



B.C. Reg. 334/79

Filed July 27, 1979

O.C. 2103/79

effective October 31, 1979

Land Title Act

LAND TITLE ACT REGULATION

[includes amendments up to B.C. Reg. 339/2010, January 1, 2011¹]

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Definition

1 In this regulation, "**Act**" means the *Land Title Act*.

[en. B.C. Reg. 17/2005, Sch. 1, s. 1.]

Part 1 — Fees

Prescribed fee application for exemption under section 108 of the Act

2 For the purposes of section 108 (5) of the Act, the prescribed fee is \$500.

[en. B.C. Reg. 17/2005, Sch. 1, s. 2.]

Repealed

3 Repealed. [B.C. Reg. 339/2010, App. s. 1.]

Repealed

4 Repealed. [B.C. Reg. 17/2005, Sch. 1, s. 3.]

Repealed

5 Repealed. [B.C. Reg. 339/2010, App. s. 1.]

Repealed

6 Repealed. [B.C. Reg. 17/2005, Sch. 1, s. 3.]

Repealed

7 Repealed. [B.C. Reg. 89/98, s. 2.]

Part 2 — General Regulations

Division 1 — Highway Access Alternatives

Relief from access requirements — general

8 Where a proposed subdivision is consistent with good land-use planning, and, having regard to the type of development, is not contrary to the public interest and it

- (a) affects land outside an established system of highways,
- (b) affects land having access only by air or water,
- (c) affects land where the only connection with the general highway system of the Province is by tram line, cable car, gondola lift or a forest service road established under the *Forest Act*, or
- (d) is tendered by or at the request of the Crown or by a statutory agent of the Crown,

an approving officer may grant relief from the requirements of section 75 (1) (a) of the Act in accordance with sections 9 to 15.

[am. B.C. Regs. 366/79, s. 2; 89/98, s. 3.]

If there is no connection with a highway

9 An approving officer may grant relief from compliance with section 75 (1) (a) (i) of the Act if a subdivision creates a single parcel that does not abut a highway and the subdivider

- (a) proposes to grant, appurtenant to the new parcel, an easement of access to a highway or, where there is no established system of highways, a private road or way, and
- (b) submits to the approving officer a subdivision plan that shows the new parcel and

outlines in a manner that complies with the rules made by the Association of British Columbia Land Surveyors or, in the case of an electronic plan, that complies with section 168.721 of the *Land Title Act*

- (i) the easement area, or
- (ii) the private road or way,

[en. B.C. Reg. 295/2006, s. 3.]

Access by air or water

- 10** Where the subdivision affects land that has practical access only by air or water the approving officer shall include in his written approval a statement to that effect, and the registrar shall endorse on the register of the title to the newly created parcel, after the description thereof, the following note: "(See plan as to limited access)".

[am. B.C. Reg. 267/83, s. 2.]

Where one of the lots is contiguous with a highway

- 11** (1) Where a subdivision plan tendered under section 83 of the Act shows

- (a) 2 or more lots that do not abut a highway (including a highway proposed to be dedicated by the plan), and
- (b) a lot that is contiguous to both that highway and to each of the other lots,

the approving officer may approve the subdivision plan in accordance with this section.

- (2) An undivided share in the fee simple of the lot referred to in subsection (1) (b) shall be combined on the same indefeasible title with each one of the lots referred to in subsection (1) (a) and there shall be no unallotted share.
- (3) If any part of the land subdivided is subject to a charge that does or may under any circumstances entitle the holder or his successors to possession, that charge must be extended to include the lands proposed to be combined with the charged land.
- (4) The plan presented to the approving officer shall contain a table listing serially in the left column the lots referred to in subsection (1) (a), and opposite each of them in the right column the undivided share of the lot referred to in subsection (1) (b) that is to be combined with each of the lots listed in the left column.
- (5) Upon approval, the approving officer shall sign the plan in the manner provided by section 88 of the Act, but using the words "approved under the *Land Title Act*, see B.C. Reg. 334/79".
- (6) Before approving the plan, the approving officer may require that the lot referred to in subsection (1) (b) be designated both as a lot and as a private road, and that the private road be constructed so as to provide sufficient access to each of the lots referred to in subsection (1) (a).
- (7) Having regard to the nature of the subdivision and the purpose for which the private road is intended, an approving officer may require
 - (a) that the standards in Part 7 of the Act apply, and
 - (b) that an existing subdivision control bylaw or a development permit be complied with in whole or in part.
- (8) An approving officer may require the subdivider to enter into one or more covenants registerable under section 219 of the Act with respect to the lot referred to in subsection (1) (b), and, in doing so, shall take into consideration whether that lot is to be used
 - (a) solely as a private road, including a utility right of way, or
 - (b) in a designated part as a private road, including a utility right of way, with the balance as a private park, garden, recreational area, parking or service area, or for another use having common benefit or utility to purchasers of parcels in the subdivision.
- (9) An approving officer may require the granting of a statutory right of way as defined in the Act over

