



Land Use Operational Policy Residential

NAME OF POLICY:	Residential
APPLICATION:	Applies to the disposition of Crown land for residential use.
ISSUANCE:	Assistant Deputy Minister, Rural Development, Lands and Innovation
IMPLEMENTATION:	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
REFERENCES:	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996) <i>Ministry of Lands, Parks and Housing Act</i> (Ch. 307, R.S.B.C., 1996)
RELATIONSHIP TO PREVIOUS POLICY:	This policy replaces the previous Residential Policy dated June 1, 2011.

Dave Peterson, ADM
Rural Development, Lands and Innovation
Ministry of Forests, Lands, Natural Resource
Operations and Rural Development

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June 17 th , 2022	BN 270324	Moved general information regarding insurance and financial securities to the Insurance and Financial Securities Procedure.

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1. POLICY APPLICATION

This policy applies to:

- the disposition of Crown land, including Crown shoreland and submerged Crown land, for residential purposes.

This policy is consistent with:

- local government authority to regulate subdivision and development; and,
- general policy regarding public health standards and the conversion of *Land Act* tenures to private ownership.

Policy Overview

The Residential Policy provides for disposition of Crown land for permanent residential use by individuals and private developers. Under specified conditions and depending on eligibility Crown land may be available in urban and rural areas either by competitive process or application.

In remote areas, where the need for residential land cannot be met by the private sector, Crown land may be available by application when residential use is required to provide accommodation in support of employment in an industrial or commercial activity.

Applications are not accepted from individuals for new (recreational or residential tenures located on Crown shoreland, that is, Crown land that is in close proximity to a water body or water course (refer to the Glossary for a more detailed description). However, in very limited situations previously tenured shoreland residential lots may be available for tenuring through a competitive process or sale through the Crown land sales inventory.

Individual applications will be considered for ancillary residential uses, as well as thermal loops and in limited situations, float homes and septic fields.

See Appendix 1 for a further summary by sub-purpose and type of allocation.

2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

Operational considerations

Consistent with the Crown Land Allocation Principles and the Strategic Crown Land Sales Policy, the following are some key operational objectives to be considered by staff when applying the Residential Policy:

- Residential use is considered the 'highest and best use' of the Crown land.
- The area of Crown land is the minimum area that is reasonably necessary for residential use; this includes satisfying local government zoning and Provincial sewage disposal requirements related to parcel size.
- There is very limited private property available in the real estate market for the general area.
- The use will not be in conflict with regional growth strategies or approved local area land use plans.

- The use will not put unreasonable pressure on local infrastructure or services.
- There is certainty of access to the subject parcel (note: resource roads cannot be relied upon to provide future access as they may be decommissioned or deactivated when no longer required for their primary use).
- For ancillary residential uses, other objectives to consider include :
 - the use is necessary to make the primary residential parcel functional,
 - the use could not be reasonably accommodated on the proponents private property,
 - the subject area is the minimum size reasonably necessary to accommodate the use,
 - the use will not negatively impact adjacent upland parcels or Crown land, and
 - the use will not interfere with public access or riparian rights of adjacent land owners.

2.1.1 Crown shoreland requirements

Additional requirements specific to Crown shoreland dispositions (as per previous Crown Shoreland Policy) include:

A minimum of 25% of the shoreland around each water body is to be retained in public use to ensure protection of beaches and other public recreational opportunities. This is over and above the public road access to the waterfront provided for in subdivision plans.

Shoreland dispositions will meet or exceed Land Title Act subdivision requirements for public access to the water.

3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

4. APPLICANT ELIGIBILITY

For standard policy information on eligibility see [Eligibility and Restrictions](#).

4.1 General

An individual aged 19 or over who is a Canadian Citizen or permanent resident of Canada is eligible for residential land.

However, where land is being disposed in fee simple as a result of marketing the parcel under the *Ministry of Lands, Parks and Housing Act* by public offering, citizenship / residency requirements do not apply.

