

**CONSOLIDATION OF NUNAVUT HOUSING CORPORATION ACT**  
R.S.N.W.T. 1988,c.N-1

*(Current to: December 19, 2011)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**

R.S.N.W.T. 1988,c.65(Supp.)  
S.N.W.T. 1991-1992,c.40  
S.N.W.T. 1997,c.9  
S.N.W.T. 1998,c.24

**AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:**

S.N.W.T. 1999,c.9  
In force April 1, 1999

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2005,c.3,s.10  
s.10 in force March 22, 2005  
S.Nu. 2010,c.14,s.15  
s.15 in force June 10, 2010  
S.Nu. 2011,c.11,s.1  
s.1 in force March 10, 2011  
S.Nu. 2011,c.18  
In force June 9, 2011  
**Note: see s.11 of S.Nu. 2011,c.18 for transitional provision.**

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## NUNAVUT HOUSING CORPORATION ACT

### INTERPRETATION

#### Definitions

1. In this Act,

"Board" means the Board of Directors established under subsection 2.1(1); (*conseil*)

"co-operative housing project" means a housing project undertaken by a co-operative association incorporated under the *Co-operative Associations Act*; (*ensemble d'habitation coopératif*)

"Corporation" means the Nunavut Housing Corporation continued by subsection 2(1); (*Société*)

"director" means a director appointed under subsection 2.1(2); (*administrateur*)

"Federal Agency" means the Canada Mortgage and Housing Corporation; (*société fédérale*)

"housing association" means a housing association formed under the *Societies Act*; (*association d'habitation*)

"housing authority" means a housing authority incorporated under subsection 45(1); (*office d'habitation*)

"housing project" means a project undertaken to provide housing accommodation in compliance with standards approved by the Minister for lease or sale to families or individuals consisting of one or more housing units in the form of detached, semi-detached, row housing or apartment units or units of the hostel or dormitory type or any combination or form of them, together with public or commercial space and recreational facilities and other buildings or space appropriate to the project, and includes the land on which the project is situated; (*ensemble d'habitation*)

"housing unit" means a unit that provides in the unit living, sleeping, eating, food preparation and sanitary accommodations for one or more persons, with or without essential facilities shared with other housing units, but does not include a hotel room or motel unit that is rented to the general public; (*logement*)

"non-profit organization" means an organization wholly owned by

- (a) the Government of Nunavut,
- (b) a municipality,
- (c) an agency of the Government of Nunavut or a municipality, or

- (d) an organization established exclusively for charitable or benevolent purposes, no part of the income of which is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder; (*organisation sans but lucratif*)

"President" means the President appointed under subsection 6(1); (*président*)

"staff" means the employees of the Government of Nunavut or of an agency of the Government of Nunavut; (*personnel*)

"student housing project" means a project undertaken to provide students or apprentices and their families with housing accommodation of the hostel or dormitory type or in the form of a housing project, including the facilities in connection with the project that are, in the opinion of the Corporation, necessary for the operation of the project. (*ensemble d'habitation destiné à des étudiants*)

S.N.W.T. 1991-1992,c.40,s.2; S.Nu. 2005,c.3,s.10(2),(3),(7); S.Nu. 2011,c.18,s.2.

## NUNAVUT HOUSING CORPORATION

### Continuation of Corporation

**2.** (1) The public body called the Northwest Territories Housing Corporation in the *Northwest Territories Housing Corporation Act*, as duplicated by section 29 of the *Nunavut Act* (Canada), is continued under the name "Nunavut Housing Corporation".

### Corporation

#### (2) The Corporation

- (a) is a body corporate;
  - (b) is an agent of the Commissioner; and
  - (c) exercises its powers only as an agent of the Commissioner.
- S.Nu. 2005,c.3,s.10(4),(5).

### Board of Directors

**2.1.** (1) There shall be a Board of Directors of the Corporation composed of not fewer than five and not more than seven directors.

### Appointment

(2) The Commissioner in Executive Council, on the recommendation of the Minister, shall appoint the directors and shall, from among the directors, designate a chairperson and vice-chairperson of the Board.

### Factors for appointment

(3) In selecting persons for appointment, the Commissioner in Executive Council shall, as far as practicable, ensure that the directors

- (a) reflect a balance of gender and geographic representation; and
- (b) collectively hold the following qualifications:

- (i) experience in project management;
- (ii) experience in financial and strategic management;
- (iii) familiarity with building construction in the northern context;
- (iv) knowledge of housing issues in Nunavut;
- (v) experience as a private developer of residential, commercial or institutional buildings;
- (vi) awareness of the Corporation's policies and programs.

