



THE DIRECTOR.....
AIR DIVISION.....
GEOGRAPHIC DIVISION.....
LEGAL SURVEYS DIVISION.....
TOPOGRAPHIC DIVISION.....

SURVEYS AND MAPPING BRANCH
DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES
VICTORIA, B.C.

May 15, 1970

Circular Letter to British Columbia Land Surveyors

Sir:

Re: 1970 Land Act

The Land Act, being Bill No. 27 of the 1970
Legislature and Chapter No. 17 of the Statutes of 1970 came
into force on May 1st, 1970.

Enclosed is a copy of the Act in bill form, for
your information.

As surveys will now be "confirmed" rather than the
former gazetting procedure, you should insure that there is
a clear space, $1\frac{1}{2}$ inches by 3 inches, reserved on the plan
to allow for the confirmation certificate. Plans being made
on $8\frac{1}{2}$ x 11 inch linen, will need to be carefully laid out.

As the Act provides that allowances made under the
former Act be continued under provisions of that Act, you
should complete surveys for which instructions are already
issued, in accordance with those instructions - e.g. do not
attempt to combine two 640-acre lots into one lot.

All future survey instructions issued will be
subject to provisions of Section 68.

Yours truly,


A. H. Ralfs
Surveyor-General

Encl.

Certified correct as passed Third Reading on the 1st day of
April, 1970. I. M. HORNE, *Law Clerk.*

HON. MINISTER OF LANDS, FORESTS, AND WATER RESOURCES.

BILL

No. 27]

[1970

Land Act

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts
as follows:—

- Title.** 1. This Act may be cited as the *Land Act*.
- Interpretation.** 2. In this Act, unless the context otherwise requires,
- (a) "applicant" means a person or corporation applying for a disposition of Crown land under this Act or any former or other Act respecting Crown land;
 - (b) "boundary by agreement" means a conventional boundary located by agreement between the Crown and the adjoining owner;
 - (c) "commissioner" means the person appointed under the *Department of Lands, Forests, and Water Resources Act* as commissioner in charge of any land recording district, and includes the Minister of Lands, Forests, and Water Resources, and Deputy Minister of Lands, and every person authorized by the Lieutenant-Governor in Council to act as and for the minister for and within any portion of the Province for which he may be appointed to discharge the duties of a commissioner under this Act;
 - (d) "conventional boundary" means a boundary consisting of a straight line or a series of straight lines of fixed direction and length conforming as nearly as possible to the natural boundary, but eliminating the minor sinuosities thereof;
 - (e) "corporation" means a corporation incorporated or registered in the Province;
 - (f) "Crown grant" means any instrument in writing under the Great Seal conveying land in fee-simple;
 - (g) "Crown land" means such ungranted Crown or public land or Crown domain as is within the Province and belonging to Her Majesty in right of the Province, and whether or not any waters flow over or cover the same, and includes any right, title, or interest therein of the Crown;
 - (h) "department" means the Department of Lands, Forests, and Water Resources;

- (i) "director" means the Director of Lands of the department;
- (j) "disposition" includes every act of the Crown whereby Crown lands or any right, title, interest, or estate therein are granted, disposed of, or affected, or by which the Crown divests itself of, or creates a right, title, interest, or estate in land or permits the use of land; and the words "dispose of" have a corresponding meaning;
- (k) "land district" means any portion of the Province which is a land district within the meaning of subsections (1) and (2) of section 4;
- (l) "land recording district" means any portion of the Province which is a land recording district within the meaning of subsections (1) and (2) of section 5;
- (m) "minister" means the Minister of Lands, Forests, and Water Resources;
- (n) "natural boundary" means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;
- (o) "public road" means any portion of Crown land designated or indicated as a road on a plan of survey made under this Act, whether or not a road is constructed;
- (p) "reserved lands" means Crown lands that have been withdrawn from disposition under this or any other Act;
- (q) "surveyed land" means land the survey of which is accepted and confirmed by the signature of the Surveyor-General on a plan made under this Act;
- (r) "Surveyor-General" means the Surveyor-General of the Province of British Columbia.

Division of
Act into Parts.

3. This Act is divided into Parts relating to the following subjects:—

PART	SUBJECT	SECTION
I.—Land Districts and Land Recording Districts		4— 5
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PART I

LAND DISTRICTS AND LAND RECORDING DISTRICTS

Land districts.

4. (1) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, constitute any part of the Province a land district for the purposes of this Act and may declare by what name it shall be known and may, by notice signed by the minister and published in the Gazette, alter, vary, or cancel any land district, whether constituted under this or any former Act.

(2) The several land districts now established and in use for the purpose of any former Act, whether established by the Lieutenant-Governor in Council or by maps and plans on file in the department or otherwise, shall be and shall be deemed to have been since the establishment or designation respectively, land districts under this Act, and shall continue as land districts under this Act unless altered, varied, or cancelled under this section.

Land recording districts.

5. (1) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, constitute any part of the Province a land recording district for the purposes of this Act and may declare by what name it shall be known and may, by notice signed by the minister and published in the Gazette, alter, vary, or cancel any land recording district, whether constituted under this or any former Act.

(2) The several land recording districts now established and in use for the purpose of any former Act, whether established by the Lieutenant-Governor in Council or by notice in the Gazette or otherwise, and whether established or designated as land recording districts or land recording divisions, shall be and shall be deemed to have been since the establishment or designation respectively, land recording districts under this Act and shall continue as land recording districts under this Act unless altered, varied, or cancelled under this section.

PART II

DISPOSITION OF CROWN LAND—GENERAL PROVISIONS

Crown land not acquired by prescription or occupation.

6. Notwithstanding the provisions of any other statute or law to the contrary, no person shall acquire by prescription, or by occupation not lawfully authorized, or by any colour of right, any right, title, or interest in or to any Crown land, or in or to any lands as against the interest therein of the Crown.

No rights vested by filing of applications.

7. (1) No person shall acquire any right whatsoever, either vested or contingent, in or to Crown lands, or any priority in respect of such lands by reason of filing an application for Crown lands under this Act.

(2) No disposition of Crown land is binding on the Crown until the certificate of purchase, grant, lease, licence of occupation, right-of-way, or easement is executed by the Crown in accordance with this Act; and

no negotiations or arrangements, whether in writing or otherwise, preliminary or prior to the execution of the documents herein referred to shall be binding on or commit the Crown to perform or complete a disposition.

(3) No person

(a) who is not a Canadian citizen within the meaning of the *Canadian Citizenship Act* (Canada); and

(b) whose application for a disposition of Crown land has not been allowed prior to the coming into force of this Act shall be entitled to a Crown grant.

Application
to acquire
Crown lands.

8. (1) Subject to compliance with the provisions of this Act and regulations, any person of the full age of nineteen years or over and any corporation or other association may apply for Crown lands.

(2) The commissioner or the director may reject an application for Crown lands that are reserved from disposition or are otherwise not available for disposition under this or any other Act.

(3) The minister may disallow an application for Crown lands if it does not comply with the provisions of this Act and the regulations or if, in his opinion, a disposition of the Crown lands applied for is not in the public interest.

Power of minister
to dispose
of Crown
lands.

9. (1) Subject to compliance with the provisions of this Act and regulations, the minister may dispose of Crown lands, either surveyed or unsurveyed, to any person entitled under this Act

(a) pursuant to an application; or

(b) by public auction; or

(c) by public notice of tender,

as he may deem advisable in the public interest.

(2) The minister may, pursuant to subsection (1),

(a) sell Crown land; or

(b) lease Crown land; or

(c) grant a right-of-way or easement over Crown land; or

(d) grant a licence of occupation of Crown land.

(3) Where the minister disposes of Crown lands under this section, he may impose such terms, covenants, conditions, stipulations, and reservations as he may consider advisable, and without limiting the generality of the foregoing may impose all or any of the following terms and conditions:—

(a) The applicant shall personally occupy and reside on the Crown lands for a period fixed by the minister;

(b) The applicant shall do such work and expend such sums for permanent improvement of the Crown lands within such period as the minister may require.

Power of minister
to authorize
temporary use
and occupation
of Crown land.

10. The minister may authorize an applicant

(a) to enter upon and occupy Crown land for any period not exceeding one year for the purpose of conducting appraisals,

inspections, analyses, inventories, surveys, or other investigations of the Crown land or of the natural resources of that land; or

- (b) to enter upon and occupy Crown land for a period not exceeding six months for any purpose authorized under this Act; or
- (c) to enter upon and occupy Crown land for the purpose of constructing a road over that land, but such authorization shall not entitle the applicant to deny the right to use the road to any person.

Reserves.