the lot referred to in subsection (1) (b) for municipal or public utility purposes.

(10) On the deposit of the plan, the indefeasible title registered under section 98 of the Act shall describe the lands in this style: "Lot 1 and an undivided 1/50th share in Lot 51 (etc.)" and together they shall constitute a single parcel.

(11) Land included within a subdivision plan approved under this section may be further subdivided, provided that the subdivider's undivided share in the land referred to in subsection (1) (b) shall be completely allocated to the new lots shown on the resubdivision plan.

[am. B.C. Regs. 366/79, s. 3; 267/83, s. 3.]

Access via shared interest in common lot

12 Subject to this regulation, an approving officer may approve a subdivision where the subdivider is a registered owner in fee simple of an existing parcel together with an undivided share or shares in one or more parcels that individually or collectively are contiguous to the existing parcel and he submits a subdivision plan showing

(a) the existing parcel divided into lots, and

(b) a table drawn in the manner prescribed by section 11 (4), completely allotting to those lots the subdivider's share or shares in the lands which are contiguous to the existing parcel.

[am. B.C. Reg. 366/79, s. 4.]

Repealed

13 Repealed. [B.C. Reg. 332/2010, s. (a) (i).]

Repealed

14 Repealed. [B.C. Reg. 267/83, s. 5.]

Access by a forest service road

15 (1) Where a subdivision plan tendered under section 83 of the Act affects land where the only connection with such land to the general highway system of the Province is by a forest service road established under the *Forest Act*, an approving officer may approve the subdivision plan where

(a) if the road is not less than 9 m wide, a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the *Forest Act* for which the Minister of Finance is not responsible certifies in writing to the approving officer that the load limits restrict the maximum width of vehicles to 4.27 m,

(b) if the road is between 7.5 m and 9 m wide, a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the *Forest Act* for which the Minister of Finance is not responsible certifies in writing to the approving officer that the load limits restrict the maximum width of vehicles to 3.05 m, or

(c) the road meets the requirements of paragraph (a) or (b) except for a single lane bridge, cattle guard or culvert and a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the *Forest Act* for which the Minister of Finance is not responsible certifies that the bridge, cattle guard or culvert is adequate for the proposed use.

(2) The approving officer shall not approve a plan referred to in subsection (1) unless the plan has been endorsed with the consent of a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the *Forest Act* for which the Minister of Finance is not responsible in the following form:

Land Title Act[s. 75 (3)]

Consent

Pursuant to section 15 (2) of B.C. Reg. 334/79, consent is given to this plan of

subdivision. The giving of this consent shall not imply an obligation of the Crown in right of the Province to improve, maintain or repair the forest service road shown on this plan.

Regional engineering officer, Ministry of Forests and Range

[am. B.C. Regs. 366/79, s. 7; 265/86; 8/93; 4/2010, s. 3.]

Division 2 — Practice Under Other Acts

Hospital Act

16 (1) Where a licence has been issued under Part 2 of the *Hospital Act* and in respect of a private hospital located on land included in an indefeasible title, the chief inspector under that Act shall file with the registrar a notice in writing indicating that the land is subject to section 12 (3) of the *Hospital Act*.

(2) Where the Province has granted financial assistance to a hospital

(a) as defined in section 1, 5 or 25² of the *Hospital Act*, or

(b) under the *Hospital District Act*,

the minister responsible for the administration of the *Hospital Act* shall file with the registrar a notice in writing indicating that the land is subject to section 48 (1) (c) and (d) of the *Hospital Act*.

(3) On receipt of a notice under subsection (1) or (2), the registrar shall file the notice and endorse it in the proper register.

(4) The endorsement made under subsection (3) may refer to the restrictions on dealings provided for in the *Hospital Act*.

(5) One notice filed under this section may cover more than one parcel of land.

