

**VUNTUT GWITCHIN FIRST NATION
 LANDS AND RESOURCES REGULATIONS**

1.0	INTERPRETATION	3
	Citation	3
	Definitions	3
2.0	ACTIVITIES AND EXEMPTIONS	4
3.0	APPLICATIONS.....	4
	Form of application	4
	Content of application.....	4
	Additional information	5
4.0	ADEQUACY OF APPLICATIONS	5
5.0	PUBLIC NOTICE.....	6
6.0	ASSESSMENT OF APPLICATIONS	6
	Consultation	6
	Factors for consideration	6
	Declaration under Yukon Environmental and Socio-economic Assessment Act	7
	Assessment under Yukon Environmental and Socio-economic Assessment Act.....	7
7.0	DECISIONS ON PERMIT AND ACCESS NOTICE CERTIFICATE APPLICATIONS.....	7
	Director actions on Permit applications.....	7
	Applications by Director or Guardian.....	8
	Director actions on Access Notice Certificate applications.....	8
8.0	DECISIONS ON GRANT APPLICATIONS.....	8
	Director actions on Grant applications	8
	Role of Community Advisory Panel or Standing Committee	8

**Draft 13 Lands and Resources Regulations
March 2020
CONSULTATION VERSION**

Council actions on Grant applications..... 9

9.0 APPEALS ON APPLICATIONS 9

SCHEDULE 1: ACTIVITIES REQUIRING GRANT, PERMIT OR ACCESS NOTICE CERTIFICATE..... 10

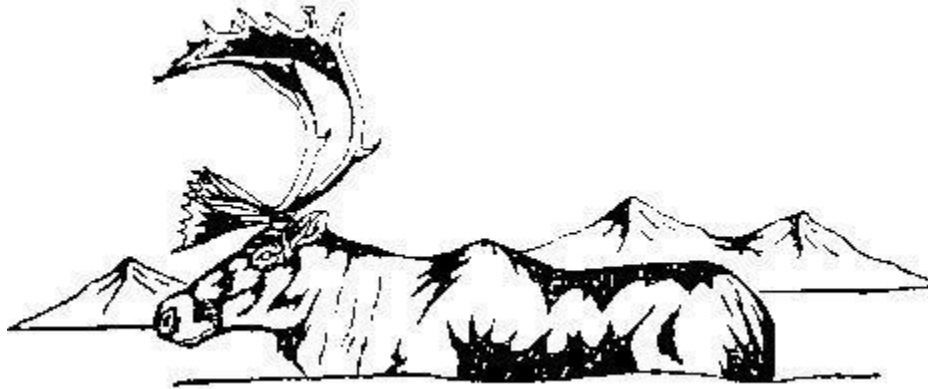
SCHEDULE 2: MINIMUM STANDARDS FOR LAND DESCRIPTIONS 12

SCHEDULE 3: APPLICATION FOR GRANT, PERMIT OR ACCESS NOTICE CERTIFICATE 14

SCHEDULE 3A: DESIGNATION OF HEIR 16

SCHEDULE 4: FEES 18

SCHEDULE 5: ENFORCEMENT FORMS 19



**VUNTUT GWITCHIN FIRST NATION
LANDS AND RESOURCES REGULATIONS**

Pursuant to section 29.5 of the Lands and Resources Act (2019), the Council of the Vuntut Gwitchin First Nation enacts as follows:

1.0 Interpretation

Citation

1.1 These Regulations may be cited as the *Lands and Resources Regulations*.

Definitions

1.2 In these Regulations,

“Casual and Insignificant,” in relation to the exercise of a Third-Party Access Right, means access that is occasional and leaves no evidence of the access lasting longer than one year;

“Designation of Heir” means an Instrument that designates the heir to a Personal Allocation pursuant to section 7.6 of the Act;

“Generally Recognized Route” means a road or trail on Undeveloped Settlement Land that was:

- (a) regularly used by the public, seasonally or year round,
 - (i) before public notification of Vuntut Gwitchin Government's final land selection; or
 - (ii) where the land became Settlement Land after the effective date of the Final Agreement, on the date the land became Settlement Land; or
- (b) authorized by Vuntut Gwitchin Government to provide public access to Settlement Land.

