

**POLICY FOR THE  
ISSUANCE OF  
BUSINESS REGISTRATIONS  
ON THE TYENDINAGA  
MOHAWK TERRITORY**

## TABLE OF CONTENTS

	Page
Dates of Completion and Revisions .....	i
Acceptance.....	i
Preamble .....	ii
1. Purpose .....	1
2. Definitions .....	1
3. Eligibility for Business Registration.....	2
4. Application .....	3
5. Issuance of Business Registrations .....	4
6. Insurance.....	6
7. Revocation and Enforcement of Business Registrations.....	7
8. Transfer of Business Registrations .....	7
9. Regulations of Business.....	7
10. Appeals .....	8
APPENDIX A: Schedule 1 .....	10
APPENDIX B: Application for Business Registration .....	12

**DATES OF COMPLETION  
AND REVISIONS**

	DATE	MOTION #	SECTION
COMPILED	December 21, 1998		All
ACCEPTED	August 2, 2000	15	All
REVISED	June 6, 2001	42	Section 8.a.,
REVISED	April 4, 2002	3	Removed 8.c.
REVISED	November 16, 2005	30	8.c.
REVISED	February 7, 2006	3	4.f.xiv, 5.b., 5.i.iii., 7.d. Schedule 1 & Form A
REVISED	August 1, 2007	10	1.b., 3.a., 3.c, 4.d., 5.a., 5.d., 5.g., 7.e., 9.b., 9.d., Schedule 1
REVISED	October 22, 2007	8	Add Fire Inspection to Schedule 1
REVISED	December 4, 2017	13	1.a., Definitions, 3, 3.a, 3.a.i, 3.b, 3.b.i, 3.c, 3.d, 4.a, 5.d, 5.d.i, 5.d.ii, 5.d.iii, 5.h, 5.i.v, 5.j, 6.c, 8.a, 8.b, 9 (all), Schedule 1 (update)

**ACCEPTANCE**

- a. Duly accepted by a quorum of the Tyendinaga Mohawk Council this 2<sup>nd</sup> day of August, 00.
- b. Duly accepted by a quorum of the Tyendinaga Mohawk Council on this 22<sup>nd</sup> day of October, 2007.
- c. Revisions duly accepted by a quorum of the Tyendinaga Mohawk Council on this 4<sup>th</sup> day of December, 2017.

  
 \_\_\_\_\_  
 R. Donald Maracle, Chief

## **PREAMBLE**

*The Tyendinaga Mohawk Council deems that for the orderly conduct and administration of businesses, and for the health, welfare, safety and environment of the citizens of the Tyendinaga Mohawk Territory, this administrative policy is implemented to establish an equitable process of registering businesses, callings, trades and occupations and to develop regulations thereto.*

1.

**PURPOSE**

- a. The purpose of the Policy is the registration of businesses, callings, trades and occupations located and operated within the boundaries of the Tyendinaga Mohawk Territory.

2.

**DEFINITIONS**

- a. **Act** means the Indian Act, RSC. 1985, c I-5.
- b. **Business** means a calling, trade, occupation, employment or profession, vocation, commercial activity, or an enterprise which habitually busies, occupies or engages the regular time, attention, labour and effort of the registrant or person(s) for the purposes of gain, benefit, advantage, livelihood or profit, or in which the registrant or person(s) show(s) willingness to invest time and capital on a future outcome.
- c. **Calling** means a business or profession as defined in this policy.
- d. **Council** means the duly elected officials of the Tyendinaga Mohawk Territory No. 38.
- e. **Member** means a person who lawfully possesses a status card and membership with the Mohawks of the Bay of Quinte.
- f. **Occupation** means a business or profession as defined in this policy.
- g. **Person** includes not only an individual member as defined in this policy, but also a partnership, syndicate, association, corporation or the agent or trustee of a person.
- h. **Profession** means a vocation, occupation or calling requiring special, usually advanced, education and skill as defined in this policy.

- i. **Registrant** means those persons eligible to apply for and/or possess a business registration as defined in Section 4(a) of this policy.
  - j. **Trade** means a business as defined in this policy.
  - k. **Tyendinaga Administration Office** refers to the administrative component of the Council.
  - l. **Tyendinaga Mohawk Territory** means the current legal description and boundaries of the Tyendinaga Indian Reserve No. 38.
- 3.