[am. B.C. Regs. 267/83, s. 6; 4/2010, s. 2.]

Cremation, Interment and Funeral Services Act

17 (1) Where an indefeasible title has been registered and the land included is or becomes subject to the restrictions on transfer of title contained in the regulations made pursuant to the *Cremation, Interment and Funeral Services Act*, the minister charged with the administration of that Act may file a notice with the registrar of the land title district in which the land is situate indicating that the land is subject to these restrictions.

(2) On receipt of a notice under subsection (1) the registrar shall file the notice, note it in the record of registered land and endorse it in the proper register.

(3) The endorsement made under subsection (2) may refer to the restrictions on dealings provided for in the regulations made pursuant to the *Cremation, Interment and Funeral Services Act*.

(4) One notice may cover any number of parcels that are registered collectively under an indefeasible title, but where the parcels are not so registered, separate notices shall be required in respect of each parcel.

[am. B.C. Regs. 366/79, s. 8; 267/83, s. 7; 274/2004, Sch. 3, s. 6.]

Human Resource Facility Act

18 (1) Where notice is filed with the registrar under section 7 of B.C. Reg. 586/76 (the Human Resource Facility Former Grants Regulation) in relation to land to which an indefeasible title has been registered, the registrar shall file the notice, note it in the record of registered land and endorse it in the proper register.

(2) The endorsement made under subsection (1) may refer to the restrictions on dealings provided for in B.C. Reg. 586/76.

[am. B.C. Reg. 267/83, s. 8.]

Repealed

19–21 Repealed. [B.C. Reg. 451/87, s. (b).]

Zoning regulations under the *Aeronautics Act* (Canada)

- 22** (1) A zoning regulation made under the *Aeronautics Act* (Canada) and relating to lands in the Province may be filed with the registrar of the land title district in which the land is situate.
- (2) Where an application has been made to have the zoning regulation noted on an indefeasible title under subsection (3), a plan prepared by a British Columbia land surveyor shall be filed with the zoning regulation and shall
- (a) show the parcels, highways, parks and public squares referred to in the zoning regulation,
 - (b) show where suitable monuments have been set along the perimeter of the zoned area,
 - (c) be accompanied by a book of reference or a separate document or documents listing all the parcels shown on the plan and certified as correct by the British Columbia land surveyor who prepared the plan, and
 - (d) be suitably referenced to the zoning regulations.
- (3) Upon receipt of the zoning regulation and plan, and on payment of the sum of \$1 for each indefeasible title to which the plan relates, the registrar shall note the following on the indefeasible title:
- "Zoning Regulation and Plan Under the *Aeronautics Act* (Canada) filed(Date)..... under No.....".
- (4) Subsections (2) and (3) may be complied with when the plan and description are deposited with the registrar under section 6 (8) of the *Aeronautics Act* (Canada).

[am. B.C. Reg. 267/83, s. 12.]

Estate Tax Act (Canada)

- 23** Where a transmission occurs as a result of a death occurring after December 31, 1958 and before January 1, 1972, no application for the registration of a fee simple, or a charge, or a release of a charge affecting any land or charge that is the subject of the transmission, shall be accepted unless there has been filed in the land title office in which the property is situated, a consent to the transfer of the property or a certificate of discharge duly issued under the *Estate Tax Act* (Canada).

Right of way under the *Land Act*

- 24** (1) Where a right of way is granted over Crown land under section 40 of the *Land Act*, the registrar shall, on receiving the grant, enter "Her Majesty the Queen in right of the Province of British Columbia" in the register as fee simple owner of the land covered by the grant.
- (2) Where the grantee of the right of way referred to in subsection (1) applies for registration of his title to the right of way, the registrar shall, on compliance with the Act, register the title to the right of way by endorsing a memorandum of it on the register.

Division 3 — Miscellaneous

Cancellation of certificate of pending litigation (alternative to s. 254)

- 25** If a person applies to cancel the registration of a certificate of pending litigation following a dismissal of the proceeding, the registrar may cancel the certificate
- (a) on production of a consent to cancellation signed by the party who filed the certificate of pending litigation, or
 - (b) on giving notice to the party who filed the certificate.

[en. B.C. Reg. 300/94, s. 2.]