#### Term

- (4) A director holds office, during pleasure, for a term of three years.

#### Expenses and honorarium

- (5) A director shall, in accordance with the regulations, receive
- (a) reimbursement for expenses incurred in the performance of his or her duties while away from his or her place of residence; and
  - (b) where a director is not a member of the public service, an honorarium.

#### Quorum

- (6) A majority of the directors constitutes a quorum.

#### Meetings by electronic means

(7) The directors may participate in a meeting by teleconference, videoconference or other electronic means. S.Nu. 2011,c.18,s.3.

#### By-laws

**2.2.** (1) The Board may make by-laws to govern its proceedings and provide generally for the conduct of business of the Corporation.

#### Policies, etc.

(2) The Board may establish policies and may recommend to the Minister the issuance or establishment of such written directions or policy guidelines as it considers appropriate.

#### Audit committee

- (3) The Board shall establish an audit committee to ensure the critical and objective oversight of the Corporation's
- (a) standards of integrity and behaviour;
  - (b) reporting of financial information; and
  - (c) practices of strategic management and financial control.

#### Other committees

(4) The Board may establish any other committee it considers appropriate. S.Nu. 2011,c.18,s.3.

### Offices

**3.** The Corporation may establish the offices and agencies in Nunavut that it considers necessary. S.N.W.T. 1991-1992,c.40,s.3; S.Nu. 2005,c.3,s.10(6).

### Powers and duties of Corporation

**4.** The Corporation shall carry out the duties and functions provided for by this Act and may carry out other duties and functions related to any program of housing or housing development that may be assigned to it and, without restricting the generality of the above, the Corporation may provide, develop, maintain and manage housing for

- (a) senior citizens;
- (b) families and individuals receiving social allowances or social assistance;
- (c) individuals requiring minimal nursing care;
- (d) families and individuals generally;
- (e) students or apprentices and their families;
- (f) staff; and
- (g) co-operative or non-profit organization housing accommodation.

### Business of Corporation

**5.** (1) The Board shall direct the business of the Corporation and may for that purpose exercise the powers and perform the duties of the Corporation under this Act and the regulations.

### Ministerial directions and policy guidelines

(2) The Board, in exercising its powers and performing its duties, shall act in accordance with any written direction or policy guideline that the Minister may from time to time issue or establish. R.S.N.W.T. 1988,c.65(Supp.),s.2,3; S.N.W.T. 1991-1992,c.40,s.4; S.Nu. 2011,c.18,s.4.

### President

**6.** (1) The President of the Corporation shall be appointed by the Minister, on the recommendations of the Board.

### Duties of President

(2) The President is the chief executive officer of the Corporation and shall, in accordance with the direction of the Board, direct, manage and supervise the business of the Corporation.

### Member of public service

(3) The President is a member of the public service.  
S.N.W.T. 1991-1992,c.40,s.4; S.Nu. 2011,c.18,s.5.

### Employees

**7.** (1) The President may, with the approval of the Board, provide for the appointment of the employees that the President considers necessary for the proper conduct of the business of the Corporation.

### *Public Service Act*

(2) The employees of the Corporation, other than the President, shall be appointed or employed under the *Public Service Act*. S.N.W.T. 1991-1992,c.40,s.4; S.Nu. 2011,c.18,s.6.

### Liability

**8.** Subject to Part IX of the *Financial Administration Act*, no proceedings lie against the President, a director, an employee or any person acting for or on behalf of the Corporation, the Board, a director or the President for any act or omission that he or she, acting in good faith, reasonably believed to have been required or authorized. S.N.W.T. 1991-1992,c.40,s.4; S.Nu. 2011,c.18,s.7.

### Conflict of interest

**8.1.** The *Conflict of Interest Act* applies to the President and the directors. S.Nu. 2011,c.18,s.8.

### Agreements on behalf of Minister

**9.** (1) The Corporation may, on behalf of the Minister, enter into contracts or other agreements and acquire and dispose of and otherwise deal with property of all kinds in the name of the Corporation.

### Contracts with Commissioner

(2) Notwithstanding paragraph 2(2)(b), the Corporation may enter into contracts with the Commissioner and appoint agents to act on its behalf for any purpose and on any conditions that it considers necessary.

