



The mission of the Odanak Band Council consists in ensuring the representation of members of the Abenaki Community of Odanak and promoting the preservation of their identity, culture and quality of life. To do so, the Council seeks to provide quality services for youth, elders and for the entire community, according to the Band's resources.

Housing Policy

Revised in 2015

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1. Introduction

Odanak Band Council funding for housing is provided by Indigenous and Northern Affairs Canada (INAC) and is allocated annually.

Contingent on the funds available, the Band Council provides housing services to Odanak registered Band members. Services include financial assistance for the construction of new homes and the renovation of existing homes. Services also include access to social housing for low-income families.

2. Purpose of the Policy

The purpose of the policy is to establish guidelines and procedures for fair and equitable allocation of financial assistance or social housing to Odanak registered Band members. The policy also aims to inform members who wish to avail themselves of these services of their rights, responsibilities and obligations.

3. Odanak Community Home Construction Project

This program aims to provide financial assistance to Odanak registered Band members who wish to build a new single-family home in the Odanak community.

3.1 Target Objectives

- Provide the opportunity for Odanak registered Band members to access the property of a home, while prioritizing Odanak residents.
- Assign, in a fair and equitable manner among the applicants, funding for the construction of a new home.
- When granting financial assistance, prioritize families with more than one person and minor children.

- Ensure that financial assistance is provided to individuals who can afford the construction costs for the home.
- Give priority to, in compliance with national building standards, the construction of homes in the Odanak Community.
- Ensure that construction projects are carried out according to the original plans.

3.2 Eligibility Criteria

- Be a registered member of the Odanak Band, residing or not in the Community.
- Be eighteen (18) years of age or older.
- Have a sufficient family income.
- The applicant must not have any arrears with the Band Council.
- The applicant must not own a residence in or outside the Community. Otherwise, the applicant must agree to sell the residence occupied prior to obtaining financial assistance under this program.
- The applicant must not have received prior financial assistance under this program.

Explanatory note: Financial assistance shall not be granted **more than once in a person's lifetime**, except in the case of **legal separation** or **divorce** from a member who has previously received funding. The Band Council may consider a **second and final application** for financial assistance in these circumstances, provided that the previously funded family home has been transferred to the other spouse, according to INAC's official register. For the purpose of analyzing a second application for funding for the construction a home in the Odanak Community, the Band Council shall require official documents related to the legal separation or divorce.

3.3 Selection of Applications

Depending on budget availability, the number of homes to be constructed is determined annually by the Band Council. Applications for financial assistance for the construction of a

new home must be made between **January 1 and March 31** of each year, using the appropriate form provided at the Band Council offices. An acknowledgment of receipt of the application is then sent to the applicant by the Band Council.

The Band Council reviews the applications received after obtaining official confirmation of funds allocated by INAC. During the review process of applications for financial assistance, the Band Council considers the following four (4) criteria:

First criterion: Duration of residence in the Odanak Community

The Odanak Band Council considers it essential to advocate the application for financial assistance from a member who has resided or is currently residing in the Odanak Community.

Second criterion: Number of people in the home

The number of persons making up the applicant's immediate family, i.e. the applicant, spouse and dependents, is therefore considered in the review of the application. Considering this is a **family** housing situation, the Odanak Band Council agrees, in this circumstance, that the **non-Aboriginal spouse** be considered in the review of the application. Evidence may be required by the Band Council when a common-law spouse or dependents are declared.

Definition of common-law spouse:

The word "spouses" means persons who are married or in a civil union with each other and who cohabit; persons of opposite sex or the same sex who cohabit and who are the parents of a child, unless they establish that their cohabitation is temporary and results from exceptional circumstances related to a serious health problem of one of them or of one of their children; persons of full age of the opposite or the same sex who live together in a de facto union and who, at any one time, cohabited for a period of not less than one year.

Definition of dependents:

The following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent on one of those persons for their basic needs: the minor child who is not fully emancipated and who is neither the father

nor the mother of a dependent child; minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and children of full age who attend an educational institution and who are neither the spouse of another person nor married nor in a civil union nor the father or mother of a child who is their dependant.