11. (1) The Lieutenant-Governor in Council may, for any purpose that he considers advisable in the public interest, by notice signed by the minister and published in the Gazette, reserve Crown land from disposition under the provisions of this Act.

(2) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, amend or cancel in whole or in part any reserve of Crown land established under this Act or any former Act.

Power of minister to withdraw Crown land from disposition.

12. The minister may, for any purpose that he considers advisable in the public interest, temporarily withdraw Crown land from disposition under this Act, and he may amend or cancel such withdrawal.

Power of minister to withdraw Crown land from disposition, except for designated use.

13. The minister may, if he considers it advisable in the public interest, designate the most desirable use of any area or portion of Crown land, and he may withdraw such area or portion of Crown land from disposition under this Act for any purpose other than the use so designated, and he may amend or cancel the withdrawal.

Restriction on sale of lands lying below a natural boundary.

14. Except by Order of the Lieutenant-Governor in Council, and upon such terms and conditions as he may specify, no Crown land, filled or otherwise, lying below the natural boundary of a body of water shall be disposed of by Crown grant under this Act.

Restrictions on sale of land for purpose of quarrying material.

15. Except by Order of the Lieutenant-Governor in Council, and upon such terms and conditions as he may specify, no Crown land shall be disposed of by Crown grant under this Act that, in the opinion of the minister, is suitable for mining, quarrying, digging, or removal of building or construction materials, including, without limiting the generality of the foregoing, stone, granite, limestone, marble, shale, slate, pozzolan, clay, bentonite, sand, gravel, volcanic ash, earth, soil, diatomaceous earth, marl, or peat.

Restrictions as to areas which may be disposed of by Crown grant.

16. (1) Except as provided in subsection (5) of section 61 and in section 62, or except where the applicant has first obtained a Crown grant to land covered by a prior certificate of purchase in his name, no Crown lands shall be disposed of by Crown grant under this Act at any one time exceeding twelve hundred and eighty acres in area to any one applicant.

(2) Notwithstanding subsection (1), with the prior approval of the Lieutenant-Governor in Council the minister may dispose of, by Crown grant, an area exceeding twelve hundred and eighty acres for commercial, industrial, railway, or airport purposes.

Restrictions as to area which may be leased.

17. (1) Except as provided in subsection (5) of section 61 and in section 62, no Crown land shall be disposed of by lease under this Act exceeding twelve hundred and eighty acres in area to any one applicant.

(2) Notwithstanding subsection (1), with the prior approval of the Lieutenant-Governor in Council the minister may dispose of, by lease, an area exceeding twelve hundred and eighty acres for grazing, commercial, industrial, railway, airport, or watershed purposes.

Maximum term of lease.

18. Except with the prior approval of the Lieutenant-Governor in Council, no Crown land shall be leased under this Act for a term greater than twenty years.

Disposition of timbered lands.

19. Except where, in the opinion of the minister, Crown lands are required for agricultural settlement and development or other higher economic use, no Crown lands shall be disposed of by Crown grant under this Act that are suitable for the production of timber and pulpwood.

Payment of charges for timber.

20. A disposition of Crown land under this Act may provide for payment to the Crown of the value of the timber or a royalty on the timber on that land.

Method of payment for Crown grant.

21. (1) Where an applicant purchases Crown land under section 8, he shall pay the purchase price to the Minister of Finance as follows:—

(a) Where the purchase price is two hundred dollars or less, payment forthwith upon issue of a certificate of purchase under subsection (3):

(b) Where the purchase price exceeds two hundred dollars, payment in full or, at the option of the purchaser, payment of not less than one-quarter of the purchase price forthwith, upon issue of a certificate of purchase under subsection (3), and payment of the balance, together with interest as provided in section 23, in not more than three equal annual instalments.

(2) Notwithstanding subsection (1), the minister, if he considers it advisable in special circumstances, may extend payment for Crown land over any period not exceeding ten years from the date of issue of a certificate of purchase under subsection (3).

(3) Where the purchaser pays the amount required under subsection (1), the minister shall issue to the purchaser a certificate of purchase subject to the terms, covenants, conditions, stipulations, reservations, and exemptions imposed by the minister.

Reservations to which purchasers, etc., are subject.

22. Unless otherwise expressly provided in a certificate of purchase, the right of a purchaser under a certificate of purchase issued under section 21 shall, from the date of the certificate of purchase, be subject to

(a) such terms, covenants, conditions, stipulations, reservations, and exemptions as are contained

- (i) in the form of Crown grant in the Schedule to this Act, or
- (ii) in the Act or the regulations;
- (b) highways, streets, roads, trails, and other ways existing at that date over or through the said land; and
- (c) such provisos, reservations, exceptions, and rights-of-way as the minister may from time to time direct to be endorsed on the certificate of purchase.

Deferred payments subject to interest charge.

23. (1) Unless otherwise ordered by the Lieutenant-Governor in Council, where, upon the disposition of any Crown lands, payment of the moneys due to the Crown is deferred, interest on such sum shall be charged at the rate of eight per cent per annum on the outstanding balance from the date of the disposition.

(2) Where money payable in respect of a lease, right-of-way, easement, licence of occupation, or royalty is not paid on the due date, interest on such sum may be charged at the rate of eight per cent per annum from that date.

(3) Where payment of money for surveys carried out by or on behalf of the Surveyor-General in connection with a disposition of Crown land is deferred, interest on such sum may be charged at the rate of eight per cent per annum.

Royalty payable upon removal of certain materials.

24. Leases or other dispositions granted for the purpose of mining, quarrying, digging, or removal of building or construction materials, including, without limiting the generality of the foregoing, stone, granite, limestone, marble, shale, pozzolan, clay, bentonite, sand, gravel, volcanic ash, earth, soil, diatomaceous earth, marl, or peat may contain provision for the payment of royalty with respect to such material removed from the lands at rates to be determined by the minister.

Fee for survey included.

25. A disposition of Crown land may contain a provision for payment by the applicant of the costs of survey of the land carried out by or on behalf of the Surveyor-General.

Amendment of area under application.

26. Subject to the provisions of sections 16 and 17, the minister may, in respect of an application for a disposition of Crown lands,

- (a) reduce or extend the area applied for; or
- (b) reduce or extend the length of the boundary lines of such area; or
- (c) amend or vary the position or location of the area.

Transfers to Canada.

27. Subject to such terms, conditions, reservations, and restrictions as the Lieutenant-Governor in Council considers advisable, the Lieutenant-Governor in Council may transfer the administration, control, and benefit of Crown land to Her Majesty the Queen in right of Canada either in perpetuity or for a specified period, and either with or without consideration.

PART III

DISPOSITION OF CROWN LAND—APPLICATION PROCEDURE

Application
for disposition
procedure.

28. (1) An applicant for a disposition of Crown land by purchase, lease, or licence of occupation shall make application, in the form and manner prescribed by the minister, to the commissioner of the land recording district where the land is situated, and shall pay the fee prescribed by the regulations.

(2) If the application is in order and complies with the Act and regulations, the commissioner shall

- (a) retain one copy for his records;
- (b) post one copy in his office; and
- (c) send one copy to the minister.

(3) Where the land is unsurveyed or where no evidence of survey is available, the applicant for a disposition of Crown land shall, before making an application under subsection (1), fix securely in the ground, at one corner of the land to be applied for, a squared post or squared tree, at least three feet above the ground level, and shall securely attach to the post a written notice in Form 1 in the Schedule to this Act of his intention to make an application for a disposition of the land described in the notice and shall, upon his application, furnish such proof of the posting of the notice as the minister may require.

(4) Subsection (3) does not apply to a licence of occupation for a year or less or to a grant of right-of-way or easement.

Public notice.

29. (1) The minister may, if he considers it advisable in the public interest, require the applicant to publish a notice of his intention to make an application for a disposition of Crown lands.

(2) The notice shall be in Form 1 in the Schedule to this Act and the applicant shall publish the notice in the Gazette or a newspaper circulating in the land recording district in which the Crown land is situated, or in both, for such number of issues and within such period as the minister may require.

(3) The applicant shall furnish such proof of publication of the notice as the minister may require.

Assignments,
etc., by minor.

30. (1) A person who is eligible to hold a disposition under this Act, but is a minor, may hold and assign the lands as if he were of full age.

(2) A person who is a minor and who holds a certificate of purchase, lease, licence of occupation, right-of-way, or easement of Crown land may hold and assign it as if of full age.

Feasibility
studies, etc.,
may be
required.

31. The minister may require an applicant to obtain and file with the minister, at his own expense, feasibility studies, timber cruises, land valuation appraisals, or such other information as the minister may require respecting an application under this Act.

Security may
be required.

32. The minister may require an applicant to deposit with him a bond or other security for the due performance and completion by the applicant of all the obligations and requirements prescribed by the minister, and the bond or other security shall be payable to the Minister of Finance for such amount and containing such terms and conditions as the minister may require.