### Property

(3) Property of the Corporation is the property of Her Majesty and title to the property may be held in the name of the Corporation.

### General powers

**10.** In addition to the powers vested in a corporation under the *Interpretation Act*, the Corporation may

- (a) acquire, hold, lease, sell or otherwise dispose of real or personal property;
- (b) undertake to develop lands with roads, streets, sidewalks, water and sewer and other facilities either alone or in conjunction with others;
- (c) administer, manage and maintain properties;

- (d) make grants or loans to individuals, municipalities and other corporate bodies for the purpose of acquiring, constructing or improving housing;
- (e) make grants or loans to municipalities for any of the purposes of section 33;
- (f) guarantee the repayment of any loan;
- (g) establish mortgage insurance funds, sinking funds, revolving funds, reserve funds or any other funds that it considers necessary;
- (h) fix an administration fee or any other fee that it considers necessary for any of its services or programs;
- (i) enter into any agreement to carry out the intent and purpose of this Act;
- (j) prescribe forms of mortgages, agreements and other documents and execute and deliver deeds, grants, conveyances, transfers, releases, discharges or other documents as may be necessary in the conduct of its business; and
- (k) generally, do any act or thing incidental or conducive to the exercise of its powers and performance of its functions and the conduct of its business.

#### Definition of "purposes of the Corporation"

**11.** In sections 12 and 13, "purposes of the Corporation" includes

- (a) the exercise or performance by the Corporation of the powers and duties given to it by or under this or any other Act;
- (b) the provision in whole or in part for expenditures made or to be made by the Corporation in connection with the exercise or performance of its powers and duties;
- (c) the reimbursement to the Corporation of the whole or any part of expenditures made or to be made by the Corporation in connection with the exercise or performance of its powers and duties;
- (d) the repayment of sums advanced or paid over to the Corporation pursuant to section 20;
- (e) the payment, refunding or renewal from time to time of the whole or any part of a loan raised or notes, bonds, debentures or other securities issued by the Corporation; and
- (f) the payment of any other liability or indebtedness of the Corporation.

#### Borrowing powers

**12.** (1) The Corporation may, with the approval of the Minister, issue notes, bonds, debentures or other securities that

- (a) bear interest at a rate that may be determined by the Corporation;
- (b) are in the denominations that may be determined by the Corporation;
- (c) are payable as to principal and interest
  - (i) in the currency,

- (ii) at the place,
  - (iii) at the time, and
  - (iv) in the manner,
- that may be determined by the Corporation;
- (d) are redeemable or payable in whole or in part in advance of maturity either at the option of the Corporation or on demand of the holder of them
    - (i) at the time,
    - (ii) on the terms, and
    - (iii) at the price, either with or without payment of a premium, that may be determined by the Corporation; and
  - (e) are in the amounts that will realize the net sums required by the Corporation for the purposes of the Corporation.

#### Declaration proof of need

(2) Where an authorizing resolution made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sums required for the purposes of the Corporation, the recital or declaration is conclusive proof of the facts stated in it.

#### Power to sell securities

(3) The Corporation may sell or otherwise dispose of notes, bonds, debentures or other securities on the terms and conditions that it considers advisable, either at their par value, or at less or more than their par value, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

#### Execution of securities

(4) Notes, bonds, debentures or other securities and any coupons attached to them must be in the form and executed in the manner and by the persons that may be determined by the Corporation. S.N.W.T. 1991-1992,c.40,s.5.

#### Temporary loans

**13.** (1) The Corporation may, for the purposes of the Corporation, borrow funds by way of temporary loan on the terms that the Corporation determines and may effect a temporary loan

- (a) by way of an overdraft or line of credit;
- (b) by the pledging as security for a temporary loan, notes, bonds, debentures or other securities of the Corporation pending the sale of them or instead of selling them; or
- (c) in any other manner that the Corporation determines.

#### Temporary loans executed by Corporation

(2) Cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of funds by way of temporary loan under subsection (1) may be executed in the manner that the Corporation determines.

#### Borrowing by Corporation

**14.** (1) The Corporation may borrow funds from the Government of Canada or the Federal Agency for any purpose mentioned in this Act or the *National Housing Act* (Canada) on the terms and conditions that the Corporation considers proper.