Draft 13 Lands and Resources Regulations
March 2020
CONSULTATION VERSION

“Significant Alteration,” in relation to an access route, means any change that

- (a) requires the clearing or destruction of Forest Resources or the movement of rock or earth;
- (b) increases or reduces access to Settlement Land; or
- (c) alters the cultural, aesthetic or ecological character of the area for longer than one year;

“Undeveloped Settlement Land” has the same meaning as in the Final Agreement; and

“Waterfront Right-of-Way” has the same meaning as in the Final Agreement.

1.3 Capitalized terms not otherwise defined have the same meaning as in the Act.

2.0 Activities and Exemptions

2.1 A Person must hold a Grant, Permit or Access Notice Certificate to carry out an Activity listed in Schedule 1, Column A of these Regulations, unless the Activity is listed as exempt under Column B.

3.0 Applications

Form of application

3.1 Every application for a Grant, Permit or Access Notice Certificate shall be in the form set out in Schedule 3.

Content of application

3.2 Every application shall include:

- 3.2.1 the applicant's legal name and signature;
- 3.2.2 the applicant's current mailing address;
- 3.2.3 whether the applicant is a Citizen;
- 3.2.4 a land description that complies with Schedule 2 of these regulations;
- 3.2.5 a description of any existing Activity, including a Traditional Activity;
- 3.2.6 a plan of proposed Activities; and
- 3.2.7 background information about the applicant and any other Person who would benefit from the Grant or Permit; and

Draft 13 Lands and Resources Regulations
March 2020
CONSULTATION VERSION

- 3.2.8 any application fee required by Schedule 4, Part A, unless waived by the Director.
- 3.3 Every application for a Personal Allocation shall include a Designation of Heir in the form set out in Schedule 3A, and
 - 3.3.1 a Designation of Heir is not valid until it is recorded in the Register; and
 - 3.3.2 a Citizen named as an heir under this section may not act as a witness to the Declaration of Heir.
- 3.4 Every application to replace, amend or subdivide a Grant shall include:
 - 3.4.1 proof of ownership of the Grant to be replaced, amended or subdivided;
 - 3.4.2 the reasons for the replacement, amendment or subdivision; and
 - 3.4.3 the name of any other Person who may benefit from or be affected by the replacement, amendment or subdivision.

Additional information

- 3.5 The Director may require an applicant for a Grant or Permit to provide, at the applicant's expense,
 - 3.5.1 a plan for the reclamation, rehabilitation or restoration of Settlement Land;
 - 3.5.2 studies of:
 - 3.5.2.1 the cost of reclamation, if carried out by a qualified third party;
 - 3.5.2.2 the socio-economic and environmental effects of the proposed Activity, taking into account any mitigation proposed in the application; and
 - 3.5.2.3 alternatives to a proposed Activity;
 - 3.5.3 proof that the applicant has the financial ability to fulfill the terms of a Grant or Permit; and
 - 3.5.4 any other information Vuntut Gwitchin Government requires to assess the application.

4.0 Adequacy of Applications

- 4.1 Where the Director determines that an application is incomplete, the Director shall issue a written notice to the applicant describing the information required.
- 4.2 Upon issuing a notice under section 4.1, the Director has no further obligation to review the application until the applicant provides all the information required by the notice.

Draft 13 Lands and Resources Regulations

March 2020

CONSULTATION VERSION

5.0 Public Notice

- 5.1 Where the Director determines that Vuntut Gwitchin Government has enough information to assess the application, the Director shall post a public notice at the Vuntut Gwitchin Government offices.
- 5.2 A public notice under section 5.1 shall:
- 5.2.1 describe the nature and location of proposed Activities;
 - 5.2.2 invite any Person to provide comments to the Director;
 - 5.2.3 omit any private or confidential information of the applicant; and
 - 5.2.4 remain posted until a final decision is made on the application.