Affidavits
or statutory
declarations
may be
required.

33. The minister may require an applicant to furnish proof by affidavit, statutory declaration, or otherwise respecting any matter arising out of the application or respecting the financial affairs of the applicant.

Purchase.

34. The minister may issue a certificate of purchase of Crown land subject to such terms, conditions, and reservations as he considers advisable.

Leases.

35. The minister may issue a lease of Crown land subject to such terms, conditions, and reservations as he may consider advisable, including the right of option to purchase the land.

Licences of
occupation.

36. (1) The minister may issue a licence, called a "licence of occupation", to occupy and use temporarily Crown land, subject to such terms, conditions, and reservations as he may consider advisable, but not exceeding a term of ten years.

(2) Notwithstanding subsection (1) of section 28, where the term of the licence does not exceed one year, an application made under this section may be made to the minister.

Rights-of-way
and easements.

37. (1) Subject to subsection (3), the minister may grant a right-of-way or easement with respect to Crown land subject to such terms, conditions, and reservations as he may consider advisable.

(2) An applicant for a right-of-way or easement with respect to Crown land shall make application to the minister in the form and manner prescribed by him, accompanied by a map indicating the location of the proposed right-of-way or easement.

(3) Unless the Lieutenant-Governor in Council first approves, the minister shall not grant a right-of-way or easement with respect to Crown land for a term exceeding twenty years.

(4) The duration of an easement heretofore or hereafter granted under subsection (1) may be continued or renewed by the Lieutenant-Governor in Council for such period or periods as he may see fit, notwithstanding

- (a) the provisions of the *Land Registry Act*;
- (b) the servient tenement has ceased to be Crown lands; and
- (c) the provisions of this Act.

Cancellation
of application
for failure
to complete
survey.

38. Where application for a disposition of unsurveyed Crown land has been approved subject to completion of a satisfactory survey, if the survey is not completed within the time stipulated by the minister or as

extended by the Surveyor-General under subsection (3) of section 68, the minister may disallow the application.

Date of
disposition.

39. (1) A disposition under this Act is dated
 (a) the date the application is allowed by the minister;
 (b) the date of closing of tenders; or
 (c) the date of public auction,
 as the case may be.

(2) Notwithstanding subsection (1), where a survey is required, the minister may extend the date of the disposition to a date not more than eight months after the date set out in subsection (1) or to such date as the Surveyor-General accepts the survey, whichever is the sooner.

PART IV

DISPOSITION OF CROWN LAND—CANCELLATION, AMENDMENT, AND ABANDONMENT

Cancellation
of disposition
of Crown land
for failure to
comply with
conditions.

40. (1) Where a person who holds a disposition of Crown land
 (a) defaults in payment of any moneys due to the Crown; or
 (b) fails or neglects to observe or perform any covenant, condition,
 or stipulation required by the minister, or set out in the disposition,
 the minister may cause a notice to be sent by registered mail, addressed
 to that person at his last-known address, requiring him to

(c) pay the moneys due; or
 (d) comply with the covenant, condition, or stipulation,
 as the case may be, within sixty days after the date the notice is mailed.

(2) Where the default, failure, or neglect continues after the expiration of the sixty-day period set out in subsection (1), the minister may cancel the disposition.

(3) Where the minister cancels a disposition under subsection (2),
 (a) any right, title, or interest in the Crown land of the holder of the disposition and all persons claiming through or under him is forfeited and at an end;
 (b) any improvements to the land are forfeited to and become the property of the Crown; and
 (c) any moneys paid on account of the disposition are forfeited to the Crown.

(4) Notwithstanding subsection (1), where a disposition is in respect of a right-of-way or easement, the minister may extend the time for payment or compliance to a date not more than two years after the date the notice is mailed.

(5) Where a disposition, registered in a land registry office under the *Land Registry Act*, is cancelled under this section, the minister may, by

a certificate under his hand and seal setting out the reasons for cancellation, require the registrar to cancel the registration and, notwithstanding the provisions of the *Land Registry Act*, the receipt of such certificate by the registrar of the land registry office shall be his authority to cancel the registration.

Amendment and cancellation of approved applications or dispositions granted improperly.

41. (1) Where, in respect of an approved application or a disposition granted under this Act, the minister finds

- (a) that there is a clerical error in the approval or disposition respecting the names or description of the applicant, the description of the Crown land, or any other material part of the approval or disposition; or
 - (b) that the Crown land is not available for disposition; or
 - (c) that the survey is incorrect; or
 - (d) that information furnished by the applicant is incorrect
- he may, if he considers it advisable,
- (e) amend or correct the approval or disposition; or
 - (f) disallow the application or cancel the disposition; or
 - (g) with the approval of the Lieutenant-Governor in Council, make whatever changes and adjustments in the approval or disposition as he may consider advisable.

(2) Where the minister disallows an application or cancels a disposition under subsection (1), he may

- (a) repay to the applicant the whole or any part of the moneys paid in respect of the application or disposition;
- (b) repay to the applicant any survey costs expended by the applicant; and
- (c) with the approval of the Lieutenant-Governor in Council, pay whatever compensation to the applicant that he may consider advisable.

(3) Where a disposition, registered in a land registry office under the *Land Registry Act*, is cancelled or amended under this section, the minister may, by certificate under his hand and seal setting out the reasons for cancellation, require the registrar to cancel or amend the registration and, notwithstanding the provisions of the *Land Registry Act*, the receipt of such certificate by the registrar of the land registry office shall be his authority to cancel or amend the registration.

Abandonment of disposition.

42. (1) A person holding a disposition of Crown land may abandon and terminate a disposition by notifying the minister in writing.

(2) All improvements made or placed on the land and all moneys paid on account shall be absolutely forfeited to and become the property of the Crown.

Debts payable for cancelled disposition.

43. (1) Unless the minister otherwise orders, the holder of a disposition that is cancelled or abandoned shall, notwithstanding the cancellation or abandonment, pay all sums of money and observe and perform all covenants, conditions, and stipulations of the disposition.

(2) All sums of money due to the Crown in respect of a disposition under subsection (1) are recoverable by the Minister of Finance as a debt due to the Crown.

Cancelled applications may be withheld from further application.

44. The minister may, in his discretion, withhold from disposition, for a period not exceeding one year, Crown land in respect of which a disposition is cancelled or abandoned.

PART V

CROWN GRANTS

Issue of Crown grant.

45. (1) Where an applicant for a disposition of Crown land by way of purchase

- (a) pays to the Crown the full purchase price, interest, and all other sums of money required to be paid in respect of the disposition;
- (b) fully complies with all the covenants, conditions, and stipulations of the disposition; and
- (c) pays the prescribed fee,

a Crown grant shall issue in the name of the applicant subject to the provisions of the Act and regulations and the applicable terms, covenants, conditions, and stipulations of the certificate of purchase.

(2) Where an applicant is dead, and if clauses (a), (b), and (c) of subsection (1) are complied with, a Crown grant shall issue to the executor or administrator of the deceased applicant.

Form of Crown grant.

46. (1) A grant of Crown land, disposed of under this or any other Act, shall be in Form 2 or Form 3 of the Schedule to this Act, but the minister may

- (a) add such further terms, covenants, conditions, stipulations, reservations, or exemptions; or
- (b) make such amendments or variations

as he may consider advisable.

(2) Where a grant of Crown land contains one acre or less, the grant shall be in Form 2.

(3) Notwithstanding subsection (1),

- (a) where in a grant of Crown land timber thereon is reserved to the Crown; and
- (b) where the timber so reserved is not held by any other person under licence, lease, permit, sale, or other instrument from the Crown,

the minister may issue a supplementary grant of the timber to the registered owner of the land, and the supplementary grant shall be in Form 4 or Form 5 of the Schedule.

(4) A supplementary Crown grant shall not be issued under subsection (3) unless

- (a) the minister considers it advisable; and
- (b) he ascertains that the stumpage value of the timber is fully paid to the Crown.

Reservation of minerals, coal, petroleum, gas or gases.

47. No grant of Crown land disposed of under the provisions of this or any other Act shall convey any right, title, or interest to

- (a) minerals as defined in the *Mineral Act*; or
- (b) coal; or
- (c) petroleum as defined in the *Petroleum and Natural Gas Act*; or
- (d) gas or gases,

that may be found in, upon, or under the land.

Right of Lieutenant-Governor in Council to make grants of Crown lands.

48. Notwithstanding any other provision of this Act, and subject to such terms, conditions, reservations, and restrictions as the Lieutenant-Governor in Council considers advisable, the Lieutenant-Governor in Council may make or approve of a grant of Crown land, free or otherwise, limited to a specific public purpose.

