

TOQUAHT NATION GOVERNMENT

LAND ACT

TNS 12/2011



OFFICIAL CONSOLIDATION – CURRENT TO SEPTEMBER 6, 2023

This is a certified true copy of the consolidated Land Act TNS 12/2011, Current to September 6, 2023

Date: October 13, 2023

Signed: *Kristen Olmser*
Law Clerk

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PREAMBLE

The Toquaht Nation asserts that we have occupied, benefited from and governed our traditional territory, lands, waters and resources since time immemorial.

The traditional territory of the Toquaht Nation has in the past provided the resources necessary to sustain the Toquaht Nation and we honour our connection to the lands, waters and resources of our traditional territory which provide for our physical and spiritual needs.

Through our inherent right to self-government, the Toquaht Nation has preserved and protected our traditional territory and we accept the obligations and responsibilities inherent in governing Toquaht Lands and pledge to protect Toquaht lands for future generations of our Toquaht citizens.

It is the desire of the Toquaht Nation that we promote a healthy and prosperous future that ensures the continued existence of the Toquaht Nation as a strong political, social and cultural community that aspires to grow as an organized, determined, successful and self-reliant people.

The Toquaht Nation values the need to respect, protect and promote our heritage, culture and traditions which form the basis of its success and our destiny while understanding that these practices may change and require contemporary expression.

It is the desire of the Toquaht Nation that our Toquaht lands continue to provide the resources necessary to sustain us, preserve our traditional ways and culture, encourage self-sufficiency and security through economic development and growth and to provide a home for the Toquaht people forever.

The Toquaht Nation adopts this Act based on these values.

PART 1 - GENERAL PROVISIONS

Short title

1.1 This Act may be cited as the Land Act, TNS 12/2011.

Executive oversight

1.2 The member of the Executive holding the lands, public works and environmental protection portfolio is responsible for the Executive oversight of this Act.

Application

1.3 Unless otherwise provided in this Act, this Act applies to all Toquaht lands.

Definitions

1.4 In this Act,

“acquire” means obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;

“applicant” means a person applying for a disposition under section 4.16;

“approving officer” means the director;

“appurtenant lands” or “lands appurtenant to” means, in relation to an existing or proposed interest in, or licence in relation to, Toquaht lands, the Toquaht lands that are or are proposed to be subject to the interest or licence, and includes any part of those lands less than the whole;

“community lands” means Toquaht lands that are not

(a) Toquaht titled lands, the owner of which is a person other than the Toquaht Nation, or

(b) subject to a lease;

“community purpose” means a purpose the achievement of which will directly or indirectly benefit the Toquaht Nation, Toquaht citizens or persons residing on Toquaht lands;

“community works” means works, the establishment or continuation of which will directly or indirectly benefit the Toquaht Nation, Toquaht citizens or persons residing on Toquaht lands;

“construction purpose” includes the building of a road, berm, foundation or wall;

“conventional boundary” means a boundary consisting of a straight line or a series of straight lines of fixed direction and length conforming as nearly as possible to the natural boundary, but eliminating minor sinuosities;

“director” means the director of lands, public works and resources;

“dispose” and “disposition” mean to grant an interest in, or licence in relation to, Toquaht lands as contemplated in Part 4;

“eligible person” means the Toquaht Nation or a person eligible to hold an estate in fee simple under section 7.1;

“equity” means, when used in the phrase “law or equity”, the system of law designed to furnish remedies for wrongs which were not legally recognized under the common law of England or for which no adequate remedy was provided by the common law as inherited and modified by the Supreme Court;

“expropriate” means, in relation to an interest in, or licence in relation to, Toquaht lands, to take without the consent of the holder;

“fee simple grant” means a grant of an estate in fee simple in Toquaht lands;

“holder” means, in relation to an interest in, or licence in relation to, Toquaht lands,

