



**TSAWWASSEN FIRST NATION**  
s̓əwaθən məsteyəx<sup>w</sup>

**Tsawwassen First Nation**

**Policy for Payment of Servicing and Pre-Construction  
Costs**

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September, 2014

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## 1) Authority

- 1.1 This policy is established pursuant to Section 3(1)(a) of the *Community Governance Act*, which authorizes Executive Council to provide services that are necessary or desirable to Members on Tsawwassen Lands.
- 1.2 Section 51(2) of the *Land Act* authorizes the Executive Council to dispose of a Tsawwassen Fee Simple Interest (TFSI) in Tsawwassen Public Lands to a Tsawwassen Member for residential purposes. This policy is intended to help achieve the purpose of such disposition by supporting Members building residences on Tsawwassen Lands.

## 2) Definitions

- 2.1 In this policy:

“**competitive price**” shall mean a price deemed by the Director to be comparable to or less than the price that a competing firm or qualified professional would charge;

“**Director**” means the Director of Lands appointed in that capacity by the Executive Council under the *Government Employees Act*;

“**Falcon Way Subdivision**” means those residential lots located along Falcon Way (lots 1 to 34, Plan BCP38131);

“**Member**” means a Member of Tsawwassen First Nation;

“**qualified professionals**” means contractors holding the appropriate qualifications, certifications, and registrations as required for the work for which they are retained;

“**preconstruction**” means work that is necessary in order to prepare a lot for, or prior to, the laying of a foundation, such as surveying, site testing, lot filling, planning, permitting, and the retention of professionals for such services. It does not include finishing work such as paving or landscaping; and

“**servicing**” means water, electricity, sewage, or gas lines, as required.

- 2.2 Unless otherwise defined herein, any word or expression in this regulation shall have the meanings assigned to it in the *Tsawwassen First Nation Final Agreement*.

## 3) Application and purpose

- 3.1 This policy applies when Tsawwassen First Nation Members apply for:

- 3.1.1 payment or reimbursements by the Tsawwassen First Nation government for the extension of services to the property line of lots adjacent to an existing serviced public road when Members are building single-family residences for their own use ; and
- 3.1.2 reimbursements by the Tsawwassen First Nation government for preconstruction costs when Members are building single-family residences for their own use on Tsawwassen Lands elsewhere than in the Falcon Way Subdivision.

- 3.2** For greater certainty, Members are not eligible for pre-construction support for multiple buildings, multi-family units, or units that are not consistent with existing zoning for the community housing area, as defined in the Land Use Plan.
- 3.3** This policy is broken into two parts, the first dealing with payment and reimbursement for service extension, and the second dealing with reimbursement for preconstruction costs.
- 3.4** Only those costs incurred on or after April 3, 2009 (the “Effective Date”) are eligible for reimbursement under this policy.

## **Part 1 – Payment or Reimbursement for Servicing Extension**

### **4) Eligible costs and criteria for servicing extension**

- 4.1** The following costs are eligible for payment or reimbursement by the Tsawwassen First Nation government, subject to the provisions of this policy and provided that the conditions under 3.1.1 have been met:
- extension of a water line to the Member’s lot line,
  - extension of a sewage line to the Member’s lot line,
  - extension of an electrical line to the Member’s lot line, and
  - the modification of any public infrastructure required as part of the servicing (e.g. the raising of a fire hydrant).
- 4.2** In addition to the matters outlined in the above, reasonable project design and project management costs will be covered.
- 4.3** Where there is more than one location from which the lines referred to in 4.1 can be extended, only extension from the least costly location shall be eligible for payment or reimbursement unless the Director gives approval for extension from another location.
- 4.4** The Director may refuse payment for or reimbursement of any costs other than those listed in 4.1 unless the applicant can clearly demonstrate that the costs are reasonable and attributable to the servicing of their lot.

### **5) Process for payment of servicing extension costs**

- 5.1** A Member seeking payment of servicing extension costs under section 4 must apply to the Director on the form provided in Schedule A [*Application for Servicing Extension Payment*] of this policy and provide the lot location and documentation showing the intent and capacity to build a residence on that lot.
- 5.1.1** For the purpose of showing intent and capacity in 5.2 above, sufficient documentation may include the following:

- evidence of funds or financing such as a bank statement or construction mortgage agreement;
- planning or design documents or evidence that a qualified professional has or will be retained to create planning or design documents; or
- documents showing the purchase or lease of a home that will be relocated to the lot.

**5.1.2** The Director has discretion under this policy to determine whether intent and capacity to build a residence have been established.

**5.2** On receipt of an application under section 5.1, the Director shall review the servicing extension budget to ensure that the work is being completed for that the price is reasonable and competitive. The Director may require applicants to work with qualified professionals in order to ensure the quality and competitiveness of the bid.

**5.3** If the Director deems that 5.2 has not been satisfied, the Director shall deny the application and provide reasons in writing to the applicant.

