



Commercial/Industrial Land Lease Approval Policy Bineshii Business Park

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1. Purpose:

The purpose of this policy is to establish guidelines and procedures for leasing commercial and industrial land within Nipissing First Nation's Bineshii Business Park. This policy aims to promote economic development, ensure fair and transparent leasing practices to Nipissing First Nation members and non-members, and uphold the mission, values, goals, and interests of Nipissing First Nation.

2. Definitions:

- a. **Commercial Land:** Land designated for commercial purposes, including but not limited to retail establishments, restaurants, service stations and office space/professional services, within the Bineshii Business Park.
- b. **Industrial Land:** Land designated for light industrial purposes, including but not limited to construction and contracting enterprises, forestry services, trucking, manufacturing and warehouses, within the Bineshii Business Park.
- c. **Leaseholder:** Any individual or entity granted a lease for commercial or industrial land on Nipissing First Nation.
- d. **Land Office:** Responsible for overseeing land management and administration of Nipissing First Nation lands, including all land lease agreements.
- e. **Economic Development Office:** Responsible for receiving and processing applications for Nipissing First Nation Business Licenses.
- f. **Chief and Council:** Nipissing First Nation's governing body, which consists of a Gimaa (Chief), a Aanke Gimaa (Deputy Chief), and six (6) E-giigdowaad (Councillors).
- g. **Business Licence:** Authorizes and supports the applicant to conduct business on Nipissing First Nation and is applied for through the Economic Development Department.
- h. **Land Lease:** Sets out terms and conditions for use of land and is applied for through the Land Office.

3. Eligibility:

- a. In order to obtain a commercial or industrial leasehold interest, the proponent must be approved for a licence to operate the business through the Nipissing First Nation Business Licensing Approval Process (refer to Section 5: Application Process).
- b. In order for an Offer to Lease to be issued to an individual for commercial or industrial purposes the person must provide:
 - i. Business licence approval from Nipissing First Nation.
 - ii. Draft plan of building or layout of building and other structures or infrastructure.
 - iii. Services to building such as road access, water, hydro, garbage pickup, fire protection, which if not provided are at the cost of the applicant.
 - iv. Estimates to construct the building and install services.
 - v. Proof of financing to cover the estimates by way of a letter of approval from a lending institution or letter from banking institution stating the applicant has funds at their disposal to cover the estimate of costs or a combination of both. This is to ensure financial solvency.

Preference may be given to Nipissing First Nation members, entities owned or controlled by Nipissing First Nation, or businesses that offer significant benefits to the local community.

4. Lease Terms:

- a. The Offer to Lease will designate a lot in an appropriately zoned area and be compatible with the surrounding lessees.
- b. The Offer to Lease will set out the annual rentals for the first five (5) years based on the appraised value conducted by an accredited land appraiser of similar vacant land and multiplied by an indicator set by Chief and Council.

The indicator to be applied against the value of land in Bineshii Business Park, which was appraised at \$100,000 per acre in 2022, will be 7% of the assessed value for Nipissing First Nation members, and 14% of the assessed value for non-members. Therefore, a Nipissing First Nation member would pay a lease rate of \$7,000 per acre per year while a non-member would pay a lease rate of \$14,000 per acre per year.

Nipissing First Nation member or Nation owned businesses will receive graduated annual lease rates of 0% for the first year, 25% for the second year, 50% for the third year, 75% for the fourth year, and 100% for the fifth and all subsequent years. Non-members or businesses that are not majority owned (at least 51%) by a Nipissing First Nation member are not eligible for the Nipissing First Nation member rate nor for graduated annual lease rates.

Second or more commercial or light industrial lots are subject to immediate full rental rates and are not eligible for the graduated annual rate basis. Further, expansions of existing leases, new leases held by the same persons or entities will be subject to the 14% of assessed value immediately and will not benefit from graduated rates.

- c. A rent review will be conducted every five years, whereby the appraised value conducted by an accredited land appraiser and the indicator will be reviewed and if warranted, a new indicator will be set by Nipissing First Nation Chief and Council by a Band Council Resolution for the next five (5) year period.
- d. The Offer to Lease will provide for a one-year period in which to place the improvements upon the land in accordance with the approved plans and become operational. Should the applicant require an extension of time, they must apply showing justification for the requested extension. The granting of such an extension, if approved, will be limited to one instance and is at the sole discretion Nipissing First Nation Chief and Council.
- e. On the anniversary of the one-year mark of the Offer to Lease, the Land Office staff will conduct a site inspection of the property.
- f. If the applicant fails to complete the building and become operational without justification for an extension, the Offer to Lease will be rescinded with Notice to the applicant allowing them two months (60 days) to remove any improvements made to the property.
- g. Once the business is operational, a 35-year lease agreement will be issued with an annual rental set based on an appraised value multiplied by an indicator. A rent review will be conducted every five years, whereby the value and the indicator will be reviewed and set by Nipissing First Nation Chief and Council by a Band Council Resolution.
- h. Subleasing of commercial or industrial land is prohibited unless granted by the Chief and Council under specific conditions. Applications for subleasing must be submitted in writing to the Land Office and may be subject to approval of a new Business Licence. Only licenced businesses may operate in the Bineshii Business Park and other commercial areas of Nipissing First Nation.
- i. The leased Lands and Buildings may only be utilized for commercial and industrial purposes. Residential use, whether permanent, periodic, or temporary, is strictly prohibited.
- j. The Lease Agreement will set out the terms and conditions of the Lease Agreement. A Land Lease is not transferable between individuals or entities and cannot form part of an estate.

