

This Act is current to 30 November 2016.

This Act has "Not in Force" sections. See the Table of Legislative Changes.

MINISTRY OF LANDS, PARKS AND HOUSING ACT
[RSBC 1996] CHAPTER 307

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Definitions

1 In this Act:

"acquisition" includes every action or method by which land may become vested in the government;

"advance" includes lend and give;

"Crown land" means land, whether or not it is covered by water, vested in the government and under the administration of the minister;

"housing" means anything that is, in the opinion of the minister,

- (a) suitable for human habitation or accommodation, or
 - (b) capable of being made suitable for human habitation or accommodation,
- and includes land, improvements and space that is, directly or indirectly, related to housing;

"money advanced" includes money advanced from the consolidated revenue fund or from other money made available for the purposes of this Act, or for the purposes of any other Act under the administration of the minister, in the form of a grant, loan, subsidy or any other form;

"park" includes land set aside, dedicated or established as a park under any Act.

Ministry of Lands, Parks and Housing

2 (1) There is to be a ministry of the public service of British Columbia called the Ministry of Lands, Parks and Housing.

(2) The minister must preside over and be responsible to the Lieutenant Governor in Council for the direction of the ministry.

(3) In addition to other powers vested in the minister, the minister has, in respect of the ministry, all the powers, duties and authorities had and exercisable by the officers mentioned as the Commissioner of Lands and Surveyor General, the Chief Commissioner of Lands and Surveyor General, the Chief Commissioner of Lands and Works and Surveyor General and the Surveyor General, in an Act, ordinance or proclamation passed or made in the former Colonies of British Columbia and Vancouver Island.

Staff

3 (1) A deputy minister and other employees required to carry out the business of the ministry may be appointed under the Public Service Act.

(2) Despite the Public Service Act, the minister may engage and retain consultants, experts or specialists and set their remuneration.

(3) The minister may delegate in writing, on the terms and conditions the minister considers appropriate, the power to act on the minister's behalf respecting any of the minister's powers or functions under this Act, except those under section 2 (2) or (3), to

- (a) a public officer in the minister's ministry,
- (b) a government corporation as defined in the Financial Administration Act, or
- (c) another member of the Executive Council.

(4) A member of the Executive Council to whom a minister's delegation is made under subsection (3) (c) may, subject to the terms and conditions specified in the minister's delegation, delegate powers or functions under this Act that are covered by the minister's delegation to

- (a) a public officer in the member's ministry, or
- (b) a government corporation as defined in the Financial Administration Act.

Repealed

4 [Repealed 2000-23-50.]

Purpose and functions of ministry

5 The purposes and functions of the ministry are as follows:

- (a) to administer the Crown land resource of British Columbia;
- (b) to encourage outdoor recreation, establish parks and conserve the natural scenic and historic features of British Columbia;
- (c) to undertake programs relating to the provision of housing in British Columbia;
- (d) to administer and enforce safety standards prescribed under section 11 respecting recreational activities and services on Crown land.

Powers

6 For the purposes of this Act the minister may enter into agreements

- (a) subject to the approval of the Lieutenant Governor in Council, with
 - (i) the government of Canada or its agent, or
 - (ii) the government of a province or its agent, or
- (b) with a municipality, regional district or any other person.

Appropriation

7 (1) The following must be paid into the consolidated revenue fund:

- (a) money received under this Act by way of interest on money advanced;
- (b) money received under this Act as repayment of money advanced, whether or not it is repaid by the government of Canada under an agreement with British Columbia under this Act or any Act repealed by this Act;
- (c) money received in respect of a disposition under this Act or the Land Act.

(2) Money required for the purposes of this Act or any other Act under the administration of the minister may be paid out of the consolidated revenue fund.

(3) The cumulative total of amounts paid out under this section must not exceed the cumulative total of the following amounts:

- (a) \$312 375 363;
- (b) money received under subsection (1) after March 31, 1982.

Securing advances

8 (1) To secure repayment of money advanced in respect of land, the minister may file in the land title office for the district in which the land is located a certificate showing the following:

- (a) the date the money was advanced;
- (b) the amount of money advanced;
- (c) a summary of any terms and conditions of repayment or forgiveness that are not contained in the regulations;
- (d) a description of the land sufficient to identify it in the land title office records.

(2) On receiving a certificate under this section, the registrar must file it without fee and make reference to it in the proper register against the title to the land described in the certificate.

(3) For the purposes of subsection (2) the registrar must not register a transfer or conveyance of the fee simple in the land, an agreement to transfer the fee simple, or a lease, sublease, assignment of lease or mortgage of the land, except as may be prescribed.

(4) If money advanced is repaid, or if it is forgiven under the Financial Administration Act, the minister must file a cancellation of the certificate in the land title office.

(5) If the regulations made under section 11 prescribe that an obligation to repay money advanced is to be extinguished on the expiration of a prescribed time or on the happening of a prescribed event, on the expiration of the time or the happening of the event, the minister must file a cancellation of the certificate in the land title office.

(6) On receipt of a written request showing the name of the person to whom the money was advanced and a description of the land sufficient to identify it, the minister must issue a statement showing the terms and conditions of the advance and the amount owing to the government in respect of it as of the date of the statement.