An individual or family unit may not apply for more than one residential tenure or purchase more than one residential Crown lot, at a given time, but may maintain a maximum of two residential tenures provided that one of these is utilized on a permanent basis.

No sales or other dispositions are allowed on small islands less than 64.75 ha in size within the [Provincial Order in Council Reserve](#).

4.2 Merchant Builders

Urban and rural residential Crown land may also be disposed to private developers who are registered or incorporated in British Columbia (refer to section 7.2 for details on competitive process). Where land is disposed by lease, individuals and proprietorships must meet citizenship and/or residency requirements noted above.

The Authorizing Agency may establish the number of lots that may be acquired by a merchant builder.

4.3 Shoreland Dispositions

Existing residential shoreland lessees are eligible to apply to purchase their parcels.

Individual tenure applications for new recreational or residential shoreland sites are not accepted.

4.4 Remote Residential Tenures

Applications for remote residential tenure are accepted only where:

- there is proven need for the applicant to reside on the site for reasons of proximity to employment in a commercial / industrial activity;
- no private residential sites are available in the area;
- a Crown land rural residential development is not anticipated in the vicinity;
- the commercial / industrial activity that the applicant is employed in is authorized under the Land Act and the program area does not provide for employee accommodation (e.g. a caretaker residence, industrial camp, lodging for workers, etc);
- the commercial / industrial activity that the applicant is employed in is authorized under legislation other than the Land Act and such legislation provides for employee accommodation (e.g. short term logging camps, trailers or temporary cabins on mining claims); or
- the commercial activity that the employment is associated with is NOT authorized under the *Wildlife Act* (e.g. guide-outfitting, trapping, angler guiding).

4.5 Float Homes

The Authorizing Agency responsible for the *Land Act* will only accept applications for float homes in areas that have been identified as suitable in an approved land use plan.

The land use plans will discourage individual disbursed float home sites.

Float home sites are not eligible for purchase.

Note that this policy only applies to individual float homes; proposals for float home communities are addressed in the [Floating Home Community Policy](#).

4.6 Thermal Loops

Applications for thermal loops on aquatic Crown lands can only be submitted in the name of the upland owner or with upland owner consent.

4.7 Ancillary Residential Uses

New proposals for ancillary residential uses, other than retaining walls, will only be considered in exceptional circumstances, where such uses can be clearly rationalized. The Regional Executive Director may establish direction to accept applications for specific types of ancillary uses for specified locations within their region.

Applications can only be submitted in the name of the private property owner or the Crown land tenure holder immediately upland and adjacent to the Crown land under application.

Tenure holders may apply for the replacement of their existing tenures.

Seawalls and Retaining Walls

Applications for retaining walls / seawalls will be considered if the applicant can prove that the structure cannot be reasonably placed on the proponent's upland property.

Septic Fields

Applications for septic fields will not be considered, unless the property owner can prove that they do not have adequate space on their own private property for a septic field and that there is no other feasible way of dealing with the sewage.

In those exceptional circumstances when an application is being considered, the Crown land parcel must meet the conditions of an 'extension of holdings' (refer to the [Land Procedure - Extension to Private Holdings](#)).

5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for residential uses.

5.1 Licence of Occupation

The maximum term for a licence of occupation is 30 years. However, depending on the specific use being applied for, shorter terms may be more appropriate.

5.1.1 Remote Residential

Remote residential use is only authorized by licence of occupation. Remote residential tenure is conditional upon maintenance of employment by the tenure holder in the commercial or industrial endeavor on which issuance of tenure was originally based. The term of the license should reflect the potential period of employment, and may be established well below the maximum term for a license of occupation. If the period of potential employment is unclear, the term should not exceed 10 years.

5.1.2 Float Home

Float homes are only authorized by Licence of Occupation.

The standard term will often be determined through land use planning or public - agency processes. Terms will generally be 10 or 20 years.