#### Borrowing by municipality

(2) A municipality may, with the approval of the Corporation, borrow funds from the Federal Agency for any purpose mentioned in this Act or the *National Housing Act* (Canada) on the terms and conditions that the Minister considers proper.

#### Receiving contributions under *National Housing Act* (Canada)

(3) The Corporation, or a municipality with the approval of the Corporation, may receive contributions provided for under the *National Housing Act* (Canada).

#### Limit on authority to borrow

**15.** The authority of the Corporation to borrow under this Act is subject to Part IX of the *Financial Administration Act*. S.N.W.T. 1997,c.9,s.2.

#### Authority to make guarantees

**15.1.** (1) The authority of the Corporation to make guarantees under this Act is not subject to sections 86 and 87 of the *Financial Administration Act*.

#### Maximum total amount

(2) The total amount of all outstanding guarantees made by the Corporation under this Act must not exceed the prescribed maximum. S.N.W.T. 1997,c.9,s.3.

#### Guarantee of Government of Nunavut

**16.** The Government of Nunavut may, in accordance with the *Financial Administration Act*, guarantee repayment of principal and interest in respect of any money borrowed by the Corporation and the principal of and interest on, and any premiums payable under, any notes, bonds, debentures or other securities issued by the Corporation. S.Nu. 2005,c.3,s.10(7).

#### Seal and signatures on securities

**17.** (1) The seal of the Corporation on any notes, bonds, debentures or other securities of the Corporation and the signature of

- (a) any person authorized by the Corporation to execute notes, bonds, debentures or other securities or any coupon attached to them, or
- (b) the person authorized to execute guarantees on behalf of the Government of Nunavut,

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Corporation and on the guarantee endorsed on it.

#### Effect of reproduced signatures

(2) The reproduced signature of a person referred to in subsection (1) shall for all purposes be deemed to be the signature of that person and is binding on the Corporation and the Government of Nunavut, notwithstanding that the person whose signature is reproduced did not hold office at the date of delivery. S.Nu. 2005,c.3,s.10(7).

#### Sinking funds

**18.** The Corporation may provide for the creation, management and application of sinking funds or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Corporation, including the redemption by call of any such securities issued subject to redemption in advance of maturity.

#### Investment of reserve funds

**19.** (1) The Corporation may invest all or any portion of an insurance fund, sinking fund or any other fund not presently required in

- (a) debentures or securities of the Government of Canada or of the government of a province or territory,
- (b) debentures or securities the payment of which is guaranteed by the Commissioner, the Government of Canada, the Federal Agency or the government of a province or territory, or
- (c) securities that may be allowed under Part IX of the *Financial Administration Act*,

and may afterwards, whenever required, dispose of any of the investments in the manner, on the terms and in the amounts that may be necessary or expedient.

#### Use of funds to retire loans

(2) At the date of maturity of a loan to the Corporation, a portion of the funds invested under subsection (1) that the Corporation considers proper may be used for retiring the loan in whole or in part provided that any moneys in a sinking fund established in respect of that loan are first so used. S.Nu. 2005,c.3,s.10(8).

#### Advances to Corporation

**20.** (1) At the request of the Corporation, the Comptroller General shall advance to the Corporation, out of funds appropriated for that purpose, the sums of money that are required for the operating, maintenance and capital costs of the Corporation.

#### Grant in respect of deficit

(2) At the end of each fiscal year of the Corporation, the Financial Management Board may, out of funds appropriated for that purpose, make a grant to the Corporation equal to the operating deficit of the Corporation, if any, as shown on its audited financial statement.

#### Bank accounts

**21.** (1) The Corporation may maintain one or more accounts in its own name in one or more banks.

### Receipts

(2) All money received by the Corporation through the conduct of its operations or otherwise shall be deposited to the credit of the accounts maintained under subsection (1) and shall be administered by the Corporation exclusively in the exercise and performance of its powers, duties and functions.

### Audit

**22.** The accounts of the Corporation must be audited annually in accordance with Part IX of the *Financial Administration Act*.

### Annual report

**23.** (1) The Corporation shall prepare an annual report and submit it to the Minister in accordance with Part IX of the *Financial Administration Act*.

### Tabling of annual report

(2) The Minister shall lay a copy of the annual report before the Legislative Assembly in accordance with Part IX of the *Financial Administration Act*.