Third criterion: Applicant's employment

The Band Council must consider the financial burden of owning and maintaining a home in the interest of the applicant as well as in the interest of the Odanak Community. Accordingly, the applicant's ability to meet his financial obligations is reviewed with the application. The applicant must have sufficient family income to file an application for financial assistance under this program. Evidence of family income may be required by the Band Council.

Fourth criterion: Applicant's housing conditions

Housing considered inadequate for the needs of the applicant and his or her family is considered in favour of the applicant upon review of the application by the Band Council.

Unselected applications for financial assistance are not retained for the following year. **A new application must be filed between January 1 and March 31 of the following year,** when the construction project is still relevant.

3.4 Purchase of Land Belonging to the Community

Where the applicant does not own land with water, sewer and electricity services, the Band Council assigns, by resolution, a lot for a specified amount. The buyer is required to pay this amount to the Band Council prior to the commencement of construction of the home.

3.5 Terms of Payment of Financial Assistance

Currently, financial assistance granted by the Band Council is for a maximum amount of \$ 19,400. The amount awarded is based on the applicant's annual family income.

Annual family income	Financial assistance
\$39,999 or less	\$19,400

\$40,000 to \$59,999	\$15,400
\$60,000 to \$79,999	\$11,400
\$80,000 or more	\$ 7,400

The grant is awarded in four instalments, allocated as follows:

- a **first payment representing 30% of the grant** shall be made to the applicant after the first inspection by a Canada Mortgage and Housing Corporation (CMHC) authorized representative;
- a **second payment representing 30% of the grant** shall be made to the applicant after the second inspection by a Canada Mortgage and Housing Corporation (CMHC) authorized representative;
- a **third payment representing 30% of the grant** shall be made to the applicant after the third inspection by a Canada Mortgage and Housing Corporation (CMHC) authorized representative;
- a **fourth and final payment representing 10% of the grant** shall be made when the property has been adequately landscaped and is free from all construction debris, subject to inspection by the Band Council.

3.6 Sale or Transfer of Possession

As specified in the *Indian Act*, section 24, an Indian member of a Band who is lawfully in possession of lands in a reserve may transfer to the band or another member of the Band the right to possession of the land, but no transfer or agreement for the transfer of the right to possession of lands in a reserve is effective until it is approved by the Minister.

3.7 Ministerial Guarantee Application

Funding for the construction of a home can be supplemented through a mortgage loan from a financial institution chosen by the applicant. When the loan is authorized in writing by the financial institution, the applicant files an application with the Band Council for approval.

Upon recommendation by the Band Council, a Ministerial Guarantee may be granted by Indigenous and Northern Affairs Canada (INAC). Considering that Ministerial Guarantees increase the financial burden on the Band Council, authorized mortgage loans shall not exceed \$ 150,000. Ministerial Guarantees represent a form of endorsement of the applicant's

mortgage loan by INAC.

In addition, the mortgage loan must be insured every year. In the event the borrower fails to meet the mortgage repayment terms, INAC shall reimburse the financial institution; this amount shall be immediately subtracted from the Band Council funding. The Band Council, having covered the default payment costs, must then reimburse itself by seizing the home and proceeding with its sale.

3.8 Certificate of Possession

When the applicant obtains a Ministerial Guarantee, the applicant shall be required to remit to the Band Council ownership of the property for the entire loan repayment term. The applicant then becomes the tenant under a lease-purchase agreement.

Under this contract, the Band Council agrees to grant the Certificate of Possession at the end of the lease for “the absolute ownership of all leased property for the value of the loan” if the applicant has complied with all conditions for the mortgage repayment.

3.9 Steps to be Taken for the Acceptance of a Construction Project with Ministerial Guarantee

- **Step 1:** The applicant must accept the financing offer for his home within ten (10) working days following the proposal issued by the Band Council. This acceptance is made by signing the acceptance form.

If a response fails to be forwarded to the Band Council within the prescribed deadline, or if the applicant indicates that he no longer intends to carry out the project, the Band Council shall forward a letter informing him of the closure of the file. The Band Council shall subsequently allocate the available funding to another non-selected applicant when reviewing the applications.

