

NISGA'A EXPROPRIATION REGULATION

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**NISGA'A LISIMS GOVERNMENT**

**NISGA'A LISIMS GOVERNMENT EXECUTIVE**

**NISGA'A EXPROPRIATION  
REGULATION**

made under the

**NISGA'A EXPROPRIATION ACT**

The Nisga'a Lisims Government Executive enacted this Regulation on

\_\_\_\_\_.

Signed \_\_\_\_\_  
Kevin McKay, Chairperson

## NISGA'A EXPROPRIATION REGULATION

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**PART 1 – INTERPRETATION****Definitions****1.** In this Regulation:

“**Act**” means the *Nisga'a Expropriation Act*;

“**authorized government signatory**” means a person authorized by a resolution of the Executive or a Nisga'a Village Government, as the case may be, to execute a Schedule form;

“**Schedule form**” means a form set out in the Schedule, and includes any schedule or other document attached to the form.

**PART 2 – POSTING NOTICE**

**Posting notice**

2. (1) For the purposes of section 6(c) of the Act, an expropriating Nisga'a Government must
  - (a) post a copy of the notice of expropriation on a sign measuring at least 60 cm by 120 cm, and
  - (b) position the sign referred to in paragraph (a) in a conspicuous place on the land in respect of which the interest is to be expropriated.
- (2) Despite subsection (1), if the requirements of that subsection are not practical, the notice may be given by an alternative means acceptable to the registrar.

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**PART 3 – FORMS****Forms**

3. (1) The forms set out in the Schedule are prescribed for the purposes of expropriations to which Part 3 of the Act applies and must be used as applicable in relation to such expropriations.
- (2) A Schedule form
- (a) must be on durable paper 21.5 cm x 28 cm in size,
  - (b) must be printed or typed
    - (i) in legible characters not smaller than 12 point, and
    - (ii) in black or dark ink that is compatible with the electronic scanning, optical character recognition or micrographic technology of the kind used in the Nisga'a land title office, and
  - (c) must contain a blank space not less than 3.8 cm deep and 15.25 cm wide in the top right corner of the first page, for use by the Nisga'a land title office.

**Expansion of forms**

4. Subject to section 8, the space provided for the completion of any item in a Schedule form may be expanded as the circumstances require.

**Use of seal**

5. If a Schedule form is executed under seal, the seal must be affixed in a way that does not render any part of the form illegible.

**Original signature required**

6. Subject to section 8,
- (a) a notice of expropriation in Form 1 of the Schedule,

- (b) a notice of modified expropriation in Form 2 of the Schedule,
- (c) a notice of vesting in Form 3, Form 4, Form 5 or Form 6 of the Schedule,  
and
- (d) a notice of abandonment in Form 7 of the Schedule

must have the original signature of an authorized government signatory of the Nisga'a Government seeking to file the notice.

### **Abbreviations**

7. Without limiting section 8, an abbreviation of any word on a Schedule form must not be used if in the registrar's opinion the abbreviation would obscure the meaning, intent or legal effect of the form.

### **Registrar to be satisfied**

8. A Schedule form must be completed and executed to the satisfaction of the registrar.

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**SCHEDULE – FORMS****List of Forms**

Form 1	Notice of Expropriation
Form 2	Notice of Modified Expropriation
Form 3	Notice of Vesting in the Nisga'a Nation (Fee Simple Interest)
Form 4	Notice of Vesting in the Nisga'a Nation (Interest other than Fee Simple Interest)
Form 5	Notice of Vesting in a Nisga'a Village (Fee Simple Interest)
Form 6	Notice of Vesting in a Nisga'a Village (Interest other than Fee Simple Interest)
Form 7	Notice of Abandonment
Form 8	Application for Cancellation of Notice of Expropriation
Form 9	Notice of Offer of Compensation
Form 10	Notice of Arbitration

*Nisga'a Expropriation Act*

**Form 1**

(Section 6(a))

**NOTICE OF EXPROPRIATION**

**TO:** [insert name and address of each owner on whom service is required under section 6(b) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT:**

1. Under section [2(1) or (3(1))] of the *Nisga'a Expropriation Act*, the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] intends to expropriate the interest in land identified in paragraph 3 of this Notice, in respect of which you are the registered owner(s).

2. The land affected by the proposed expropriation is:

[insert property identification number of parcel affected]

[insert legal description of parcel affected]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The nature of the interest in land intended to be expropriated is:

[specify the nature of the interest in land being expropriated]

\_\_\_\_\_

[describe any surviving charges, including type and registration number]

\_\_\_\_\_

[if the interest is being expropriated for a limited time, state the time period]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[If the proposed expropriation is in respect of land that forms only part of a parcel or is not within a parcel, the plan required by section 6(a)(vi) of the Act must be attached to this Notice.]*

- 4. The public work or public purpose for which the interest in land identified in paragraph 3 is being expropriated is:

*[describe the work or purpose]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 5. Within 60 days of the date on which this Notice is filed in the Nisga'a land title office, the *[Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼]* must, in accordance with section 13(1) of the *Nisga'a Expropriation Act*, provide you with an offer of the compensation estimated to be payable to you in respect of the proposed expropriation.

