



A Guide for Applicants

Understanding and using the Yukon First Nations
Business Registry



YUKON FIRST NATION
CHAMBER OF COMMERCE

Yukon



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Overview

This guide helps individuals and businesses understand the requirements for applying to the Yukon First Nations Business Registry (YFNBR).

A word about this guide

Purpose of the Registry

The Registry is a provision of the Government of Yukon's Procurement Policy. Specifically, Section 11 Yukon First Nations Procurement Policy (YFNPP). As per Section 11(1)(a)(i) of the YFNPP, the Government of Yukon is committed to providing Yukon First Nations People with opportunities to participate in the Yukon economy and develop economic self-reliance as part of broader efforts to achieve equality of outcomes for Yukon First Nations People.

Section 11(7.13)(b) of the YFNPP explains that “the Government will determine and make available to the public the factors, criteria, terms, and conditions for being listed on the Yukon First Nations Business Registry, and the process for Persons to apply for and be listed on the registry. The Government may change such criteria, terms, and conditions at any time”.

This guide – which may also be amended from time to time as needed – is the instrument that sets the factors, criteria, terms, and conditions for being listed on the YFNBR and provides operational interpretations of the Procurement Policy definition of Yukon First Nations Business for the implementation of the YFNBR. This guide is a companion document to the Government of Yukon's [General Administration Manual, section 2.6 Procurement Policy \(GAM 2.6\)](#).

What is the YFNBR?

The YFNBR is a web-based system developed as part of the YFNPP. More specifically, the YFNBR is an online system used to collect the information required to determine if an applicant business meets the definition of a Yukon First Nations Business as defined in the Yukon government's Procurement Policy (Refer to Appendix A) and Statement of Interpretation (Appendix B).

The YFNBR is a repository of all Yukon First Nations Businesses who meet the definition. The Yukon First Nation Chamber of Commerce (YFNCC) acts as registrar and administrator of the YFNBR. Registration on the YFNBR is a prerequisite for Yukon First Nations businesses to benefit from various Yukon First Nation Participation Measures included in the YFNPP such as Bid Value Reductions (BVR), Set Asides and direct award and invitational contracting opportunities.



Finally, the YFNBR is a marketing tool for Yukon First Nations businesses to promote the goods and services they sell to:

- Yukon government procurement authorities.
- the wider business community; and
- other interested organizations.

Yukon First Nations businesses can apply to the YFNBR by clicking “Register your business” at service.yukon.ca/yfnbr.

Why should you be listed on the YFNBR?

By applying and being listed on the YFNBR, Yukon First Nation businesses will increase the competitiveness of their bid submissions on Yukon government procurements by qualifying for BVR. Only verified, listed businesses can receive the BVR for Yukon First Nation Ownership and Yukon First Nation Business Location. For more information about BVRs, visit <https://yukon.ca/en/bid-value-reductions>.

In addition, Yukon First Nations businesses may be invited to compete on procurements that are set aside specifically for Yukon First Nations businesses to:

- support projects of cultural or heritage importance to Yukon First Nations,
- advance reconciliation,
- build Yukon First Nations business capacity in specific sectors where Yukon First Nations businesses are underrepresented or have limited capacity, or
- promote development of Yukon First Nations businesses within communities.

How does the application review process work?

The application review process was developed with the aim of verifying that any business listed on the YFNBR supports the Yukon First Nation Procurement Policy’s aim to increase opportunities for Yukon First Nations People to participate in the Yukon economy.

To help with that goal, the review process strives to reduce the possibility of “shell companies” registering on the YFNBR for the purpose of receiving First Nation Participation Measures included in the YFNPP.

“Shell companies” tend to have limited or no actual operations, assets, or employees and operate, or appear to operate, in a manner that is primarily intended to flow benefits to non-Yukon First Nations businesses or owners.

