



## Sections of the *Interest in Settlement Land Regulation*

### Criteria for Approval of a Disposition

16. An Application will not be approved until all of the applicable following requirements have been satisfied at the applicant's expense:
  - (a) a survey has been carried out that meets Registry requirements;
  - (b) at the discretion of the Board, an Environmental Site Assessment, to determine the environmental condition of the lands and the presence of any contaminants;
  - (c) at the discretion of the Board, a Site Suitability Assessment, to determine the suitability of the lands for the purpose of the Interest;
  - (d) where the consideration payable under the Disposition is fair market rent or fees, an appraisal by an accredited appraiser;
  - (e) a Decision Document, if required under YESAA;
  - (f) evidence and supporting documentation of an encumbrance check carried out within thirty (30) days of the date on which the Application was stamped pursuant to section **Error! Reference source not found.** of this Regulation, including sufficient documentation to demonstrate to the Board that the Disposition will not conflict with the Final Agreement;
  - (g) if the Disposition may be affected by an encumbering right(s), proof that the applicant is aware of the encumbering right(s) and the impact that the encumbering right(s) may have on the disposition;
  - (h) if the Disposition may conflict with an existing Registered Interest holder, proof of consent of the Registered Interest holder;
  - (i) proof of corporate status, if applicable;
  - (j) a credit investigation, if required;
  - (k) reasonable proof that the proposed transferee/assignee has not been charged or sued for harming the environment in any jurisdiction in Canada, and has not been involved in a lawsuit or dispute regarding an Interest in land in any jurisdiction in Canada, within the last two (2) years.
  - (l) a Land Inspection Form signed by the Lands Manager addressing:
    - (i) access to the land,
    - (ii) availability of services (water, sewer, power) sufficient for the proposed use; and
    - (iii) confirmation that the site will accommodate the proposed use.
17. The Executive Council or its duly authorized delegate shall take into account the following principles and factors when making a decision as to whether to approve or reject an Application:
  - a) the interests of C/TFN;
  - b) the benefit to C/TFN;
  - c) consistency of the types of occupation and/or use with any applicable plan and/or zoning law; for greater certainty, applications will not be approved in areas where zoning laws are not in force;
  - d) environmental protection;
  - e) well-planned and orderly development of Settlement Land;
  - f) whether the applicant currently occupies or has improvements on the land subject to the Application;
  - g) potential impacts on adjacent land holders and existing uses of the land and surrounding land by Citizens and others;
  - h) balance between the interests of the applicant, community, and C/TFN;
  - i) consideration for existing and historic uses, historical connections, and C/TFN customary landholdings, and whether the Disposition would create a conflict with such uses, connections, and landholdings;
  - j) potential or actual conflict with existing legal interests;
  - k) the equitable distribution of Settlement Land among Citizens, families, and Clans;
  - l) heritage protection; and
  - m) any other factors the Executive Council or its duly authorized delegate consider relevant to the Disposition.