

VILLAGE OF TAHSIS

DEVELOPMENT PROCEDURES BYLAW No. 633, 2020

A BYLAW TO ESTABLISH PROCEDURES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS WITHIN THE VILLAGE OF TAHSIS.

WHEREAS the Council of the Village of Tahsis has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council shall, pursuant to the *Local Government Act*, establish procedures to amend an Official Community Plan or Zoning Bylaw, or issue a Development Permit or Development Variance Permit;

NOW THEREFORE the Council of the Village of Tahsis, in open meeting assembled, enacts as follows:

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PART ONE: ADMINISTRATIVE PROVISIONS

1.1 Title

1) This bylaw may be cited for all purposes as "Village of Tahsis Development Procedures Bylaw No. 633, 2020."

1.2 Application

1) This bylaw is applicable to all lands and surface of the water within the Village of Tahsis that are subject to any permit or application procedure as outlined by this Bylaw.

1.3 Scope

- 1) This Bylaw shall apply to the following applications:
 - a) Amendment applications to the:
 - i. Zoning Bylaw
 - ii. Official Community Plan
 - b) Permit applications for the issuance of a:
 - i. Development Permit
 - ii. Development Variance Permit
 - iii. Temporary Use Permit

1.4 Severability

1) If any provision of this Bylaw is found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

PART TWO: INTERPRETATION

2.1 Definitions

1) The following definitions apply to this Bylaw:

Term	Definition	
Agent	means a person, firm, corporation, partnership, or society	
	representing the owner by contract with the owner or by designation	
	by the owner.	
Applicant	means any person who makes an application for development under	
	the provisions of this Bylaw as authorized by the owner of the parcel	
	of land subject to the application.	
Chief Administrative	means the person appointed by Council under Section 147 of the	
Officer	Community Charter to carry out the duties of this position.	
Council	means the Council of the Village of Tahsis.	
Development Permit	means a permit issued under Section 490 of the Local Government	
	Act authorizing subdivision of land, the alteration of land, or the	
	construction of, addition to, or alteration of a building.	
Development Permit	means an area, identified within the Official Community Plan, that	
Area	requires special treatment for certain purposes including the	
	protecting of development from hazards, establishing objectives for	
	form and character in specified circumstances, or revitalization of a	
	commercial or industrial use area. A development permit must be	
	acquired prior to the commencement of any development activities	
	within these designated areas.	
Development	means a permit approved by Council under Section 498 of the Local	
Variance Permit	Government Act to vary regulations under the Zoning Bylaw or	
	Subdivision Control Bylaw.	
Inactive	means any application that remains incomplete, or during	
	processing, becomes dormant due to an applicant's failure to fulfill	
	requests or requirements of staff or Council.	
Official Community	means the Village of Tahsis Official Community Plan Bylaw No. 623,	
Plan (OCP)	2020, as amended or replace from time to time.	
Owner	means the registered owner of the property as recorded in Office of	
	the Land Title and Survey Authority of British Columbia.	

Term	Definition	
Qualified	means a professional biologist, engineer, forester, geoscientist or	
Environmental	other professional with relevant environmental experience	
Professional (QEP)	registered in good standing with the appropriate association for the	
	profession, as defined under Section 21 of the Riparian Areas	
	Protection Regulations.	
Qualified Registered	means a professional engineer, architect, planner, biologist or other	
Professional	professional with experience relevant to the applicable matter	
	registered in good standing with the appropriate association for the	
	profession.	
Riparian Areas	means the Riparian Areas Protection Regulations (RAPR) B.C.	
Protection	Regulation 178/2019 under the Riparian Areas Protection Act as	
Regulations (RAPR)	amended and replaced from time to time.	
Temporary Use	means a permit under Section 493 of the Local Government Act to	
Permit	allow a use of land that does not comply with the Zoning Bylaw on a	
	temporary basis.	
Streamside	means an area adjacent to a stream that links aquatic to terrestrial	
Protection and	ecosystems and includes both the riparian area vegetation and the	
Enhancement Area	adjacent upland vegetation that exerts an influence on the stream,	
(SPEA)	as defined under the Riparian Areas Protection Regulations.	
Subdivision Control	means the Village of Tahsis Subdivision Control Bylaw No. 5, 1970 as	
Bylaw	amended or replaced from time to time.	
Village	means the area within the boundaries of the Village of Tahsis.	
Zoning Bylaw	means the Village of Tahsis Zoning Bylaw No. XXX, 2020 as amended	
	or replaced from time to time.	

