



**Dän Kų Yenda K'ąkwątsenąta**  
***Where They Look After Houses***  
**Lot Allocation Policy**

Approved by First Nations Council: May 27, 2022  
Effective Date: May 27, 2022

Property Services Department  
Champagne and Aishihik First Nation  
Haines Junction | Whitehorse, Yukon

A handwritten signature in blue ink, enclosed within a black rectangular box. The signature is stylized and appears to be 'Kaaxnox'.

*Kaaxnox, Dän nątthe ąda*  
Chief Steve Smith



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## 1.0 Introduction

### 1.1 *The Vision of Champagne and Aishihik First Nations*

*Champagne and Aishihik First Nations*

*Vision Statement*

*Dákwān Shadhāla yè Āshèyi Kwādān dá government yè,  
dān shāw ghūle du n-dāsādūye shí.  
Dān dets'ān shāw nākutth'et du n-lāts'ān nākune ní.  
Kwādqy dān k'è, dákeyi shū dákeyi ye dákwānje shū ghāts'ukhí nū.*



*We, the Champagne and Aishihik First Nations people and government  
Shall promote a healthy, unified and self-reliant people,  
While conserving and enhancing our environment and culture.*

### 1.2 *Policy Vision*

*The Vision of Champagne and Aishihik First Nations promotes self-reliant people. Home and Dághālan (Family) are where self-reliance starts. When Champagne Aishihik Citizens first made camp, the first step was shelter; today, CAFN strives to provide an opportunity for Citizens to have a place to call home.*

This Policy applies to all CAFN Citizens and land rights holders on CAFN Settlement Land.





## 1.3 Definitions

**“Accessory Buildings”** – any building on a Lot that is not the Principal Dwelling that defines the primary use of the Lot. Accessory Buildings can include cabins, storage sheds, garages, workshops, smokehouses, greenhouses, etc.

**“Addendum”** – a change or addition to a Public Notice.

**“Agent”** – a person or entity who represents an Applicant on an Application.

**“Allocation”** – the granting of certain rights to a parcel of CAFN land to a Citizen for residential, cabin, or traditional use.

**“Amendment”** – a change made to an Application.

**“Applicant”** – a person who submits an application to CAFN for the Disposition of a residential Lot under this Policy.

**“Application”** – a form to collect information from a person or entity requesting tenure rights to a parcel of land.

**“Application Fee”** – a fee required for the acceptance of an application under this Policy.

**“Application Period”** – the time between the posting of a Public Notice for a Draw and the time when applications will no longer be accepted.

**“Assignment”** – when an Applicant is matched to a lot pending recommendation to Council for final approval of an Allocation.

**“Building Requirements”** – terms and conditions for the completion of improvements to a Lot to qualify for permanent or long-term rights through an Allocation or Lease.

**“CAFN”** – Champagne and Aishihik First Nations Government.

**“Certificate of Allocation”** – a document to be issued and filed in the lands registry for each Allocation as described in the *Lands Act (2005), Section 17*.

**“Citizen”** – a Citizen of the Champagne and Aishihik First Nations as determined by the *Constitution of the Champagne and Aishihik First Nations*.

**“Conditional Occupancy”** – a state of building completion where a Building Safety Inspector determines that a residence can be safely occupied. (See *Appendix A: Conditional Occupancy Approval Checklist*) Final occupancy approval is required to close a building permit.

**“Council”** – the Champagne and Aishihik First Nations Chief and Council.

**“Designated Subdivision”** – a block of land subdivided into Lots primarily for housing.





**“Disposition”** – an allocation, Temporary Allocation, lease, certificate of improvements, license of occupation, right of way, easement, or other specification of rights or confirmation of ownership made under the *Lands Act*.

**“Draw”** – the random sequential picking of Draw tickets that determines the priority of the Draw list.

**“Dwelling”** – one or more rooms for the use of one family as a residence containing cooking, living, sleeping, and sanitary facilities.