Power of Lieutenant-Governor in Council to delete provisions in Crown grants.

49. (1) Where the minister finds that a term, covenant, condition, stipulation, reservation, or exemption in a Crown grant issued under this or a former Act, other than one contained in the forms prescribed by the Act under which the Crown grant was issued, has been included in error or is no longer required in the public interest, the Lieutenant-Governor in Council may declare it to be null and void and of no effect.

(2) Where a certified copy of the declaration of the Lieutenant-Governor in Council made under subsection (1) is filed with the registrar of the land registration district in which the land is situated, the Registrar of Titles shall annex the copy to the Crown grant and shall make such appropriate entries in his register as he considers necessary in the circumstances.

(3) The powers conferred by this section may be exercised notwithstanding that title to the lands is registered under the provisions of the *Land Registry Act*.

Procedure for cancelling defective Crown grants.

50. (1) Where, in respect of a Crown grant issued under this Act, the minister finds

- (a) that it has been issued under this or any former Act to or in the name of the wrong person or contains a clerical error, misnomer, or wrong or defective description of the lands intended to be granted; or
- (b) that there is in it an omission of the conditions of the Crown grant

he may, if he considers it advisable,

- (c) direct the defective Crown grant to be cancelled and a correct one to be issued in its stead, and the corrected Crown grant shall relate back to the date of the one so cancelled and has the same effect as if issued at the date of the cancelled Crown grant; and
 - (d) with the approval of the Lieutenant-Governor in Council, make whatever changes and adjustments he may consider advisable to rectify the error.
- (2) Where the minister cancels a Crown grant under subsection (1) or if he finds
- (a) that the Crown land was not available for disposition; or
 - (b) that the survey was incorrect; or
 - (c) that information furnished by the applicant was incorrect
- he may, if he considers it advisable,
- (d) repay to the applicant the whole or any part of the moneys paid in respect of the land comprised in the cancelled Crown grant; and
 - (e) repay to the applicant any survey costs expended by the applicant; and
 - (f) with the approval of the Lieutenant-Governor in Council, pay whatever compensation to the applicant that he may consider advisable; or
 - (g) substitute other Crown land of such value as the minister considers reasonable in the circumstances and issue a Crown grant for the substituted land and, if the minister considers it advisable, the Crown grant may be dated as of the date of the original Crown grant, and the substituted Crown grant has the same effect as if it had been disposed of or issued on the original date.
- (3) The power conferred by this section may be exercised notwithstanding that title to the land has been registered under the provisions of the *Land Registry Act*.
- (4) Where any Crown grant is cancelled, the registrar of the appropriate land registry office shall cancel any certificate of title issued in respect of the land affected.
- (5) Any person having possession of a cancelled Crown grant shall deliver the same to the minister when directed to do so.

Delivery and
registration of
Crown grants.

51. (1) A Crown grant issued after the commencement of the *Land (Amendment) Act, 1968*, for lands sold or for the issue of which provision is made under this Act or any other Act, whether general or special, shall, upon its issue, be transmitted to the proper land registry office for registration; and, if the registrar is satisfied that the boundaries of the land are sufficiently defined by the description, he shall

- (a) register the title granted in the register, subject to the provisions of the grant, in the name of the grantee, without application therefor or payment of registration fee; and

(b) give notice of registration to the grantee.

(2) Upon registration, the grantee shall be entitled to receive a certificate of title for the Crown land described in the grant.

(3) A Crown grant issued before the commencement of the *Land (Amendment) Act, 1968*, is registrable in accordance with the law in force immediately before such commencement, except that the fees for registration shall be those currently applicable and, upon registration, the grantee shall be entitled to receive a certificate of title for the Crown land described in the grant.

Bodies of
water.

52. (1) Where Crown land is or has, prior to this section coming into force, been disposed of by Her Majesty in right of the Province by Crown grant, and the map or plan annexed to the grant shows any lake, river, stream, or other body of water coloured, outlined, or otherwise designated thereon in a colour other than red, no part of the bed or shore of the lake, river, stream, or other body of water below the natural boundary thereof shall pass or shall be deemed to have passed to the person acquiring the grant unless

(a) there is express provision in the grant to the contrary; or

(b) the minister otherwise directs by certificate issued under section 53,

and nothing in this Act or any other Act or any rule of law to the contrary shall be construed to vest or to have heretofore vested in any person the land that comprises the bed or shore of the lake, river, stream, or other body of water below the natural boundary, and notwithstanding any certificate of title, the title to the land shall be construed accordingly.

(2) When land, the title to which has been forfeited, reverted, or otherwise returned to the Crown, is or has been heretofore granted by the Crown and the Crown grant does not have a map or plan annexed thereto but describes the land granted by reference to the official plan thereof, the description used shall be deemed not to include or to have included any land below the natural boundary of any lake, river, stream, or other body of water coloured, outlined, or otherwise designated in a colour other than red on the map or plan annexed to the last preceding Crown grant of the land granted, and the grant shall be construed accordingly.

(3) The provisions of subsections (1) and (2) apply regardless of the acreage shown on the Crown grant or on the official plan, and the area of land shown on the map or plan annexed to the Crown grant shall not be reduced by any lettering or numbering on the map or plan.

(4) Where Crown land bordering on a lake, river, stream, or a body of water is or heretofore has been granted by the Crown, in the absence of an express provision in the Crown grant to the contrary, no part of the bed or shore of the lake, river, stream, or body of water below the natural boundary thereof shall pass or shall be deemed to have passed to the person acquiring the grant, and the Crown grant shall be construed accordingly, notwithstanding any other rule of law to the contrary.

- (5) Subsections (1), (2), and (4) shall not affect the right of
- (a) a grantee from the Crown or of a person claiming under the Crown, where such right has been determined by a court of competent jurisdiction prior to the coming into force of this section; or
 - (b) the registered owner of a parcel of land to whom a certificate of title has issued prior to the coming into force of this section, and that specifically includes the bed of a lake, river, stream, or other body of water coloured, outlined, or otherwise designated in a colour other than red on the map or plan annexed to a Crown grant; or
 - (c) the owner of a parcel of land within a subdivision, the plan of which was deposited in the appropriate land registry office prior to the coming into force of this section, where the plan includes the bed of a lake, river, stream, or other body of water coloured, outlined, or otherwise designated in a colour other than red on the map or plan annexed to a Crown grant.
- (6) Where Crown land is disposed of by Her Majesty in right of the Province by Crown grant and the map or plan annexed to the grant shows a road coloured, outlined, or otherwise designated thereon in a colour other than red, the road shall be deemed to be sixty-six feet in width, unless there is express provision in the grant to the contrary, and no part of the road shall pass to the Crown grantee.

Application
for approval
to include a
body of water
or road in a
proposed sub-
division.

53. (1) Where a person desiring to subdivide lands finds that the colouring, outline, or other designation of a body of water or road shown on the map or plan annexed to the grant from the Crown is such that doubt exists as to whether the part of the land shown thereon and coloured other than red is included in the grant, or as to whether it is in the public interest that the part coloured other than in red need be retained by the Crown, he may apply to the minister for a declaration of intention in respect to that part.

(2) The application shall be accompanied by a print of the proposed plan of subdivision.

Endorsement
of certificate.

(3) Upon receipt of a plan certified by the registrar of the land registry office in which the land is situated as being otherwise acceptable for deposit, the minister may, if he considers it advisable, by endorsement of a certificate on the plan, declare that the land is included in the grant or need not be retained by the Crown.

Vesting title
to a body of
water or road.

(4) The deposit in the proper land registry office of a plan duly endorsed by certificate of the minister shall be deemed to vest the title to the land referred to in the certificate in the owner of the land covered by the plan without any instrument of transfer.

(5) Where the title to the land contained in the plan is subject to a registered charge, the charge shall be deemed to be modified by including the land described in the certificate.

PART VI

UNAUTHORIZED USE AND TRESPASS

Trespass and
unauthorized
use of Crown
land.

- 54. (1) Where a person**
- (a) is in possession, occupation, or makes use of Crown land without lawful authority; or
 - (b) being the holder of a lease, right-of-way, easement, or licence of occupation issued under this Act, uses the land for a purpose not provided for in the lease, right-of-way, easement, or licence of occupation; or
 - (c) is guilty of any act or default whereby the lease, right-of-way, easement, or licence of occupation may be terminated,
- the minister may
- (d) notify the person
 - (i) to cease unauthorized occupation or use and to give up possession of the land and premises,
 - (ii) to restore the Crown land to a condition satisfactory to the minister;
 - (e) require the person to pay to the Minister of Finance such sum of money as the minister may consider just and reasonable in the circumstances for use and occupation of the land or for its restoration;
 - (f) cancel the lease, right-of-way, easement, or licence of occupation; and
 - (g) seize all improvements, buildings, structures, logs, machinery, equipment, goods and chattels, or materials that may be on the Crown land or in or upon any waters thereon.
- (2) The notice under this section may be served by mailing it by registered mail to the person in possession of or using the Crown land, or, if the person is unknown, by posting it on the Crown land.
- (3) Any money required to be paid under subsection (1) is recoverable by the Minister of Finance as a debt to the Crown.
- (4) Anything seized pursuant to subsection (1) becomes the property of the Crown and the minister may, in his discretion, authorize any such thing to be sold, rented, removed, or destroyed.