5.1.3 Thermal Loops

Thermal loops placed on aquatic Crown land are authorized by License of Occupation only.

The term may be limited by the expected 'life' of the thermal loop system (i.e. if less than the maximum term).

5.1.4 Ancillary Residential Uses

A license of occupation is the preferred disposition for most ancillary uses (with the possible exception of fills and retaining walls). Tenure term will vary depending on the specific type of use and remaining life of the improvements.

For some engineered retaining walls / seawalls and fills leases or fee simple disposition may be more appropriate.

5.2 Lease

The maximum term for a lease is 30 years.

5.2.1 Urban and Rural Residential

Lease tenure is available only for existing urban and rural residential lots which do not meet *Land Title Act* standards of subdivision and/or lots in an existing subdivision where adjacent lots have been authorized by lease and infilling is occurring.

5.2.2 Shoreland Residential

Existing leases for shoreland residential (including recreational residential leases) may be replaced on the following basis:

- Permanent occupancy is authorized by lease with a maximum term of 30 years.
- Temporary (seasonal) occupancy is authorized by lease with a maximum term of 15 years.

Lessees may apply for tenure replacement after the mid-point of the term.

Leases for new recreational or residential sites are not available. However, if an existing lease has been terminated the Authorizing Agency may dispose of the site through a competitive process. In such cases, acquisition of the site may be conditional on the new lessee repairing improvements and / or cleaning up the site, if needed.

5.3 Sale

Crown land for residential use is normally provided on a fee simple basis where it meets *Land Title Act* standards of subdivision. For more information on sales refer to sections '7.2 Competitive Process' and '7.4 Direct Sale', and for additional sales considerations refer to Appendix 2.

5.3.1 Shoreland Residential

Existing shoreland recreational or residential lessees may apply to convert their lease to fee simple at any time.

There may be situations where the Authorizing Agency determines if a lot or subdivision qualifies for purchase, in advance of a lessee applying for conversion, in which case a direct offer can be made to the interested tenure holder.

Shoreland residential properties which do not meet *Land Title Act* subdivision standards for access can be sold as water access only if a covenant to that effect is registered on the title.

Proponents may be required to carry out a Level One and/or Level Two Site Investigation (as per the *Environmental Management Act*) prior to sale to establish a baseline in situations where contamination may have occurred from past use.

5.3.2 Foreshore Fills

Direct sale of historic fills may be considered on a case by case basis. Considerations may include whether the fill was authorized or not, the historic use of the fill, and what the impacts may be to adjacent shoreland, riparian rights and public access along the foreshore.

5.3.3 Septic Fields

In those exceptional circumstances when an application is being considered for a septic field, Crown land allocation is only done on a fee simple basis in accordance with the Land Procedure - Extension to Private Holdings.

6. PRICING POLICY

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

7. ALLOCATION PROCESSES

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

Additional and special requirements for residential allocations are:

7.1 Applications

Remote residential lots, thermal loops, ancillary uses and, in limited situations, float homes, are disposed by direct application.

Residual lots, and in some cases, parcels for septic fields and foreshore fills are available for direct sale by application.

7.1.1 Application Package

Residential applications are to include a sketch map showing the location and type of improvements and a schedule for their completion.

7.1.2 Referrals

Through the referral process specific direction may be provided on:

- Ministry of Health requirements regarding assessment of parcels for sewage disposal;

- flood hazards and terrain stability hazards, and the need for mitigative measures and restrictive covenants; and
- local government zoning and building requirements.

7.1.3 Advertising/Notification

Advertising of residential applications is done at the discretion of the Authorizing Agency.

Upland Owner Consent

Upland riparian rights can be negated in whole or in part by a statutory right of way document which is registered upon the certificate of title to the upland property. It should be noted that a letter of consent from an upland owner does not transfer from owner to owner if the upland property is sold. As a statutory right of way charge is registered upon title, such a charge remains in effect even once the upland property is sold. Foreshore lessees should carefully consider the value of their proposed improvements and the inherent risks when deliberating upon the manner in which upland consent is obtained.