## HOUSING

### Housing projects

**24.** (1) The Corporation or the Corporation and a municipality may undertake, design, construct and carry to completion a housing project or a part of a housing project and may maintain and operate or sell, lease or otherwise dispose of a housing project or part of a housing project and, without restricting the generality of the above, a housing project or part of a housing project shall be construed to include housing for

- (a) senior citizens;
- (b) families and individuals receiving social allowances or social assistance;
- (c) individuals requiring minimal nursing care;
- (d) families and individuals generally;
- (e) students or apprentices and their families;
- (f) staff; and
- (g) co-operative or non-profit organization housing.

### Powers of Corporation and municipality

(2) For the purposes of this section and sections 25 to 32, the Corporation or the Corporation and a municipality may

- (a) borrow funds or enter into agreements required for a housing project or a housing unit;
- (b) acquire, assemble and develop land;
- (c) design and construct housing accommodation;
- (d) acquire, lease, improve or convert existing buildings for housing accommodation;

- (e) administer, manage, operate and maintain housing accommodation; and
- (f) sell, lease or otherwise dispose of any housing accommodation or housing project.

*Idem*

(3) For the purposes of this section and sections 25 to 32, the Corporation or the Corporation and the municipality may exercise any power or do anything that may be required to be exercised or done under this Act.

Loans and contributions

**25.** The Corporation or the Corporation and a municipality may obtain loans and contributions from or enter into agreements with

- (a) the Government of Canada;
  - (b) the Federal Agency; or
  - (c) the Government of Nunavut.
- S.Nu. 2005,c.3,s.10(7).

Loans under section 24 *National Housing Act* (Canada)

**26.** Where the Corporation obtains a loan for a housing project under section 24 of the *National Housing Act* (Canada), the Corporation shall pay

- (a) the amount required under that Act for the capital cost of the project; and
- (b) an amount that, in addition to the rental revenues, is equal to the cost of amortization, operation and maintenance of the housing project.

Loans under section 26 *National Housing Act* (Canada)

**27.** Where the Corporation obtains a loan for a housing project under section 26 of the *National Housing Act* (Canada), the Corporation

- (a) shall pay the amount required under that Act for the capital cost of the project; and
- (b) may pay an amount that, in addition to the rental revenues, is equal to the cost of amortization, operation and maintenance of the project.

Cost-sharing

**28.** (1) Where the Corporation or the Corporation and a municipality enter into an agreement with the Federal Agency under section 79 of the *National Housing Act* (Canada), the amount of the capital cost and the profits and losses to be borne by the Corporation pursuant to the agreement shall not exceed 25% of the capital cost, profits and losses.

### Municipality

- (2) The Corporation may, in respect of an agreement referred to in subsection (1),
- (a) require the municipality to reimburse the Corporation a percentage of the capital costs; and
  - (b) share with the municipality a percentage of the profit and losses.

### Agreement with municipality

(3) For the purposes of subsection (2), the Corporation or the Corporation and the Federal Agency may enter into an agreement with a municipality.

### Cost-sharing

- 29.** Where the Corporation or the Corporation and a municipality obtain a loan for a housing project under section 81 of the *National Housing Act* (Canada), the Corporation
- (a) shall pay the amount required by that Act for the capital cost of the project; and
  - (b) may require the municipality to reimburse the Corporation a percentage of the capital cost referred to in paragraph (a).

### Contributions

- 30.** Where the Corporation enters into an agreement with the Federal Agency under section 82 of the *National Housing Act* (Canada) by which the Corporation will make contributions for rentals that are less than the rentals required to meet the cost of amortizing and operating the housing project, the Corporation
- (a) shall contribute annually an amount required under that Act, calculated in the manner provided in the agreement, to defray the annual operating losses of the project as agreed upon by the Corporation and the Federal Agency;
  - (b) may require the municipality in which the project is operated to reimburse the Corporation a percentage of the amortization and operation costs of the project; and
  - (c) for the purposes of paragraph (b), shall enter into an agreement with the municipality.

### Agreements

- 31.** For the purposes of sections 24 to 30 and section 32, a municipality may, with the approval of the Corporation, borrow from and enter into agreements with
- (a) the Federal Agency; and
  - (b) the Government of Nunavut or any agency of the Government of Nunavut.
- S.Nu. 2005,c.3,s.10(7).

#### Other powers of Corporation

- 32.** (1) For the purposes of this section and sections 24 to 31, the Corporation may
- (a) enter into agreements with non-profit organizations, housing associations, co-operative associations and housing authorities for the development and operation of a housing project;
  - (b) make a grant toward the capital cost of a housing project; and
  - (c) make contributions toward the amortization, operation and maintenance of a housing project.