Offence.

55. (1) Any person who uses, or occupies, or is in possession of Crown lands without lawful authority as set out in subsection (1) of section 54 and fails to comply with a notice from the minister requiring him to vacate the land forthwith after its service upon him, is guilty of an offence.

(2) Every person who refuses or neglects to comply with the requirements of the minister, as set out in a notice under section 54, is guilty of an offence.

Hearing of
adverse claims.

56. (1) Where, in respect of an application under this Act, any other person notifies the director, the minister, or a commissioner of an

adverse claim respecting the land, or of a protest or objection to the application, the minister may, if he so considers it advisable, order that the adverse claim, protest, or objection be heard.

(2) An employee of the department, when so directed by the director, the minister, or a commissioner, is empowered to hear the adverse claim, protest, or objection, and for this purpose he may summon any person to attend and produce such documents as may be necessary, and to be examined under oath, and he may make such determination, decision, or order as he may consider just.

(3) Where the employee or commissioner makes the decision or order under subsection (2), the minister shall review it, and he may confirm or vary the decision or order as he may consider just.

(4) Any person affected by a decision and order of the minister may, within thirty days after the decision and order, appeal, on a question of law only, by originating notice, to the Supreme Court; and a copy of the notice shall be served upon the minister or his deputy, and the minister is entitled to be heard or be represented on the appeal and on any further appeal.

Rights of
possession
of persons
acquiring
Crown lands.

57. Except as otherwise provided in this Act, a person lawfully entitled to occupy Crown land by virtue of a certificate of purchase, lease, right-of-way, easement, or licence of occupation may in respect of that land take action against any person for recovery of possession of or for trespass to the land in the same manner and to the same extent as if seized of the legal estate in the land.

Prohibition of
use of Crown
land in design-
ated areas.

58. (1) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, prohibit any specific use of Crown land in designated areas.

(2) Every person who uses Crown land within an area so designated by subsection (1) for the use prohibited by the notice is guilty of an offence.

(3) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, cancel the order made by subsection (1).

Depositing
garbage on
Crown lands
prohibited.

59. (1) No person shall throw, deposit, dump, or in any way cause to be placed upon Crown land any glass, metal, garbage, soil, or any other substance without the authority of the minister.

(2) Every person who contravenes the provisions of this section is guilty of an offence.

Arrest without
warrant.

(3) A constable or officer of the Royal Canadian Mounted Police or of the police force of a municipality may arrest, without warrant, any person whom he finds committing an offence in contravention of this section, and may detain such person until he can be brought before a Justice to be dealt with according to law.

Penalty.

60. Every person who is guilty of an offence under this Act, for which no penalty is provided, is liable, upon summary conviction, to a fine not exceeding three hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days, or to both such fine and such imprisonment.

PART VII

SURVEYS

District lots.

61. (1) Except as hereinafter provided, Crown land may be surveyed into rectangular lots bounded by lines run as nearly as may be true north and south and east and west, which may be referred to as "district lots".

(2) Notwithstanding subsection (1), lots may be polygonal in shape and oriented to conform to topography, at the discretion of the Surveyor-General.

(3) The natural boundary of a body of water may be adopted as a boundary of adjoining land.

(4) A conventional boundary may be established in a survey of Crown lands under this Act, and the land limited by the adoption of a conventional boundary shall carry with it all the rights and incidents as if the land was bounded by the natural boundary.

(5) No lot shall exceed in area twelve hundred and eighty acres except

(a) for dispositions under subsection (2) of section 16 and subsection (2) of section 17, in which case there is no limitation; or

(b) where a survey is made under section 62;

(c) where a natural boundary constitutes one of the lot boundaries, in which case a lot may be enlarged to an area not exceeding thirteen hundred and sixty acres.

(6) Lots surveyed in a land district shall be allotted a number in a consecutive numbering system for each land district, to which may be added a location reference derived from the National Topographic Map System.

Townships.

62. (1) The Canada Lands Township System may be applied to a survey of Crown land in those areas formerly known as the Railway Belt and the Peace River Block.

(2) Where subsection (1) applies, the area of a section shall not exceed six hundred and forty acres, except in those cases where the official plan of survey indicates a greater acreage.

Surveys to be confirmed.

63. (1) No survey shall be used or adopted for the purpose of this Act unless it is accepted and confirmed in writing by the Surveyor-General on the official plan.

(2) A survey so accepted and confirmed shall be deemed for all purposes to have been made in compliance with the Act.

Survey regulations.

64. For the purpose of carrying out the provisions of this Part according to their intent, the Surveyor-General may make such regulations as are considered necessary or advisable respecting surveys authorized under this Part.

Authorized surveyors.

65. No person, other than a British Columbia land surveyor acting under instruction of the Surveyor-General, shall carry out a survey under this Act.

Power to cancel official survey.

66. (1) Where examination discloses that a survey on the ground differs materially from the representations made in the field-notes or plan of survey of any land filed in the department and confirmed by notice in the Gazette, or by the signature of the Surveyor-General, or where for any other reason he may consider it advisable, the Surveyor-General may, by notice published in the Gazette, cancel the field-notes or plan of survey, and may order a resurvey of the land affected.

(2) This section does not apply to land granted by the Crown, unless the grant or certificate of title has been cancelled.

Power to order surveys.

67. (1) The minister may at any time cause a survey to be made of Crown land.

(2) Unless the minister otherwise orders, an applicant for unsurveyed Crown land shall pay the costs of a survey of those lands.

Survey instructions by Surveyor-General.

68. (1) The Surveyor-General, upon the request of the British Columbia land surveyor engaged by the applicant, shall issue instructions to that surveyor as to the method of making the survey.

(2) The survey shall be completed within the time specified in the instructions, and when completed the survey records shall be forwarded forthwith to the Surveyor-General.

(3) Notwithstanding subsection (2), in special circumstances the Surveyor-General may extend the date for completion of the survey.

(4) If the survey is not completed and forwarded to the Surveyor-General by the date or extended date specified by him, the British Columbia land surveyor shall discontinue the survey and advise the applicant.

(5) The British Columbia land surveyor who discontinues the survey under subsection (4) shall forthwith forward to the Surveyor-General the field-notes and the results of the work done by him in connection with the survey.

Additional survey may be required.

69. If for any reason the survey is not satisfactory to the Surveyor-General, he may require such further survey or report to be made as he may consider necessary.

Survey may
be refused.

70. (1) Where, by reason of

- (a) a report of a British Columbia land surveyor; or
- (b) a survey of a British Columbia land surveyor; or
- (c) information received subsequent to the acceptance of an application for a disposition,

the minister considers that it is not in the public interest that the Crown land be disposed of, he may reject the survey.

(2) Unless there was misrepresentation on the part of an applicant, where the minister rejects a survey under subsection (1), the Crown shall pay the costs of the survey.

Public access.

71. The Surveyor-General may establish an allowance for roads on the border of or through a section, lot, or block of Crown land under this Act, and road allowances so established shall be public roads under this Act.

Access to
private land.

72. Where the minister considers it advisable, he may authorize the Surveyor-General to establish a public road allowance through Crown land for the purpose of giving access to privately owned land that is being subdivided, and the Surveyor-General may thereupon sign the subdivision plan.

Agreed
boundary.

73. Where land has been subdivided under the *Land Registry Act* by plan or description, and the natural boundary of such land adjoins Crown land, and where the owner applies to the minister to replace the natural boundary by a boundary by agreement by deposit of a plan of subdivision in a land registry office, the minister, if he considers it advisable, may by endorsement on the plan agree to the boundary by agreement and the plan of subdivision.

Reposting
surveys.

74. When he considers it advisable, the Surveyor-General may carry out reposting surveys in order to replace lost original posts or monuments of district lots or sections, whether owned by the Crown or otherwise.

Power of
Surveyor-
General to
order
resurveys.

75. (1) Where

- (a) posts or boundaries of an original survey of district lots or sections have disappeared and cannot be located; and
- (b) the Surveyor-General considers it advisable,

the Surveyor-General may order a resurvey of the land.