6.0 Assessment of Applications

Consultation

- 6.1 In assessing an application, the Director may consult:
- 6.1.1 Citizens living in the Traditional Territory;
 - 6.1.2 any affected Grantee or Permittee;
 - 6.1.3 any Vuntut Gwitchin Government agency whose operations may be affected by the application; and
 - 6.1.4 any other Person with opinions or information relevant to the assessment.

Factors for consideration

- 6.2 In assessing an application, the Director shall consider:
- 6.2.1 the applicant's eligibility for a Grant, Permit or Access Notice Certificate;
 - 6.2.2 the applicant's past performance under Grants, Permits, Access Notice Certificates or authorizations issued under a Law of General Application;
 - 6.2.3 the need to require the deposit of security under the *Security Regulations*;
 - 6.2.4 the application's compatibility with existing Plans or management objectives in the *Parcel Management Regulations*;
 - 6.2.5 any reservations, exceptions, restrictions, easements, rights of way or special conditions under section 5.3.1 of the Final Agreement;

Draft 13 Lands and Resources Regulations

March 2020

CONSULTATION VERSION

- 6.2.6 any study or assessment, including an assessment under the *Yukon Environmental and Socio-economic Assessment Act*, S.C. 2003, c.7;
- 6.2.7 any public comment or consultation; and
- 6.2.8 the potential effects of an approval of the application on:
 - 6.2.8.1 Grantees or Permittees;
 - 6.2.8.2 Traditional Activities;
 - 6.2.8.3 Settlement Land and the environment; and
 - 6.2.8.4 Encumbering Rights.

Declaration under Yukon Environmental and Socio-economic Assessment Act

- 6.3 The Director may declare that an Activity proposed in an application is subject to assessment under section 48(1) of the *Yukon Environmental and Socio-economic Assessment Act* if:
 - 6.3.1 the Activity is otherwise exempt from assessment under the *Assessable Activities, Exceptions and Executive Committee Projects Regulations*, SOR/2005-379;
 - 6.3.2 the Director believes that the Activity falls within the scope of sections 48(3) or 48(4) of the *Yukon Environmental and Socio-economic Assessment Act*; and
 - 6.3.3 the other Persons or bodies with the power to make that declaration consent.

Assessment under Yukon Environmental and Socio-economic Assessment Act

- 6.4 If an Activity proposed in an application requires assessment under the *Yukon Environmental and Socio-economic Assessment Act*, Vuntut Gwitchin Government will not issue a Grant, Permit or Access Notice Certificate until:
 - 6.4.1 the Yukon Environmental and Socio-economic Assessment Board has delivered its recommendation; and
 - 6.4.2 any decision bodies under the *Yukon Environmental and Socio-economic Assessment Act* have issued their decision documents.

7.0 Decisions on Permit and Access Notice Certificate Applications

Director actions on Permit applications

- 7.1 Once the Director completes the assessment of a Permit application, the Director may:
 - 7.1.1 approve the application;

Draft 13 Lands and Resources Regulations
March 2020
CONSULTATION VERSION

- 7.1.2 approve the application subject to terms;
- 7.1.3 refer the application to a Community Advisory Panel;
- 7.1.4 refer the application to a Standing Committee established pursuant to section 2(1) of the *Governance Act*; or
- 7.1.5 reject the application and provide written reasons to the applicant.

Applications by Director or Guardian

- 7.2 Where the applicant is a Guardian or the Director,
 - 7.2.1 the Director shall forward the application to the Council for a decision under the procedures set out in section 8.3; and
 - 7.2.2 before making a decision on the application, the Council may exercise the powers of the Director under section 8.1.3.

Director actions on Access Notice Certificate applications

- 7.3 Once the Director completes the assessment of an Access Notice Certificate application, the Director shall issue an Access Notice Certificate for any Activities that do not require Consent or an order of the Surface Rights Board.

8.0 Decisions on Grant Applications

Director actions on Grant applications

- 8.1 Once the Director completes the assessment of a Grant application, the Director may:
 - 8.1.1 forward the application to the Council with a written recommendation to approve or reject the application;
 - 8.1.2 refer the application to a Community Advisory Panel; or
 - 8.1.3 refer the application to a Standing Committee established pursuant to section 2(1) of the *Vuntut Gwitchin Governance Act*.