To help the YFNBR screen out “shell companies,” applicants to the YFNBR will be asked to provide information and documents which (in the assessment of YFNBR and Yukon

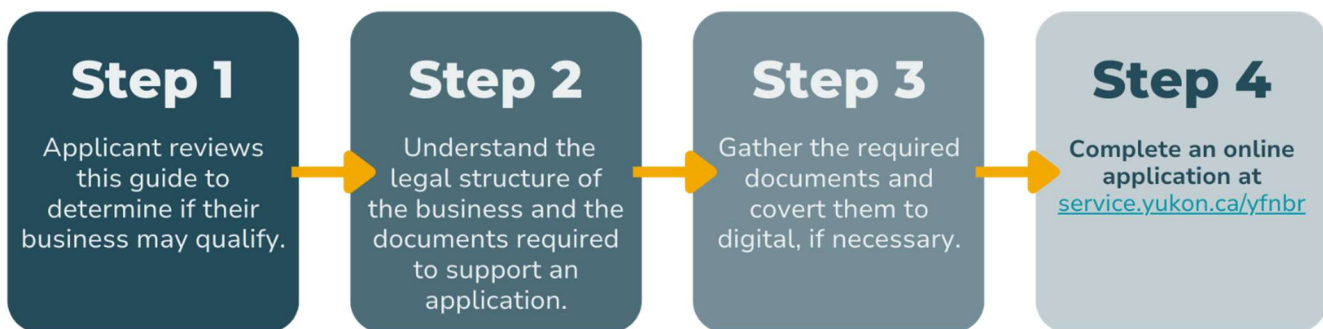


government reviewers) sufficiently prove that the applicant business is a Yukon First Nations business which operates in a manner consistent with the principles and objectives of the YFNPP.

Applications and registration renewals will be reviewed in accordance with the YFNPP and this guide. This guide applies the necessary operational interpretations of the YFNPP to give the intended effect to the YFNBR.

By submitting an application for inclusion in the YFNBR, the applicant commits to providing all information requested by the YFNBR (in the format requested) and agrees to those terms of the YFNPP applicable to the YFNBR and the processes outlined in this guide.

To become a verified business on the YFNBR, businesses need to supply documents and information to the YFNBR, as outlined in this guide. To apply to the YFNBR, businesses must complete the following steps:



The YFNBR reviews the initial submitted business application. At a minimum, all businesses must submit documentation demonstrating their percentage of Yukon First Nations ownership. Depending on the business structure and business history, the YFNBR may require an applicant to provide additional information before reviewing the application or proceeding with the verification process.

The YFNBR will rely on information and documentation provided by the applicant business, and may also conduct independent research, to determine whether the applicant has sufficiently proven that its Yukon First Nations owners have “beneficial ownership and active control” of the business. Any independent YFNBR research will be disclosed to the applicant.

If, after review, the YFNBR and Government of Yukon determine in their assessment that the applicant meets the Yukon First Nation Business definition, the business is verified and listed on the YFNBR.



If the YFNBR and Government of Yukon determine in their assessment that the applicant does not meet the Yukon First Nation Business definition, the Government of Yukon will inform the applicant and YFNBR of that decision, accompanied by a written explanation for the decision. The unsuccessful applicant will be offered an opportunity to discuss the rationale for the decision with Yukon government officials.

What information must be submitted?

All applications must be submitted to the YFNBR via the online application form at: service.yukon.ca/yfnbr. For help with submitting an application please contact the YFNBR at 867-667-7917.

It is the applicant's responsibility to obtain and submit to the YFNBR all information needed to facilitate publication on the YFNBR.

Before you apply

Review the Yukon First Nations Business definition (Appendix A) and Statement of Interpretation (Appendix B) to confirm your business may meet the criteria. If your business meets the criteria, refer to the corresponding section below to understand what information you will need to provide during the application process.

Yukon Corporate Affairs

All businesses must ensure that they are an active entity and in compliance with the reporting requirements of the applicable legislation with Government of Yukon Corporate Affairs before applying. Refer to the Businesses, Societies and Securities website for more information <https://yukon.ca/en/businesses-societies-and-securities>, or conduct a free search as a guest to verify the status with Yukon Corporate Online Registry (YCOR) <https://ycor-reey.gov.yk.ca/search>.

All applicants are required to obtain and submit an Entity Profile from Corporate Affairs to demonstrate compliance. The only exception is a sole proprietor doing business under their own name.

An Entity Profile can be obtained from YCOR <https://ycor-reey.gov.yk.ca/search>.



Primary Business Location

To be eligible for bid value reductions related to business location, an applicant must submit documentation to prove the Primary Business Location, as defined in Appendix A, is outside of Whitehorse. Acceptable documents are identified in Appendix E.

An applicant business whose primary business location is in Whitehorse is ineligible for bid value reductions related to business location and does not need to substantiate its physical location.

How will your application be reviewed?