(2) Where Crown land has been disposed of, the Surveyor-General shall not order a resurvey under subsection (1) unless he receives an application for a resurvey from an owner of land within the area of the proposed resurvey.

(3) Subsection (1) does not apply

- (a) where land is subdivided; or
- (b) where a survey is directed under the *Special Surveys Act*.

Establishment
of boundary
by agreement.

76. (1) Where the Surveyor-General considers it advisable to replace a boundary established under an original survey and confirmed

under this or any other Act with a boundary by agreement, the Surveyor-General may order a resurvey of that boundary.

(2) The Surveyor-General shall not order a resurvey under subsection (1) unless

- (a) he receives an application for a resurvey from the owner of the land affected by the boundary;
 - (b) the land is free and clear of registered charges or the owners of all registered charges consent to the resurvey; and
 - (c) the land adjoins Crown land.
- (3) Subsection (1) does not apply
- (a) where land is subdivided; or
 - (b) where a survey is directed under the *Special Surveys Act*.

Notices where
resurvey affects
other than
Crown land.

77. (1) Where a person makes an application to the Surveyor-General for a resurvey under section 75 or 76, if the Surveyor-General is of opinion that other persons or owners of land are likely to be adversely affected by a resurvey, he shall direct that the person applying for the resurvey publish a notice in a form satisfactory to the Surveyor-General in one issue of the Gazette and in one issue of a newspaper circulating in the land district in which the land is situated.

(2) The notice referred to in subsection (1) shall set out a time and place for a hearing by the Surveyor-General respecting the application for a resurvey.

(3) At the time and place set out in the notice, the Surveyor-General shall hear the evidence of the applicant for a resurvey and of any person adversely affected, and he shall decide whether the order for resurvey should be made, and his order, subject to appeal to the minister, shall be final and binding on all persons.

Deposit of
plans on
completion
of resurveys
affecting land
not owned by
the Crown.

78. (1) Where the Surveyor-General orders a resurvey, after public notice and a hearing under section 77, and the resurvey is completed, the person applying for the resurvey shall deposit a copy of the plan of resurvey

- (a) in the office of the Commissioner of the land recording district;
- or
- (b) in the office of the Clerk of the municipality in which the land is situated.

(2) The person applying for the resurvey shall forthwith publish a notice in a form satisfactory to the Surveyor-General in one issue of the Gazette and in one issue of a newspaper circulating in the land recording district in which the land is situated.

(3) The notice referred to in subsection (2) shall state

- (a) that any person adversely affected by the resurvey must file his objection in writing with the Surveyor-General, setting out grounds of objection, within thirty days of the date of the last publication of the notice; and

(b) that, if no objection is filed, the Surveyor-General will confirm the resurvey and the resurvey will be final and binding on all persons; or

(c) if objection is filed, the Surveyor-General or a person appointed by him will hear the evidence of the applicant for a resurvey and of any other person adversely affected.

(4) If objection to the plan of resurvey is filed, the Surveyor-General or a person appointed by him shall, at the time and place set out in the notice, hear the evidence and confirm or reject the resurvey and, subject to appeal to the minister, his decision shall be final and binding on all persons.

Hearing of protests.

79. (1) The Surveyor-General or a person appointed by him, on a hearing under section 77 or 78,

(a) may receive any evidence that he may think proper to admit;

(b) may examine on oath any person affected and their witnesses; and

(c) may adjourn the hearing from time to time as he may consider advisable.

(2) If the hearing is conducted by a person appointed by the Surveyor-General, he shall report his decision forthwith to the Surveyor-General.

Confirmation of plan.

80. (1) The Surveyor-General may confirm the plan of resurvey by his signature thereon, or, if he considers it advisable, he may order supplementary work to be done.

(2) Upon receipt by the Surveyor-General of the report of the British Columbia land surveyor of the supplementary work, the Surveyor-General may confirm the resurvey as originally submitted or with such variations, alterations, or amendments as he may consider advisable in the circumstances.

Resurvey, when confirmed, to be binding.

81. Upon confirmation by the Surveyor-General of a resurvey as provided in this Part,

(a) the resurvey shall become and shall for all purposes be deemed to be the original survey of the land comprised within, or affected by, the resurvey;

(b) the boundaries established by the previous survey shall have no further force or effect;

(c) any notes or plans of the previous survey confirmed by notice in the Gazette or by the signature of the Surveyor-General shall have no further force or effect; and

(d) the Surveyor-General shall deposit a copy of the confirmed plan of resurvey with the Registrar of Titles of the proper land registry office.

Resurvey, when confirmed, to be binding.

82. (1) Where, by reason of a resurvey confirmed under this Part, a person acquires land and improvements, he shall pay to the person

from whom the land and improvements are taken by reason of the resurvey compensation in an amount fixed by the minister.

(2) Where either person is dissatisfied with the amount of compensation fixed by the minister, he shall submit the dispute to arbitration

(a) to a single arbitrator, if both persons concur in his appointment; or

(b) to three arbitrators appointed pursuant to the *Arbitration Act*.

(3) The *Arbitration Act* applies to an arbitration under this section.

(4) The award of the arbitrator is final and binding on the parties to the arbitration.

Costs of
survey.

83. (1) Where land is resurveyed under this Part, all the owners or holders of dispositions of the land contained in the plan of resurvey shall jointly pay

(a) the costs of the resurvey;

(b) the fees and expenses of a person appointed to hear objections under section 78; and

(c) any other costs and expenses in completing and registering the plan of resurvey under this Part,

and the minister shall fix the amount payable by each owner or holder of the total amount payable in the same proportion as his acreage bears to the total acreage in the land contained in the plan of survey.

(2) Where the land of an owner or holder of a disposition is in unorganized territory, the Crown may recover the amount payable by that owner or holder as if it were a tax levied under the *Taxation Act*, and for this purpose, upon receipt of a certificate of the amount owing from the minister, the assessor of the assessment district in which the land is situated shall place the amount upon the assessment roll against that land, and the amount may be recovered as provided in the *Taxation Act*.

(3) Where the minister considers it advisable, the Crown may assume and pay all or part of the costs or expenses referred to in subsection (1).

(4) Where the land of the owner or holder of a disposition is in a municipality, the municipality shall pay any costs and expenses referred to in subsection (1) that are not paid by the owner or holder of a disposition of the land.

(5) The municipality may recover any amount so paid under subsection (4) as if it were a tax levied under the *Municipal Act*, and for this purpose the clerk of the municipality shall place the amount upon the assessment roll against the land of the owner or holder referred to in subsection (4), and the amount may be recovered as provided in the *Municipal Act*.

(6) Where the council of a municipality considers it advisable, the municipality may assume and pay all or part of the costs and expenses referred to in subsection (1).

PART VIII

MISCELLANEOUS

Land use
committee.

84. (1) The Lieutenant-Governor in Council may establish a land-use committee and may appoint to the committee such members of the Executive Council as he may consider advisable.

(2) Upon establishment of a land-use committee, it is the duty of and it is empowered to

- (a) make investigations and studies;
- (b) prepare reports; and
- (c) if considered advisable, make recommendations to the Lieutenant-Governor in Council

respecting all matters relating to Crown land and its development and use.

(3) The land-use committee may

- (a) hold public hearings;
- (b) appoint technical committees; and
- (c) subject to the approval of the Lieutenant-Governor in Council, engage and provide for the remuneration of experts, specialists, and researchers, and, pursuant to the *Civil Service Act*, of such clerks and other employees as may be required.

(4) No member of the land-use committee is entitled to remuneration as a member of the committee, but he may be paid and receive such travelling and out-of-pocket expenses as the Comptroller-General may approve.

Exchange.

85. (1) Where he considers it advisable in the public interest, the Lieutenant-Governor in Council may authorize the exchange of Crown land for other land of substantially the same value, or may accept in exchange for Crown land other land of lesser value, together with payment of the difference in value.

(2) Where Crown land is exchanged under subsection (1), the minister shall cause the Crown land to be conveyed by Crown grant in the manner provided in this Act, subject to such terms, covenants, conditions, stipulations, reservations, or exemptions as he may consider advisable.

Power to
charge
occupational
rental.

86. Where Crown land is occupied, with or without lawful authority, prior to the issue of a disposition under this Act, the minister may require payment of a rental by the occupier for the period of occupation at a rate determined by the minister, and payment of such rental shall be a condition precedent to the issue of a disposition under this Act.

Power of
minister to
delegate.

87. For the purpose of doing any act or thing required to be done by the minister under this Act, the minister may, in writing, delegate an official of the department to act on his behalf.

Disposition
to be in name
of applicant.

88. The minister shall issue a disposition of Crown land in the name of the applicant only.

Power of
minister to
amend terms,
conditions, and
reservations.