**“Good Standing”** – when a person either has no overdue accounts with CAFN or has been honoring a repayment plan for at least six (6) months. See *Finance Policy, 7-601 Accounts Receivable: Collections*.

**“Improvements”** – buildings, fixtures, and human constructions affixed or attached to the land but does not include wells, septic systems, driveways, lawns, gardens, or vegetation.

**“Living Area”** – the sum of the total floor area of each story of a residential building, including exterior walls.

**“Lot”** – the smallest land unit in subdivisions or land titles records.

**“Mobile Home”** – a transportable dwelling unit with self-contained chassis suitable for long-term occupancy; not a modular home or mobile camping unit. For clarity, this includes tiny homes constructed on a chassis with wheels.

**“Modular Home”** – a single residential structure composed of separate pre-manufactured components which have no chassis for transportation and which are fitted together on-site to form a single structure.

**“Open Application”** – when Lots designated for Allocation are available on a first-come, first-served basis.

**“Parcel”** – synonymous with “Lot”.

**“Principal Building”** – a building that provides the main use of a Lot and defines the primary purpose of the Lot.

**“Property”** – is composed of any designated portion of land and anything permanently placed on or under it. The elements on or under the land surface include natural resources and human-made structures.

**“Public Notice”** – the posting of information to the public relating to opportunities to obtain a Disposition of land.

**“Temporary Certificate of Allocation (Provisional Certificate of Allocation)”** – a document issued and filed in the lands registry as described in the *Lands Act (2005), Section 18*.





**“Temporary Lot Allocation (TLA)”** – land allocated temporarily as described in the *Lands Act (2005)*, Section 16(3), for a Lot in a Designated Subdivision. Temporary Lot Allocations may have Building Requirements that may include a time limit, Code compliance, and other requirements to be fulfilled by a Citizen to qualify for a long-term or permanent Allocation.

**“Transfer”** – an act by which a Disposition is conveyed from one holder to another.

**“Variance”** – allows the construction of Improvements that do not meet the Building Requirements for a particular Lot.

**“Withdrawal”** – the removal of an Application for an allocation or Temporary Allocation of land by an Applicant.

**“Yukon Resident”** – a person whose primary place of residence is within the Yukon Territory.

Words used in the singular within this Policy will include the plural and vice versa.





## 2.0 General Provisions

### 2.1 Purpose and Scope

CAFN designates subdivisions where healthy communities can grow and culture can thrive. These communities increase self-reliance and wealth through homeownership and support the well-being of families and the First Nation through economic development.

Subdivision Lots are designated by Council for Allocation to Citizens. The Government administers the Allocation of subdivision building Lots. This Policy ensures that the allocation of Lots within Designated Subdivisions is fair, consistent, open, and transparent.

This Policy only applies to the Temporary Allocation of newly created and previously unimproved subdivision Lots.

For clarity, this Policy does **not** apply to the development of new Designated Subdivisions.

### 2.2 Authorization and Application

The Policy is authorized by the *Lands Act (2005)*, which provides property rights for parcels on settlement land through Allocations and Leases. The Policy complements the *Lands Policy (2012)*, which assigns the Allocation of Lots in Designated Subdivisions to the Property Services Department (PSD).

This Policy communicates specific guidelines for the Temporary Allocation of residential Lots in Designated Subdivisions.

Before the Allocation of Lots through this Policy, PSD will recommend a selection of Lots with Building Requirements for Council approval. Approved Lots will then be Allocated through the process outlined in this Policy.

The PSD administers the Allocation of residential Lots, up to and including the fulfillment of the TLA requirements.

Once the TLA requirements are met, the responsibility for administering the Lot transfers to the Heritage, Lands, and Resources Department (HLR) under the *Lands Act* and the *Lands Policy*.

If there is a conflict between the *Lands Act* and this Policy, the *Lands Act* prevails.

If there is a conflict between the *Lands Policy* and this *Lot Allocation Policy*, this Policy shall apply to the Allocation of Lots in Designated Subdivisions.