7.2 Competitive Process

For details and descriptions refer to the [Allocation Procedures – Competitive Process](#).

7.2.1 Urban and Rural Residential

Disposition of Crown land to private developers to create urban or rural residential lots is normally by public offering. Conditions of development, if any, are prescribed in a development plan, secured by a development contract. Disposition may be by lease-purchase where there is a need to ensure bona fide land development, or in fee simple with development secured through a bond or collateral agreement for development.

7.2.2 Marketing Residual Recreational/Residential Parcels

Residual (refer to definition) recreational or residential parcels, including shoreland parcels, can be marketed on a sale basis under the *Ministry of Lands Parks and Housing Act* by public offering at the discretion of the Authorizing Agency. In such cases, participants need not be Canadian citizens or permanent residents of Canada.

Where residual lots are offered, a review of market value should be undertaken every six months, or more frequently if the Authorizing Agency believes such review is warranted by changing market conditions.

7.2.3 Land Development, Servicing and Marketing

The Authorizing Agency may identify suitable blocks of land for residential development and offers them to the private sector by public offering (see above).

Crown land for residential purposes is subdivided under the *Land Title Act*. Sites must meet standards prescribed by the local approving officer of the Ministry responsible for the *Transportation Act* or the approving officer of the local municipality.

For procedures on marketing of urban, rural, and shoreland residential lots, refer to the [Allocation Procedures – Competitive Process](#).

7.3 Planned Tenure Dispositions

Where private developers are unable or unwilling to meet a market demand to create urban or rural residential lots, the Province may develop and provide lots through a public offering.

7.4 Direct Sale

Residual lots (urban, rural and recreational) may be available by direct sale for a period established by the Authorizing Agency subject to the [Allocation Procedure - Direct Sales](#).

As already noted existing lessees may also apply to purchase their site (refer to 5.3.1).

8. TENURE ADMINISTRATION

For standard tenure administration information see the [Tenure Administration Procedure](#).

For information on insurance and financial securities, see the [Insurance and Financial Securities Procedure](#).

Additional or special requirements for residential allocations are:

8.1 Assignment and Sub-Tenuring

Assignment of float home, shoreland and remote residential tenures requires the prior consent of the Authorizing Agency and compliance with eligibility requirements. Regional offices will inform assignees of shoreland tenures of the opportunity (in principle) to purchase.

Remote residential tenure assignments are made only where the assignee has also been assigned or otherwise obtained the commercial or industrial tenures and permits for which the residential tenure was issued.

8.1.1 Tenure Conversion

A lessee may be eligible to convert an existing recreational lot lease to a residential lease prior to expiry, or replace it with a residential lease on expiry where the existing lease land is to be used for full-time residential purpose. Where these conditions apply, a 30-year residential lease may be issued.

At the discretion of the Authorizing Agency, during replacement, or where a complaint has been received, a review of the temporary / seasonal nature of a residential tenure may be undertaken. If the lessee has received a Home Owner Grant, the Authorizing Agency may require conversion to a permanent residential tenure.

9. VARIANCE

Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).

Appendix 1. Residential Policy Summary

TENURE	TERM	METHOD OF DISPOSITION
LICENCE		
Remote	For term of employment; max. 30-years	Application Only if required for access to employment, and if satisfies 'remote' criteria
Float Homes	Normal 10- 20 years (to be based on planning parameters)	Application Only accepted in planned / designated areas
Thermal Loops	Max. 30 years	Application Only for submerged / aquatic lands
Ancillary Residential Uses	Max. 30 years	Application
LEASE		
Urban, Rural¹	30 years	Competitive process (may include lease to purchase). Direct application for <u>residual residential</u> lots only.
Shoreland only (Recreational, residential)	30 years for permanent 15 years for temporary (seasonal) occupancy	No applications for new sites
FEE SIMPLE		
Urban, Rural and Shoreland	Perpetuity	Competitive process or real estate listing; <u>residual</u> lots by direct sale.
Shoreland only	Perpetuity	Direct sale to existing lessees of qualified properties.
Ancillary Residential Uses	Perpetuity	Application Exceptional circumstances for "extension of holdings", and historic fills