89. Where an applicant, by reason of sickness, misfortune, or other unforeseen circumstances, fails to comply with a provision of this Act or the regulations, or with any term, covenant, condition, or stipulation set out in a disposition, the minister may,

- (a) if he considers it advisable; and
- (b) if no other person is or is likely to be prejudiced; and
- (c) if all other provisions of the Act and regulations have been complied with,

extend the time for compliance by the applicant, or amend or vary the terms, covenants, conditions, or stipulations of the disposition.

Assignment of
dispositions.

90. (1) No assignment, quit claim, or other transfer of lands with respect to which an application for a disposition has been filed under the provisions of this Act shall be valid until after a certificate of purchase or lease, or licence of the same, as the case may be, has been issued.

(2) No person shall assign, convey, transfer, quit claim, dispose of, or in any way deal with Crown land held by reason of a disposition made under this Act unless and until the minister approves in writing the assignment, conveyance, transfer, quit claim, disposition, or dealing.

(3) Every purported assignment, conveyance, quit claim, or other transfer of any right, title, or interest in a disposition made in contravention of subsections (1) and (2) is null and void and of no effect and the minister may, if he considers it advisable, cancel the disposition.

(4) As a condition precedent to his approval under subsection (2), the minister may require the person applying to carry out and perform certain additional terms, covenants, conditions, or stipulations in respect of the land, and such additional terms, covenants, conditions, and stipulations shall run with and be binding on every successor in title to the land.

Power of
minister to
require purchaser to
obtain Crown
grant.

91. (1) Where

- (a) a certificate of purchase under this or any former Act relating to Crown land is issued to a purchaser; and
- (b) the purchase price is paid in full and all other terms, covenants, conditions, and stipulations of the certificate of purchase are complied with; and

(c) the purchaser has not applied for and obtained a Crown grant, the minister may give notice to the purchaser requiring him within six months from the date of the notice to apply for the Crown grant.

(2) The minister shall mail the notice by registered mail addressed to the purchaser at his last-known address, and he may give additional notice in such manner as he may consider advisable.

(3) Where the purchaser does not apply for a Crown grant within six months from the date of the notice given under this section, the

minister may cancel the certificate of purchase by entering a record of cancellation on the records in the department.

(4) On, from, and after the cancellation under subsection (3),

(a) all improvements and structures made or erected on the land;

(b) all rights of the purchaser in or to the land and the improvements and structures thereon; and

(c) all moneys paid on account of the purchase price,

shall be absolutely forfeited to and vested in the Crown.

Validation
of claims.

92. (1) Where any person claims any right, title, or interest in or to Crown land, the minister may require the claimant to file with him a statement of the claim within a specified time.

(2) The minister shall investigate and consider the claim and may confirm or reject it in whole or in part and may make such disposition of the Crown land that he considers advisable.

(3) If the claimant fails to file a statement of his claim within the time specified by the minister, or if the minister rejects it, the claim is extinguished.

Power of
minister to
consent to
proceedings
under *Plans
Cancellation
Act*.

93. Where the Crown is the owner of land covered by a plan of subdivision in respect of which proceedings are proposed to be taken under the *Plans Cancellation Act*, the minister, if he considers it advisable, may sign any petition or give any consent on behalf of the Crown that may be required for the purpose of the proceedings.

Power of
minister to
order can-
cellation of
title.

94. Where the Crown is registered as the owner of land under a certificate of title, free from encumbrances, or under a certificate of forfeiture under the *Taxation Act*, the minister may order that the registration of the title be removed from the operation of the *Land Registry Act*, and the proper Registrar of Titles shall, upon receipt of such order, cancel the certificate of title of the land described in the order and call in and cancel the duplicate of such certificate, and the land shall no longer be under the *Land Registry Act* but shall be dealt with under this Act.

Affidavits,
etc., under
this Act.

95. In addition to the persons authorized under the *Evidence Act* to take affidavits, declarations, or affirmations, the deputy minister, Surveyor-General, director, co-ordinator of lands, assistant director of lands, and every commissioner and land inspector has authority to take any affidavit, declaration, or affirmation required under this Act.

Right of entry
upon land.

96. The minister, deputy minister, and any employee of the department supplied with suitable identification by the department for the purpose, and every commissioner, shall so far as is necessary in the discharge of his duties under this Act have at all reasonable times a free right of ingress and egress upon, in, and over any Crown land and premises.

Land forfeited
under *Taxa-*
tion Act.

97. (1) Land that has been or may hereafter be forfeited to and vested in the Crown in accordance with the provisions of the *Taxation Act*, and in respect of which the collector's certificate of forfeiture under the Act is filed in the department, shall be deemed to be Crown land within the meaning of this Act.

(2) The minister may sell such land to any of the following persons:—

- (a) The former assessed owner thereof;
- (b) The executor or administrator of the former assessed owner;
- (c) A person claiming under an assignment from the former assessed owner made prior to the date of the tax sale;
- (d) A person who at the date of the tax sale was the registered owner of an interest in or charge on the land;
- (e) A person who proves to the satisfaction of the minister that, prior to the forfeiture, he held a right to or equity in the land and that such right or equity was prejudiced by the forfeiture.

(3) The price at which the land may be sold pursuant to subsection (2) shall be a sum equal to the aggregate of

- (a) the amount of the upset price at which the land was offered for sale under the *Taxation Act*;
- (b) interest thereon at the rate of eight per cent per annum from the date of the tax sale; and
- (c) a sum equal to the amount of further taxes and interest that would have accrued and been due up to the date of resale if the land had been regularly assessed in like manner as it appeared on the assessment roll for the year last preceding the date of forfeiture under the *Taxation Act*.

(4) An application made by any of the persons mentioned in subsection (2) shall be made within one year after date of forfeiture under the *Taxation Act*.

(5) A Crown grant issued under this section shall be in the appropriate form set out in the Schedule to this Act, but shall except any registered easement, restrictive covenant, or right-of-way that is not extinguished by the forfeiture in accordance with the provisions of subsection (1) of section 25 of the *Land Registry Act*.

Land revested
in Crown.

98. (1) Where land previously granted by the Crown has, or may hereafter, become vested in the Crown, such land shall, subject to subsection (2), be Crown land within the meaning of this Act.

(2) Nothing in subsection (1) authorizes

- (a) the disposal of, or any dealing with, such land for which other statutory provision is made, except in accordance with the other statutory provision; or
- (b) the management, disposal of, or any dealing with such land in contravention of any trust or lawful condition affecting the land.

(3) For the avoidance of doubts, it is hereby declared that nothing in this section shall be construed as abridging any power relating to land vested in the Crown contained in any other Act or in any deed.

Restriction
as to right
of action.

99. No action shall be brought against the minister, deputy minister, or an employee of the department, or a land commissioner for any act or omission done or omitted in good faith in the performance of a duty imposed or an authority conferred under this Act.

Forms pre-
scribed by
minister.

100. (1) The minister may prescribe such forms as he considers necessary for the administration of this Act, and he may amend or vary such forms as required.

(2) Forms prescribed under subsection (1) are not regulations under the *Regulations Act*.

Fees.

101. The Lieutenant-Governor in Council may prescribe, by regulation, the fees payable to the Minister of Finance under this Act.

Idem.

102. All money payable to the Crown in respect of

- (a) a disposition under this Act; or
- (b) interest; or
- (c) costs and expenses; or
- (d) fees,

shall be payable to the Minister of Finance.

Registers.

103. (1) The commissioner of each land recording district shall keep a register of all applications for a disposition filed with him under this Act, and shall record therein

- (a) the number of each application;
- (b) the names and addresses of the applicants; and
- (c) a short description of the Crown land applied for.

(2) Any person may, on request during ordinary business hours, search the register.

Regulations.

104. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith and as are considered necessary or advisable; and every regulation or order made under this section shall be deemed part of the Act and has the force of law.

Execution of
documents.

105. (1) Except in the case of a Crown grant, every disposition under this Act shall be executed by the director, the assistant director, or such other person as may be designated in writing by the minister.

(2) A Crown grant shall be executed under the Great Seal.

(3) A disposition purporting to be executed as provided in this section shall be prima facie evidence in any proceedings of the disposition, without proof of the signature of the person executing it.

Repeal.

106. The *Land Act*, being chapter 206 of the *Revised Statutes of British Columbia, 1960*, is repealed.

Transitional.