<p style="text-align: center;"><b>ELIGIBILITY FOR BUSINESS REGISTRATION</b></p>
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- a. Applicants who register their business with the Mohawks of the Bay of Quinte must follow the process outlined in this policy.
- b. Where the Applicant, a corporation, partnership or an individual(s), is not a registered member(s) of MBQ as owner of the proposed business, an application to the Tyendinaga Mohawk Council (TMC) may be submitted outlining how their business will make a positive impact on the Tyendinaga Mohawk Territory.
  - i. If TMC approves the business registration, the Applicant's business must adhere to and comply with the requirements set out in this policy prior to receiving their business registration.
- c. Every person applying for a business registration under this policy that is governed or requires registration by any federal statute or self-regulating professional body must supply proof of his or her qualifications to carry on such a business.
- d. Businesses must have a permanent location on the Tyendinaga Mohawk Territory.
- e. Any person carrying on more than one business within the Tyendinaga Mohawk Territory must obtain a separate business registration for each business.

- f. Every business registration issued under this policy is valid and permits the registrant to carry on the business for the purpose for which it was registered.
- g. The registrant or person in charge or control of the premises where the business is conducted shall at all times keep the business registration prominently displayed in an area visible to the general public.
- h. The registrant must notify the Council or its representative of any change in:
  - i. the mailing or business address
  - ii. the type of business ( as per Schedule 1)
  - iii. the area of the premises
  - iv. any substantial physical alteration to the premises in which the business is conducted
- i. Upon the closing of the business, the registrant shall surrender the business registration to the Council.

4.

<b>APPLICATION</b>
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- a. Applicants must complete an Application for Business Registration Form. (APPENDIX B) Applications are available at the Mohawks of the Bay of Quinte Administration Office, specifically the Community Services Department.
- b. Applications must be signed and completed in its entirety stating:
  - i. Applicant's Name
  - ii. Applicant's Band Number
  - iii. Applicant's Residential Civic Address
  - iv. Applicant's Residential Phone Number
  - v. Name of Business
  - vi. Address of Business
  - vii. Phone/Fax Number/E-Mail Address of Business
  - viii. Type/Nature of Business (as per schedule 1)
  - ix. Seasonality of Business and Duration of Season;

- x. Days and Hours of Operation;
- xi. New/Renewal Application;
- xii. Proof of Registration Pursuant to Federal Statute or Self-Regulating Professional Body
- xiii. Proof of Incorporation, Partnership, Syndication or Association
- xiv. Preliminary Environmental Screening Section

5.

<b>ISSUANCE OF BUSINESS REGISTRATION</b>
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- a. The Tyendinaga Mohawk Council is responsible for the issuance of business registrations.
- b. The Tyendinaga Mohawk Council, in an effort to protect the environment, has incorporated the requirement to provide preliminary project information to determine potential adverse environmental effects. The Preliminary Environmental Screening Section must be signed by MBQ's Technical Department. The applicant may also be required to submit an Environmental Assessment completed by a qualified person submitted with the completed registration form.
- c. Only one (1) registration will be allowed for each business. Business Registrations must be placed in the name of the individual and shall be deemed a personal registration to the registrant. The holder of registration must also be majority owner/shareholder/partner of the business.
- d. The registration will be issued for:
  - i. Six (6) months for new businesses that are not yet operating.
  - ii. Two (2) years for businesses that are operating
  - iii. Two (2) years for businesses that are renewing their existing business registration.
- e. The registration of a business does not give business special powers. Should a business require special licences, permits or certifications, this business registration does not exempt a business from obtaining the necessary documents.