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** *[insert name and address of Nisga'a Government proposing the expropriation]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PER:**  
*[signature of authorized government signatory]*  
\_\_\_\_\_  
*[printed name and position of signatory]*  
\_\_\_\_\_

*Nisga'a Expropriation Act*

**Form 2**

(Section 9(1))

**NOTICE OF MODIFIED EXPROPRIATION**

**TO:** [insert name and address of each owner on whom service is required under section 9(2)(b) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT:**

- Under section 9(1) of the *Nisga'a Expropriation Act*, the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] has modified the proposed expropriation identified in the Notice of Expropriation filed on [insert date original Notice of Expropriation was filed] and attached to this Notice, as follows:

[describe how the proposed expropriation is being modified]

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*[NOTE: A copy of the original Notice of Expropriation must be attached to this Notice.]*

- The land affected by the proposed expropriation, as modified, is:

[insert property identification number of parcel affected]

[insert legal description of parcel affected]

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- As a result of the modification, the nature of the interest in land now intended to be

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expropriated is:

*[specify the nature of the interest in land being expropriated]*

*[describe any surviving charges, including type and registration number]*

*[if the interest is being expropriated for a limited time, state the time period]*

*[If the proposed expropriation is in respect of land that forms only part of a parcel or is not within a parcel, the plan required by section 6(a)(vi) of the Act must be attached to this Notice.]*

- 4. The public work or public purpose for which the interest in land identified in paragraph 3 is being expropriated is:

*[describe the work or purpose]*

- 5. Within 60 days of the date on which this Notice is filed in the Nisga'a land title office, the *[Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼]* must, in accordance with section 13(1) of the *Nisga'a Expropriation Act*, provide you with an offer of the compensation estimated to be payable to you in respect of the proposed expropriation.

DATED the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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**ISSUED BY** *[insert name and address of Nisga'a Government proposing the expropriation]*

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**PER:**

*[signature of authorized government signatory]*

*[printed name and position of signatory]*

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*Nisga'a Expropriation Act*  
**Form 3**  
(Section 10(1))

**NOTICE OF VESTING IN THE NISGA'A NATION**  
**(Fee Simple Interest)**

**TO:** [insert name and address of each person on whom service is required under section 10(1) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT** under section 10 of the *Nisga'a Expropriation Act*, the interest in land described in paragraph 3 of the [Notice of Expropriation or, if modified, Notice of Modified Expropriation] (hereinafter the "Expropriation Notice") filed on [insert date] and attached to this Notice, is vested in the Nisga'a Nation free and clear of all charges, other than any surviving charge described in the Expropriation Notice.

*[A copy of the Expropriation Notice must be attached to this Notice.]*

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** Nisga'a Lisims Government Executive  
[insert address of Nisga'a Lisims Government Executive]  
\_\_\_\_\_  
\_\_\_\_\_

**PER:** [signature of authorized government signatory]  
\_\_\_\_\_

[printed name and position of signatory]  
\_\_\_\_\_

*Nisga'a Expropriation Act*  
**Form 4**  
(Section 10(1))

**NOTICE OF VESTING IN THE NISGA'A NATION**  
**(Interest other than Fee Simple Interest)**

**TO:** [insert name and address of each person on whom service is required under section 10(1) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT** under section 10 of the *Nisga'a Expropriation Act*, the interest in land described in paragraph 3 of the [Notice of Expropriation or, if modified, Notice of Modified Expropriation] (hereinafter the "Expropriation Notice") filed on [insert date] and attached to this Notice, is vested in the Nisga'a Nation free and clear of all charges, other than any surviving charge described in the Expropriation Notice, and with priority over any other charge registered or endorsed against the land, other than any surviving charge described in the Expropriation Notice.

*[A copy of the Expropriation Notice must be attached to this Notice.]*

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** Nisga'a Lisims Government Executive  
[insert address of Nisga'a Lisims Government Executive]  
\_\_\_\_\_  
\_\_\_\_\_

**PER:** [signature of authorized government signatory]  
\_\_\_\_\_  
[printed name and position of signatory]  
\_\_\_\_\_

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*Nisga'a Expropriation Act*  
**Form 5**  
(Section 10(1))

**NOTICE OF VESTING IN A NISGA'A VILLAGE**  
**(Fee Simple Interest)**

**TO:** [insert name and address of each person on whom service is required under section 10(1) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT** under section 10 of the *Nisga'a Expropriation Act*, the interest in land described in paragraph 3 of the [Notice of Expropriation or, if modified, Notice of Modified Expropriation] (hereinafter the "Expropriation Notice") filed on [insert date] and attached to this Notice, is vested in the Nisga'a Village of [insert name] free and clear of all charges, other than any surviving charge described in the Expropriation Notice and any Nisga'a Nation interest referred to in section 10(3)(b)(iv) of the *Nisga'a Expropriation Act*.