107. Notwithstanding section 106 and the repeal of the *Land Act*,

- (a) an application for a disposition of, or to acquire, Crown land allowed prior to the date this Act comes into force may be continued and completed under the provisions in force on the date the application was allowed;
- (b) all the requirements, terms, conditions, covenants, stipulations, reservations, and exemptions pertaining to such application, or to the approval of the application, or to the land affected, or to the Crown grant that may be issued in respect of the application, continue in force and are binding on the applicant, unless amended or varied by the minister under this Act;
- (c) every regulation, rule, order, or decision in respect of a disposition of Crown land made by the Lieutenant-Governor in Council or by a person entitled to make it under any other or former Act respecting Crown land, continues in full force and effect, until repealed, rescinded, amended, or varied under this Act, as if that Act had not been repealed and section 106 of this Act had not been enacted; and
- (d) all persons appointed under a former Act who are in office immediately prior to the coming into force of this Act continue in office under and are subject to the provisions of this Act until otherwise dealt with under this Act.

Commence-
ment.

108. (1) This Act, excepting section 1 and this section, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation, and he may fix different dates for the coming into force of the several provisions of the Act.

(2) Section 1 and this section come into force on Royal Assent.

SCHEDULE

FORM No. 1

LAND ACT

NOTICE OF INTENTION TO APPLY FOR A DISPOSITION OF CROWN LAND

In Land Recording District of _____, and situated _____.
 Take notice that _____, of _____, occupation, _____, intends to apply
 for a _____ of the following described land:—
 Commencing at a post planted _____;
 thence _____; thence _____;
 thence _____; thence _____;
 and containing _____ acres, more or less.

The purpose for which the disposition is required is _____.

 (Name of applicant in full.)

 (Name of agent, if applicable.)

Dated _____, 19 ____.

FORM No. 2

LAND ACT

*Lieutenant-Governor.*_____
Deputy Minister of Lands.

(Royal Arms)

PROVINCE OF BRITISH COLUMBIA. }
No. . }ELIZABETH II, by the Grace of God, of the United Kingdom, Canada and Her other
Realms and Territories, QUEEN, Head of the Commonwealth, Defender of
the Faith.*To all to whom these presents shall come—GREETING.*KNOW YE that We do by these presents, for Us, Our heirs and successors, in
consideration of the sum of _____ to Us paid, give and grant unto _____, h
heirs and assigns, All that parcel or lot of land situate _____, and numbered
on the official plan or survey of the said _____, in the Province of British
Columbia, to have and to hold the said parcel or lot of land, and all and singular
the premises hereby granted, with their appurtenances, unto the said _____, h
heirs and assigns, for ever:IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and
the Great Seal of Our Province of British Columbia to be hereunto affixed:
WITNESS, His Honour _____, Lieutenant-Governor of Our Province of
British Columbia, at Our Government House, in Our City of Victoria,
this _____ day of _____, in the year of our Lord one thousand nine
hundred _____, and in the _____ year of Our reign.

By Command.

Provincial Secretary.

FORM No. 3

LAND ACT

*Lieutenant-Governor.*_____
Deputy Minister of Lands.

(Royal Arms)

PROVINCE OF BRITISH COLUMBIA. }
No. . }ELIZABETH II, by the Grace of God, of the United Kingdom, Canada and Her other
Realms and Territories, QUEEN, Head of the Commonwealth, Defender of
the Faith.*To all to whom these presents shall come—GREETING.*KNOW YE that We do by these presents, for Us, Our heirs and successors, in
consideration of the sum of _____ dollars to Us paid, give and grant unto _____,
heirs and assigns, all _____ Parcel _____ or Lot _____ of land
situate in _____ District, and more particularly described on the map or plan
hereunto annexed and coloured red, and numbered _____ on the official plan or

survey of the said parcel or lot, in the Province of British Columbia, to have and to hold the said Parcel or Lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said , heirs and assigns, for ever:

Provided nevertheless that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, or other public works; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise:

Provided also that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any minerals, precious or base, including coal, petroleum, and any gas or gases, which may be found in, upon, or under the said lands, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use reasonable compensation:

Provided also that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the lands hereby granted as may be reasonably required for mining or agricultural purposes in the vicinity of the said lands, paying therefor a reasonable compensation to the aforesaid , h heirs and assigns:

Provided also that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the lands hereby granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works:

Provided also that all highways, within the meaning of the *Highway Act*, existing over or through said lands at the date hereof shall be exempted from this grant.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Our Province of British Columbia to be hereunto affixed:

WITNESS, His Honour , Lieutenant-Governor of Our Province of British Columbia, at Our Government House, in Our City of Victoria, this day of , in the year of our Lord one thousand nine hundred and , and in the year of Our reign.

By Command.

Provincial Secretary.

FORM No. 4

LAND ACT

*Lieutenant-Governor.*_____
Deputy Minister of Lands.

(Royal Arms)

PROVINCE OF BRITISH COLUMBIA. }
No. . }ELIZABETH II, by the Grace of God, of the United Kingdom, Canada and Her other
Realms and Territories, QUEEN, Head of the Commonwealth, Defender of
the Faith.*To all to whom these presents shall come—GREETING.*Whereas by Our Letters Patent bearing date of _____, We granted unto
all _____ parcel or tract of lands situate in _____ District, in the Province
of British Columbia, and numbered _____, reserving the timber on that part
lying within the boundaries of _____:And whereas _____ (hereinafter called the "Grantee"), the present registered
owner of the said lands, has applied for a supplementary grant of said timber:

And whereas _____ has expired:

NOW KNOW YE that We do by these presents grant unto _____, h _____ heirs and
and assigns for ever, all the timber standing, growing, lying, or being in and upon
all _____ parcel or tract of land situate and being in the Province of British
Columbia, and being composed of all that part of _____ District lying within the
boundaries of former _____TO HAVE AND TO HOLD the same unto the Grantee _____, h _____ heirs and
assigns for _____ sole use for ever.IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent
and the Great Seal of Our Province of British Columbia to be hereunto
affixed: WITNESS, His Honour _____, Lieutenant-Governor of Our
Province of British Columbia, at Our Government House, in Our City of
Victoria, this _____ day of _____, in the year of our Lord one thousand
nine hundred and _____, and in the _____ year of Our reign.

By Command.

Provincial Secretary.

FORM No. 5

Lieutenant-Governor.

Deputy Minister of Lands.

(Royal Arms)

PROVINCE OF BRITISH COLUMBIA. }
 No. . }

ELIZABETH II, by the Grace of God, of the United Kingdom, Canada and Her other
 Realms and Territories, QUEEN, Head of the Commonwealth, Defender of
 the Faith.

To all to whom these presents shall come—GREETING.

Whereas the lands hereinafter described were formerly Dominion lands within
 the Railway Belt in the Province of British Columbia:

And whereas, prior to the coming into force of *The Railway Belt and Peace
 River Block Act*, Statutes of Canada, 20-21 Geo. V, chapter 37, application was
 made to the Dominion of Canada to acquire the said lands under the provisions
 of the Statutes of Canada and regulations in that behalf:

And whereas, by our Letters Patent issued by the Dominion of Canada bearing
 date of the , We granted the said lands to , reserving the timber
 thereon pursuant to the then regulations for the disposal of Dominion lands
 within the Railway Belt in the Province of British Columbia:

And whereas, by virtue of the said Act and the *Railway Belt Re-transfer Agree-
 ment Act*, chapter 60 of the Statutes of British Columbia, 1930, the said timber
 is now vested in Us in right of the Province of British Columbia:

And whereas (hereinafter called the "Grantee"), the present registered
 owner of the said lands, has applied for a supplementary grant of the timber
 thereon:

And whereas it is provided by a regulation established by the Governor in
 Council, bearing date of the fifth of October, one thousand nine hundred and
 twenty-six (P.C. 1512), that lands in the District in respect of which
 Letters Patent to lands have been issued, a supplementary grant may be issued to
 the owner thereof, provided the merchantable timber thereon does not exceed
 thousand feet, board measure, per acre on lands situate in the said District:

And whereas the said lands hereinafter described have been inspected and are
 found not to contain in excess of feet, board measure, per acre and are situate
 in the said District:

Now KNOW YE that pursuant to the said regulation We do by these presents
 grant unto the Grantee, , heirs, executors, administrators, and assigns,
 for ever, all the timber now standing, growing, lying, or being in and upon all
 parcel or tract of land situate, lying, and being in the Province of British
 Columbia, and being composed of , containing by admeasurement
 acres, more or less.

TO HAVE AND TO HOLD the same unto the Grantee, , heirs, executors,
 administrators, and assigns, for and their sole and only use for ever.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent
 and the Great Seal of Our Province of British Columbia to be hereunto
 affixed: WITNESS, His Honour , Lieutenant-Governor of Our
 Province of British Columbia, at Our Government House, in Our City of
 Victoria, this day of , in the year of our Lord one thousand
 nine hundred and , and in the year of Our reign.

By Command.

Deputy Provincial Secretary.

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in right of the Province of British Columbia.
1970**