When an application is received, a preliminary screening will determine the complexity of review needed, and the time required for verification of the business. The more complex the business structure, the more information, documentation, and interaction with the applicant may be necessary to verify that the business meets the definition of Yukon First Nations Business as defined in GAM 2.6.

Demonstrating Eligibility

Regardless of the structure of the business applying for publication on the YFNBR, all applicants need to demonstrate that they meet the definition of Yukon First Nations Business, as per the definition in Appendix A and Statement of Interpretation Appendix B.

In addition to the direct ownership requirements of GAM 2.6, Section 1(2)(qq)(ii), that definition contains three key components:

- active control;
- beneficial ownership; and,
- bona fide purpose.

The meanings of these components are described in detail below, along with the types of information that may be requested to demonstrate conformance.



Active Control

Actively controlled means that the Yukon First Nations owner(s) controls:

- the formal decision-making process; and,
- the day-to-day management of capital, human and other resources that are essential to the operation of the business.

Non-Yukon First Nations owners are constrained in their ability to control the business for purposes that primarily advance the interests of the non-Yukon First Nations owner(s).

The applicant may be asked to submit documents and other information to demonstrate Yukon First Nations active control, which describes at minimum:

- who has the authority to make or veto major decisions;
- who directs the management of the affairs of the business;
- who directs the day-to-day operations of the business; and,
- if the business is party to any agreements that allow a non-Yukon First Nations member, or company that is not owned and controlled by a Yukon First Nation or Yukon First Nations member, to
 - make or veto decisions of the corporation;
 - direct the management of the affairs of the corporation; or,
 - perform the majority of the work.

Beneficial Ownership

Beneficial Ownership means that Yukon First Nations owners of the business receive the benefits of the operations of the business that are commensurate with their nominal share of legal ownership.

Non-Yukon First Nations owners or related entities cannot receive the majority of benefits related to ownership, financial or otherwise, when Yukon First Nations people are the legal owners of a majority interest.



The applicant may be asked to submit documents and other information to demonstrate beneficial ownership, which describes at minimum:

- who owns the majority of voting shares;
- who owns the beneficial interest in, not just the legal title to the business;
- who performs the majority of the work; and,
- if there are any agreements – written or verbal – that give a non-Yukon First Nations person or entity the ability to make or veto major decisions for the business (e.g. budgets, contracting, dividends, direct management).

Bona fide Purpose

Bona fide purpose means the purpose of the business is to convey substantial benefits to the Yukon First Nations owner(s) rather than any non-Yukon First Nations owner(s), and that this is the incentive for the formation and existence of the business. It implies that the parties involved are acting in good faith and without any intention of fraud or deception, such as an intent to create a “shell company” to take advantage of participation measures for the purpose of directing benefits to non-Yukon First Nations owners.

The applicant may be asked to submit documents and other information to demonstrate bona fide purpose such as:

- evidence that the initiative to develop the business, including but not limited to the efforts and expenditures to give it legal existence, was clearly that of the Yukon First Nations owner(s);
- evidence that the initiative and effort to submit and complete an application to the YFNBR came from the Yukon First Nation owner(s);
- marketing materials that clearly communicate the business's purpose;
- a comprehensive business plan outlining the company's mission, vision, and goals;
- mission statement aligning with First Nations benefits;
- letters of support;
- financial statements demonstrating profit distribution;
- dividend payment records;
- audit reports; and,
- declaration or statement of intent signed by shareholders.



Submitting the application

Apply as a Sole Proprietor (Business Name)

If the sole proprietor is a Yukon First Nations Person, during the initial application process they must upload one of the following:

- Yukon First Nation Citizen Card; or,
- Indian Status Card; or,
- a letter from an Authorized Official of their Yukon First Nation government.

They must also upload a consent form for the collection, use and disclosure of personal information (refer to Appendix B).

If the sole proprietor is a non-Yukon First Nations Person who supports a Yukon First Nations spouse or common law partner or a Yukon First Nations family, provide:

- a letter of support from an Authorized Official of the Yukon First Nations government.

Non-Yukon First Nations Sole Proprietors may be approved to 50 percent Yukon First Nations ownership with demonstrated support as per the definition in Appendix A.

Additional information may be required depending on the preliminary screening. Refer to Appendix D for more information.

Apply as a Partnership or Limited Partnership

Gather the following documents to upload during the initial application process:

- Declaration of Partnership or Certificate of Limited Partnership; and, Register of Unitholders, if applicable.