**5.4** If an application is approved under this section, the Director shall work with the applicant to ensure that the payment of invoices is co-ordinated with the applicant, the qualified professional and TFN.

## **6) Process for reimbursement of servicing extension costs**

**6.1** This section applies when a Member has paid for the extension of servicing lines to the lot line in accordance with this policy, who incurred costs for servicing extension prior to the application of this policy and is applying for reimbursement of eligible costs.

**6.2** To receive reimbursement, the Member must apply to the Director using the form provided in Schedule B [*Application for Servicing Extension Reimbursement*] of this policy and attach the following required documentation:

**6.2.1** the name(s) of the qualified professional(s) retained, and

**6.2.2** receipts or invoices from the qualified professional(s) retained for all costs for which reimbursement is sought.

**6.3** Notwithstanding subsection 6.2 and the subsections thereunder, the Director may accept alternative documentation that the Director deems sufficient to ensure that only eligible and appropriate costs are reimbursed.

**6.4** If 6.2 and the subsections thereunder or 6.3 have been satisfied, the Director shall approve reimbursement.

**6.5** If the Director deems that 6.2 and 6.3 have not been satisfied, the Director shall deny the application and provide reasons in writing to the applicant.

## **Part 2 –Reimbursement for Preconstruction Costs**

### **7) Eligible costs and process for preconstruction reimbursement**

- 7.1** Preconstruction costs incurred by Members are eligible for reimbursement up to a total of \$10,000, subject to the provisions of this policy and provided that conditions under 3.1.2 have been met.
- 7.2** To be eligible for reimbursement, costs must be for work done by qualified professionals and deemed by the Director to fall under the definition of preconstruction.
- 7.3** To receive reimbursement, a Member must apply to the Director using the form provided in Schedule C [*Application for Preconstruction Reimbursement*] of this policy and attach the following required documentation:
- the name(s) of the qualified professional(s) by whom the work for which reimbursement is sought was performed;
  - details of what work was completed; and
  - invoices or receipts for the work for which reimbursement is sought.
- 7.4** Notwithstanding subsection 7.3 and the subsections thereunder, the Director may accept alternative documentation that the Director deems sufficient to ensure that only eligible and appropriate costs are reimbursed.
- 7.5** If 7.3 and the subsections thereunder or 7.4 have been satisfied, the Director shall approve reimbursement.
- 7.6** If the Director deems that 7.3 and 7.4 have not been satisfied, the Director shall deny the application and provide reasons in writing to the applicant.

# Schedule A – Application for Servicing Extension Payment



TSAWWASSEN FIRST NATION  
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## Applicant Information

Name: \_\_\_\_\_

Membership Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Lot and Planning Information

Lot Location: \_\_\_\_\_

Describe planned residence (new construction or premade home and other details if known):

\_\_\_\_\_  
\_\_\_\_\_

**Attach documents showing your intent and capacity to carry out the plan described above. Your application will not be accepted unless they are included.** For details, see the Tsawwassen First Nation *Policy for Payment of Servicing and Pre-Construction Costs*.

I hereby make application for servicing extension in accordance with all the information as stated above and declare that this is a true and correct statement. I further agree to comply with all the relevant acts and regulations of the Tsawwassen First Nation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Approval - staff use only; do not write in this section

Approved:

Not Approved:

If not approved, provide reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Schedule B – Application for Servicing Extension Reimbursement



TSAWWASSEN FIRST NATION  
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### Applicant Information

Name: \_\_\_\_\_

Membership Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### Lot Information

Address or Lot Location: \_\_\_\_\_

Servicing Extension completed by: \_\_\_\_\_

**Attach receipts, invoices, or other documents that show what work was done and the amount paid. Your application will not be accepted unless they are included.** For details, see the Tsawwassen First Nation *Policy for Payment of Servicing and Pre-Construction Costs*.

I hereby make application for servicing extension in accordance with all the information as stated above and declare that this is a true and correct statement. I further agree to comply with all the relevant acts and regulations of the Tsawwassen First Nation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Approval - staff use only; do not write in this section

Approved:

Not Approved:

If not approved, provide reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Schedule C – Application for Preconstruction Grant



TSAWWASSEN FIRST NATION  
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## Applicant Information

Name: \_\_\_\_\_

Membership Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Lot and Planning Information

Address or Lot Location: \_\_\_\_\_

Preconstruction work completed by: \_\_\_\_\_

Describe preconstruction work completed: \_\_\_\_\_

**Attach receipts, invoices, or other documents that show what work was done and the amount paid. Your application will not be accepted unless they are included.** For details, see the Tsawwassen First Nation *Policy for Payment of Servicing and Pre-Construction Costs*.

I hereby make application for servicing extension in accordance with all the information as stated above and declare that this is a true and correct statement. I further agree to comply with all the relevant acts and regulations of the Tsawwassen First Nation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Approval - staff use only; do not write in this section

Approved:

Not Approved:

If not approved, provide reasons: \_\_\_\_\_

Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_