Role of Community Advisory Panel or Standing Committee

- 8.2 After reviewing a Grant application referred by the Director, a Community Advisory Panel or Standing Committee may:
 - 8.2.1 return the application to the Director with a written recommendation to approve or reject the application;
 - 8.2.2 refer the application to the Elders Council for a review and recommendation; or

Draft 13 Lands and Resources Regulations
March 2020
CONSULTATION VERSION

8.2.3 request more information from the Director.

Council actions on Grant applications

8.3 After reviewing a Grant application and any recommendation, the Council may

8.3.1 approve the application;

8.3.2 approve the application subject to terms;

8.3.3 reject the application and provide written reasons to the applicant;

8.3.4 postpone a decision on the application until a Plan is in effect for the Settlement Land; or

8.3.5 request more information from the Director.

9.0 Appeals on applications

9.1 An applicant has a right to appeal under section 25.0 of the Act with respect to a decision of the Director:

9.1.1 setting the terms of a Permit under section 7.1.2; or

9.1.2 rejecting a Permit application under section 7.1.5.

9.2 A Person has a right to appeal under section 25.0 of the Act with respect to a decision of the Director:

9.2.1 approving a Permit application under section 7.1.1; or

9.2.2 setting terms of a Permit under section 7.1.2

where the Person believes that the decision infringes on his or her rights or interests in Settlement Land.

Draft 13 Lands and Resources Regulations
Schedule 1 – Activities Requiring Grant, Permit or Access Notice Certificate
January 2020
CM Clean Comment

Schedule 1: Activities Requiring Grant, Permit or Access Notice Certificate
Lands and Resources Act, s. 4.6.3; Lands and Resources Regulations, s. 2.1

Activity (Column A)	Exemptions (Column B)
Harvest of Forest Resources, including dead standing timber	<p>Harvest by a Citizen carrying on a Traditional Activity</p> <p>Harvest by a Citizen of fuel wood, except in areas where a Permit is required by Regulation</p> <p>Where authorized by the Final Agreement, harvest of dead standing or deadfall timber by a Person using a Waterfront Right-of-Way for travel and non-commercial recreational purposes</p>
<p>Significant Alteration of an access route, including leveling, grading, clearing, cutting, expanding or upgrading of a road, trail, line or right of way</p> <p>Use of any Vehicle</p>	<p>Use on a public road</p> <p>Use on a Generally Recognized Route, where the access does not cause Significant Alteration of the route</p> <p>Use that is Casual and Insignificant</p>
<p>Clearing, drilling or movement of rock or earth</p> <p>Use of explosives</p> <p>Significant Damage to Settlement Land or improvements</p>	
Establishment of campsite or structure	<p>Establishment by a Citizen carrying on a Traditional Activity</p> <p>Establishment for non-commercial recreational purposes, for fewer than 30 person-days per year</p>
Storage, use or disposal of any petroleum product, chemical or substance hazardous to the environment	

Draft 13 Lands and Resources Regulations
Schedule 1 – Activities Requiring Grant, Permit or Access Notice Certificate
January 2020
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Activity (Column A)	Exemptions (Column B)
<p>Abandonment or disposal of waste, garbage, sewage, soil, equipment or construction materials</p> <p>Scientific or other research</p>	<p>Disposal at a facility approved by the Council</p>
<p>Access by a Government, a corporation wholly owned by a Government, or any agents, contractors or employees thereof, for a public purpose</p>	<p>Access to carry out regulatory inspections or enforce applicable Law</p>
<p>Any other Activity not specifically authorized by the Act or the Final Agreement and not exempted by the Act or this Schedule</p>	<p>Carrying out a Traditional Activity, unless the Traditional Activity includes an Activity in Column A that is not within an exemption in Column B</p>

Draft 13 Lands and Resources Regulations
Schedule 2 – Minimum Standards for Land Descriptions
January 2020
CM Clean Comments