Registration of certificate of pending litigation

- 25.1** (1) If a person applies to register a certificate of pending litigation under section 215 (6) of the Act and a copy of the document by which the claim is made is attached to it, the registrar may, at any time before registration,
- (a) require the applicant to detach the document from the certificate, or
 - (b) on his or her own initiative, detach the document from the certificate,
- whether or not the application to register the certificate has been received under section 153 of the Act.
- (2) A document detached from a certificate of pending litigation under subsection (1) is not part of the record.

[en. B.C. Reg. 300/94, s. 2.]

Removed

26 [no LGiC authority.]

Time limit for approval in certain cases

- 27** (1) Where a subdivision plan is filed under section 83 of the Act, the subdivision shall be approved within 2 months after the later of
- (a) the date it is tendered for examination and approval, or
 - (b) the date where a profile or sketch is tendered following a request under section 83 (2) (c) or (d) of the Act.
- (2) Where
- (a) the subdivision plan affects land lying within
 - (i) the Cowichan Land District,
 - (ii) the Barclay Land District,
 - (iii) the Clayoquot Land District,
 - (iv) the Nootka Land District,
 - (v) the Rupert Land District, or
 - (vi) Coast Ranges 1, 2 or 3, or
 - (b) an approving officer imposes a condition of consent under section 86 (1) (d) of the Act,
- the period referred to in subsection (1) shall be 3 months instead of 2 months.

[en. B.C. Reg. 366/79, s. 11; am. B.C. Reg. 339/2010, App. s. 2.]

Part 3 — Forms and Boundaries

Removed

28 [no LGiC authority.]

Court Order Enforcement Act

- 29** The form in Schedule B is prescribed for the purpose of section 89 of the *Court Order Enforcement Act* and shall be used where applicable.

Removed

30 [no LGiC authority.]

Repealed

31 Repealed. [B.C. Reg. 17/2005, Sch. 1, s. 3.]

Repealed

32 Repealed. [B.C. Reg. 332/2010, s. (a) (ii).]

Repealed

33 Repealed. [B.C. Reg. 339/2010, App. s. 1.]

Schedule A

[no LGIC authority.]

Schedule B

Court Order Enforcement Act

Form E

(Section 81 (1))

NOTICE TO REGISTERED OWNER OF REGISTRATION

OF CERTIFICATE OF JUDGMENT

(to be sent in duplicate)

IN THE MATTER OF (a) Judgment registered under No. in the
..... Land Title Office; and

(b)
.....
.....

[here set out legal description of land]

TO:
.....

The above numbered judgment which was entered in the Court of
..... on the day of, 20....., in an action in which
..... is judgment creditor and is judgment debtor was registered
in the Land Title Office on the day of, 20....., in respect of
the following lands:

.....
.....

in which you hold an interest as owner in fee simple (or registered owner of)

.....

[nature of charge and registration number]

Attached is a copy of the certificate of judgment deposited in support of the registration.

If you allege that you are not the judgment debtor in the above action, the allegation must be made on the form
at the end of this notice and must be received by me within 21 days of the service on you of this notice. On
receipt of such allegation, I shall make such further enquiry or investigation as I consider necessary or advisable,
and, for that purpose, may:

(a) take evidence under oath or otherwise;

- (b) require the production of records; and
- (c) decide whether or not you are the judgment debtor and whether the judgment does or does not affect the lands described.

DATED at, this day of, 20.....
.....

REGISTRAR
..... LAND TITLE OFFICE

TO: REGISTRAR
..... LAND TITLE OFFICE, BRITISH COLUMBIA

I, of, the owner
of an interest in the land above mentioned, allege that I am not the above mentioned judgment debtor.

I certify that:
.....
.....
.....

[here set out evidence in numbered paragraphs that you are not the judgment debtor, showing in particular any facts distinguishing you from the judgment debtor.]

DATED this day of, 20.....
.....

SIGNATURE

Schedule C

Repealed. [B.C. Reg. 332/2010, s. (a) (iii).]

- 1. Effective January 1, 2011 the following provisions were removed from this regulation as they concerned matters over which the Lieutenant Governor in Council [LGIC] no longer has regulation-making authority: sections 26, 28 and 30, and Schedule A.

Please see the Land Title and Survey of British Columbia website [<http://www.ltsa.ca/>] for information regarding forms and other requirements for *Land Title Act* applications.
- 2. Section 25 is a reference to RSBC 1979, c. 176, which was repealed by 1990-51-14

[Provisions relevant to the enactment of this regulation: *Land Title Act*, R.S.B.C. 1996, c. 250, section 385]]