*[A copy of the Expropriation Notice must be attached to this Notice.]*

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** [insert name and address of the applicable Nisga'a Village Government]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PER:** [signature of authorized government signatory]  
\_\_\_\_\_  
[printed name and position of signatory]  
\_\_\_\_\_

*Nisga'a Expropriation Act*  
**Form 6**  
 (Section 10(1))

**NOTICE OF VESTING IN A NISGA'A VILLAGE**  
**(Interest other than Fee Simple Interest)**

**TO:** [insert name and address of each person on whom service is required under section 10(1) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT** under section 10 of the *Nisga'a Expropriation Act*, the interest in land described in paragraph 3 of the [Notice of Expropriation or, if modified, Notice of Modified Expropriation] (hereinafter the "Expropriation Notice") filed on [insert date] and attached to this Notice, is vested in the Nisga'a Village of [insert name] free and clear of all charges, other than any surviving charge described in the Expropriation Notice and any Nisga'a Nation interest referred to in:

*[if the vesting is of an entitlement]*

section 10(4)(b)(iv) of the *Nisga'a Expropriation Act*

*[if the vesting is of an interest other than a fee simple interest or an entitlement]*

section 10(5)(b)(iv) of the *Nisga'a Expropriation Act*

and with priority over any other charge registered or endorsed against the land, other than any surviving charge described in the Expropriation Notice and any Nisga'a Nation interest referred to in:

*[if the vesting is of an entitlement]*

section 10(4)(b)(vi) of the *Nisga'a Expropriation Act*.

*[if the vesting is of an interest other than a fee simple interest or an entitlement]*

section 10(5)(b)(vi) of the *Nisga'a Expropriation Act*.

*[A copy of the Expropriation Notice must be attached to this Notice.]*





*Nisga'a Expropriation Act*

**Form 7**

(Section 11(1)(a))

**NOTICE OF ABANDONMENT**

**TO:** [insert name and address of each person on whom service is required under section 11(1)(b) of the Act]

**AND:** Registrar, Nisga'a Land Title Office

**TAKE NOTICE THAT** under section 11 of the *Nisga'a Expropriation Act*, the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] abandons the proposed expropriation of the interest in land described in paragraph 3 of the [Notice of Expropriation or, if modified, Notice of Modified Expropriation] (hereinafter the "Expropriation Notice") filed on [insert date] and attached to this Notice.

*[A copy of the Expropriation Notice must be attached to this Notice.]*

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** [insert name and address of Nisga'a Government abandoning the expropriation]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PER:**  
[signature of authorized government signatory]  
\_\_\_\_\_  
[printed name and position of signatory]  
\_\_\_\_\_

## NISGA'A EXPROPRIATION REGULATION

*Nisga'a Expropriation Act*  
**Form 8**  
 (Section 12(3)(a))

**APPLICATION FOR CANCELLATION OF  
 NOTICE OF EXPROPRIATION**

I/We, [insert full name(s), address(es) and telephone number(s) or email address(es)]

owner(s) of the interest in land identified in paragraph 3 of the Notice of Expropriation or Notice of Modified Expropriation (hereinafter, the "Expropriation Notice") attached to this Application, apply for cancellation of:

1. the Expropriation Notice; and
2. the notation endorsed in the register in respect of the Expropriation Notice.

*[A copy of the Expropriation Notice must be attached to this Application.]*

I/We confirm that an agreement in writing as referred to in section 12(1)(b)(i) of the *Nisga'a Expropriation Act*

- has not been made
- was made on [insert date]

in respect of the proposed expropriation described in the Expropriation Notice.

*[If such an agreement in writing was made, a copy of the agreement must be attached to this Application.]*

I/We confirm that a notice of arbitration as referred to in section 12(1)(a)(v) of the *Nisga'a Expropriation Act*

- has not been served
- was served on [insert date]

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in respect of the proposed expropriation described in the Expropriation Notice.

*[If such a notice of arbitration was served, a copy of the notice must be attached to this Application.]*

I/We confirm that a compensation determination by an arbitrator as referred to in section 12(1)(b)(ii) of the *Nisga'a Expropriation Act*

- has not been served
- was served on [insert date]

in respect of the proposed expropriation set out in the Expropriation Notice.