- (a) the person registered in the land title office as the holder of the interest or licence, or
- (b) if the interest or licence is not registered in the land title office, the person legally entitled to hold the interest or licence;

“immediate family” means, in relation to an individual, the spouse, sons, daughters, siblings and parents of the individual;

“information meeting” means a meeting referred to in section 6.2 of the Referendum Act, TNS 9/2011;

“instrument” means any written document, certificate, conveyance, deed, mortgage, encumbrance or plan relating to the transfer, charging or otherwise dealing with or affecting an interest in, or licence in relation to, land, or evidencing ownership to it, including a will, grant of probate or administration and an enactment;

“interest” includes, in relation to Toquaht lands, a privilege, right, title or estate in that land;

“land authority” means a person referred to in section 2.7;

“licence” means, in relation to Toquaht lands, a licence of occupation, natural resource licence or utility licence;

“licence of occupation” means a licence for a primary purpose other than extracting or harvesting a natural resource or providing utility services;

“natural resource licence” means a licence for the primary purpose of extracting or harvesting a natural resource;

“provincial Crown land registry” means the registry continued under section 7 of the Land Act (British Columbia);

“public utility” means a person who owns or operates equipment or facilities for utility services;

“railway corporation” means a corporation authorized to construct or operate a railway under federal or provincial law;

“ratification meeting” means a meeting referred to in section 6.3 of the Referendum Act, TNS 9/2011;

“referendum” means a referendum held in accordance with the Referendum Act, TNS 9/2011;

“registrar” means the office established under section 2.11 or the individual appointed to hold that office;

“road” means land designated or indicated as a road or lane in an instrument, map or plan made under this Act, whether or not a road or lane is constructed, and includes a road allowance or walkway allowance established under section 11.22;

“statutory right of way” means an easement without a dominant tenement, necessary for the operation and maintenance of the grantee’s undertaking;

“Toquaht titled lands” means Toquaht lands, the indefeasible title to which is registered under the Land Title Act (British Columbia) in accordance with Chapter 3 Land Title of the Maa-nulth Treaty;

“utility licence” means a licence for the primary purpose of providing utility services to owners or occupiers of Toquaht lands;

“utility services” means services relating to

- (a) the production, gathering, processing, generation, storage, transmission, sale, supply, distribution, delivery or provision of petroleum (including petroleum products and bi-products), gas (including natural gas, natural gas liquids and

- propane), electricity, steam or any other agent for the production of light, heat, cold or power,
- (b) the emission, transmission, or reception of information, messages or communication by guided or unguided electromagnetic waves, including systems of cable, microwave, optical fibre or radio communications,
 - (c) the collection, disposal or treatment of garbage, solid waste, sewage or waste water, or
 - (d) the diversion, development, pumping, impoundment, distribution or furnishing of water.

Conflict between Land Act and other Toquaht law

- 1.5**
- (a) Subject to the Constitution, in the event of any inconsistency or conflict between this Act and any other Toquaht law, this Act prevails to the extent of the inconsistency or conflict.
 - (b) For the purposes of subsection (a), a Toquaht law is not inconsistent with this Act merely because it addresses a subject also addressed in this Act.

PART 2 - ADMINISTRATION OF TOQUAHT LANDS

Department of Lands, Public Works and Resources established

2.1 The Department of Lands, Public Works and Resources is established as a division of the Toquaht administration.

Mandate

- 2.2** (a) The mandate of the Department of Lands, Public Works and Resources is to perform the following duties and exercise the following powers:
- (i) manage and administer Toquaht lands as required
 - (A) under this or any other Toquaht land enactment, or
 - (B) by the Executive;
 - (ii) maintain and protect records relating to Toquaht lands and Toquaht land enactments;
 - (iii) prepare forms and instruments to be used in relation to Toquaht lands and Toquaht land enactments;
 - (iv) provide administrative support to the Executive, the director of operations, other departments and land authorities as required
 - (A) under this or any other Toquaht enactment, or
 - (B) by the director of operations; and
 - (v) any additional functions assigned to the Department of Lands, Public Works and Resources
 - (A) in accordance with this or any other Toquaht enactment, or
 - (B) by the director of operations.
- (b) The director of operations may:
- (i) establish and fill such positions within the Toquaht administration, in addition to the position of director, as the director of operations considers advisable to manage and administer Toquaht lands and money derived from Toquaht lands or to otherwise give effect to this Act or any other Toquaht land enactment,