For each partner that is a Yukon First Nations Person, provide their:

- Yukon First Nation Citizen Card; or,
- Indian Status Card; or,
- a letter from an Authorized Official of their Yukon First Nation government.

Finally, upload a consent form for the collection, use and disclosure of personal information (refer to Appendix B).

When a partner is a Yukon First Nations business, if that business has not yet been verified and listed on the YFNBR, a separate application for that business may be requested.



Additional information may be required depending on the preliminary screening. Refer to Appendix D for more information.

Where 50 percent of a partnership has been verified as owned by Yukon First Nations individuals or entities, the partnership may be verified to the YFNBR, at the verified ownership level, even if there remain Yukon First Nations partners who have not been verified though a separate application.

Apply as a Corporation

Gather the following documents to upload during the initial application process:

1. Articles of Incorporation. These can be found at the records or registered office of the corporation. Copies may also be found on the Yukon Corporate Online Registry <https://ycor-reey.gov.yk.ca/search>, in some instances.
2. If applicable, any articles filed after the Articles of Incorporation, including Articles of Amendment, Amalgamation, or Revival.
3. Securities or shareholder register, CRA Schedule 50, or signed attestation of ownership.
4. Shareholder agreements, if any.

For each shareholder that is a Yukon First Nations Person, provide their:

- Yukon First Nation Citizen Card; or,
- Indian Status Card; or,
- a letter from an Authorized Official of their Yukon First Nation government.

Finally, upload a consent form for the collection, use and disclosure of personal information (refer to Appendix C).

When a shareholder is a Yukon First Nations business, a separate application for that business may be requested if it has not yet been verified and listed on the YFNBR.

Additional information may be required depending on the preliminary screening. Refer to Appendix D for more information.

Where 51 percent of the corporation's voting shares have been verified as owned by Yukon First Nations individuals or entities, the corporation may be verified to the YFNBR, at a reduced ownership level, even if there remain Yukon First Nations shareholders who have not been verified though a separate application.

For greater clarity, a corporation's voting shares may be owned (directly or indirectly) by one or more holding corporations which are themselves 100 percent owned by a Yukon First Nation or Yukon First Nations Person(s), provided the Yukon First Nation or Yukon First Nations Person(s)



maintains a majority ownership of subsidiaries. It is not necessary to list holding companies on the YFNBR to list a subsidiary, however information about all owners of the subsidiary corporation may be required during the review.

Apply as a Not-for-profit, Non-Governmental Organization (NGO) or Society

Gather the following documents to upload during the initial application process:

- membership list and verification that at least 51 percent of the members are Yukon First Nations People or Yukon First Nations businesses; and,
- governing documents such as articles, bylaws, constitution, statement of directors.

Additional information may be required depending on the preliminary screening.

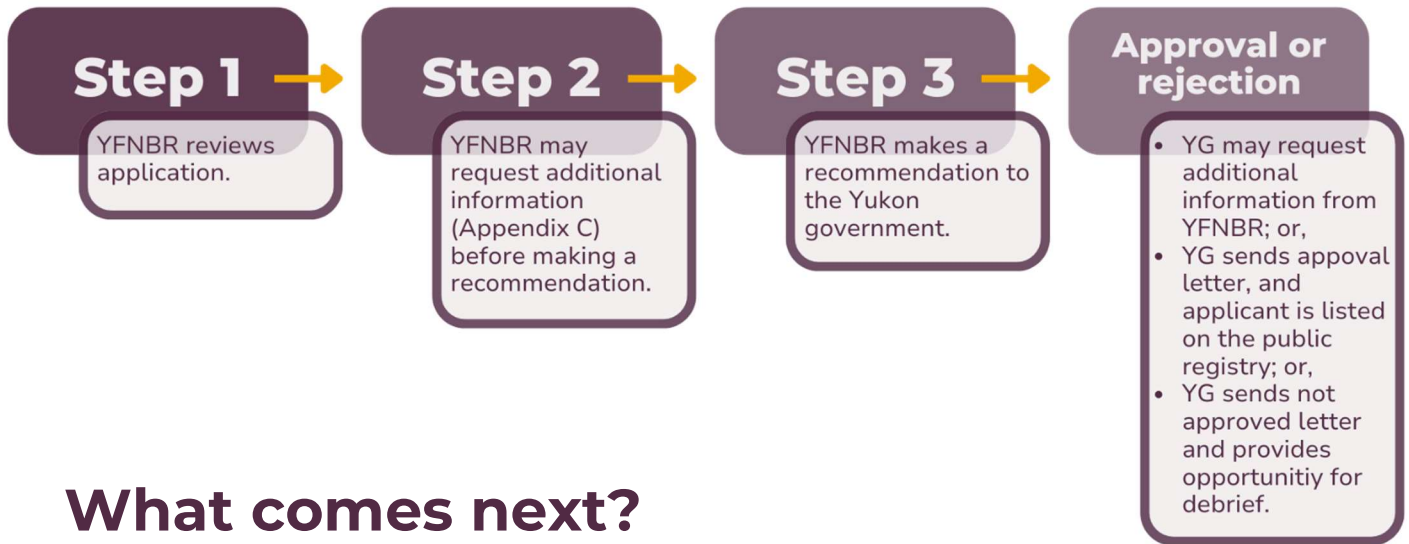
What else do you need to know about the review process?