PART THREE: AMENDMENT APPLICATIONS

3.1 Zoning Bylaw and Official Community Plan Amendment

- Applications to amend the Zoning Bylaw and the Official Community Plan may be submitted and processed concurrently if an amendment to the Official Community Plan is required to proceed with an amendment to the Zoning Bylaw.
- 2) An amendment application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 3) All completed application shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A copy of the certificate of title;
 - A written authorization from the owner of the subject property or from an agent authorized to act on the owner's behalf;
 - d) A legal description and municipal address of properties included in the application;
 - e) A written explanation of the rationale for the proposed amendment;
 - f) Identification of the text and/or schedule map requested for amendment, including a citation of all relevant sections of the bylaw;
 - g) In the case of an amendment to the Zoning Bylaw, identification of supporting goals, objectives or policies of the Official Community Plan;
 - h) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - Location map including existing and proposed land uses and buildings on and adjacent to the subject property,
 - Significant physical features and topographic information including all existing watercourses and wetlands,
 - iii. North arrow and drawing scales,

- iv. Dimensions for all elevations and site plans,
- v. Residential unit or building layout and/or a comprehensive plan illustrating unit distribution,
- vi. Existing and proposed roads,
- vii. Open space;
- A completed "site profile" for the subject property if required under Section 40
 of the Environmental Management Act.
- 4) All applications shall be subject to the following conditions:
 - a) Where the Village has received a site profile for the subject property under Section 40 of the *Environmental Management Act*, the Village shall not approve the application unless one of the conditions referred to in section 557(2)(a) to (g) of the *Local Government Act* has been satisfied;
 - b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A reapplication is considered a new application which shall be subject to the same prescribed application fee;
 - c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 5) Within ten (10) days of the application being made, the applicant shall install a public notice sign advising of the application in a location visible from the road adjoining subject property. If the property has two frontages, two signs may be required. The sign shall adhere to regulations set out in the Zoning Bylaw. The sign must remain in place until the date of the application is either approved or refused by Council, and shall be removed within ten (10) days of that date.
- 6) If the amendment alters the permitted use or density of any area then the Village shall provide a notice to be mailed or otherwise delivered to the owners and occupies of all

- properties within a 75-metres radius of the lot lines of the subject property at least ten (10) days before the date of the required public hearing.
- 7) Amendment applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed amendment;
 - b) A schedule of the proposed public hearing;
 - c) Advice from internal committees or external government agencies;
 - d) A review and analysis of the proposed amendment;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 8) Following the close of the public hearing, Council may:
 - a) Proceed with the third reading of the amending bylaw (including the imposition of conditions);
 - b) Defer the third reading; or
 - c) Deny the application.
- 9) Once the applicant has adequately addressed all of the conditions identified by Council at third reading, Council may consider the adoption of the bylaw amendment.

PART FOUR: PERMIT APPLICATIONS

4.1 Development Permits

- 1) A development permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 2) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the *Village of Tahsis Fees and Charges Bylaw No. 594, 2017*;
 - A written authorization from the owners of the subject property or from an agent authorized to act on the owner's behalf;
 - c) A copy of the certificate of title;
 - d) A legal description and municipal address of properties included in the application;
 - e) A written explanation of how the proposal satisfies all relevant Development
 Permit Area guidelines;
 - f) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map including neighbouring land uses,
 - ii. Existing and proposed buildings in relation to legal property boundaries,
 - Significant physical features and topographic information including all existing watercourses and wetlands,
 - North arrow and drawing scales,
 - v. Dimensions for all elevations and site plans,
 - vi. Geodetic elevation,
 - vii. Residential unit or building layout and/or comprehensive plan illustrating unit distribution,
 - viii. Existing or proposed roads,

