

# **MUSQUEAM RECONCILIATION, SETTLEMENT AND BENEFITS AGREEMENT IMPLEMENTATION ACT**

[SBC 2008] CHAPTER 6

Assented to March 31, 2008

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## Definitions

1 In this Act:

"agreement" means the Reconciliation, Settlement and Benefits Agreement between the Musqueam Indian Band and Her Majesty the Queen in right of the Province of British Columbia dated for reference March 11, 2008;

"Block F" means those lands legally described as PID 013-763-938, Block F, District Lot 140, Group 1, New Westminster District;

"Block K" means those lands legally described as PID 013-764-021, Block K, District Lot 140, Group 1, New Westminster District;

"charge" has the same meaning as in the Land Title Act and includes any notations against an indefeasible title and, in section 3 (1) (a), includes covenants described in section 17 of the University Endowment Land Act;

"designated company" means a corporation specified by regulation of the minister under section 11 for the purposes of sections 2 and 3 (1);

"effective date" means the date that is specified as the effective date by regulation of the minister under section 11;

"instrument" has the same meaning as in the Land Title Act;

"land title office" has the same meaning as in the Land Title Act;

"lease" means the lease in favour of UGCC Holdings Inc. dated May 17, 1985 and registered in the land title office under number N40074, as modified by those instruments registered in the land title office under numbers GB125274, GD98736 and BV92595;

"minister" means the Minister of Aboriginal Relations and Reconciliation;

"Musqueam Indian Band" means the band, as defined in the Indian Act (Canada), named the Musqueam Indian Band, and the Musqueam Nation or Musqueam First Nation, all of which must be interpreted to refer to the same collective group of traditional aboriginal peoples;

"registrar" has the same meaning as in the Land Title Act;

"UBC Golf Course lands" means those lands legally described as

(a) PID 006-707-289, Block A, District Lot 3900, Group 1, NWD, Plan 20266, and

(b) PID 006-707-483, Block B, District Lot 3900, Group 1, NWD, Plan 20266.

Vesting of UBC Golf Course Lands

2 On the effective date, and despite sections 27, 46.1, 50 (2) (a) and 53 of the University Act and any other enactment or law to the contrary,

(a) a fee simple estate in the UBC Golf Course lands is vested in the applicable designated company free and clear of all charges other than the following:

(i) the statutory right of way registered against the title to Block A in the land title office in favour of Her Majesty the Queen in right of the Province of British Columbia under number N31664;

(ii) the lease;

(iii) the mortgage of the lease registered against the title to Block B in the land title office in favour of the Bank of British Columbia under number P1480;

(iv) the sub-lease of the lease registered against the title to Block A in the land title office in favour of The British Columbia Golf House Society under number GB143237;

(v) the mortgage of the lease registered in the land title office in favour of Hongkong Bank of Canada under number GD44966, as modified by those instruments registered in the land title office under numbers BP77824 and BB253596;

(vi) the undersurface rights and other reservations and exceptions registered in the land title office under number BW194454;

(vii) any other charges added by regulation under section 11, and

(b) the benefit of all covenants in the lease in favour of the lessor are vested in the applicable designated company.

Vesting of Block F and Block K

3 (1) On the effective date, and despite any other enactment or law to the contrary,

(a) a fee simple estate in Block F is vested in the applicable designated company free and clear of all charges other than the following:

(i) all exceptions and reservations set out in section 50 (1) of the Land Act, as if the vesting referred to in this paragraph were a disposition of Crown land under that Act;

(ii) the statutory right of way registered in the land title office in favour of Her Majesty the Queen in right of the Province of British Columbia under number GC51902;

(iii) the statutory right of way registered in the land title office in favour of BC Gas Inc. under number BE313681;

(iv) any conditional or final water licence or substituted water licence issued or given under the Water Act, or any prior enactment of the Province of British Columbia of like effect, and the rights of the holder of it as of April 21, 1989, to enter on the land and to maintain, repair and operate any works permitted on the land under the licence;

(v) any other charges added by regulation under section 11, and

(b) a fee simple estate in Block K is vested in the applicable designated company free and clear of all charges other than the following:

- (i) all exceptions and reservations set out in section 50 (1) of the Land Act, as if the vesting referred to in this paragraph were a disposition of Crown land under that Act;
- (ii) the statutory right of way registered in the land title office in favour of Her Majesty the Queen in right of the Province of British Columbia under number GC51902;
- (iii) any conditional or final water licence or substituted water licence issued or given under the Water Act, or any prior enactment of the Province of British Columbia of like effect, and the rights of the holder of it as of April 21, 1989, to enter on the land and to maintain, repair and operate any works permitted on the land under the licence;
- (iv) any other charges added by regulation under section 11.

(2) On the effective date, Block F and Block K cease to be a regional park within the meaning of the Local Government Act, and, without limitation, the vestings referred to in this section take effect free of any dedication to the public.

(3) On the effective date, and despite the University Endowment Land Act, the minister responsible for the administration of that Act may, on behalf of the government, indicate in writing his or her support for the addition of Block K to Musqueam Indian Reserve No. 2.

Land Use, Building and Community Administration Bylaw and the Official Community Plan

4 (1) In this section:

"Land Use, Building and Community Administration Bylaw" means the Land Use, Building and Community Administration Bylaw as confirmed and validated by section 4 of the University Endowment Land Amendment Act, 1989, S.B.C. 1989, c. 41, and amended under the University Endowment Land Act;

"Official Community Plan" means the University Endowment Lands Official Community Plan, adopted on October 4, 2005 by the minister responsible for the administration of the University Endowment Land Act.

