



Land Use Operational Policy Residential

NAME OF POLICY:	Residential
APPLICATION:	Applies to the disposition of Crown land for residential use.
ISSUANCE:	Assistant Deputy Minister, Reconciliation, Lands and Natural Resource Policy
IMPLEMENTATION:	Ministry of Water, Land, and Resource Stewardship
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 January 21, 2019

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Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
May 7, 2024	BN CLIFF 41917	Updates to reflect pricing changes approved in 2023.
May 9, 2024	BN CLIFF 41581	Updated cover page to reflect the transfer of administration of the <i>Land Act</i> and <i>Ministry of Lands, Parks and Housing Act</i> from the Ministry of Forests to the Ministry of Water, Land and Resource Stewardship. No amendments to the policy.

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1. POLICY APPLICATION

This policy applies to the disposition of Crown land, for the following residential purposes, as defined in the [Glossary and Abbreviations](#):

- Permanent Residential
- Seasonal Residential
- Remote Residential
- Float Homes
- Ancillary Residential, including but not limited to:
 - Erosion control
 - Septic Fields
 - Thermal Loops
- Strata and Group Moorage (see Appendix 3)

This policy **does not** apply to:

- Floating communities (for these refer to [Floating Home Community Policy](#))
- Housing projects lead by local government or non-profits (for these projects refer to [Community and Institutional Policy](#))
- Tenures used for short-term rentals.

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 considerations to be assessed by staff when applying the Residential Policy:

- Is the Residential use considered the 'highest and best use' of the Crown land?
- Is the use for private residential use only?
- Is the area of Crown land 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.
- Is there very limited private property available in the real estate market for the general area.
- Is the use consistent with regional growth strategies or approved local area land use plans.
- Is the use supported by existing local infrastructure or services.
- Is there certainty of access to the subject parcel for the potential duration of use (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 considerations include:
 - Is the use necessary to make the primary residential parcel functional?
 - Could the use instead be reasonably accommodated on the proponents private property?
 - Is the subject area the minimum size reasonably necessary to accommodate the use?
 - Whether the use will negatively impact adjacent upland parcels; and
 - Whether the use will interfere with public access or riparian rights of adjacent land owners.

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 applicant under this policy must be aged 19 or over and be a Canadian Citizen or permanent resident of Canada. Exceptions to this are:

- For ancillary residential tenures, applicants do not need to meet citizenship / residency requirements however must be 19 years of age or older (see section 4.6).
- 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.

With the exception of ancillary uses (including thermal loops and septic fields), 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 Private Subdivision Development

Residential Crown land may be disposed to private developers for subdivision development through a competitive process (refer to section 7.2 for details). Private developers must be companies which are registered or incorporated to do business in British Columbia.

4.3 Permanent and Seasonal Dispositions

Applications for new permanent and seasonal tenures will not be accepted except for residual surveyed lots within an existing subdivision.

Existing leases for permanent and seasonal residential use may apply for replacement or conversion to fee simple.

Residual lots may be available for purchase via competitive process or direct sale.

4.4 Remote Residential

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 alternative accommodation (e.g. private residential, worker/caretaker accommodation, industrial/commercial camps, hunt/fish camps) is available in the area;
- a Crown land residential development is not anticipated in the vicinity.

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.

4.5 Float Homes

Applications for new individual float homes will not be accepted, except in extenuating circumstances and only in areas that have been specifically designated for float home use in an approved land use plan (such as an Official Community Plan or a Provincial Land Use Plan). Land use planning should discourage individual dispersed 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 Ancillary Residential Uses

Applications for ancillary residential uses will only be considered where such uses can be clearly rationalized and cannot be reasonably placed on the proponent's existing land holdings (see section 2).

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

4.6.1 Erosion Protection

Applications for retaining walls, seawalls and other erosion control measures will be considered if the applicant can prove that the structure cannot be reasonably placed on the proponent's upland property. In all cases, preference will be given to a soft armour, nature-based approach over a hard armour approach to erosion control.

4.6.2 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](#)).

4.6.3 Thermal Loops

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

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.

5.1.1 Remote Residential

Remote residential use is only authorized by Licence of Occupation. The term of the license should reflect the potential period of employment. If the period of potential employment is unclear, the term should not exceed 10 years.

5.1.2 Float Homes

Permanent and seasonal 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 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.

Thermal loop applications will only be accepted on Crown land covered by water and are authorized by License of Occupation only. The term may be limited by the expected 'life' of the thermal loop system if less than the maximum term.