#### Non-profit organization

(2) For the purposes of this section and sections 24 to 31, the Corporation may be deemed to be a non-profit organization and developer.

#### Joint and individual guarantees

(3) The Corporation and a municipality jointly or individually may guarantee the repayment of principal and interest on all or part of the funds borrowed by a non-profit organization for the development of a housing project.

### LAND ASSEMBLY AND DEVELOPMENT PROJECTS

#### Land assembly and development project

**33.** The Corporation or the Corporation and a municipality or a municipality with the approval of the Minister may undertake and carry to completion a land assembly project or land development project.

#### Power of Corporation to enter into agreements

- 34.** (1) The Corporation may enter into agreements with
- (a) the Minister,
  - (b) a municipality,
  - (c) the Federal Agency, and
  - (d) the Government of Canada,
- or any of them for the joint undertaking of a project under section 33.

#### Power of municipality to enter into agreements

- (2) A municipality may enter into agreements with
- (a) the Corporation,
  - (b) the Minister,
  - (c) the Federal Agency, and
  - (d) the Government of Canada,
- or any of them for the joint undertaking of a project under section 33.

### Power of municipality to borrow

(3) Subject to the provisions of the *Cities, Towns and Villages Act* and *Hamlets Act*, a council of a municipality may pass by-laws authorizing the borrowing of the moneys that are necessary to enable it to develop and implement a project under section 33, and to give security for the moneys borrowed. S.Nu. 2010,c.14,s.15(2).

## NEIGHBOURHOOD IMPROVEMENT PROJECTS

### Neighbourhood improvement agreements

**35.** The Corporation or the Corporation and a municipality or a municipality with the approval of the Corporation may enter into agreements with

- (a) the Government of Canada or any agency of the Government of Canada,
- (b) the Federal Agency or other agency of the Government of Canada, and
- (c) the Minister,

or any of them for the preparation and implementation of the neighbourhood improvement projects.

### Notice of intent

**36.** (1) Before entering into an agreement for the implementation of a neighbourhood improvement project, a municipality shall, once each week for two consecutive weeks preceding the presentation of the proposed agreement to the council of the municipality, cause a notice to be published in a newspaper having a general circulation in the municipality, which must state

- (a) the purpose of the proposed agreement and a general description of the area that the project would affect;
- (b) that a copy of the proposed agreement is on file in the office of the municipality and may be inspected by the public during business hours;
- (c) the time and place at which the council will hold a public hearing in respect of the proposed agreement, which date shall be not less than 10 days after the publication of the notice; and
- (d) the procedure to be followed by persons who wish to submit representations in respect of the proposed agreement.

### Procedure

(2) The council of a municipality shall, by resolution passed before the first publication of a notice under subsection (1), establish the procedure to be followed for the submission of representations in respect of a proposed neighbourhood improvement project and, without restricting the generality of the above, may

- (a) require that written representations be submitted to the council prior to a public hearing; and
- (b) regulate the presentation of oral representations at a public hearing.

### Public hearing

(3) The council of a municipality shall hold a public hearing at the time and place stated in a notice referred to in subsection (1) and at that hearing shall, subject to subsection (2), hear representations concerning the manner in which any provision of a proposed agreement may affect any person, owner of land, local group of residents or property owners or the general public.

### Ruling on recommendations and regulations

(4) The council of a municipality shall give due consideration to the recommendations, if any, of its departments or of any consultants retained by it and any representations made at a public hearing pursuant to subsection (3), and shall make a ruling on the recommendations and representations.

### Public notice

(5) Where the Corporation undertakes the preparation and implementation of a neighbourhood improvement project other than jointly with a municipality, the Corporation shall give public notice of the project that it considers reasonable and adequate.

### Projects in certain areas

**37.** (1) The Corporation may prepare and implement a neighbourhood improvement project in any blighted or substandard area of Nunavut.

### Projects in municipalities

(2) The Corporation or a municipality with the approval of the Commissioner may prepare and implement a neighbourhood improvement project approved by the Corporation in a blighted or substandard area of the municipality.