The YFNBR receives and reviews the submitted documents. The YFNBR may request additional information and will review the application in its entirety to determine whether the applicant meets the definition and criteria of Yukon First Nations Business, in both substance and intent of relevant provisions of GAM 2.6 and this guide.

When the review of an entire application is complete, the YFNBR makes a recommendation to the Government of Yukon on the merits of the application. The Yukon government may make or request any additional investigations it deems necessary and makes the final decision as to whether an applicant meets the definition of a verified Yukon First Nations business.

Yukon government officials will inform the applicant and the YFNBR (by email or other means) regarding the status of the application. If an application is approved for inclusion in the YFNBR, the Yukon government will inform the YFNBR, who will publish the verified business on the YFNBR. Businesses will not be added to the YFNBR after 3 pm each day, to ensure there are no conflicts with Yukon government's tender closing time clock.

If an application is not approved for the YFNBR, the Government of Yukon will inform the applicant, provide written reasons for the denial, and offer an opportunity for the applicant to discuss the rationale for the decision.



What comes next?

Regular YFNBR Profile Maintenance

All listed Yukon First Nations businesses have access to update their information on the YFNBR at any time by logging in through the [Business login](#).

If a business edits their information, they will be removed from the YFNBR until the YFNBR reviews the edits to the application. Approval of the edits and re-publishing of the business will follow the approval process described above.

Annual Renewal

All listed Yukon First Nations businesses are required to renew their verification annually, based on the anniversary of their publication on the YFNBR. Registered businesses will be alerted by YFNBR prior to their renewal date, normally at 30, 15 and one day prior to the renewal due date.



Businesses need to satisfy the following renewal requirements:

- confirm or update contact information, including public contact(s) and primary account contact and continued compliance with Yukon Corporate Affairs (YCOR);
- attest that no material changes, such as changes that impact beneficial ownership, active control or physical location, have occurred in the business structure or operation during the preceding year; and,
- if material changes have occurred, describe the nature of the change(s) and, as necessary, cooperate with YFNBR and the Yukon government to update the registration and supporting documentation.

The YFNBR and the Government of Yukon review the new information or documentation and re-publish the registration if the business still meets the definition of Yukon First Nations business.

If it does not, the registration will not be re-published. The business will be notified of the review outcome and provided with written reasons for the decision not to renew the registration. The business will be offered an opportunity to discuss the rationale for the decision with Yukon government officials.

Businesses that fail to complete the annual renewal process will be notified and removed from the YFNBR until the above renewal requirements are satisfied.

Periodic Reviews

In addition to annual renewals, the YFNBR may conduct periodic file reviews, on an ad hoc or complaint basis, of all or some of the listed Yukon First Nations businesses to ensure ongoing compliance with the definition of Yukon First Nations business and rules of the YFNBR.

The YFNBR may request selected businesses to provide additional information and documents to demonstrate their continued compliance. Businesses that fail to cooperate with the YFNBR's periodic reviews, or are shown not to qualify, will be subject to removal from the YFNBR. Non-compliance may trigger reviews for associated or affiliated businesses.



Compliance

If, following a review of information provided during an annual renewal or periodic review, the YFNBR and the Government of Yukon determine that a business no longer meets the definition of a Yukon First Nations business, the business will be notified and removed from the YFNBR.