### 2.3 Policy Review and Amendments

Council reserves the right to review and amend this Policy as may be required from time to time and in consideration of changes to the Policy or the needs of Citizens and CAFN.





## 2.4 Fair Process

Residential Lots allocated under this Policy shall be allocated in a manner that:

- a. Is fair and transparent,
- b. Is clearly and openly communicated,
- c. Supports Citizen access to homeownership of a healthy and safe dwelling,
- d. Is respectful of the need for confidentiality in the application process, and
- e. Is consistent with the *Constitution*, the *Lands Act*, and the *Lands Policy*.

## 3.0 Eligibility Criteria

To be eligible for the Allocation of a Lot in a Designated Subdivision under this Policy, a person (or persons) must meet the following criteria:

- a. Be a registered Citizen,
- b. be enrolled under the Aghaałān (My Relatives) Enrollment Act for a minimum of one year;
- c. Be eighteen (18) years of age or older,
- a. Meet any residency requirements consistent with the *Lands Act, 2005*,
- b. Have no other Lot application pending in a Designated Subdivision,
- c. Be in Good Standing with CAFN, and
- d. Have no conflict of interest. Specifically, CAFN employees who are otherwise eligible may not be involved in assessing their applications.

In the case of a joint application, all Applicants will meet the eligibility criteria.

## 4.0 Application Requirements

Applications will also be subject to the following requirements:

- a. the Application must include a **Construction Plan** that meets the criteria in *Section 4.1* below,
- b. the Application must be accompanied by an **Application Deposit** consistent with *Section 4.2*, and
- c. Applications subject to a Draw must be received within the **Application Period** and be approved by the date and time of the Draw.







## 4.1 Construction Plan

Applicants will attest to a Construction Plan (the Plan) which outlines the proposed construction and financing of Improvements to be installed on the Lot. This Plan is part of the Lot Application form and must be approved by the PSD before the Application can be entered into a Draw or recommended to Council under Open Application.

The PSD will support all eligible applicants in the preparation of Applications.

The Construction Plan will consist of two sections:

- a. **Physical Plan:** An outline of the characteristics of the dwelling such as foundation and construction type, square feet of living space, additional spaces, number of living units, etc. If the proposed construction does not meet the Building Requirements, then a Variance is required for approval. These criteria ensure that the intended dwelling is suitable for the Lot and the community.
- b. **Financial Plan:** a realistically estimated cost of the dwelling, plus a percent of costs for contingencies. The Financial Plan attests to how the dwelling will be financed and completed within the building time requirement.

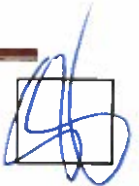
Applications are confidential. Application information will only be shared for qualification and processing within CAFN administration on an as-needed basis.

Applications lacking a realistic plan will not be approved for a Draw entry or Open Application recommendation. CAFN may resource confidential 3<sup>rd</sup> party expertise as needed in assessing applications.

## 4.2 Application Deposit

A two-thousand five hundred dollars (\$2500.00) deposit is required with each Lot Application. The Application Deposit is refundable according to the following terms:

- a. The Applicant withdraws their application or does not receive a Temporary Allocation through this Policy,
- b. A Yukon Building Safety Inspector's Report showing a foundation inspection approval on the Allocated Lot = A refund of one thousand two hundred fifty dollars (\$1,250.00),
- c. A Yukon Building Safety inspection report showing the approved Conditional Occupancy inspection = A refund of the remaining one thousand two hundred fifty dollars (\$1,250.00),
- d. If Conditional Occupancy approval is not achieved within the building time requirement, then any un-refunded Application Deposit amount will be forfeited, except as provided in *Section 7.0 (f)* below.





## 5.0 Building Requirements

Building Requirements are established by Council when subdivision Lots are designated for Allocation. The PSD will submit recommendations to Council for Lot Allocations and Building Requirements.