- ix. Landscaping plan showing location, type and quantities of all plants and ground cover material including a written estimated cost for the proposed plan,
- x. Open space;
- g) A Surveyors Certificate prepared by a BCLS Surveyor;
- h) A completed "site profile" for the subject property if required under Section 40 of the *Environmental Management Act*.
- 3) If the subject property is located in a Natural Environment Development Permit Area, then the development permit application shall also include the following:
 - a) A detailed assessment completed by a qualified environmental professional (QEP) that complies with the Riparian Areas Protection Regulations (RAPR) B.C. Regulation 178/2019 under the Riparian Areas Protection Act and included the following:
 - i. Certification that the QEP is qualified to conduct the assessment;
 - ii. Certification that the RAPR assessment methods have been adhered to;
 - iii. Establishment of the Streamside Protection and Enhancement Area (SPEA) in accordance with the RAPR;
 - iv. Outline of measures to protect the SPEA from development and any alteration of land: and
 - v. Confirmation that all development will occur outside the defined SPEA and development shall be conducted in accordance with all measures and requirements specified in the assessment report.
 - b) An erosion control plan prepared by a QEP.
- 4) If the subject property is located in a Flood Hazard Development Permit Area, then the development permit application shall also include the following:
 - a) A site-specific investigation and reports by a qualified registered professional with appropriate education, training and experience in floodplain mapping and analysis in British Columbia. The report shall include:
 - i. Potential for erosion or flooding,

- ii. Potential impacts of proposed development relative to flood condition hazards,
- iii. Required flood proofing or other measures needed to provide suitable protection of structure intended for human occupancy.
- 5) If the subject property is located in a Steep Slope Hazard Development Permit Area, then the development permit application shall also include the following:
 - a) A site-specific investigation and reports prepared by a qualified registered professional with specific experience in geotechnical engineering and/or engineering geology. The report shall include:
 - Site plans and slope profiles on the potential soil and rock slope
 instability, including the potential for rockfalls or landslip, supported by
 documentation of the extent of anticipated instability, accurate field
 determination of slope crest location or other geological features,
 - Geotechnical considerations of cut and fill slope stability with recommendations and restrictions on excavation, blasting and filling,
 - Possible building envelopes in relation to natural or cut slope crests and possible rockfall zones,
 - iv. Possible evidence of slope conditions that might indicate an imminent landslide or rockfall hazard.
 - Groundwater conditions and the potential slope instability which might be caused by groundwater seepage due to drainage and septic field system,
 - vi. In all areas underlain by limestone, the potential for the existence of solution cavities and sinkholes and the implications of such features for the proposed development,
 - vii. Erosion potential by ocean waves or drain discharges,
 - viii. The maintenance of vegetation on soil slopes within the setback zone above the slopes to minimize erosion, the necessity for selective scaling,

- sock bolting and tree removal to improve stability conditions, on s sitespecific basis, in areas of bedrock,
- ix. Confirmation that the property is safe for the intended use.
- 6) If the subject property is located in an Anthropogenic Hazard Development Permit Area, then the development permit application shall also include the following:
 - a) A site-specific investigation and design report prepared by a registered professional engineer qualified in geotechnical engineering. The report shall include:
 - The subsurface conditions including the areal extent and thickness of all site fills and the natural strata within the depth of influence of the proposed development including structures, services and access roads,
 - The anticipated settlement and any mitigative measures required to prevent or accommodate excessive settlement of the proposed development including structures, services and access roads,
 - iii. Foundation design requirements including foundation area treatment, foundation types and allowable bearing pressures for shallow (footing or raft) foundations, and allowable working loads, depths and bearing strata for piled foundations,
 - The potential for slope instability and erosion, and any mitigatable measures required,
 - The mitigative measures of design and construction means necessary to protect against the build-up of toxic, explosive or combustible gases to hazardous levels,
 - vi. The measures necessary to protect against combustion of any fill materials.
 - vii. Confirmation that the property is safe for intended use.
- 7) All Form and Character Development Permit applications shall also include the following:
 - a) A detailed plan including:

- A summary of how the development complies with regulations in the Zoning Bylaw,
- The footprint of the building and any impermeable areas, all building setbacks adjacent to lot lines, identification of parking spaces, and any other matters deemed significant by Council,
- iii. Elevation drawings for all sides of buildings and structures,
- iv. A description of all materials and colours to be used on the exterior o the buildings,
- v. Identification of how parking and storage areas shall be screened or covered by either informal landscaping or fencing.
- 8) All applications shall be subject to the following conditions:
 - a) Where the Village has received a site profile for the subject property under Section 40 of the *Environmental Management Act*, the Village shall not approve the application unless one of the conditions referred to in section 557(2)(a) to (g) of the *Local Government Act* has been satisfied:
 - b) Where an application contains multiple parcels, each legal parcel shall be considered a separate application, unless otherwise determined by the Chief Administrative Officer;
 - c) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A reapplication is considered a new application which shall be subject to the same prescribed application fee;
 - d) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 9) Development permit applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed development permit;