An applicant, including its shareholder(s), member(s), owner(s), and partner(s), that misrepresent or withhold information that may affect the determination of its verification as a Yukon First Nations business will not be verified or listed on the YFNBR. A Yukon First Nations business that misrepresents or withholds information that may affect its continued eligibility as a Yukon First Nations business will be immediately removed from the YFNBR.



Appendices

Appendix A – Definitions

Yukon First Nations Business

A Yukon First Nations Business is defined in the Government of Yukon's Procurement Policy (GAM 2.6, Section 1(2)(qq)).

(qq) Yukon First Nations Business means a business that:

- (i) is listed on the Yukon First Nations Business Registry and sufficiently proves that:
 - a. it is beneficially owned and actively controlled by one or more Yukon First Nations businesses or Yukon First Nation Persons; and
 - b. the bona fide purpose of the business is to provide substantial benefits, whether financial or otherwise, to a Yukon First Nation business or Yukon First Nation Person; and
- (ii) meets one of the following criteria:
 - a. a corporation or not-for-profit corporation where one or more Yukon First Nations is the direct or beneficial owner of 100% of the shares of the corporation;
 - b. a sole proprietorship owned by a Yukon First Nation Person. A sole proprietorship owned by a non-Yukon First Nations Person, which supports a Yukon First Nation spouse or common law partner, and/or a Yukon First Nations family, may qualify as a sole proprietorship owned by a Yukon First Nation Person. The Government will engage the relevant Yukon First Nations government during its review.
 - c. a partnership or limited partnership where at least 50% of the partnership is owned by a Yukon First Nation Person or an organization described in (qq)(ii)(a) or (qq)(ii)(b);
 - d. a corporation with at least 51% of the corporation's voting shares owned by a Yukon First Nation Person or an organization described in (qq)(ii)(a) or (qq)(ii)(b); or
 - e. a not-for-profit organization in good standing under the Societies Act with at least 51% of its membership comprised of Yukon First Nations People. A sole proprietorship owned by a non-Yukon First Nations Person, which supports a Yukon First Nation spouse or common law partner, and/or a Yukon First Nations family, may qualify as a Yukon First Nations Business. The Government will engage the relevant Yukon First Nations government during its review.



A Yukon First Nation Business seeking to be verified on the Yukon First Nation Business Registry will be required to sufficiently prove that:

- (i) it is beneficially owned and actively controlled by one or more Yukon First Nations businesses or Yukon First Nation Persons; and
- (ii) the bona fide purpose of the business is to provide substantial benefits, whether financial or otherwise, to a Yukon First Nation business or Yukon First Nation Person.

Primary Business Location

Primary Business Location is the actual centre of direction, control, coordination, and where the company conducts the bulk of its business. Generally, this is where the business' books and records are held and is often where the head of the firm and other senior management personnel are located.



Appendix B - Government Statement of Interpretation - Yukon First Nations Business Registry

This Statement of Interpretation is to provide clarity to relevant sections of GAM 2.6 Procurement Policy, section 11 of the Yukon First Nations Procurement Policy, subsections 1(2)(qq) Definitions, and subsection 11(7.13) Yukon First Nations Business Registry (YFNBR) as they pertain to the YFNBR.

Purpose

The purpose of this statement of interpretation is to support:

- delivering direct and immediate economic benefits to Yukon First Nations, Yukon First Nations businesses, and individual Yukon First Nations Citizens;
- increasing the experience and capabilities of existing Yukon First Nations businesses, Yukon First Nations business leaders, and individual Yukon First Nations Citizens employed by or engaged in business;
- increasing the number of Yukon First Nations businesses, Yukon First Nations business leaders, and individual Yukon First Nations Citizens employed by or engaged in business; and,
- promoting increased operational control of contractor activities, and business activities in general, by the Yukon First Nations community.

Yukon First Nations Business Registry

GAM 2.6 Section 11 (7.13)

- a) A list of Yukon First Nations businesses will be maintained within a Yukon First Nations Business Registry. The Yukon First Nations Business Registry serves as:
 - (i) the list of Yukon First Nations businesses;
 - (ii) a link between Yukon First Nations businesses and Government Procurement Authorities; and
 - (iii) a marketing tool for Yukon First Nations Businesses to promote the Goods and Services they sell to Procurement Authorities and other interested organizations.
- b) The Government will determine and make available to the public the factors, criteria, terms, and conditions for being listed on the Yukon First Nations Business Registry, and the process for Persons to apply for and be listed on the registry. The Government may change such criteria, terms, and conditions at any time.



