

## MAA-NULTH FIRST NATIONS SIDE AGREEMENT SUMMARY

### HUU-AY-AHT FIRST NATION: REAL PROPERTY TAX CO-ORDINATION AGREEMENT

#### **Purpose**

The Real Property Tax Co-ordination Agreement (“RPTA”) is an agreement in which BC delegates to HUU-ay-aht the authority to levy real property taxes on Maa-nulth First Nation Citizens (“Maa-nulth Citizens”) and persons other than Maa-nulth First Nation Citizens (“Non-Maa-nulth Citizens”) who use or reside on HUU-ay-aht Lands (“Lands”).

#### **How the Agreement Works**

- *Parties:* The Parties to the RPTA are HUU-ay-aht and British Columbia.
- *Term:* The RPTA begins on the Effective Date for an indefinite period and may be terminated by mutual agreement at any time or on December 31 of any year with notice from either party.
- *Taxation Authority:* HUU-ay-aht will establish the HUU-ay-aht Taxation Authority (HTA) to exercise the taxation authority delegated to HUU-ay-aht in the RPTA. The HTA must provide Non-Maa-nulth Citizens with the ability to participate in discussions and vote on taxation decisions of the HTA that directly affect them.
- *Taxation Laws:* HUU-ay-aht must enact taxation laws to implement the taxation authority delegated to HUU-ay-aht in the RPTA. Such laws will include:
  - Provision for the BC Assessment Authority to assess lands for property tax purposes under the terms of the *Assessment Act* and the *Assessment Authority Act*;
  - The establishment of rates for each property class;
  - Provision for statutory and permissive exemptions from taxation as described in the *Community Charter*.
- *School Tax Exemption:* HUU-ay-aht Lands are not subject to school taxes under the *School Act* or the *Taxation (Rural Area) Tax* provided that HUU-ay-aht complies with specified provisions of the RPTA.
- *Taxation of Non-Maa-nulth Citizens:* Beginning on the Effective Date and for a period of 12 years HUU-ay-aht may levy property taxes on Non-Maa-nulth Citizens without taxing Maa-nulth Citizens. After the end of the 12 year period, HUU-ay-aht’s real property tax laws must apply equally and in a non-discriminatory manner to Maa-nulth Citizens and Non-Maa-nulth Citizens.

### **What Happens Next?**

- Huu-ay-aht will establish the Huu-ay-aht Taxation Authority; and
- Huu-ay-aht will enact real property taxation laws and regulations.