- b) Advice from internal committees or external government agencies;
- c) A review and analysis of the proposed development;
- d) A recommended course of action for Council to consider;
- e) Any additional information Village staff consider relevant.
- 10) The applicant shall be notified within ten (10) days of Council's decision to:
 - a) Authorize the issuance of the development permit;
 - b) Authorize the issuance of the development permit as amended by Council; or
 - c) Refuse to authorize the issuance of the development permit.
- 11) Pursuant to Section 502 of the *Local Government Act*, security may be required as a condition of a development permit subject to the following regulations:
 - a) Security shall only be required in relation to:
 - i. A condition in a development permit respecting landscaping,
 - ii. An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit.
 - Security shall be in the form of cash or an irrevocable letter of credit, effective for the term of the permit;
 - c) The amount of security required shall be 125% of the costs to undertake or supervise the works for which the securities are required, as determined by the Village of Tahsis using an estimate or quote provided by the applicants as prepared by a qualified registered professional;
 - d) Security shall be returned, without interest, to the applicant once all conditions of the permit have been met.
- 12) After Council has approved a development permit, Village staff shall:
 - a) Register a Notice of Permit against the title of the property at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the development permit as specified within each individual permit as required.

4.2 Development Variance Permits

- 1) A development variance permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application considered as being accepted when all required information (including fees) has been received.
- 2) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - b) A written authorization from the owner of the subject property or from an agent authorized to act on the owner's behalf:
 - c) A copy of the certificate of title;
 - d) A legal description and municipal address of properties included in the application;
 - e) Identification of all relevant land use bylaw regulations and the proposed variance request, including specific dimensions and number of parking spaces (if applicable);
 - f) A written explanation of the purpose of the request, including the rationale and a description of the purposed development;
 - g) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;
 - iii. Significant physical features and topographic information including all existing watercourses and wetlands;
 - iv. North arrow and drawing scales;
 - v. Dimensions for all elevations and site plans;
 - vi. Geodetic elevation:
 - vii. Residential unit or building layout and/or comprehensive plan illustrating unit distribution;

- viii. Existing and proposed roads;
- ix. Landscaping plan showing location, type and quantities of all plants and ground cover material including a written estimated cost for the proposed plan;
- x. Open space.
- h) A Surveyors Certificate by a BCLS Surveyor;
- i) A completed "site profile" for the subject property if required under Section 40 of the *Environmental Management Act*.
- 3) All applications shall be subject to the following conditions:
 - a) Where the Village has received a site profile for the subject property under Section 40 of the *Environmental Management Act*, the Village shall not approve the application unless one of the conditions referred to in section 557(2)(a) to (g) of the *Local Government Act* has been satisfied;
 - b) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
 - c) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A reapplication is considered a new application which shall eb subject to the same prescribed application fee;
 - d) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 4) The Village shall provide a notice to be mailed or other delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least ten (10) days before the meeting where Council will make a decision on the application.

- 5) Development variance permit applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed development variance permit;
 - b) Advice from internal committees or external government agencies;
 - c) Any public submissions received;
 - d) A review and analysis of the proposed variance;
 - e) A recommended course of action for Council to consider:
 - f) Any additional information Village staff consider relevant.
- 6) The applicant shall be notified within ten (10) days of Council's decision to:
 - a) Authorize the issuance of the development variance permit;
 - b) Authorize the issuance of the development variance permit as amended by Council; or
 - c) Refuse to authorize the issuance of the development variance permit.
- 7) Pursuant to Section 502 of the Local Government Act, security may be required as a condition of the development variance permit subject to the following regulations:
 - a) Security shall only be required in respect to:
 - i. A condition of the development variance permit respecting landscaping,
 - ii. An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit;
 - b) Security shall be in the form of cash or an irrevocable letter of credit, effective for the term of the permit;
 - c) The amount of security required shall be 125% of the costs to undertake or supervise the works for which the securities are required, as determined by the Village of Tahsis using an estimate or quote provided by the applicant as prepared by a qualified registered professional;
 - d) Security shall be returned, without interest, to the applicant once all conditions of the permit have been met.
- 8) After Council has approved a development variance permit, Village staff shall:

- Register a Notice of Permit against the title of the property at the Office of the Land Title and Survey Authority of British Columbia;
- b) Update databases and file all information pertaining to the application;
- c) Administer any further conditions of the development variance permit as specified within each individual permit as required.