Schedule 2: Minimum Standards for Land Descriptions
Lands and Resources Act, s. 29.5; Lands and Resources Regulations, s. 3.2.4


Authorization or Notice Type	For Applications	For Issue
Access Notice Certificate	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map Sketch on copy of Survey plan
Permit	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map Sketch on copy of Survey plan
Allocation	Sketch on NTS map Sketch on copy of Survey plan	Sketch on NTS map with GPS boundaries Sketch on copy of Survey plan with GPS boundaries
Lease	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Resource Concession	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Government Reserve	Sketch on NTS map Sketch on copy of Survey plan	Survey recorded in Canada Lands Survey Records
Easement	Sketch on NTS map Sketch on copy of Survey plan	Explanatory plan recorded in the Canada Lands Survey Records
Renewal	Copy of original Grant or Permit to be renewed	Same as required for original Grant or Permit
Subdivision	Sketch on NTS map Sketch on copy of Survey plan	Plan of subdivision recorded in the Canada Lands Survey Records
Transfer	Copy of original Grant to be transferred	Same as original Grant

Draft 13 Lands and Resources Regulations
Schedule 2 – Minimum Standards for Land Descriptions
January 2020
CM Clean Comments

Termination	Copy of original Grant to be terminated	Same as original Grant
Mortgage-like Agreement with Three-Party Non-Disturbance agreement	N/A	Per lender requirements

Draft 13 Lands and Resources Regulations
Schedule 3 – Application for Grant, Permit or Access Notice Certificate
January 2020
CM Clean Comments

Schedule 3: Application for Grant, Permit or Access Notice Certificate
Lands and Resources Act, s. 29.6; Lands and Resources Regulations, s. 3.1

A. APPLICANT INFORMATION (attach new sheet for additional applicants)		
Given Name:	Middle Name:	Surname:
Registered or Incorporated Business Name:		
Mailing Address:		
City/Town:	Territory/Province:	Postal Code:
Home Phone:	Business Phone:	Email:
Are you a Vuntut Gwitchin Citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO	Preferred Method of Contact:	
B. ACTIVITY INFORMATION		
Application Type (including transfers, renewals or replacements):		
<input type="checkbox"/> Permit	<input type="checkbox"/> Personal Allocation	<input type="checkbox"/> COMMERCIAL USE
<input type="checkbox"/> Access Notice Certificate	<input type="checkbox"/> Family Allocation	<i>Application is for a business purpose</i>
<input type="checkbox"/> Lease	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other:
Renewals Transfers Replacements		Authorization or Access Notice Certificate number: Expiry Date:
Settlement Land Parcel(s):		Proposed Duration of Activities:
Attach land description that meets application standards on reverse		
Proposed Activities (check all that apply):		
<input type="checkbox"/> Building or occupying structure	<input type="checkbox"/> Using explosives	<input type="checkbox"/> Government access
<input type="checkbox"/> Harvesting Forest Resources	<input type="checkbox"/> Using petroleum products	<input type="checkbox"/> Other:
<input type="checkbox"/> Altering roads and trails	<input type="checkbox"/> Using other hazardous substances	
<input type="checkbox"/> Off-road vehicle use	<input type="checkbox"/> Waste disposal	
<input type="checkbox"/> Clearing land	<input type="checkbox"/> Scientific or other research	
<input type="checkbox"/> Drilling or moving rock or earth		

Draft 13 Lands and Resources Regulations
Schedule 3 – Application for Grant, Permit or Access Notice Certificate
January 2020
CM Clean Comments

Describe any existing use of the land that you know about, including Traditional Activities:

Applicant Signature:	Date:
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C. MINIMUM APPLICATION STANDARDS FOR LAND DESCRIPTIONS (Schedule 2, Column B)

Access Notice Certificate Permit Allocation Lease Resource Concession Government Reserve Easement	Sketch on NTS map Sketch on copy of Survey
Renewal	Same as required for Grant or Permit to be renewed
Subdivision Transfer Termination	Copy of original Grant to be subdivided or transferred or terminated