- f. Unincorporated businesses are deemed to be the personal property of the registrant and, as such, qualifies for all applicable protection and benefits afforded under the Indian Act in the same manner as its owner(s).
- g. Upon a business registration applicant meeting the provisions for the issuance under section 5 and Schedule 1 of this policy a business registration shall be issued to the applicant.
- h. The Applicant(s) must provide a list of all relevant federal statutes and/or regulating bodies to their business. Applicants must implement a plan that complies with all the requirements of the relevant federal and provincial statutes and/or regulating bodies, or as mandated by TMC, including but not limited to licensing, certification, and environmental regulations and Schedule 1 of this policy.
- i. The Council shall, upon receiving an application (and recommendation from the Economic Development Office) for a business registration, promptly issue by delivering or mailing a business registration to the applicant at the address shown in the application provided:
  - i. The Council is satisfied that the applicant's business complies with all provisions in any of the Mohawks of the Bay of Quinte's By-law(s) and/or policies; and
  - ii. The Council is satisfied that a business involved in the sale of food or drink, or where food is handled or stored, has been inspected and has received a certificate of confirmation from an authorized Health Officer as determined by Tyendinaga Mohawk Council.
  - iii. The Council is satisfied in respect to a business involved in the sale or storage of bulk petroleum products that the business be in compliance with all Technical Standards and Safety Authority Regulations. Tyendinaga Mohawk Council recognizes the TSSA as the knowledgeable authority in the safe handling of bulk petroleum and fuel products.
  - iv. The Council is satisfied that the applicants business complies with all the requirements under Schedule 1.

- v. The applicant has disclosed all required information in the application form; and
  - vi. The applicant's business would not be detrimental to the health, welfare, safety, morality and environment of the inhabitants of the Tyendinaga Mohawk Territory; and
  - vii. The Council's investigations do not disclose any reason to believe that the carrying on of the said business may result in a breach of the law, or may be in any way adverse to the public interest.
- j. If the applicant or registrant fails to comply with or the Council is not satisfied with information received from the applicant or registrant under section 5(h) of this policy and Schedule 1 of this policy, the applicant will be notified of the refusal to issue the business registration, stating the reason(s) for refusal and said notice will be served personally or by registered mail to the applicant at the address shown in the business registration application.

6.

<b>INSURANCE</b>
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Insurance needs are different for each type of business. However, it is a good business practice to have at minimum general liability insurance.

- a. Businesses that produce, process, transport, store or otherwise handle potential contaminants, including but not limited to toxic substances, salt, and fuel oil, which harm the environment must have environmental liability insurance.
- b. Businesses, obtaining a business loan that is guaranteed by the Tyendinaga Mohawk Council, are required to carry all forms of insurance relevant to their business (for example, environmental, property, general liability, commercial auto/vehicle, professional liability (also referred to as omissions and errors). Please note this is not a complete list of insurance types).

7.

**REVOCATION AND  
ENFORCEMENT OF  
BUSINESS  
REGISTRATIONS**

- a. Tyendinaga Mohawk Council reserves the right to revoke Business Registrations (on the recommendation of the Economic Development Officer) if:
  - i. After issuance of a Business Registration, a business fails to comply with 5(h), Schedule 1 or any other parts of the Policy.
  - ii. The business being conducted is not that as is described in the application for business registration.
  
- b. If an application for a business licence is denied or a licence is revoked, Tyendinaga Mohawk Council reserves the right to contact known suppliers to advise them of non-registration.

8.

**TRANSFER OF BUSINESS  
REGISTRATIONS**

- a. Business Registrations are not transferable and must be surrendered to the Tyendinaga Administration Office upon the sale, dissolution, termination or winding up of the business, the business ceases to operate or if the type or nature of the business substantially changes.

9.

**REGULATIONS OF  
BUSINESS**

- c. Representative(s) of the Tyendinaga Mohawk Council will be allowed to inspect the business premises during normal business hours at random times throughout the year.

- d. Where a situation arises compromising the health and safety of citizens of Tyendinaga Mohawk Territory, representatives of the Tyendinaga Mohawk Council or agents of the Tyendinaga Mohawk Council may suspend a business registration until such time as the business meets all health and safety standards.
  - i. When necessary, the Tyendinaga Mohawk Council may suspend business operations in the best interest of citizen safety and environmental protection.
- e. Business owners must address any deficiencies, identified during the inspection, prior to being eligible to renew their business registration.

10.

<b>APPEALS</b>
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In the event that an Applicant's business registration is revoked, suspended, or declined at application or renewal, the Applicant may appeal the decision within thirty (30) days.

- a. As a first step, Applicants are encouraged to request a meeting with the Economic Development Office to review the grounds set out for the decision. The Chief Administrative Officer (CAO) may be invited to the meeting to review the grounds for the decision.
- b. If, after meeting with the Economic Development Office, the Applicant still believes there were not reasonable grounds for the decision, the Applicant may choose to submit a Notice of Appeal to the Appeal Board.
- c. The appeal board shall consist of the Tyendinaga Mohawk Council.
- d. Appeals must be made in writing within thirty (30) days of the initial notification of the decision to revoke, to suspend, to refuse issuance or to renew a business registration application. Copies of the appeal notice must be sent to the Mohawks of the Bay of Quinte Administration Office.
- e. The Appeal Board shall review the individual position as presented in the Notice of Appeal. The Appeal Board will also give consideration to the

original decision and decision making process of the Economic Development Office.