(2) On the effective date, despite the University Endowment Land Act and section 8 of the Land Use, Building and Community Administration Bylaw and subject to subsection (3) of this section,

(a) Schedule 1 to the Land Use, Building and Community Administration Bylaw is conclusively deemed to be amended to include Block F in the Multiple Dwelling District, Low-Rise (MF-1) Land Use District, and

(b) the Official Community Plan is conclusively deemed to be amended in

(i) section 2.2 to include Block F in the description of Area D,

(ii) Figure 1 to include Block F in Area D,

(iii) Figure 2 to include Block F in RMF1: MULTI-FAMILY (low rise), and

(iv) Figure 3 to exclude Block F from Pacific Spirit Regional Park.

(3) Subsection (2) does not operate and must not be interpreted to prevent the enactment or variation of a bylaw under the authority of the University Endowment Land Act after the effective date, including, without limitation, a bylaw or variation of a bylaw that applies to Block F.

Minister's direction to the registrar

5 (1) On making a regulation under section 11 (1) (a), (b) or (c), the minister may issue and file with the registrar a certificate that certifies the following:

(a) the legal descriptions of the UBC Golf Course lands, Block F and Block K;

(b) in accordance with section 11, the name of the designated company in which the fee simple estate to each of the UBC Golf Course lands, Block F and Block K is vested;

(c) the charges set out in sections 2 (a) and 3 (1) (a) and (b) against the title to each of the UBC Golf Course lands, Block F and Block K.

(2) The certificate referred to in subsection (1) constitutes conclusive evidence to the registrar that the designated company named in the certificate is entitled to a good safe holding and marketable title in fee simple in respect of the UBC Golf Course lands, Block F or Block K, as the case may be, subject only to the charges set out in the certificate.

(3) On receiving a certificate of the minister under subsection (1), the registrar must

(a) cancel any charges that are not set out in the certificate and any instruments registrable in the same manner as a charge registered against the title to the UBC Golf Course lands, Block F or Block K before cancellation of the indefeasible titles under paragraph (c),

(b) register an indefeasible title to each of the UBC Golf Course lands, Block F and Block K in the name of the designated company subject to the charges referred to in subsection (1) (c), and

(c) cancel the existing indefeasible titles to the UBC Golf Course lands, Block F and Block K.

Section 23 (2) of the Land Title Act

6 Section 23 (2) (a) of the Land Title Act does not apply to the indefeasible titles to Block F or Block K registered in accordance with section 5 (3) (b) or any indefeasible title derived from them and the registrar must endorse each indefeasible title to which this section applies with a notation to this effect.

Compensation

7 (1) On the effective date, the amount of \$20.8 million is payable to the University of British Columbia by the government as compensation for the vesting referred to in section 2.

(2) The compensation payable under subsection (1) constitutes full and final settlement of any and all claims by the University of British Columbia in relation to the vesting referred to in section 2.

(3) No compensation is payable to the Greater Vancouver Regional District as a consequence of the vestings referred to in section 3 and any and all claims by the Greater Vancouver Regional District in relation to the vestings referred to in section 3 are extinguished.

No legal proceeding

8 No legal proceeding for damages or compensation lies or may be commenced or maintained against the government, the Musqueam Indian Band or a designated company in respect of a matter referred to in section 2, 3 or 4.

Appropriation

9 (1) Despite section 21 (3) of the Financial Administration Act, the minister may pay out of the consolidated revenue fund amounts required for the purposes of

(a) implementing the agreement and this Act, and

(b) fulfilling the obligations of the government under the agreement and this Act.

(2) For the purposes of subsection (1),

(a) a circumstance, a transaction, a matter or an event that occurs and gives rise to a payment under that subsection, and

(b) a payment made under that subsection

are conclusively deemed in relation to the government to have occurred or been made on the earlier of the date of the occurrence or payment and March 31, 2008.

Balanced Budget and Ministerial Accountability Act

10 Amounts of money required to be provided or paid under section 9 (1) are not to be taken into account for the purposes of calculating the actual amounts of operating expenses under section 5 (1) of the Balanced Budget and Ministerial Accountability Act.

Power to make regulations

11 (1) The minister may by regulation

(a) specify a date as the effective date for the purposes of this Act,

[Note: B.C. Reg. 71/2008 specified April 14, 2008 as the effective date for the purposes of this Act.]

(b) designate a corporation for the purposes of sections 2 and 3 (1), and

(c) [Repealed 2008-6-11 (3).]

(d) correct or update a reference to

(i) one or more charges referred to in section 2 (a) or 3 (1) (a) or (b), or

(ii) one or more legal descriptions referred to in this Act.

(2) Under subsection (1) (b), the minister may designate one or more corporations and specify the purposes for which each corporation is designated.

(3) [Spent. 2008-6-11 (3).]

(4) The minister may not make a regulation under subsection (1) (d) that comes into force later than 30 days after the effective date.

This Act prevails

12 In the event of a conflict or an inconsistency between this Act or an enactment made under this Act and any other enactment, this Act prevails.

## Consequential Amendments

[Note: See Table of Legislative Changes for the status of section 13.]

Section(s)	Affected Act
13	Expropriation Act

### Commencement

14 This Act comes into force on the date of Royal Assent.

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