D. OFFICE USE ONLY

Is application complete? <input type="checkbox"/> YES <input type="checkbox"/> NO	If no, was applicant notified? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of notice to applicant:
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Additional information requested:

<input type="checkbox"/> Reclamation plan	<input type="checkbox"/> Study: Socio-economic	<input type="checkbox"/> Other:
<input type="checkbox"/> Study: Reclamation cost	<input type="checkbox"/> Study: Alternatives	
<input type="checkbox"/> Study: Environmental	<input type="checkbox"/> Financial Ability	

Notes:

Draft 13 Lands and Resources Regulations
Schedule 3A – Designation of Heir
January 2020
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Schedule 3A: Designation of Heir
Lands and Resources Act, s. 7.4; Lands and Resources Regulations, s. 3.3

A. APPLICANT INFORMATION		
Given Name:	Middle Name:	Surname:
Mailing Address:		
City/Town:	Territory/Province:	Postal Code:
Home Phone:	Business Phone:	Email:
Preferred Method of Contact:		Personal Allocation number:
B. DECLARATION		
<p>Upon my death, I direct the Clerk of the Register to transfer my Personal Allocation to my [relationship], [legal name of designated heir] if [he/she] survives me for 30 days.</p> <p>I understand that this declaration will only be effective if [legal name of designated heir] is a Vuntut Gwitchin Citizen at the time of my death.</p> <p>I also understand that my Personal Allocation cannot be transferred or assigned in my will, and that if I change my mind about who I wish to inherit the Allocation, I must submit a new version of this application.</p>		
<p>IN WITNESS WHEREOF, I have signed my name to this Declaration on this ____ day of _____, 20____.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">[Name of applicant]</p>		
<p>We were both present at the request of [name of applicant] when [he/she] signed this declaration. We signed as witnesses in [his/her] presence and in the presence of each other.</p>		

Draft 13 Lands and Resources Regulations
Schedule 3A – Designation of Heir
January 2020
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Signature:	_____	Signature:	_____
Name:	_____	Name:	_____
Address:	_____	Address:	_____
	_____		_____
Occupation:	_____	Occupation:	_____

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Schedule 4 – Fees
January 2020
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Schedule 4: Fees

Lands and Resources Act, s. 4.6.3; Lands and Resources Regulations, s. 3.2.8

Part A: Application Fees

Application Type	Fee Class 1	Fee Class 2
Access Notice Certificate	N/A	N/A
Permit	\$0.00	\$25.00
Allocation	\$0.00	N/A
Lease, Primary Residential Use	\$25.00	\$50.00
Lease, Other Use	\$125.00	\$250.00
Easement	\$25.00	\$50.00
Resource Concession	\$125.00	\$250.00
Subdivision	\$125.00	\$250.00
Renewal	Fee applicable to application of the type to be renewed	
Transfer	Fee applicable to application of the type to be transferred	
Termination	Fee applicable to application of the type to be terminated	

Fee Class 1 applies to Vuntut Gwitchin Government or a Citizen. Fee Class 2 applies to any other applicant.

PART B: Register Fees

Document Type	Fee
Application to record Permit, Access Notice Certificate, notice or order	N/A
Application to record Grant where Vuntut Gwitchin Government is a party	N/A
Application to record Grant where Vuntut Gwitchin Government is not a party	\$25.00
Register inquiries	\$50.00/hour
Copies of Register documents	\$0.15/page

Schedule 5: Enforcement Forms

FORM A – WARNING
Lands and Resources Act, s. 17.1

Date:		Time:	AM PM
Location:			
Issued to:	<i>(name of target)</i>		
Issued by:	<i>(name of Guardian or Director)</i>	Signature:	

You are receiving this warning because your activities at the above location are in violation of the Vuntut Gwitchin *Lands and Resources Act (2019)*.

Describe reasons for the warning (i.e., activities the officer reasonably believes are not in compliance with the Act, regulations, Permit, etc.)

To avoid further enforcement action, you should carry out the steps below by the date set out on this warning:

Describe required actions to bring activity into compliance.