Affordable housing assistance and security for it

8.1 (1) In this section:

"affordable housing agreement" means an agreement made by the minister, the British Columbia Housing Management Commission or any other agent of the government with a person who has received or is to receive assistance from the government to acquire, develop or operate an affordable housing development;

"affordable housing development" means land and improvements, all or part of which provide or are intended to provide housing for sale or lease to or other use by low and moderate income individuals, and includes land and improvements designated as an affordable housing development;

"affordable housing purposes" means affordable housing purposes as defined by the regulations;

"assistance" includes a grant, loan, guarantee or indemnity.

(2) Without limiting the terms that may be included in an agreement under this Act, an affordable housing agreement may include a restriction that all or part of the affordable housing development may be used only for affordable housing purposes.

(3) If an affordable housing agreement includes a restriction under subsection (2), the minister, the British Columbia Housing Management Commission or other agent of the government may file a written notice in the land title office containing

(a) a description of the affordable housing development sufficient for the registrar to identify it in the records of the land title office, and

(b) a statement that the affordable housing development is subject to an affordable housing agreement that includes a restriction under subsection (2).

(4) When a notice is filed under subsection (3), the registrar must make a notation of the filing in the proper register against the title to the land affected.

(5) Unless the written consent of the minister is filed in the land title office,

(a) a person who owns or leases an affordable housing development must not transfer, mortgage, lease or otherwise dispose of that person's interest in the affordable housing development, and

(b) the registrar must not register a transfer or other disposition referred to in paragraph (a).

(6) In the event of any omission, mistake or misfeasance by the registrar or the staff of the registrar in relation to the making of a notation of a filing or the registration of a transfer or other disposition under this section,

(a) neither the registrar, nor the government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) neither the assurance fund nor the Land Title and Survey Authority of British Columbia, as a nominal defendant, is liable under Part 19.1 of the Land Title Act, and

(b) neither the assurance fund nor the minister charged with the administration of the Land Title Act, as a nominal defendant, is liable under Part 20 of the Land Title Act.

(7) Once a notation is made under subsection (4),

(a) the affordable housing agreement and, if applicable, any amendment to it is binding on all persons who acquire an interest in the land affected, and
(b) if a transfer, mortgage, lease or other disposition of a person's interest in an affordable housing development is registered without the written consent of the minister being filed as required under this section, the minister or the British Columbia Housing Management Commission may apply to the Supreme Court for an order for specific performance of the affordable housing agreement by the new owner or for any other remedy.

(8) The Lieutenant Governor in Council may make regulations for this section as follows:

- (a) defining a word or phrase used but not defined in this section;
- (b) designating land and improvements as an affordable housing development;
- (c) specifying affordable housing purposes for the purposes of a restriction under subsection (2);
- (d) designating property held by a corporation or other person as trustee, as property held on trust for the preservation of land and buildings for affordable housing purposes.

Disposition of and privileges exercised over Crown land

9 (1) Despite the Land Act, but subject to section 50 (1) of that Act, the minister may do any of the following, on terms and conditions the minister considers appropriate:

- (a) dispose of Crown land;
- (b) establish procedures regulating the disposition of Crown land;
- (c) provide in an agreement for the disposition of Crown land, and for payment of the purchase price and any other money in full or by instalments secured to the satisfaction of the minister;
- (d) direct to what extent a procedure established under this Act is to affect an application pending under the Land Act.

(2) For the purposes of this Act the minister may do one or more of the following:

- (a) acquire land;
 - (b) improve Crown land;
 - (c) assist municipalities and regional districts to establish parks and to provide outdoor recreation facilities.
- (3) If the minister considers it advisable, the minister may authorize the Surveyor General to dispose of Crown land under subsection (1) on behalf of the minister.

Corporations

10 (1) Despite the repeal of the Housing Act, R.S.B.C. 1960, c. 183, and the Ministry of Municipal Affairs and Housing Act, S.B.C. 1973 (2nd Sess.), c. 110, but subject to subsection (3),

(a) Order in Council 2388/78, approved and ordered September 7, 1978 and published as B.C. Reg. 490/79, is valid and, despite the Regulation Act, R.S.B.C. 1979, c. 361, is conclusively deemed to have come into force on and to have had effect on September 7, 1978, and to continue in force, and

(b) the British Columbia Housing Management Commission, incorporated under the Housing Act, R.S.B.C. 1960, c. 183, and the Ministry of Municipal Affairs and Housing Act, S.B.C. 1973 (2nd Sess.), c. 110, by B.C. Reg. 76/68, and continued by Order in Council 2388/78, continues as a corporation on the terms and with the constitution, capacity, powers and duties set out in that order in council.

(2) The British Columbia Housing Management Commission and the Provincial Rental Housing Corporation are agents of the government, but may on behalf of the government carry out their duties and functions in their own names.

(2.1) The British Columbia Housing Management Commission is authorized to exercise the powers and perform the duties given to it under this or another enactment.

(3) The Lieutenant Governor in Council may make regulations as follows:

- (a) [Repealed 1999-44-86.]
- (b) conferring on the British Columbia Housing Management Commission powers and duties respecting housing;
- (c) respecting the constitution, status, incorporation and capacity of the British Columbia Housing Management Commission.

(4) The Lieutenant Governor in Council may authorize the minister to assume, on behalf of the government and on terms the Lieutenant Governor in Council considers advisable, all liabilities of the Provincial Rental Housing Corporation to Canada Mortgage and Housing Corporation.

Power to make regulations

11 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations requiring that a person applying for, using, acquiring or exercising a right or privilege in respect of Crown land pay a fee, and establishing a tariff of fees.

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