5. Application Process:

- a. The applicant submits a Commercial or Industrial Business Licence and Land Lease Application, Business Plan, and Site Plan to the Economic Development Officer. The Economic Development Officer reviews the application and sends it back to the applicant if revisions are required. The Economic Development Officer may require additional information, studies, or other documents from the applicant. Business Licence Applications can be found at nfn.ca/business.

- b. Your business must be located within a designated commercial or industrial area of Nipissing First Nation zoned for that industry. Please contact the Land Office to discuss areas that are available and to select a preferred lot.
- c. Once a lot is selected, a sketch will be provided for you to prepare a site plan showing the intended location of your building(s), water, septic, driveway, and parking.
- d. The application is then reviewed by the Business Licensing Committee. The Licensing Committee may set out any further requirements in writing or orally during a meeting with the applicant.
- e. If no objections are made, a memo is then sent to Chief and Council on behalf of the Business Licensing Committee advocating for the approval of the business licence.
- f. If the Business Licensing Committee deems it necessary, they can issue a Community Notice (30-day process) to gather feedback on the proposed business or land use, particularly if there are concerns about issues like environmental impacts or compatibility with neighbouring businesses.

Feedback obtained from the Community Notice is provided to the applicant and further revisions are made if necessary. Subject to no legitimate concerns or valid objections being expressed during the 30-day Community Notice period, a memo is then sent to Chief and Council on behalf of the Business Licensing Committee advocating for the approval of the business licence.

- g. The Business Licensing Committee and Chief and Council reserve the right to request any additional information they deem necessary. Applications shall be reviewed to ensure economic viability, environmental impact, cultural sensitivity, and community benefits. Where necessary, the Chief and Council shall engage in meaningful consultation with Nipissing First Nation members, including Elders and other stakeholders, when significant concerns are raised during the 30-day notice period.
- h. The Memo is reviewed by Chief and Council along with any accompanying documents (site plans, business plans, etc.). Chief and Council will make the decision to approve or deny the licence or request additional information.
- i. The Economic Development Officer will inform the applicant of the decision made by Chief and Council. If your application is approved, you will be issued an official Nipissing First Nation Business Licence.
- j. If your business plan is approved including the site plan, you will receive a One-Year Offer to Lease. Once your business is operational, you will need to enter into a 35-year Lease Agreement with Nipissing First Nation. This lease is subject to rent reviews every five

years in accordance with the signed Offer to Lease and Land Lease.

6. Compliance and Enforcement:

- a. Compliance Monitoring: The Land, Natural Resources, Environment and Economic Development Departments shall monitor leaseholder compliance with the terms of the lease agreement, applicable laws, and environmental regulations.
- b. Enforcement Measures: In the event of non-compliance or breaches of the lease agreement, the Land Office may take appropriate enforcement actions, including termination of the lease and legal remedies as necessary.

7. Dispute Resolution:

- a. Dispute Resolution Mechanisms: Mechanisms for resolving disputes arising from commercial or industrial land leases shall be established, including mediation, arbitration, or other culturally appropriate methods.
- b. Respect for Indigenous Rights: Dispute resolution processes shall respect the inherent rights, traditions, and customary laws of Nipissing First Nation.

8. Amendments and Review:

- a. Policy Amendments: This policy may be amended or updated by the Chief and Council as necessary to reflect changing circumstances, community priorities, or legislative requirements.
- b. Periodic Review: The effectiveness and implementation of this policy shall be periodically reviewed by the Chief and Council in consultation with the community to ensure its continued relevance and alignment with the goals of Nipissing First Nation.

9. Adoption and Implementation:

- a. Adoption: This policy shall be adopted by motion of the Chief and Council and communicated to the Nipissing First Nation community, leaseholders, and other stakeholders.

- b. Implementation: The Chief and Council shall ensure effective implementation of this policy through appropriate administrative procedures, staff training, and community engagement efforts.

10. Legal Authority:

This policy is established under the inherent jurisdiction and authority of the Nipissing Gichi-Naaknigewin (Constitution), the Nipissing First Nation Land Code (February 25, 2023), and the First Nations Land Management Act.

Nipissing First Nation is the only authority to lease land and will govern and manage its lands in accordance with Nipissing First Nation laws.