¹ Lease tenure available for existing lots which do not meet *Land Title Act* subdivision standards and/or in-filling of existing subdivisions where adjacent lots are authorized by lease.

Appendix 2. Additional Requirements Related to Crown Land Sales For Residential Use

2.1 Access Requirements

Parcels should have access by a public highway or be accessible by water. Where access is by water, the body of water fronting the parcel must have access by a public highway. The Crown Grant will contain a clause referring to “water access only”.

Although Forest Service roads and other natural resource roads may be open to the public, their mid-long term availability cannot be guaranteed and should not be relied upon to satisfy access requirements. Once natural resource roads are no longer required for the intended use they are subject to deactivation or decommissioning which may restrict or prohibit vehicle access.

2.2 Health Requirements

For parcels created under the *Land Act*, the requirements of the Medical Health Officer must be satisfied. Sale of lots which do not meet current standards for on-site sewage disposal may occur subject to registration in the Land Title Office of a restrictive covenant which ensures that future building of habitable improvements occurs in compliance with Health regulations. In some circumstances other options may need to be considered to address concerns of the Medical Health Officer.

2.3 Utilities

Utilities that are untenured at the time of sale are not protected by the Province.

Where parcels are encumbered with utility licences, the utility company is notified of potential lot sale(s) and is advised to convert the licence to a statutory right of way before a prescribed date. Note: If the province is conducting survey work in these areas, it may be possible to coordinate survey instructions to serve the needs of the utility and the Province.

2.4 Private Driveways

Private driveways crossing a parcel are not normally protected by the Province prior to sale. However it may be possible to legalize these accesses.

Where legal access is not dedicated in the subdivision plan, the lots may qualify for sale as water access, provided that the water body on which they are located has access.

2.5 Flood Hazard

Where a parcel is located in a floodplain, or where the Ministry of Environment (MoE) expresses concern about flooding, a restrictive covenant prohibiting development in the floodplain, and a corresponding indemnity covenant are registered on the title. Standard floodplain setbacks and building elevations for specified lakes are provided by Water Stewardship, MoE.

2.6 Terrain Stability Hazard

Terrain stability hazards may need to be assessed. Where risks have been identified as a concern, mitigation measures may need to be put in place, or it may be determined that the site is not appropriate for sale.

2.7 Waterfront Walkways

Public walkway strips along the natural boundary are not deleted when selling Crown shoreland, unless it is necessary to protect public access to lands beyond, and such access cannot reasonably be provided by alternative means.

Public walkway strips are deleted through survey.

Appendix 3. Residential Strata Title and Group Moorage policy

3.1 Purpose and Definitions

The purpose of this appendix is to provide direction on the disposition of residential strata title and condominium moorage facilities and residential group moorage facilities, with more than three berths.

Small strata title and group moorage facilities with three or less berths are covered under the Private Moorage policy.

Strata title and group moorage facilities that include commercial activities may be administered under the Commercial Marina policy or the General Commercial policy.

Group moorage facility means a multi-berth moorage similar to a private moorage facility* but for the personal use of a group or association of residents from the surrounding community.

Strata title or condominium moorage facility means a multi-berth moorage similar to a private moorage facility* but used by the residents of a waterfront strata or condominium development.

3.2 Applicant Eligibility

Crown land may also be disposed to strata title corporations or private developers who are registered or incorporated in British Columbia.