Definitions

GAM 2.6 Section 1(2)(qq)

(qq) Yukon First Nations Business means a business that:

- (i) is listed on the Yukon First Nations Business Registry and sufficiently proves that:
 - a. it is beneficially owned and actively controlled by one or more Yukon First Nations businesses or Yukon First Nation Persons; and
 - b. the bona fide purpose of the business is to provide substantial benefits, whether financial or otherwise, to a Yukon First Nation business or Yukon First Nation Person; and
- (ii) meets one of the following criteria:
 - a. a corporation or not-for-profit corporation where one or more Yukon First Nations is the direct or beneficial owner of 100% of the shares of the corporation;
 - b. a sole proprietorship owned by a Yukon First Nation Person. A sole proprietorship owned by a non-Yukon First Nations Person, which supports a Yukon First Nation spouse or common law partner, and/or a Yukon First Nations family, may qualify as a sole proprietorship owned by a Yukon First Nation Person. The Government will engage the relevant Yukon First Nations government during its review.
 - c. a partnership or limited partnership where at least 50% of the partnership is owned by a Yukon First Nation Person or an organization described in (qq)(ii)(a) or (qq)(ii)(b);
 - d. a corporation with at least 51% of the corporation's voting shares owned by a Yukon First Nation Person or an organization described in (qq)(ii)(a) or (qq)(ii)(b); or
 - e. a not-for-profit organization in good standing under the Societies Act with at least 51% of its membership comprised of Yukon First Nations People. A sole proprietorship owned by a non-Yukon First Nations Person, which supports a Yukon First Nation spouse or common law partner, and/or a Yukon First Nations family, may qualify as a Yukon First Nations Business. The Government will engage the relevant Yukon First Nations government during its review.



Commentary

The following interpretations of GAM 2.6 Section 1(2)(qq) “Definitions” provide detail and clarity for the purpose of enabling the implementation of s. 11(7.13) Yukon First Nations Business Registry. The interpretations provide the operational clarity needed to allow for the practical management of the YFNBR so that the YFNBR may achieve the objectives and align with the principles of the Yukon First Nations Procurement Policy.

This statement of interpretation is complemented by the Guide to Applicants and should be read in conjunction with the Guide for a thorough understanding of the interpretations and their use in reviewing Yukon First Nations business applications for inclusion in the registry.

Interpretations

Section 1(2)(qq)(i)(a): Yukon First Nations Business means a business that sufficiently proves that it is beneficially owned and actively controlled by one or more Yukon First Nations businesses or Yukon First Nations Persons.

sufficiently proves – means that in the assessment of the reviewers tasked with evaluating business applications for inclusion in the YFNBR, that the applicant has provided sufficient evidence to prove to the satisfaction of the reviewers that the applicant meets the requirements for that inclusion.

beneficially owned – means that the Yukon First Nations owner(s) receive the benefits that are commensurate with their nominal share of legal ownership. The majority of benefits related to ownership, financial and otherwise, cannot accrue to non-Yukon First Nations owners or related entities when Yukon First Nations People are the legal owners of a majority interest.

In addition to direct ownership of an applicant business by Yukon First Nations owners, a Yukon First Nations business may be indirectly owned by Yukon First Nations entities and persons by way of one or more holding companies, provided the holding company or companies maintain majority Yukon First Nations ownership of subsidiaries throughout the chain of ownership.

active control – means a Yukon First Nations owner controls the formal decision-making process, the day-to-day management of capital, human and other resources essential to



the operation of the business. Non-Yukon First Nations owners are constrained in their ability to control the business for purposes that primarily advance the interests of the non-Yukon First Nations owner, such as:

- agreements which give a non-Yukon First Nations party the ability to make or veto major decisions for the business, elect or appoint directors or direct the management of the business.
- agreements which provide a non-Yukon First Nations owner with a casting vote for the election of directors or decisions.
- Agreements or arrangements which confer economic dependence on a non-Yukon First Nations owner such as a large debt, the majority of the work or a unique expertise required to operate the business.
- Other characteristics of a non-Yukon First Nations owner which result in the business existing to primarily advance the interests of a non-Yukon First Nations owner.

bonafide purpose – means the realization of substantial benefits by Yukon First Nations was and is the incentive for the business arrangement.



