

Disputes

Disputes.

86. In case of any dispute as to the staking of land under the provisions of this Part, the right to completion of the application shall be recognized according to priority of staking, subject to the applicant having complied with all the aforesaid terms and conditions relating to applications. An appeal from the Commissioner shall lie to the Minister, whose decision shall be final. R.S. 1948, c. 175, s. 91.

Case of two applicants for same land.

87. Where there are two or more applicants for a lease of the same tract of land, and a prior right of either or any of the applicants is not established to the satisfaction of the Minister, the lease may be tendered for by the applicants, and the right to lease awarded to the highest bidder. R.S. 1948, c. 175, s. 92.

PART V

RESERVES

Power to reserve lands for Indians and for railway purposes.

88. (1) The Lieutenant-Governor in Council may at any time, by notice signed by the Minister and published in the Gazette, reserve any Crown lands not lawfully held by pre-emption, purchase, lease, or Crown grant, or under timber licence, for railway purposes or for such other purposes as may be deemed advisable.

Sale of reversionary or other interest in lands reserved for Indians.

(2) The Lieutenant-Governor in Council may at any time grant, convey, quit-claim, sell, or dispose of, on such terms as may be deemed advisable, the interest of the Province, reversionary or otherwise, in any Indian reserve or any portion thereof; but a return of any alienations made under this section shall be submitted to the Legislature at the next sitting following such alienations, within fifteen days after the opening thereof. R.S. 1948, c. 175, s. 93.

Reserves for public purposes.

89. The Lieutenant-Governor in Council may from time to time, by notice in the Gazette, reserve and set apart for the use, recreation, and enjoyment of the public, for municipal purposes, or agricultural societies, or for cemetery purposes, or for the site of a church or place for Divine worship, so much of the Crown lands as may be deemed necessary. R.S. 1948, c. 175, s. 94.

Reservation of strip 1 chain in width from high tide.

90. There may be reserved a strip of land one chain in width, measured from high-water mark, from all Crown lands extending to the sea, or any inlet thereof, for which application is made to pre-empt, lease, or purchase. The land so reserved, or any portion thereof, may be used for a highway, or may be leased or granted upon such terms as the Lieutenant-Governor in Council may deem proper. R.S. 1948, c. 175, s. 95; 1956, c. 25, s. 5.

CHAPTER 17

Land Act

[Assented to 3rd April, 1970.]

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;

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- (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
II.—	Disposition of Crown Land—General Provisions....	6— 27
III.—	Disposition of Crown Land—Application Procedure	28— 39
IV.—	Disposition of Crown Land—Cancellation, Amend- ment, and Abandonment	40— 44
V.—	Crown Grants	45— 53
VI.—	Unauthorized Use and Trespass	54— 60
VII.—	Surveys	61— 83
VIII.—	Miscellaneous	84—108

- 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

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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

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.

CHAPTER 17

Environment and Land Use Act

[Assented to 2nd April, 1971.]

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

Interpretation.

1. In this Act, unless the context otherwise requires,
 - (a) "committee" means the Environment and Land Use Committee established under this Act;
 - (b) "environment" means all the external conditions or influences under which man, animals, and plants live or are developed.

Committee established.

2. (1) There is established a committee to be known as the "Environment and Land Use Committee, (herein called the "committee") consisting of a chairman and such other members of the Executive Council as the Lieutenant-Governor in Council may appoint.

(2) The chairman and the other members of the committee shall be appointed by the Lieutenant-Governor in Council for such term as he may determine.

(3) The committee may determine its own procedure and may elect an acting chairman to act in the absence of the chairman.

(4) If the membership of the committee exceeds three members, the quorum is three members.

Duties of the committee.

3. Upon establishment of the committee, it is the duty of the committee, and it is empowered, to

- (a) establish and recommend programmes designed to foster increased public concern and awareness of the environment;
- (b) ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of such resources, and despoliation of the environment occasioned thereby;

- (c) if considered advisable, make recommendation to the Lieutenant-Governor in Council respecting any matter relating to the environment and the development and use of land and other natural resources;
- (d) inquire into and study any matter pertaining to the environment, or land use; and
- (e) prepare reports, and, if advisable, make recommendations for submission to the Lieutenant-Governor in Council.

Right to hold public inquiries, etc.

4. The committee may
- (a) hold a public inquiry whenever it appears to the committee that the proper determination of any matter within its jurisdiction necessitates an inquiry, and, for that purpose, the chairman of the committee or a member of the committee authorized by the committee to hold a hearing has all the powers and jurisdiction of a Justice of the Peace under the *Summary Convictions Act*;
 - (b) appoint technical committees; and
 - (c) subject to the approval of the Lieutenant-Governor in Council, 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.

Provision for expenses of committee members.

5. No member of the 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.

Orders of Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council, on the recommendation of the committee, may make such orders respecting the environment, or land use, as he may consider necessary or advisable, and he may make such orders under this Act, notwithstanding any other Act or regulation, and no Minister, department of Government, or agent of the Crown specified in the order shall exercise any power granted under any other Act or regulation except in accordance with the order.

Regulations.

7. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations or 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 this Act and has the force of law.