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 Permanent and Seasonal Residential

Permanent and seasonal residential tenures should be authorized by Lease.

Lease is the appropriate form of disposition for existing residual lots which do not meet *Land Title Act* standards of subdivision.

If a lease has been terminated, the Authorizing Agency may dispose of the site by lease or sale 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.

5.2.2 Ancillary Residential

Lease tenure may be available for some engineered retaining walls / seawalls and fills where they are integrated with significant residential structures on the fee simple or leased upland.

5.3 Sale

Crown land for residential lots may be 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 '7.3 Direct Sale', and for additional sales considerations refer to Appendix 2.

Existing permanent or seasonal residential lessees may apply to purchase at any time (refer to 7.3).

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 (refer to Appendix 2).

5.3.1 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.

5.3.2 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 [Land Policy - Pricing](#).

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](#).

7.1 Applications

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

Residual lots, existing residential leases and in some cases, parcels for septic fields and foreshore fills may be available for direct sale by application.

7.1.1 Crown shoreland requirements

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 are required to meet or exceed *Land Title Act* subdivision requirements for public access to the water.

7.2 Competitive Process

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

7.2.1 Marketing Residual Residential Parcels

Residual (refer to definition) residential 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.

7.2.2 Subdivision Development

The Authorizing Agency may identify suitable blocks of land for residential development and offer them to the private sector 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.

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 residential lots, refer to the [Allocation Procedures – Competitive Process](#).

7.3 Direct Sale

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

Existing lessees may also apply to purchase their site via the Direct Sales Procedure.

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](#).

8.1 Assignment and Sub-Tenuring

Assignment of residential tenures requires the prior consent of the Authorizing Agency and compliance with eligibility requirements.

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

If a permanent residential tenure is assigned, the rental rate will be recalculated based on the most recent assessed land value at the time of the next invoice for the assigned tenure holder in order to stay current with fair market value. Addition of joint tenants or tenants-in-common to a permanent residential lease will be limited to permanent occupants¹ only.

Sub-tenuring will only be permitted in exceptional circumstances.

8.2 Short-term rentals

Short-term rentals (e.g. (AirBnB) are not permitted under this policy.

8.3 Permanent Occupancy

Permanent residential tenure holders will be required to show proof on demand of permanent occupancy, typically in the form of a Home Owner Grant.

8.4 Tenure Replacement

Tenure holders may apply for the replacement of their existing tenures. For more information on replacements, refer to the [Land Procedure - Applications](#).

8.5 Tenure Conversion

A lessee may be eligible to convert an existing seasonal lease to a permanent lease prior to expiry, or replace it with a permanent residential lease on expiry where the existing lease land is to be used for full-time residential purposes. Standard application procedures will apply.

9. VARIANCE

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

¹ People who use the tenure as their principal place of residence.

APPENDIX 1. RESIDENTIAL POLICY SUMMARY

Use	TENURE	TERM	METHOD OF DISPOSITION
Remote	Licence	For term of employment; max. 30-years	Application Only if required for access to employment, and if satisfies 'remote' criteria.
Float Homes	Licence	Normal 10- 20 years (to be based on planning parameters)	Application Only accepted in planned / designated areas.
Ancillary Residential Uses	Licence	Max. 30 years	Application Thermal loops only available for submerged / aquatic lands.
	Lease	Max. 30 years	Application Exceptional circumstances for "extension of holdings", and historic fills.
Permanent /Seasonal	Lease	Max. 30 years	Competitive process (may include lease to purchase). Direct application limited to residual lots in subdivision.
	Fee Simple	Perpetuity	Competitive process or real estate listing; <u>residual</u> lots by direct sale. Direct sale to existing lessees of qualified properties.
Group or Strata Moorage	Licence	Max. 30 years	Application
	Lease	Max. 20 years	Application

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 to 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 that are non-status roads 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. For more guidance, refer to [Crown Land Procedures – Landslide](#).

2.7 Waterfront Walkways

Public walkway strips along the natural boundary will not be sold if they are necessary to protect public access to lands beyond, and such access cannot reasonably be provided by alternative means.

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 four or more 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 and condominium moorage facilities and group moorage facilities with four or more berths.

The maximum term for a licence of occupation is 30 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.

3.3.2 Lease

The maximum term for a lease is 20 years.

3.4 Pricing Policy

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

3.5 Other requirements and considerations

3.5.1 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.