- **Step 2:** If the applicant has confirmed his intention to proceed with the construction of the home within the prescribed deadline, the applicant shall forward the following documents to the Band Council within another twenty (20) working days:
 - one (1) copy of the plans and specifications of the home including the electrical and plumbing plans;
 - an estimate of the construction cost and a work schedule;

- documents relating to the overall funding of the project;
 - confirmation of income from the employer for the applicant and spouse.
- **Step 3:** The Band Council shall review the applicant's plans, construction cost estimates and the applicant's financial situation to determine the project's feasibility. Subsequent to the approval of the application, the Council shall:
 - Meet with the applicant to inform the latter of the conditions under which the Band shall support the funding for the construction of the home and adopt a resolution requesting a loan guarantee conditional to the approval of the loan by the lender.
 - For a new construction, the Council shall request an environmental assessment of the site.
 - **Step 4:** The lender reviews the documents provided by the applicant and verifies the employment or credit information and the applicant's solvency. The lender informs the Band Council of its decision.
 - If the lender approves the loan, they shall apply for mortgage loan insurance with the CMHC on behalf of the applicant and obtain a Certificate of Insurance conditional on obtaining the loan guarantee approved by INAC.
 - Upon receipt of the conditional mortgage loan insurance, the lender enters into a loan agreement with the applicant and provides copies of the loan agreement and the certificate of insurance to the applicant. The applicant immediately forwards a copy of the documents to the Abenakis of Odanak Council.
 - **Step 5:** Upon receipt of the documents, the Band Council concludes an agreement with the applicant to pay the amount covering the purchase of the property (\$ 1,500) along with a deposit of one thousand (\$ 1,000) dollars to ensure that the construction of the home shall be completed within six (6) months of acceptance of the Ministerial Loan Guarantee.
 - **Step 6:** Subsequent to the signing of the agreement, the Band Council forwards the applicant's file to the INAC Regional Office to finalize the Ministerial Loan Guarantee process. The documents transmitted are as follows:
 - environmental assessment of the site and site plan

- Ministerial Loan Guarantee application
 - loan agreement
 - guarantee agreement
 - CMHC conditional loan insurance certificate
 - AOC resolution
- **Step 7:** INAC reviews the Ministerial Loan Guarantee application and supporting documents and confirms that all documents have been provided.
 - If the application is accepted, INAC confirms that the construction project meets the established criteria and returns the copies signed by the Minister.

Applicants should allow 4 to 6 weeks for all procedures to be completed once the required documents have been received.

3.10 Stages of Development of the Construction Project

- The applicant has a period of sixty (60) days following the receipt of the guarantee agreement to:
 - hire a general contractor and/or skilled workers for the construction of the home;
 - construct the foundation of the future home on the property he already owns or on the property allocated by the Band Council;
 - ensure that the installation and connection to the water supply and sewer lines are completed for the future home;
 - present supporting documents so the Band Council may ensure that the owner has paid the costs incurred for the construction of the foundation and connection to the water supply and sewer lines.

- The applicant and contractor must adhere to the National Building Code throughout the construction process. Periodic inspection of the work shall be conducted by an authorized CMHC inspector. The applicant or contractor must notify the Band Council when an

inspection is necessary, i.e. for the following four (4) stages of construction:

- Stage 1:** The first inspection must be conducted after the construction of the foundation and connection to the water supply and sewer lines.

- Stage 2:** The second inspection must be conducted after installation of the plumbing and electricity systems and prior to closing the interior walls.

- Stage 3:** The third inspection must be conducted when the home is fully completed, which includes the exterior and interior finishing.

- Stage 4:** The fourth inspection must be conducted when the applicant has removed all the debris resulting from the construction of the home on the property. The property must be clean and adequately landscaped.

It is important to note that the owner is solely responsible for the payment of invoices related to the construction of the home. Consequently, the Band Council shall refuse to pay any invoice from goods or services provided during construction or after construction has been completed, since the Band Council has remitted financial assistance to the owner.

3.11 Appeals Committee

The Band Council shall comply with the “Complaints Policy” in the event a decision rendered under this policy is unsatisfactory to the applicant.

4 Community Home Renovation Program

The purpose of this program is to provide financial assistance to members of the Odanak community wishing to undertake mandatory repairs on their home located on the territory of the Odanak community in order to repair main defective components that could exacerbate its current condition or which have an adverse effect on the health and safety of its occupants.