*[If such a compensation determination was served, a copy of the compensation determination must be attached to this Application.]*

I/We confirm that legal proceedings as referred to in section 12(1)(b)(iii) of the *Nisga'a Expropriation Act*

- have not been commenced
- were commenced on [insert date]

in relation to a compensation determination by an arbitrator in respect of the proposed expropriation set out in the Expropriation Notice.

*[If such legal proceedings were commenced, a copy of the document commencing the legal proceedings must be attached to this Application.]*

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

NISGA'A EXPROPRIATION REGULATION

*Nisga'a Expropriation Act*  
**Form 9**  
 (Section 13(1)(a))

**NOTICE OF OFFER OF COMPENSATION**

**TO:** [insert name and address of each owner on whom service is required under section 13(1) of the Act]

**TAKE NOTICE THAT:**

1. On [insert date], the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] served on you the [Notice of Expropriation or, if modified, Modified Notice of Expropriation] (hereinafter, the "Expropriation Notice") attached to this Notice.

*[A copy of the Expropriation Notice must be attached to this Notice.]*

2. The [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] hereby formally offers to:

pay to you the amount of \$[insert total dollar figure]; and/or

grant to you the following interest in land:

[insert description]

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in full satisfaction of any claim for compensation you may have under the *Nisga'a Expropriation Act* in respect of the proposed expropriation set out in the Expropriation Notice (hereinafter, the "Proposed Expropriation").

3. The offer set out in paragraph 2 of this Notice is based on [describe the appraisal or other report on which the offer is based], a copy of which is attached to this Notice.

*[A copy of any appraisal or other report on which the offer is based must be attached to this Notice.]*

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- 4. This offer of compensation is made in accordance with section 13(1) of the *Nisga'a Expropriation Act*.
  
- 5. If you are satisfied that this is a fair offer of the compensation payable to you under the *Nisga'a Expropriation Act* in respect of the Proposed Expropriation, you may accept this offer by contacting [insert name and telephone number or email address of designated contact person with the expropriating Nisga'a Government], and the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] will prepare the necessary documents to finalize this matter.
  
- 6. If, within 30 days of service of this Notice, you and the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] have not agreed in writing on the amount of compensation payable to you under the *Nisga'a Expropriation Act* in respect of the Proposed Expropriation, the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] must, in accordance with section 14(1) of the *Nisga'a Expropriation Act*, commence arbitration to determine this amount.

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** [insert name and address of the expropriating Nisga'a Government]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PER:** [signature of authorized government signatory]  
\_\_\_\_\_  
[printed name and position of signatory]  
\_\_\_\_\_

NISGA'A EXPROPRIATION REGULATION

*Nisga'a Expropriation Act*  
**Form 10**  
(Section 14(1)(b))

**NOTICE OF ARBITRATION**

**TO:** [insert name and address of each owner on whom service is required under section 14(1)(b) of the Act]

**TAKE NOTICE THAT:**

1. On [insert date], the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] served on you the Notice of Offer of Compensation attached to this Notice.

*[A copy of the Notice of Offer of Compensation and all attachments must be attached to this Notice.]*

2. It has been over thirty (30) days since the Notice of Offer of Compensation was served on you, and the [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] and you have not agreed in writing on the amount of compensation payable to you under the *Nisga'a Expropriation Act* in respect of the proposed expropriation (hereinafter, the "Proposed Expropriation") set out in the Expropriation Notice attached to the Notice of Offer of Compensation.
3. In accordance with section 14(1) of the *Nisga'a Expropriation Act*, the amount of compensation payable to you under that Act in respect of the Proposed Expropriation must therefore be determined by an arbitrator.
4. The [Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼] proposes that [the following individual or an individual of your choice from the following list] be appointed as the arbitrator to determine the amount of compensation payable to you under the *Nisga'a Expropriation Act* in respect of the Proposed Expropriation:

[insert name and contact information for each proposed arbitrator]

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5. If you agree to the appointment of *[the individual or an individual]* identified in paragraph 4 of this Notice as the arbitrator, please contact *[insert name and telephone number or email address of designated contact person with the expropriating Nisga'a Government]*, and the *[Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼]* will prepare the necessary documents to finalize the appointment of that individual as the arbitrator.
  
6. If, within 10 days of service of this Notice, the *[Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼]* and you have not agreed in writing on the appointment of an arbitrator, the *[Nisga'a Lisims Government Executive or Nisga'a Village Government of ▼]* must, in accordance with section 14(3) of the *Nisga'a Expropriation Act*, apply to the British Columbia International Commercial Arbitration Centre, or if the Centre is unavailable, an analogous independent and impartial body, to appoint an arbitrator to determine the amount of compensation payable to you under the *Nisga'a Expropriation Act* in respect of the Proposed Expropriation.

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**ISSUED BY** *[insert name and address of the expropriating Nisga'a Government]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PER:** *[signature of authorized government signatory]*  
 \_\_\_\_\_  
*[printed name and position of signatory]*  
 \_\_\_\_\_