A TLA includes requirements that must be fulfilled to retain the rights to a Lot. There are two categories of requirements:

- a. **Standard Requirements** – Apply to all Lots in a subdivision. (e.g., obtain Conditional Occupancy within five years, setbacks, conformance with the National Building and Fire Codes and Environmental Health and Safety regulations, the requirement for a building permit, payment of taxes, etc.),
- b. **Lot Specific Requirements:** Apply to a single Lot or a group of Lots in a subdivision. (e.g., Lot grading, driveway access, minimum floor area, maximum height, suitability for mobile homes, multiplexes, etc.).

## 6.0 Variance Requests

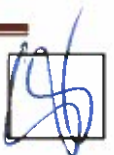
Applicants may request in writing to the PSD for a Variance to the Building Requirements, subject to the following conditions:

- a. The PSD will recommend to Council the approval, modification, or denial of a Variance request. Council may approve, modify, or deny such requests.
- b. Applications with Variance requests pending Council approval will not be accepted to participate in a Draw or Open Application.
- c. If the Lot subject to a Variance request is part of a Draw, the following shall apply:
  - i. Be submitted before the close of the Application Period,
  - ii. Be resolved to qualify for Draw entry, and
  - iii. May not delay the dates of an Application Period or a Draw.
- d. Only one Variance request is allowed. For clarity, a single Variance request may apply to multiple Lots or include multiple items.

## 7.0 Temporary Allocations

Temporary Allocation of residential Lots will be subject to the following requirements:

- a. The *Lands Act* and the *Lands Policy* guide the Transfer of any Allocation,





- b. When approved by Council and agreed to by the Applicant, a Certificate of Temporary Allocation will be issued and recorded in the lands registry (*Lands Act (2005), Section 18*),
- c. The term of Temporary Allocations for residential Lots will not exceed five (5) years and may include any other conditions specified by Council,
- d. The PSD will notify HLR and the TLA holder in writing when it deems the Building Requirements of a TLA have been fulfilled,
- e. HLR may then recommend to Council the approval of a long-term or permanent Allocation,
- f. If the Building Requirements specified in the TLA are not met within the specified term, then the following will apply, as determined by Council:
  - i. Issuance of a new Certificate of Temporary Allocation with special conditions, or
  - ii. Council may revoke a TLA where the holder has failed to meet the Building Requirements (*Lands Act (2005), Section 19*). Revocation will cancel the holder's rights to the Lot. In this case, any outstanding balance of the allocation holder's Application Deposit will be forfeited unless otherwise determined by Council.

## 8.0 Allocation Methods

Lots newly designated for Allocation will be offered through a Draw. Any designated Lots not allocated through a Draw will become available through Open Application. CAFN reserves the right to withdraw any unallocated Lots for any reason.

### 8.1 Lot Draw

Lots designated for Allocation will first be made available for Temporary Allocation through a Draw process described in *Designated Subdivision Lot Draw Procedures*. The PSD will then recommend Draw applicants assigned for Temporary Lot Allocation of a building Lot to Council for a Temporary Allocation.

### 8.2 Open Application

Designated Lots not allocated through a Lot Draw may become available for a Temporary Allocation (*Section 7.0*) on a first-come, first-served basis subject to Eligibility (*Section 3.0*) and Application Requirements (*Section 4.0*).

The PSD will maintain and make available to Citizens a current list of all Designated Subdivision Lots available for Open Application.





Open Application Applicants not approved by the PSD will be notified in writing with an explanation of deficiencies. PSD-approved applications for Open Application Lots will be recommended to Council for a TLA.

## 9.0 Temporary Certificates of Allocation

All Allocations under this Policy are Temporary Allocations.

An applicant assigned a Lot in a Draw will have their application recommended to Council by the PSD. Council may approve, modify, or reject the recommendation.

An applicant with a PSD-approved application who applies for an Open Application Lot will have their application recommended to Council for a TLA.

When Council approves a TLA, the PSD will send a Letter of Offer for Temporary Allocation to the Applicant. The Letter of Offer will detail the terms and conditions of the Allocation. If the Applicant agrees to the Letter of Offer, a Temporary Certificate of Allocation will be issued as described in the *Lands Act (2005)*.