- f. If necessary, the Appeal Board will request a meeting with the individual and notify him or her of the date, time and place of hearing within twenty (20) days of receipt of the Notice of Appeal. All documents relevant to the appeal must be presented to the pertinent parties within ten (10) days.
- g. At the appeal hearing, the onus will be upon the individual to show just cause why the business registration applied for should be granted or that revocation was executed in error.
- h. If the individual agrees at the review hearing to accept conditions upon the issuance of a business registration, the Appeal Board may render a decision granting the individual the business registration upon conditions considered fair and appropriate by the Appeal Board.
- i. The Appeal Board will provide its decision in writing to the individual within two weeks of the review hearing.
- j. All decisions of the Tyendinaga Mohawk Council are final. However, should the circumstances change; the individual will be notified that they may re-apply for an MBQ business registration.

*SCHEDULE 1: Issuance of Business Registration Policy*

Description of Business	Public Health Inspection	Environmental Screening	Other Compliance	Insurance (Mandatory to receive Business Registration)	Fire Inspection
All businesses, not specified below					
Any coin operated vending machine	N	N	N	N	N
Any manufacturing enterprise	N	Y	Industry Regulations	Y	Y
Any wholesale operation	N	Y		N	Y
Apartment blocks, with more than 3 dwelling units	N	Y		N	Y
Apartment blocks, with up to 3 dwelling units	N	Y		N	Y
Arts and crafts, including studios, demonstration shops, galleries	N	N		N	Y
Bait and tackle	N	Y	Industry Regulations	N	N
Banks and Credit Unions	N		Industry Regulations	N	N
Bed and Breakfast	Y	N		N	Y
Bowling alleys and billiard halls	Y	N		N	Y
Bulk petroleum products dealer	N	Y	TSSA	Y	Y
Commercial property leasing	N	Y		N	Y
Consulting	N	N	Certification /Licensing	N	N
Contracting or construction	N	Y	Industry Regulations	Y	Y
Convenience, including groceries	N	Y		N	Y
Counselling Services	N	N	Certification /Licensing	Y	N
E-commerce	N	N		N	N
Electrical power plants producing power for public sale	N	Y	Industry Canada	Y	Y
Financial institutions other than banks or credit unions	N	N	Industry Regulations	N	N
Gas stations	N	Y	TSSA	Y	Y
General retail – not including convenience or grocery	N	Y		N	Y
Hairdressing and personal grooming	N	Y		N	Y
Halls or conference rooms for public hire	N	N		N	Y

*SCHEDULE 1: Issuance of Business Registration Policy*

Description of Business	Public Health Inspection	Environmental Screening	Other Compliance	Insurance (Mandatory to receive Business Registration)	Fire Inspection
Hauling and cartage	N	Y	Motor Vehicle Inspection Industry Regulations	N	Y
Health Services	N	Y	Certification /Licensing	Y	Y
Hotels or motels	Y	Y		N	Y
Kennels	N	Y	Certification /Licensing	N	N
Lawyers and accountants	N	N	Ontario Bar Association	N	N
Laundromat	N	Y		N	Y
Mail order houses or agencies	N	N		N	N
Marine enterprises	N	Y	DFO Vehicle Inspection Industry Regulations	Y	Y
Mobile food service	Y	Y	TSSA Regulations	Y	Y
Outfitters	N	Y	Motor Vehicle Inspection	N	N
Photographers	N	N		N	N
Printers	N	Y		N	N
Repair and service shops	N	Y	Industry Standards	Y	Y
Restaurants	Y	Y	Industry Regulations	Y	Y
Taxis	N	Y	Motor Vehicle Inspection	Y	N
Teaching or training facilities	N	Y		N	Y
Telephone companies or agents	N	N		N	N
Theatres or movie houses	Y	Y		N	Y
Vehicle and equipment rental and sales	N	Y	OMVIC	Y	N