4.3 Temporary Use Permits

- 1) Temporary use permits shall not exceed three (3) years and may be renewed for an additional three (3) years upon a new application to Council.
- 2) A temporary use permit application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all required information (including fees) has been received.
- 3) All completed applications shall include the following:
 - a) A completed application form including the application fee in the amount set out in the Village of Tahsis Fees and Charges Bylaw No. 594, 2017;
 - A written authorization from the owner of the subject property or from an agent authorized to act on the owner's behalf;
 - c) A copy of the certificate of title;
 - d) A legal description and municipal address(es) of properties included in the application;
 - e) A written outline of the proposed use and the duration of the proposed activity including plans for mitigating potentially harmful impacts on the environment, adjacent lands, and the local community as well as plans for the rehabilitation of the site following the discontinuance of the proposed temporary use;
 - f) A site plan and other supporting plans which contain the following minimum information about the subject property:
 - i. Location map including neighbouring land uses;
 - ii. Existing and proposed buildings in relation to legal property boundaries;

- iii. Significant physical features and topographic information including all existing watercourses and wetlands;
- iv. North arrow and drawing scales;
- v. Dimensions for all elevations and site plans;
- vi. Geodetic elevation;
- vii. Residential unit or building layout and/or comprehensive plan illustrating unit distribution;
- viii. Existing and proposed roads;
- ix. Open space.
- g) A Surveyors Certificate by a BCLS Surveyor;
- h) A completed "Site Profile" as per the *Environment Management Act* for the subject property or release from the Ministry to proceed.
- 4) All applications shall be subject to the following conditions:
 - a) Where an application contains multiple parcels, each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer;
 - b) An application that has been refused by Council shall not be reconsidered for a period of twelve (12) months immediately following the date of refusal, except when permitted pursuant to Section 460 of the *Local Government Act*. A reapplication is considered a new application which shall eb subject to the same prescribed application fee;
 - c) An application which has been inactive for six (6) months is deemed to be abandoned. A re-opened application is considered a new application which shall be subject to the same prescribed application fee.
- 5) Residents shall be notified of the consideration of a temporary use permit application through the following:
 - a) Within ten (10) days of the application being made, the applicant shall install the public notice sign advising of the application in a local visible from the road adjoining the subject property. If the property has two road frontages, two signs

- may be required. The sign shall adhere to the regulations set out in the Zoning Bylaw. The sign must remain in place until the date the application is either approved or refused by Council, or becomes inactive, and shall be removed within ten (10) days of that date;
- b) The Village shall provide a notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75-metre radius of the lot lines of the subject property at least fourteen (14) days before the meeting where Council will make a decision on the application.
- 6) Temporary use permit applications shall be submitted to Council accompanied by a staff report which may include:
 - a) A copy of the proposed temporary use permit;
 - b) Advice from internal committees or external government agencies;
 - c) Any public submissions received;
 - d) A review and analysis of the proposed variance;
 - e) A recommended course of action for Council to consider;
 - f) Any additional information Village staff consider relevant.
- 7) The applicant shall be notified within ten (10) days of Council's decision to:
 - a) Authorize the issuance of the temporary use permit;
 - b) Authorize the issuance of the temporary use permit as amended by Council; or
 - c) Refuse to authorize the issuance of the temporary use permit.
- 8) Pursuant to Section 502 of the *Local Government Act*, security may be required as a condition of permit subject to the following regulations:
 - a) Security shall only be required in relation to:
 - i. A condition of the temporary use permit respecting landscaping,
 - ii. An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit;
 - b) Security shall be in the form of cash or an irrevocable letter of credit, effective for the term of the permit;

- c) The amount of security required shall be 125% of the costs to undertake or supervise the works for which the securities are required, as determined by the Village of Tahsis using an estimate or quote provided by the applicant as prepared by a qualified registered professional;
- d) Security shall be returned, without interest, to the applicant once all conditions of the permit have been met.
- 9) After Council has approved a temporary use permit, Village staff shall:
 - a) Register a Notice of Permit against the title of the property at the Office of the Land Title and Survey Authority of British Columbia;
 - b) Update databases and file all information pertaining to the application;
 - c) Administer any further conditions of the development variance permit as specified within each individual permit as required.

Reconsidered, Finally Passed and Adopted this

CORPORATE OFFICER

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 633, 2020 duly passed by the Council of the Village of Tahsis on this day of 4, 2020.

CORPORATE OFFICER