### Powers of Corporation

(3) For the purposes of implementing a neighbourhood improvement project, the Corporation or a municipality with the approval of the Corporation may

- (a) acquire, clear, service and develop land within the neighbourhood improvement area;
- (b) demolish, remove, replace, renovate, repair and maintain buildings and other improvements owned or acquired by it in the neighbourhood improvement area;
- (c) sell, lease or otherwise dispose of property in the neighbourhood improvement area;
- (d) provide assistance by way of grants or loans to the owners of property in the neighbourhood improvement area for the renovation or repair of that property on terms as to security and repayment that the Corporation considers proper;

- (e) assist in the relocation of persons dispossessed of housing accommodation by a neighbourhood improvement project; and
  - (f) exercise any power or do any act or thing that may be required to be exercised or done in order to carry out the neighbourhood improvement project.
- S.Nu. 2005,c.3,s.10(6).

#### Cost-sharing

**38.** (1) Where the Corporation enters into an agreement under section 35, the Corporation may pay the share not authorized to be paid by the Federal Agency or other agency of the Government of Canada and may require a municipality to pay a portion of

- (a) the cost of the preparation of a neighbourhood improvement project, including the cost of all economic, social and engineering research and planning necessary for it; and
- (b) the cost of implementing a neighbourhood improvement project, including the acquisition, clearing, demolition and disposition of lands and buildings and the installation of municipal services and works, other than public buildings in the neighbourhood improvement area.

#### Provisions of agreement

(2) Every agreement entered into by the Corporation and a municipality under section 35 must provide that the municipality must pay the Corporation, in the same proportion as provided for in subsection (1), a portion of the share that is not paid to the Federal Agency, the Government of Canada or any agency of it of

- (a) any moneys received by the municipality from the sale, lease or other disposition of land in the neighbourhood improvement area; and
- (b) the value, as determined in the manner provided in the agreement, of the land in the neighbourhood improvement area retained by the municipality for public purposes.

#### Municipal borrowing for neighbourhood improvement projects

**39.** (1) A council of a municipality may, by by-law approved by the Commissioner, borrow and give security for moneys that are necessary to enable the municipality to pay its share of the cost of a neighbourhood improvement project.

#### Guarantee of Commissioner

(2) The Commissioner may guarantee the repayment by a municipality of any money borrowed under subsection (1).

#### Borrowing of money for sewage treatment projects

**40.** The Corporation, with the approval of the Minister, may enter into an agreement with the Federal Agency for the purpose of borrowing money for the construction of a sewage treatment project consisting of a trunk sewer, collector system, a central treatment plant or any of them, for the collection and treatment of sewage.

## ACQUISITION OF LAND

### Acquisition of land by Corporation

**41.** The Corporation may acquire land for any of the purposes of this Act by purchase or otherwise and the land may be acquired before it is actually needed for those purposes.

### Acquisition of land by municipality

**42.** Subject to the provisions of the *Cities, Towns and Villages Act* and *Hamlets Act*, a municipality may acquire land for the purposes of this Act by purchase or otherwise and the land may be acquired before it is actually needed for those purposes.

S.Nu. 2010,c.14,s.15(2).

## HOUSING LOANS AND GRANTS

### Housing loans

**43.** (1) Where, in the opinion of the Corporation, sufficient money is not being made available by lending institutions or by the Federal Agency for housing purposes, the Corporation may make

- (a) loans for new construction or the purchase of existing housing accommodation, and
- (b) home improvement loans,

in amounts and on terms and conditions that may be prescribed by the Corporation.

### Security

(2) Any loan made by the Corporation under this Act shall be secured in the manner that the Corporation considers adequate to safeguard its interests.

R.S.N.W.T. 1988,c.65(Supp.),s.4.

### Grants

**44.** (1) The Corporation may make a home ownership assistance grant in the form of a forgivable loan to any individual who constructs, purchases or acquires a housing unit, or who occupies a housing unit under a lease-purchase agreement, on terms and conditions that may be imposed by the Corporation.

### Agreements

(2) The Corporation may

- (a) enter into agreements and make or acquire grants in aid of studies into housing conditions or other matters relating to housing in Nunavut;
- (b) enter into agreements and make or acquire grants or otherwise assist the house-building industry in Nunavut by stimulating and encouraging research, education and construction within the industry; and

- (c) enter into agreements and make or acquire grants for promoting training in the construction or designing of houses, in land planning or community planning or in the management and operation of housing projects in Nunavut.  
S.Nu. 2005,c.3,s.10(6).