**\*This list is not inclusive and you may be asked for additional information when required. There is also potential for additional requirements to be met as industry practices change and develop.**



# MOHAWKS OF THE BAY OF QUINTE

## KENHTEKE KANYEN'KEHÀ:KA

COMMUNITY SERVICES

24 Meadow Drive, Tyendinaga Mohawk Territory, ON K0K 1X0  
Phone 613-396-3424 Fax 613-396-3627

### Application for Business Registration

New Business

Renewal

Applicant's Name \_\_\_\_\_

Applicant's Band Number \_\_\_\_\_

Applicant's Residential Civic Address \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

Applicant's Residential Phone Number \_\_\_\_\_

Name of Business \_\_\_\_\_

Address of Business \_\_\_\_\_

Business Phone/Fax/Email \_\_\_\_\_

Type/Nature of Business (as indicated on Schedule 1) \_\_\_\_\_

Type/Nature of Business (as indicated on Schedule 1)

- |   |   |
|---|---|
| <input type="checkbox"/> Consulting               | <input type="checkbox"/> General Retail                 |
| <input type="checkbox"/> Contracting/Construction | <input type="checkbox"/> Repair & Service Shops         |
| <input type="checkbox"/> Convenience              | <input type="checkbox"/> Restaurant/Mobile Food Service |
| <input type="checkbox"/> E-commerce               | <input type="checkbox"/> Wholesale Operations           |
| <input type="checkbox"/> Gas Station              | <input type="checkbox"/> Other: _____                   |

Brief Description of Business

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Evidence of Compliance under Schedule 1 – PLEASE LIST ATTACHMENTS HERE (ie. Insurance TSSA Compliance, etc)

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Business will operate:

Circle one - Year Round or from \_\_\_\_\_ (month) to \_\_\_\_\_ (month)

Days/Hours of Operation \_\_\_\_\_

Is this an application for renewal, please state previous Permit Number:

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Please state the type of business ownership: ie. Sole proprietorship, partnership, corporation. Attach a list of names and addresses of partners or shareholders and proof of incorporation or partnership including division of ownership.

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Is this business regulated by a federal statute or self-governing body? Yes or No

If yes, please attach proof of qualification and/or membership.

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Business Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Preliminary Environmental Screening

Depending upon the scope of the project, further information to satisfy relevant environmental legislation may be required.

<p><b>PROJECT</b> Include summary of work to be completed both before business begins and work to be done on premises as part of business operations.</p>	
<p><b>PROPONENT</b> Include all business owners and/or management staff to be involved in day to day operations</p>	
<p><b>START &amp; COMPLETION DATES</b> For initial construction and start date for regular business operations</p>	
<b>PROJECT DESCRIPTION</b>	
<p>Location – please include site map and detail existing characteristics and features</p>	
<p>Adjacent Land Use – please detail land use of the immediate area (within 100 ft) including bodies of water and flood plains</p>	
<p>Do you plan to remove any trees?</p>	
<p>Please detail your servicing needs for hydro, phone or gas.</p>	
<p>Please detail your plan for disposal of waste including hazardous, non-hazardous and recyclable, including estimated volume.</p>	
<p>Will your construction or business operation affect the air quality?</p>	
<p>Please detail expected traffic including customers or clients, pick-ups and deliveries and include high traffic times or days.</p>	

THIS PROJECT IS DEEMED TO BE EXCLUDED FROM THE REQUIREMENT FOR AN ENVIRONMENTAL ASSESSMENT FOR THE FOLLOWING REASON:

- It involves the proposed maintenance or repair of an existing physical structure
- It involved the proposed expansion or modification of an existing building, including its fixed structures, that will not increase the footprint or height of the building by more than 10%, and will not be carried out within 30 metres of a water body and involve the likely release of a polluting substance into that water body.

REVIEWED BY MBQ STAFF

- Project may proceed
- Project may not proceed for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Project recommended for the public consultation
- Project Recommended for full CEAA Environmental Screening Report

Approved \_\_\_\_\_ (MBQ Staff)      Date \_\_\_\_\_

FIRE INSPECTION COMPLETED

Approved \_\_\_\_\_ (MBQ Staff)      Date \_\_\_\_\_

RECOMMENDED BY \_\_\_\_\_ (EDO)      DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ (CAO)      DATE \_\_\_\_\_

MOTION # \_\_\_\_\_