4.1 Target Objectives

- Provide the opportunity for Odanak registered Band members to make their home safe and healthy based on the laws, regulations and standards in force.
- Extend the home's lifespan by 10 years on the elements of the home that have been repaired, modified or replaced.
- Assign, in a fair and equitable manner among applicants, the financial assistance to carry out the repairs deemed mandatory.
- Ensure that financial assistance is allocated to members able to assume the extra costs related to the repair work in their home.
- Give priority to repairs that meet national building standards.
- Ensure that repairs are carried out according to the description of the work originally planned.

4.2 Eligibility Criteria

- Be a registered member of the Odanak Band residing in the Odanak community.
- Be eighteen (18) years of age or older.
- Have a family income not exceeding \$ 30,000 annually.
- Be the owner of the principal residence for at least 5 years.

- The applicant must be the owner-occupant of the home subject to the said application for financial assistance.
- The home must be located in the Odanak of Odanak and have been built for ten (10) years or more.
- The applicant must not have any arrears with the Odanak Band Council.
- The applicant must not have received financial assistance under this program over the previous five (5) years.

4.3 Selection of Applications

Depending on budget availability, the number of homes to be constructed is determined annually by the Band Council. Applications for financial assistance for the renovation of an existing home must be made between **January 1 and March 31** of each year, using the appropriate form provided at the Band Council offices. An acknowledgment of receipt of the application is then sent to the applicant by the Band Council.

The Band Council reviews and selects the applications for financial assistance once a year in April. During the review process of applications for financial assistance, the Band Council considers the following two (2) criteria:

Criterion 1: Degradation of the home’s main components

Repairs must be mandatory to correct a situation that could aggravate the health and safety of the occupants. In such cases, the applicant must show us that the condition of the home has an impact on their health or safety:

Structure:	Foundation, framework, roof, interior walls
Heating:	Heating system, connecting pipes, combustible surfaces
Electricity:	Electrical system
Ventilation system:	Air collection system, roof top fan, bathroom fan, central vacuum system

Plumbing: Conduits, wastewater systems, sanitary and bathroom fixtures

Exterior and interior components: Doors, windows, cladding, balcony

Criterion 2: Health and safety of the occupants

Repairs must be mandatory to correct a situation that could aggravate the health and safety of the occupants. In such cases, the applicant must show us that the condition of the home has an impact on their health or safety.

- **Situation 1:** One or several of the home's components may be contaminated by the presence of mould, fungi, dust or other allergenic elements that can lead to various ailments and diseases in the occupants. A medical report or an expert report may be requested. In addition, a site inspection may be conducted by a representative from the Odanak Band Council or the Odanak Health Centre.
- **Situation 2:** One or several of the home's components are defective and dangerous for the occupants. The urgent nature of the work will then be considered. In addition, a site inspection may be conducted by a Band Council representative or a qualified building inspector to assess the situation.
- **Situation 3:** One or several of the home's components must be modified to allow occupants with a physical disability, illness or loss of autonomy to have access to different rooms in the home. The purpose is to make accessible and safe all interior rooms of the home as well as its entrances as the case may be. A site inspection may be conducted by a representative from the Odanak Band Council or the Odanak Health Centre.

4.4 Terms of Payment of Financial Assistance

Currently, the maximum financial assistance provided by the Band Council is **\$ 6,500**. The amount allocated is based on the two proposals submitted by the applicant.

The applicant is responsible for the repair costs exceeding the financial assistance provided by the Band Council.

The subsidy is paid in two instalments, representing 50% of the repair costs. The first payment is made upon acceptance of the application. The second payment is made upon presentation of the contractor's final invoice. In addition, an inspection shall be conducted upon completion of the work to ensure that it meets National Building Code standards.

It is important to note that the applicant is solely responsible for the payment of invoices related to the repair work of the home. As a result, the Band Council shall refuse to pay any invoice for goods or services provided during and after the work.

The applicant is responsible for ensuring that the contractor has the required qualifications before hiring. In addition, the applicant is responsible for the completion of the work and payment to the contractor for the work.