Comply by:	<i>(Immediate unless filled out)</i>
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 Schedule 5 – Enforcement Forms
 January 2020
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FORM B – ORDER

Lands and Resources Act, s. 18.1

Date:		Time:	AM PM
Location:			
Issued to:	<i>(name of target)</i>		
Issued by:	<i>(name of officer or Director)</i>	Signature:	

You are receiving this order because your activities at the above location (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> violate the <i>Lands and Resources Act, 2018</i> | <input type="checkbox"/> violate terms of a Grant, Permit or access right |
| <input type="checkbox"/> damage Settlement Land or improvements | <input type="checkbox"/> endanger public health, safety or the environment |

Detailed reasons for order:

Describe reasons for the order. (i.e., activities the officer reasonably believes are not in compliance with the Act, regulations, Permit, etc.)

You are hereby ordered to:

Describe required actions to bring activity into compliance.

Comply by:	<small>COMPLIANCE DATE IS THE DATE OF THE ORDER UNLESS THE ISSUING OFFICER SETS ANOTHER DATE FOR COMPLIANCE</small>
------------	---

If you do not comply with this order by the deadline, Vuntut may take further enforcement action, including prosecution. You can appeal this order by delivering a notice to the Council within 30 days.

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 Schedule 5 – Enforcement Forms
 January 2020
 CM Clean Comment**

FORM C – TICKET

Lands and Resources Act, s. 19.1

Date:		Time:		AM PM
Location:				
Issued to:	<i>(name of target)</i>			

On the date above, the person named on this ticket did commit the following offence under:

the *Lands and Resources Act (2019)*

Regulation under the Act

Description of offence:

Section number of Act or Regulation:

SWORN before me at:

Location:		Date:	
Issued by:	<i>(name of officer or Director)</i>	X	
Sworn before:	<i>(name of justice of the peace)</i>	X	

YOU ARE COMMANDED to appear in court to answer to the charge at:

Date:		Time:		AM PM
Location:				
You have the right be represented by a lawyer.				
Signature:				



Draft 13 Lands and Resources Regulations
Schedule 5 – Enforcement Forms
January 2020
CM Clean Comment

FORM C – TICKET (NOTICE TO APPEAR)

If you do not wish to appear in court on the stated date, you may (choose one):

PAY FINE	Pay a fine of: \$	Pay by date:	
	Fines may be paid by mail or in person to the Territorial Court by the pay-by date. If you do this a plea of GUILTY will be entered and you are not required to appear in court to answer the charge.		

OR

PLEAD NOT GUILTY	You may plead NOT GUILTY by signing the plea of not guilty below and returning this notice to appear by mail or in person to the Territorial Court by the return-by date below.		
	X	Return by date:	
	If you return a completed notice by the deadline, you are not required to appear in court to answer the charge until further notice.		

(See particulars of court address and payment of fine on back of notice to appear)

PERSONAL INFORMATION OF THE ACCUSED:

Date of birth:		Sex:	F M
Street address:			
Mailing address			
City:		Province: Territory:	
Postal Code:			

Issued by:	<i>(name of Guardian or Director)</i>	X
Issued to:	<i>(name of target)</i>	X

FINE REVENUE IS PAYABLE TO VUNTUT GWITCHIN GOVERNMENT.

FORM C – TICKET (CERTIFICATE OF SERVICE)

I certify that on the date listed below, I personally delivered the Notice to Appear part of this ticket to the person named on the face side of this complaint, as the person to whom the ticket is issued.

Date:		
Certified by:	<i>(name of Guardian or Director)</i>	X

**Draft 13 Lands and Resources Regulations
 Schedule 5 – Enforcement Forms
 January 2020
 CM Clean Comment**

FORM C – TICKET (COURT ACTION)

Date:			
For VG:		For accused:	

Charge read

Ex parte hearing

PLEA:

Guilty

Not guilty

COURT FINDING:

Guilty

Not guilty

Dismissed

Withdrawn

Fine:	\$	Costs:	\$
TOTAL:	\$	Pay by:	

SIGNATURE OF JUDGE OR JUSTICE OF THE PEACE:

Date:		X
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