

B.C. Reg. 490/88
O.C. 2284/88

Deposited December 23, 1988

Land Title Act**TORRENS SYSTEM APPLICATION REGULATION**

Note: Check the Cumulative Regulation Bulletin 2014
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 17/2005, January 20, 2005]

Prescribed form of law

- 1 Schedule A sets out the prescribed form of law for the purposes of section 367 (2) (b) of the *Land Title Act*.

Schedule A

[am. B.C. Reg. 17/2005, Sch. 2.]

[Band Name] Torrens System Adoption Law**Short title**

- 1 This law may be cited as the "[band name] Torrens System Adoption Law".

Interpretation

- 2 (1) Subject to subsection (2), the provisions of the *Interpretation Act*, R.S.B.C. 1996, c. 238, the *Land Title Act*, R.S.B.C. 1996, c. 250 and regulations made under the *Land Title Act* apply for the purpose of interpreting the provisions of this law.

(2) In this law:

"band" means the [band name];

"council" means "council" as defined in section 366 (1) of the *Land Title Act*;

"Indian land" means "Indian land" as defined in section 366 (1) of the *Land Title Act*;

"law" means this law or a law referred to in this law and the provisions of the *Interpretation Act* that apply to "regulation" as defined in section 1 of that Act apply to a law;

"Torrens system" means the "Torrens system" as defined in section 366 (1) of the *Land Title Act*.

Adoption of the Torrens system

- 3 (1) By this law the band adopts the Torrens system and makes it applicable to Indian land of the band in the manner set out in this law.

(2) Where the band is owner of Indian land in fee simple and applies under the *Land Title*

Act for registration of an indefeasible title to all or part of that land, the Torrens system applies for the purposes of the application.

- (3) The band shall not make the application referred to in subsection (2) in respect of Indian land until the band, by a law in the form set out in the Appendix, has authorized the application in respect of that Indian land.
- (4) On registration of an indefeasible title to the Indian land described in the application referred to in subsection (2), the Torrens system applies to that land for all purposes.

Administration of the Torrens system

- 4 (1) The band appoints the Land Title and Survey Authority and all of its employees to administer the Torrens system and apply it for the purposes of this law or a law referred to in the Appendix.
- (2) For the purposes of subsection (1), an employee of the Land Title and Survey Authority has all power and authority necessary to perform a duty or exercise a power conferred on him by an enactment.
- (3) The fees established under the *Land Title Act* apply for the purposes of this law and the *Land Title Act* applies to the payment of these fees.

Amendment or repeal of this law

- 5 (1) The band shall give 90 days written notice to the minister of its intention to amend or repeal this law.
- (2) A notice under subsection (1) shall include a copy of the provisions by which the band proposes to amend or repeal this law.
- (3) A law that amends or repeals this law shall have no effect until
 - (a) the 90 day period referred to in subsection (1), or
 - (b) a shorter period agreed upon by the minister and the council of the band,has ended.

Appendix

[Band Name] Land Title Registration Law No. []

Short title

- 1 This law may be cited as the "[band name] Land Title Registration Law No. []".

Interpretation

- 2 Section 1 of the [band name] Torrens System Adoption Law applies for the purposes of this law.

Authorization for registration

- 3 (1) The council is authorized to apply under the *Land Title Act* for registration of an indefeasible title to the land described in the Schedule.
- (2) For the purposes of the *Land Title Act*, the signature of a member of the council or of another individual specified on the application form as an authorized signatory for the band constitutes sufficient authority for the registrar to receive and act on the

application.

Notice of this law

4 On the making of this law,

- (a) notice of the date it was made and of the date it takes effect,
- (b) a copy of the law,
- (c) a copy of the survey plan referred to in the Schedule to this law, and
- (d) a copy of the document by which the band intends to apply for registration of an indefeasible title

shall be forwarded to the Minister of Indian Affairs and Northern Development or a person designated by the minister for the purposes of receiving such notices.

Schedule to the [Band Name] Land Title

Registration Law No. []

- 1 [Set out description of the Indian land covered by the application with reference to the patent supporting it.]
- 2 [Set out a description of the survey plan that establishes the boundaries of the land in respect of which the application is made. The description must be sufficient to incorporate the plan by reference and the survey plan referred to must
 - (a) conform to the standards and regulations of the Surveyor General for deposit under the [Land Title Act](#), and
 - (b) be tendered to the land title office in accordance with section 67 (s) of the [Land Title Act](#) at the time the application is made unless the plan is already on deposit in the land title office.]

[Provisions of the [Land Title Act](#), R.S.B.C. 1996, c. 250, relevant to the enactment of this regulation: section 367 (2) (b)]