

SAWRIDGE FIRST NATION

***RESIDENCY AND MATRIMONIAL
PROPERTY ACT AMENDMENT ACT***

Tabled for First Reading: January 21, 2017

First Reading: February 25, 2017

Second Reading: April 22, 2017

Third Reading: May 27, 2017

SAWRIDGE FIRST NATION

Residency and Matrimonial Property Act Amendment Act

Bill 15

The Sawridge General Assembly enacts as follows:

Title

1. This Act may be cited as the *Residency and Matrimonial Property Act Amendment Act*.

Exemption for Apartments Licensed to non-member employees

2. The *Residency and Matrimonial Property Act* is amended by inserting the following after section 28:

Exemption for Apartments Sub-Licensed to Non-Member Employees

- 28.1 Notwithstanding the foregoing, where a person, other than a Member or a person banned by the Council, is employed by or works at the Sawridge Travel Centre, the Sawridge First Nation, or a company owned by the Sawridge First Nation, and that person wishes to occupy an apartment in the Sawridge Staff Apartments (Lot 3 Plan CLSR 2834R) pursuant to a sublicense agreement, he or she may apply to the Standing Committee on Staff Apartment Residency for a permit.
- 28.2 The Assembly shall appoint a Standing Committee on Staff Apartment Residency for the purposes of considering applications under subsection 28.1 annually. The Standing Committee on Staff Apartment Residency shall serve until the Assembly appoints a new Standing Committee on Staff Apartment Residency. The Standing Committee on Staff Apartment Residency shall meet within 30 days of the receipt of an application under subsection 28.1 to consider the application.
- 28.3 In considering an application for a residency permit under subsection 28.1 the Standing Committee on Staff Apartment Residency shall take into consideration the following matters:
- (a) whether that person is or will be employed by the First Nation or a First Nation company;
 - (b) the provisions of laws regarding housing, or related matters;
 - (c) the availability of funds to provide any required services;
 - (d) the extent to which that person is prepared to contribute to the welfare and advancement of the First Nation community;

- (e) whether, in view of the previous conduct and lifestyle of that person, his or her residence on Sawridge Lands would be likely to be compatible with the culture, society and community of Sawridge Lands Residents and the First Nation generally, and beneficial to their welfare;
- (f) any other consideration that, in the opinion of the Committee, is relevant to the health, safety, good order and advancement of the Sawridge First Nation and particularly the Sawridge Lands resident community.

- 28.4 The Committee shall hear *in camera* testimony of the applicant , and may hear such witnesses and require and consider such other evidence as it determines to be necessary, providing that any person whose interests or rights are affected are entitled to be heard.
- 28.5 The Committee may deal with any two or more related applications separately or together as it shall determine in its discretion.
- 28.6 The Committee may determine whether any application may be made on behalf of the applicant alone or on behalf of the applicant and all or any one or more of his or her Spouse's dependent children.
- 28.7 The Committee may grant or deny a Permit to the Applicant to reside on Sawridge Lands permanently or for a term of not more than five years and may impose such conditions in the Permit as the Committee may determine to be reasonable in the circumstances, balancing the right of the applicant with the right of the First Nation to determine who may reside upon Sawridge Lands.
- 28.8 In making its decision, the Committee shall not discriminate on the basis of sex, gender, race, age, or religious or spiritual beliefs.
- 28.9 The Committee shall report at the next Assembly the details of each Permit which has been granted and the details of each application which it has rejected.
- 28.10 Where an application has been denied by the Committee, the applicant may apply to the Council pursuant to section 17.
- 28.11 Any Member may appeal to the Assembly the decision of the Committee to grant a Permit at any time while the Permit is currently valid.

Guests of Non-Member Employees

- 28.12 No non-Member may have a guest stay in his or her residence or sublicensed apartment for more than 30 days without applying for and receiving a temporary permit from Council. Such permit may be granted at the discretion of Council for any period up to one year, without possibility of further extension, and with whatever conditions Council deems to be appropriate.

Coming into Force

- 3. This Act shall come into force on the date it is passed by the Assembly.