that are needed for public works, specifying that it must be limited to the smallest amount of land possible and that compensation must be paid.

The Act requires that certain decisions about land must go to a community vote for approval, including leases of public lands for more than 25 years, the disposition of interests in natural resources for a term of more than 5 years, and the granting of TFSI ownership to Members for parcels of land that are not being for a residence by that Member.

Amendments to the Land Act require a specific procedure to be followed. All proposed amendments must first be considered by the Legislature to decide whether the amendments should require community approval. If so, the proposed amendments can only be enacted after they are approved in a community vote.