Appendix C – Consent Letter

To use the template letter on the following page:

1. Delete and replace the highlighted yellow text with your specific information.
2. Select the appropriate option within the highlighted blue text and delete the other options.

Once the template letter is complete, please print, sign and upload to the YFNBR.



Month day, year

Government of Yukon Box 2703
Whitehorse, Yukon Y1A 2C6

To whom it may concern:

I (your name) a (Shareholder, Partner, Member) of (your organization's name) give my consent to authorize the Department of Highways and Public Works to collect my personal information to verify my Yukon First Nations affiliation for the purpose of registering (your organization's name) to the Yukon First Nations Business Registry.

I understand and agree to the following:

- some or all of the information collected by (your organization's name) will be used for the purpose of verifying (your organization's name) meets the definition of a Yukon First Nations Business as found within the Government of Yukon General Administration Manual 2.6.
- the Government of Yukon, the Yukon First Nations Chamber of Commerce, the Monitor and Review Committee and external legal services may have access to the information I am providing for the purpose of ensuring my business meets the definition of a Yukon First Nations Business.
- the information provided will be held for 7 years from time of submission unless otherwise stated.
- this information is being collected, used and disclosed as per 16(2)(a), 21(a) and 25(a) of the *Access to Information and Protection of Privacy (ATIPP) Act*.
- the Government of Yukon and Yukon First Nations Chamber of Commerce are responsible for protecting and securely managing my information.
- this consent is required and will be retained in accordance with *ATIPP Regulation* section 7(6).

I acknowledge I have the ability to request in writing to withdraw my consent and provided information at any time contacting info.yfnbr@yfncc.ca or by phone at 867-667-7917.

Sincerely,

Name

Signature

Date



Appendix D – Application Review Additional Information

After an interview by phone or in person, the YFNBR may request a site visit or additional information and documents to help determine the active control, beneficial ownership, and bona fide purpose of the applicant business.

It is incumbent on the applicant to obtain and submit any additional information requested to the YFNBR. Requests may include, but are not necessarily limited to, the following documents:

1. Capital stock and equity accounts, such as preferred stock, convertible securities, classes of common stock, warrants, options, dividend policy and payments.
2. Existence of stock options to employees.
3. Charter documents, such as the corporate charter, partnership agreement, or financial structure.
4. Demonstration of concentration of ownership or managerial control in partners, stockholders, officers, trustees and directors based on definition of duties.
5. Listing of the principal occupations and employer of the officers and directors to determine who they represent, such as banker, vested ownerships.
6. Minutes of directors' meetings and stockholders' meetings for significant decisions that affect operations and direction.
7. Proof of executive and employee compensation records for indication of level of efforts associated with position.
8. Demonstration of cash management practices, such as payment of dividends - preferred dividends in arrears.
9. Tax returns to identify ownership and business history.
10. Good will contribution or contributed asset valuation to examine and ascertain the fair market value of non-cash capital contributions.
11. Contracts with owners, officers and employees which are fair and reasonable.
12. Stockholder authority, such as appointments of officers, directors, auditors.
13. Trust agreements made between parties to influence ownership and control decisions.
14. Documentation showing the allocation and distribution of net income, such as the provision for salaries, interest on capital and distribution share ratios.
15. Litigation proceedings over ownership.
16. Copies of transfer pricing from non-Indigenous joint venture.
17. Payment of management or administrative fees.
18. Guarantees made by the Indigenous business.
19. Collateral agreements.
20. Unanimous shareholders agreement or Bylaws.
21. Business license.
22. Trade licenses/certifications.



23. Professional credentials.
24. Lease agreements.
25. Job descriptions.
26. Resumes/ Curriculum vitae.
27. A strategy to build the capability and skills of the Yukon First Nations business owner or partner through a Skills and Capability Transfer Plan.
28. A Yukon First Nations workforce strategy through a Yukon First Nations workforce plan.
29. Other documentation as identified by the Registrar.



Appendix E – Physical Location Documentation

YFNBR may accept any one of the following documents to help substantiate the location of an applicant business outside of Whitehorse city limits:

- entity Profile;
- business license;
- utility bill (i.e. ATCO Electric, Yukon Energy or Northwestel);
- municipal utility bill or property tax assessments;
- mortgage documentation;
- CRA Notice of Assessment for the most recent year; or,
- signed tenancy or lease agreement.

The document(s) must include a street or road address (not a post office box), as well as the name of the business or, in the case of a home-based business, the name of an owner of the business.