3.3 Form of Land Allocation

The term of tenure is not to be greater than the remaining term of the Crown land residential tenure on the adjacent upland property. In situations where upland owner consent is required the term of the moorage tenure should not run longer than the period of consent provided.

3.3.1 Licenses of Occupation

A license of occupation may be used for tenure strata title moorage facilities and group moorage facilities with more than three berths.

The maximum term for a licence of occupation is 30 years.

3.4.1 Lease

The maximum term for a lease is 20 years.

* **Private moorage facility** as defined in the Private Moorage policy means a dock and/or a permanent way (i.e. boat ramp) that is permanently affixed to aquatic Crown land and any ancillary structures such as a boat lift and anchor lines. It is for the personal and private use by one or a number of individuals or a family unit for boat moorage.

3.2 Pricing Policy

For standard policy information on pricing see the [Pricing Policy](#).

3.3 Other requirements and considerations

3.3.1 Group Moorage

Group moorage will be available to local resident groups/associations or community organizations where:

- local government has given their support and approval; and,
- the area has boat access only, no public transportation and there is very limited availability of public and commercial moorage; or
- group moorage may reduce cumulative impacts that could result from waterfront property owners developing multiple single docks.

Important considerations when locating a group moorage facility include availability of adjacent parking, as well as impact on neighbouring property owners and public access.

Commercial activity is prohibited at group moorage sites including the renting or selling of berths, but not including any necessary membership fees to cover maintenance and administrative costs.

A riparian agreement is required between the members of any association or group and the owner of an upland property that the group moorage facility is fronting. If the facility is located adjacent to a road allowance, consent by the Ministry responsible for the *Transportation Act* will be required.

Identification of Users

Where application for a group moorage facility is not in the name of an organization, the names of all individuals should be included on the application form and will be included in the tenure document. However, if possible group moorage tenures should be in the name of a registered society or association to avoid having to undertake assignments every time a member of the group changes.

For group moorage facilities that do not front private property held by all the owners of the facility, upland or adjacent owner consent will be required. In limited situations this may include consent from local government or Ministry responsible for the *Transportation Act* (e.g. in the case of docks located at the end of road allowances or adjacent to waterfront walkways owned by local government).

3.3.2 Strata Moorage

Tenures for strata title moorage are available to the strata corporation which owns the upland property with riparian rights to the foreshore.

For new strata developments the initial tenure may have to be in the name of the development company; which can then be transferred to the strata corporation once the corporation is established.

For developments that will have commercial use (e.g. vacation / resort accommodation and berth rentals) the developer may want the moorage facility managed by a property management company, rather than the strata corporation. In such cases, the developer may consider transferring riparian rights to the Crown by registering a riparian right of way against the title, prior to establishment of the strata corporation.

3.3.3 Management Plan, Tenure Boundaries and Development Requirements

A management plan is required for all applications for strata title and group moorage facilities.

Strata title and condominium moorage facilities are normally limited to one berth per residential unit. At the Authorizing Agency's discretion, strata title and condominium moorage facilities may include an increase of up to ten percent of the total number of residential units to accommodate guest berths. These facilities shall not be used by the strata corporation for commercial use.

In issuing new or replacement tenures, staff are to ensure that tenure boundaries encompass the minimum area required to cover the placement of improvements (including anchor lines) and mooring of boats. The tenure area should not include unoccupied open water or tidal areas between structural improvements.

The tenure holder will not be able to obstruct public access over the tenure area, or interrupt passage by the public over the intertidal area.

Refer to the Private Moorage Policy "Private Moorage Requirements and Best Management Practices - Appendix 3" for additional factors that may affect the placement and design of a moorage facility.

3.3.4 Foreshore fills, breakwaters and non-moorage structures

Proposals for foreshore fills, breakwaters or permanent foreshore improvements (e.g. sun decks, boat houses) that are not part of a moorage facility (as defined) are normally discouraged, but in exceptional circumstances may be authorized in accordance with the Residential Policy.