4.5 Stages of Development of the Home Renovation Project

Stage 1: The applicant must submit to the Band Council an application for financial assistance and two proposals from different contractors no later than March 31 of each year. Proposals must include the description and cost of materials and labour. The Band Council shall acknowledge receipt of the application within ten (10) working days.

Stage 2: A Band Council representative shall contact the applicant to confirm the application for financial assistance and schedule an appointment for inspection of the premises, where applicable.

Stage 4: The Council shall review and approve the application for financial assistance and confirm to the applicant the amount to be allocated.

Stage 5: The applicant shall undertake the work and hire the contractor of his choice. However, only contractors with a valid contractor's license or declared as self-employed with valid qualification cards may be hired to complete the renovations.

Stage 6: After the work has been completed, the applicant shall submit a copy of the contractor's final invoice to the Band Council.

Stage 7: The Band Council shall conduct a final inspection of the work to ensure it has been completed according to National Building Code standards. The Band Council shall issue the second pre-approved grant payment to the applicant once work is deemed satisfactory.

4.6 Appeals Committee

The Band Council shall comply with the "Complaints Policy" in the event a decision rendered under this policy is unsatisfactory to the applicant.

5 Social Housing Program

The purpose of this program is to provide low-income members of the Odanak community with affordable, decent quality housing in the Odanak community.

5.1 Target Objectives

- Provide the opportunity for low-income Odanak registered Band members to access housing that meets their needs at an affordable price.
- Assign, in a fair and equitable manner among the applicants, housing for Odanak registered Band members according to their family and financial situation.
- When assigning housing, prioritize families with more than one person and minor children.
- Ensure that housing is leased to people who can afford the monthly rental costs.

5.2 Eligibility Criteria

To qualify for a social housing program, the applicant must meet the following conditions:

- Be a registered member of the Odanak Band, residing or not in the Community.
- Be eighteen (18) years of age or older.
- Have a family income not exceeding \$ 30,000 annually.
- The applicant must not have any arrears with the Odanak Band Council.
- The applicant must not own a residence in or outside the Community.
- A person who has been evicted from an Odanak Band Council dwelling may not be eligible for housing selection for a period of five (5) years.

5.3 Selection of Applications

Depending on the availability of social housing, the number of applications accepted is determined annually by the Band Council. Applications must be made by March 1 of each year, using the appropriate form provided at the Band Council offices.

Non-selected housing applications shall be kept for a period of one year. It is therefore necessary to **reapply between January 1 and March 31 of the following year**, when the applicant has been unable to find adequate housing.

The Band Council reviews and selects the applications and considers the following four (4) criteria:

First criterion: Duration of residence in the Odanak Community

The Odanak Band Council considers it essential to advocate a housing application from a current resident of the Odanak Community. Proof of residence may be required by the Band Council.

Second criterion: Number of people in the home

The number of persons making up the applicant's immediate family, i.e. the applicant, spouse and dependents, is therefore considered in the review of the application. Considering this is a **family** housing situation, the Odanak Band Council agrees, in this circumstance, that the **non-Aboriginal spouse** be considered in the review of the application.

Third criterion: Applicant's financial situation

The Band Council must consider the financial burden of leasing and maintaining an apartment in the interest of the applicant as well as in the interest of the Odanak Community. Accordingly, the applicant's family income must be at least \$ 9,000 annually but not exceed \$ 30,000.

Fourth criterion: Applicant's housing conditions

Housing considered inadequate for the needs of the applicant and his or her family is considered in favour of the applicant upon review of the application by the Band Council.

5.4 Housing Usage

The premises are occupied for tenancy purposes by the occupant as authorized by a tenancy agreement. Housing may not be subleased, shared or altered for the purpose of profit-driven activities.

5.5 Terms of the Tenancy Agreement

The duration of a tenancy agreement is of twelve (12) months, beginning on the 1st day of July until the 30th day of June of the following year.

Unless otherwise specified by the Band Council, the tenancy agreement is renewed for a period of twelve (12) months. The occupant wishing to avoid extending the tenancy agreement must notify the Band Council in writing three (3) months prior to the end of the term.

