

Regulations Amending the First Nations Property Assessment and Taxation (Railway Rights-of-Way) Regulations: SOR/2018-238

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Registration

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FIRST NATIONS FISCAL MANAGEMENT ACT

P.C. 2018-1388 November 8, 2018

Her Excellency the Governor General in Council, on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to paragraph 36(1)(d)^a of the *First Nations Fiscal Management Act*^b, makes the annexed *Regulations Amending the First Nations Property Assessment and Taxation (Railway Rights-of-Way) Regulations*.

Regulations Amending the First Nations Property Assessment and Taxation (Railway Rights-of-Way) Regulations

Amendments

1 The definitions *adjustment factor* and *provincial taxation laws* in section 1 of the *First Nations Property Assessment and Taxation (Railway Rights-of-Way) Regulations*¹ are replaced by the following:

- ***adjustment factor*** means the adjustment factor set out in the *Railway Corporations Assessment Regulation*, B.C. Reg. 51/2016, as amended from time to time. (*facteur de rajustement*)
- ***provincial taxation laws*** means the laws and regulations of British Columbia respecting property taxation, including the *Assessment Act*, *Railway Corporations Assessment Regulation*, *Hospital District Act*, *School Act*, *Local Government Act* and *Taxation (Rural Area) Act*, as amended from time to time. (*lois fiscales provinciales*)

2 Paragraph 4(4)(a) of the Regulations is replaced by the following:

- **(a)** in respect of the Adams Lake Indian Band, Chawathil First Nation, Cook's Ferry Indian Band, Kanaka Bar Indian Band, Leq'a:mel First Nation, Little Shuswap Lake Indian Band, Matsqui First Nation, Neskonlith Indian Band and Shuswap First Nation, the adjustment factors that apply to property in incorporated areas; and

3 Schedule 1 to the Regulations is amended by adding the following after item 8:

Item	Column 1 First Nation	Column 2 Description of Right-of-way Area
	(a)	<p>In the Province of British Columbia</p> <p>In Kamloops Division of Yale District</p> <p>In Kumcheen Indian Reserve No. 1</p> <p>All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. D.G. Fenning C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3312R.</p> <p>Containing about 2.22 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.</p>
	(b)	<p>In the Province of British Columbia</p> <p>In Kamloops Division of Yale District</p> <p>In Spences Bridge Indian Reserve No. 4</p> <p>All those lands shown on a Registration Plan of Railway Rights of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3322R.</p>
9	Cook's Ferry	<p>Containing about 0.45 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.</p> <p>(c) In the Province of British Columbia</p> <p>In Kamloops Division of Yale District</p> <p>In Lower Shawniken Indian Reserve No. 4A</p> <p>All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3321R.</p> <p>Containing about 11.9 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.</p> <p>(d) In the Province of British Columbia</p> <p>In Kamloops Division of Yale District</p> <p>In Pemynoos Indian Reserve No. 9</p>

All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3320R.

Containing about 51 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.

(e) In the Province of British Columbia

In Kamloops Division of Yale District

In Pokheitsk Indian Reserve No. 10

All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3319R.

Containing about 4.48 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.

(f) In the Province of British Columbia

In Kamloops Division of Yale District

In Spatsum Indian Reserve No. 11

All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3317R.

Containing about 4.92 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.

(g) In the Province of British Columbia

In Kamloops Division of Yale District

In Spatsum Indian Reserve No. 11A

All those lands shown on a Registration Plan of Railway Right of Way Area prepared by Mr. Edward Eaton C.L.S., B.C.L.S. in May 2001 and recorded in the Canada Lands Surveys Records in Ottawa under number RSBC 3318R.

Containing about 9.18 hectares, save and except all mines and minerals, whether precious or base, solid, liquid or gaseous.

(a) In the Province of British Columbia

Band In Kamloops Division of Yale District

Firstly: All of those lands within Chum Creek Indian Reserve No. 2, shown as the Canadian Pacific Railway Right of Way on Plan RR1398 recorded in the Canada Lands Surveys Records in Ottawa. A copy of the plan is deposited in the Kamloops Land Title Office under number 31. Save and except Lot 40 on Plan RSBC 3700R recorded in the Canada Lands Surveys Records in Ottawa. Containing about 9.670 hectares (23.89 acres).

Secondly: All of those lands within Chum Creek Indian Reserve No. 2, shown as Lots 38, 39 and 44 on Plan 88122 recorded in the Canada Lands Surveys Records in Ottawa. Containing about 4.383 hectares (10.83 acres).

Containing together about 14.053 hectares (34.72 acres).

(b) In the Province of British Columbia

In Kamloops Division of Yale District

Firstly: All of those lands within North Bay Indian Reserve No. 5, shown as Lots 52, 53 and 54 on Plan RSBC 3698R recorded in the Canada Lands Surveys Records in Ottawa. Containing about 7.30 hectares (18.04 acres).

Secondly: All of those lands within North Bay Indian Reserve No. 5, shown as Block C on Plan A592 deposited in the Kamloops Land Title Office. A copy of the plan is recorded in the Canada Lands Surveys Records in Ottawa under number RR1148A. Containing about 0.915 hectares (2.26 acres).

Containing together about 8.215 hectares (20.30 acres).

4 Schedule 2 to the Regulations is amended by adding the following after item 8:

Item	Column 1	Column 2
	First Nation	Tax Base for Adjacent Area
9 Cook's Ferry		(a) Basic School
		(b) Provincial Rural
		(c) Thompson Hospital

- (d) Thompson-Nicola Hospital
- (e) Area "I" Thompson-Nicola Regional District
- (f) B.C. Assessment
- (g) Municipal Finance Authority
- (a) Basic School
- (b) Provincial Rural
- (c) Area "C" Columbia Shuswap Regional District
- (d) North Okanagan – Columbia Shuswap Hospital

10 Little Shuswap Lake Indian Band (e) Columbia Shuswap Hospital

- (f) Okanagan Regional Library
- (g) Area "C" Columbia Shuswap Regional District Fire Services
- (h) B.C. Assessment
- (i) Municipal Finance Authority

Coming into Force

5 These Regulations come into force on the day on which they are registered.

N.B. The Regulatory Impact Analysis Statement for these Regulations appears following SOR/2018-237, [Regulations Amending the Property Assessment and Taxation \(Railway Right-of-Way\) Regulations](#).

Footnotes

[a](#)

S.C. 2015, c. 36, s. 190(2)

[b](#)

S.C. 2005, c. 9, s.1; S.C. 2012, c. 19, s. 658

[1](#)

SOR/2007-277