## 10.0 Responsibilities

### 10.1 CAFN Responsibilities

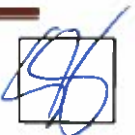
- a. Provide Public Notice in advance of all new Lots coming up for a Draw,
- b. Communicate clearly to the public about the Draw process,
- c. Ensure that Draws are conducted in a fair and transparent manner,
- d. Provide Public Notice of Lot applicants selected through a Draw,
- e. Maintain and make available a list of all Lots available through the Open Application method,
- f. Assist Citizens in the completion of successful Lot Applications,
- g. Communicate in writing about any changes to the status of a submitted application.

### 10.2 Department Responsibilities

The PSD is responsible for monitoring the performance of Building Requirements applicable to a TLA. When the Building Requirements are met, the PSD will notify Heritage Lands and Resources (HLR) in writing.

### 10.3 Applicant and Temporary Allocation Holder Responsibilities

- a. Complete the Lot Application form and pay the Application Deposit, as outlined in this Policy,
- b. If selected and approved for a TLA, fulfill all commitments and conditions,





- c. Abide by all applicable laws,
- d. Conserve and treat the land in a manner that protects its value and importance to Citizens and CAFN,
- e. Honor any encumbering rights, as defined in paragraph 5.4.2 of the Final Agreement that may apply to the Lot,
- f. Pay all property taxes as may become due on the allocated Lot and Improvements unless waived or subsidized by CAFN.

### **11.0 Appeals**

Appeals of unsuccessful applications may be addressed through the following process:

Step	Description	Time
Step One	If the claimant and the Director of the PSD are unable to reach a resolution, the claimant may request and submit a completed appeal form to the Senior Director of Government Services (SDGS).	In a Draw, appeals must be submitted no later than the close of the Application Period.
Step Two	The SDGS will present the case to the Executive Committee.	Next scheduled meeting of the Executive Committee.
Step Three	The Executive Committee will consider the appeal and must decide: <ol style="list-style-type: none"> <li>1. To uphold the decision of the PSD Director</li> <li>2. Vary the decision of the PSD Director and on what terms</li> </ol>	

The Executive Committee may appoint a sub-committee. Either committee may seek clarification from the claimants in the case, the PSD Director, or any other individuals they deem necessary.

In cases regarding confidential matters, appeal hearings may be held in-camera.

In implementing the appeal process, the parties will observe all existing CAFN Government conflict of interest policies and practices.

Appeals will not require the dates of an Application Period or a Draw to be changed. Applications with unresolved Appeals will not be approved for inclusion in a Draw.

In the case of Lot Allocations in Designated Subdivisions, only appeals by Applicants or their agent will be accepted.





## *Appendix A: Conditional Occupancy Approval Checklist*

Government of Yukon Building Safety Branch

### **Conditional Occupancy Approval Checklist**

1. Ensure Electrical, Propane, Oil, and Health Dept. (septic) approvals have been "obtained" and submitted to the Building Inspector.
2. A functioning bathroom and a kitchen sink installed with a clean surface for handling food.
3. Plumbing system complete and complete with all the traps in place and any future pipes capped off.
4. Heating and fuel storage system complete and functioning.
5. Water-resistant floor finishes in place in bathrooms, kitchen, entrance halls, and laundry areas.
6. Stairs, landings, guards, and handrails to be in place.
7. A self-closer and weather-stripping in place on a door between the house and attached garage (no duct openings from house to the garage).
8. "Openable" bedroom windows.
9. If there is a fuel-burning appliance, has it been approved, and are the required Carbon Monoxide Alarms installed and functioning?
10. If future decks are not in place, ensure any access to them has been barricaded.
11. Electric smoke alarms are required on every floor level and in every bedroom and are required to be interconnected.
12. Has ventilation and heating systems been approved and are they operating?
13. Interior wall and ceiling coverings in place, with no exposed vapor barrier in occupied spaces.
14. Exterior doors in place and exterior "reasonably" clad to weather.