5.6 Rental Rate in Effect

Each year, the Band Council sets the annual rate and monthly rental fees for social housing occupants. These amounts are determined in the tenancy agreement signed by the new occupant and the Band Council. The annual rate varies according to the annual family income.

The monthly rental fees are payable in advance on the first day of each month by check or in cash at the Band Council offices. The rental fees for the occupied premises include: space occupied, fire and liability insurance for the building and not for the content.

The Council may adjust annually the monthly rental fees for the occupied premises based on increased maintenance and service costs.

5.7 Band Council Responsibilities

The Band Council shall deliver the premises covered by this agreement in good condition and provide peaceable enjoyment for the occupant.

The Band Council shall be responsible for major repairs not caused by the fault or negligence of the occupant or that of his servants and/or guests.

The Band Council shall advise the occupant, at least three (3) months prior to the expiry of the current tenancy agreement, of any increase in the monthly rental fees to be effective as of July 1 each year.

The Council shall respect any agreement made with the occupant, approved in writing, and where the occupant has accepted the rights and responsibilities.

5.8 Occupant Responsibilities

The occupant agrees to cover the expenses for repairs related to the use of the premises by the occupant and to keep the occupied premises in good condition, well maintained and in good repair.

The occupant is responsible for repairs resulting from his fault and/or negligence, or that of his servants and/or guests.

The occupant who identifies a defect or substantial deterioration of the occupied premises shall notify the Council immediately.

The occupant shall allow the Council to inspect the occupied premises at all times with a minimum notice of 24 hours.

The occupant shall furnish the occupied premises.

The occupant shall use the occupied premises in a reasonable manner, keep the premises clean and free of obstruction or hindrances.

The occupant and the persons who have be given access to the occupied premises shall behave in such a manner as not to disturb the other residents in the normal enjoyment of the premises in accordance with any applicable regulations concerning the occupied premises.

The occupant shall not modify, assign or allow occupancy such as subletting without the Council's written authorization.

The occupant is required to comply with the obligations concerning the cleanliness and safety of the occupied premises under the law and/or regulations in force.

The occupant shall not use or keep in the occupied premises any substance that constitutes a fire risk or which can increase the Council's insurance premiums.

The occupant is responsible to have liability insurance to cover any damage for which he may be liable. Upon the Council's request, the occupant shall provide proof of insurance.

Domestic animals are prohibited.

Access locks to the occupied premises shall only be changed with the parties' consent.

The occupant shall not transform the occupied premises or use them for purposes other than those for which they were provided for in this agreement.

5.9 Termination of Tenancy Agreement

The Council's failure to fulfill an obligation provides the occupant the right to claim, in addition to damages, specific performance of the obligation, in relevant cases, and the termination of the said tenancy agreement.

The occupant's failure to fulfill an obligation provides the Council the right to claim, in addition to damages:

- Specific performance of the obligation in relevant cases;

- Termination of the said tenancy agreement, where failure to perform the obligation causes serious prejudice;
- In the event of termination, the Council is not required to pay compensation or refund the occupant.

The council shall not request termination of the said tenancy agreement for non-payment of rental fees for the occupied premises unless the occupant is at least three (3) consecutive or non-consecutive months in arrears during the term of the agreement.

The Council may terminate the said tenancy agreement when the occupied premises become dangerous to the public or the occupants.

If the occupant vacates the occupied premises prior to the expiry of the said tenancy agreement and removes his belongings, the Council may grant a tenancy agreement to a new occupant; the Council may also reclaim the occupied premises if the occupant abandons or ceases to occupy the said premises. It is understood that this tenancy agreement shall be terminated as of right should any of these situations occur, and the Council shall not be required to reimburse the occupant.

However, this clause does not apply to the occupant who ceases to occupy the premises temporarily, but who continues to cover the monthly rental fees, carry out the normal maintenance of the premises, and ensure the security of the occupied premises.

The occupant who leaves the premises must remove all personal effects. Following a written notice, the Council may dispose of any personal effects if, within one (1) month, the occupant has not corrected the situation, i.e. remove all personal effects from the occupied premises.

5.10 Appeals Committee

The Band Council shall comply with the “Complaints Policy” in the event a decision rendered under this policy is unsatisfactory to the applicant.