



TSAWWASSEN FIRST NATION
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Community Safety and Security (LUPS) Act

LAND SECURITY REGULATION

Date Enacted: 10 September 2013

Order Number: O.085-2013

Last Amended: 16 March 2016

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Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date
s.2 amended s.9 amended	25/09/2013	O.088-2013	25/09/2013
s.6 repealed and replaced	16/03/2016	O.021-2016	16/03/2016

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Citation

- 1 This regulation may be cited as the *Land Security Regulation*.

Definitions

- 2 In this regulation:
 - “**Act**” means the *Community Safety and Security (Land Use and Prohibited Substances) Act*;
 - “**enclosed land**” includes land that is
 - (a) surrounded by a fence,
 - (b) surrounded by a fence and a natural boundary or by a natural boundary alone, or
 - (c) posted with signs prohibiting trespass;
 - “**non-Member**” means any individual whose name is not entered on the Tsawwassen Enrolment Register;
 - “**premises**” means land, including enclosed land, foreshore and land covered by water, but does not include a dwelling house.
 - “**Tsawwassen Lands**” means the lands set out in Appendix C-4 of the final agreement as Tsawwassen lands, as amended from time to time under that agreement, and includes all subsurface resources on or beneath the surface of those lands;
 - “**Tsawwassen Fee Simple Interest**” or “**TFSI**” means a fee simple interest in Tsawwassen Lands that is subject to any condition, proviso, restriction, exception, or reservation that may be set out in the *Land Act* (Tsawwassen).

[Amended by Order number O.088-2013]

- 3 Unless specifically provided otherwise in this regulation, the terms used have the same meaning as defined in the Act.

Trespass on TFSI land

- 4 If Executive Council believes, on reasonable and probable grounds, that drug activity is occurring on Tsawwassen Lands that are held in Tsawwassen Fee Simple Interest, the Executive Council on written notice may:
 - (a) declare a non-Member who accesses Tsawwassen Lands that are held in TFSI to be in trespass; and
 - (b) require that non-Member to immediately cease the trespass.

Requirements for written notice under section 4

- 5 A written notice under section 4 of this regulation
 - (a) must state
 - (i) details the Executive Council, in its sole discretion, considers necessary or desirable including, but not limited to, the time and place of the unauthorized activity; and
 - (ii) if applicable, the date by which the person must comply with the notice.
 - (b) may be given
 - (i) by personal service on the person;
 - (ii) by registered mail addressed to the person; or

- (iii) if the person or the address of the person is unknown to the Executive Council, by posting it on the TFSI on which the trespass occurred or is occurring, and
- (c) may be issued more than once for the same matter, as necessary.

Review of actions taken by Executive Council under section 4

- 6** Section 5 [*Reconsideration*] and section 6 [*Review of final order of Executive Council*] of the Act apply to an order made under section 4 of this regulation.

[Amended by Order number O.021-2016]

TFSI trespass offences

- 7** A non-Member who, without lawful authority:
- (a) occupies or possesses TFSI Land; or,
 - (b) fails to comply with a requirement of section 4 of this regulation, commits an offence.

Consent not a defence

- 8** For greater certainty, the consent of the TFSI holder or occupier is not a defence to an offence committed pursuant to section 7 of this regulation.

Arrest without warrant

- 9** (1) An enforcement officer may arrest without warrant any person found on a premises if the enforcement officer believes on reasonable and probable grounds that the person is committing an offence under section 7 of this regulation.
- (2) If an enforcement officer believes on reasonable and probable grounds that a person has committed an offence under section 7 and has recently departed from the premises, the enforcement officer may arrest the person without warrant if
- (a) the person refuses to give his or her name and address to the enforcement officer on demand, or
 - (b) the enforcement officer believes, on reasonable and probable grounds, that the name or address given by the person to the enforcement officer is false.

[Amended by Order number O.088-2013]

Contravention, penalty and enforcement

- 10** (1) Any person who contravenes the provisions of this regulation, commits a contravention punishable on summary conviction and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the *Tsawwassen First Nation Ticket Regulation, 2013*;
 - (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$10,000;
 - (c) to prosecution pursuant to the *Offence Act* (British Columbia); or
 - (d) to both prosecution under subsection c) and either a penalty under subsection a) or a fine under subsection b).

- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designated for enforcement under the *Community Safety and Security (Land Use and Prohibited Substances) Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
- (4) In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, members of the Police Department for the Corporation of Delta are designated as enforcement officers for the purposes of this regulation.