## GENERAL

### Incorporation of housing authorities

**45.** (1) For the purpose of carrying out agreements entered into under this Act for the administration, operation and maintenance of housing units or housing projects, the Minister may, by order, incorporate housing authorities consisting of the number of persons that the Minister considers necessary.

### Appointment of members

(2) The Minister may appoint the members of a housing authority and shall designate one of them to be chairperson and another to be vice-chairperson of the authority.

### Term

(3) The Minister may fix the term of office of the members of the housing authority.

### Power of Minister

(4) The Minister may vest in a housing authority the powers, functions and duties that the Minister considers necessary to operate, manage and maintain any housing unit or housing project under an agreement entered into under this Act.

### Housing associations

**46.** The Minister may vest in a housing association the powers, functions and duties that the Minister considers necessary to operate, manage and maintain any housing unit or housing project under an agreement entered into under this Act.

### Powers outside of municipalities

**47.** With respect to areas not within a municipality, the Commissioner may exercise all powers given a municipality by this Act.

### Temporary housing projects

**48.** In order to relieve an emergency in housing conditions, the Minister may direct the Corporation to erect, maintain and administer temporary housing accommodation for the period of time that the Minister considers necessary.

### Certain rights and obligations vested in and imposed on Corporation

**49.** (1) The Corporation may exercise all rights of the Commissioner with respect to any project undertaken or agreement made by the Commissioner under any Act related to housing before, on or after March 1, 1973, and any right, title or interest of the

Commissioner in any land related to housing is vested in the Corporation, and all rights and obligations of the Commissioner with respect to the projects or agreements are rights and obligations of the Corporation.

#### Obligations of Commissioner

(2) Notwithstanding that the obligations of the Commissioner referred to in subsection (1) have become obligations of the Corporation, the Commissioner may hold himself or herself bound by and may fulfil those obligations.

#### Transfer of interest

(3) The Corporation shall prepare for execution by the Commissioner all documents necessary to transfer any right, title or interest of the Commissioner in any land referred to in subsection (1) to the Corporation.

#### Corporation as successor to Commissioner

(4) All the property, rights and obligations of the Commissioner referred to in subsection (1) existing immediately before March 1, 1973, shall be deemed to be the property, rights and obligations of the Corporation on and from March 1, 1973.

#### Confidentiality

**49.1.** Any information received by a director or employee of the Corporation or a member or employee of a housing association or housing authority in the course of employment or the exercise of a function under this Act is confidential and shall not be disclosed

- (a) except as may be required in the administration of this Act or the regulations;
  - (b) except as may be required by law; or
  - (c) unless the person to whom it relates consents.
- S.Nu. 2011,c.18,s.9.

#### Regulations

**50.** The Commissioner in Executive Council may make regulations

- (a) prescribing the maximum total amount of all outstanding guarantees that may be made by the Corporation under this Act;
  - (a.1) prescribing the amount of reimbursement for expenses and honorarium each director may receive under subsection 2.1(5); and
  - (b) that the Commissioner in Executive Council considers necessary for carrying out the purposes and provisions of this Act.
- S.N.W.T. 1991-1992,c.40,s.6; S.N.W.T. 1997,c.9,s.4;  
S.N.W.T. 1998,c.24,s.23; S.Nu. 2011,c.18,s.10.

### TRANSFER OF INTERESTS AND OBLIGATIONS

#### Definition of "right, title or interest in land"

**51.** (1) In this section, "right, title or interest in land" includes any caveat, claim of lien or other claim of any right, title or interest in land, but does not include a writ.

#### Interests held by the Corporation

(2) A right, title or interest in land situated in Nunavut that is referred to in section 51 of the *Northwest Territories Housing Corporation Act* (Northwest Territories) is recognized as being validly transferred to and shall be held by the Corporation under the laws of Nunavut.

#### Obligations of the Corporation

(3) Any requirement, obligation or liability that is referred to in section 51 of the *Northwest Territories Housing Corporation Act* (Northwest Territories) is recognized as being validly transferred to the Corporation and the Corporation shall be subject to or liable for any such requirement, obligation or liability under the laws of Nunavut.

#### Deemed references to the Corporation

(4) For greater certainty, any reference to the Northwest Territories Housing Corporation in any instrument pertaining to any right, title or interest in land situated in Nunavut that was executed but not registered under the *Land Titles Act* (Northwest Territories) before April 1, 1999, is deemed to be a reference to the Corporation.  
S.N.W.T. 1999,c.9,Sch.J,s.1.