- (ii) assign to a member of the Toquaht administration or a land authority duties and powers in addition to those assigned in accordance with this or any other Toquaht land enactment, and
- (iii) subject to section 5.1 of the Integrity Act, TNS 4/2011, appoint the same person to, or designate the same person to act in, two or more positions within the Department of Lands, Public Works and Resources.

Director of lands, public works and resources

- 2.3**
- (a) The office of the director of lands, public works and resources is established.
 - (b) The Executive must appoint an individual to hold the office of director.
 - (c) The director reports to the director of operations.

Duties of the director

- 2.4** The director must perform the following duties and may exercise the following powers:
- (a) manage the Department of Lands, Public Works and Resources;
 - (b) ensure that Toquaht government employees within the Department of Lands, Public Works and Resources perform the duties assigned to them
 - (i) under this or any other Toquaht enactment,
 - (ii) by the director of operations, or
 - (iii) by the director;
 - (c) report, as required by the director of operations, to the Executive on the Department of Lands, Public Works and Resources and its activities;
 - (d) act as the approving officer under this Act and section 77.21 of the Land Title Act (British Columbia); and
 - (e) perform any additional duties or exercise any additional powers assigned to the director
 - (i) under this or any other Toquaht enactment, or
 - (ii) by the director of operations.

Delegation authority

- 2.5** (a) Upon the approval of the director of operations, the director may delegate, in writing, the performance of any of the director's duties or the exercise of any of the director's powers to
- (i) another Toquaht director,
 - (ii) a Toquaht government employee, or
 - (iii) an independent contractor of the Toquaht Nation.
- (b) Despite the delegation of any duties or powers under subsection (a), the director remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

Powers retained by the Executive

- 2.6** (a) Unless otherwise specifically provided in this or another Toquaht enactment, the Executive retains for itself all power to dispose of or approve an interest in, or licence in relation to, Toquaht lands.
- (b) The Executive may only exercise the powers and perform the duties referred to in subsection (a) in accordance with this Act and all other applicable laws.
- (c) Subject to this Act, the Executive retains for itself all power for and in the name of the Toquaht Nation to, and the Executive may,
- (i) enter into any agreement it considers necessary or advisable for the purpose of
 - (A) managing or administering Toquaht lands or money derived from Toquaht lands, and
 - (B) otherwise giving effect to this Act or any other Toquaht land enactment,
 - (ii) authorize a Toquaht official to enter into any such agreement or class of such agreements for or in the name of the Toquaht Nation, and
 - (iii) establish restrictions or conditions on any authority to enter into agreements or classes of agreements given under paragraph (ii).

Land authorities

- 2.7** The Executive may

- (a) establish Toquaht public institutions under Toquaht law, and
- (b) incorporate entities under federal or provincial laws,

to manage, administer, or assist the Department of Lands, Public Works and Resources in the management or administration of, Toquaht lands.

Delegation authority

- 2.8**
- (a) Subject to subsection (b), the Executive may, by regulation, delegate to any body or persons, including a land authority, any duty or power of the Department of Lands, Public Works and Resources relating to the management or administration of Toquaht lands.
 - (b) Despite subsection (a), the Executive may not delegate to any body or person any of the following duties or powers of the Executive
 - (i) to dispose of or approve an interest in Toquaht lands;
 - (ii) to call an information meeting, ratification meeting or referendum;
 - (iii) to enact a Toquaht enactment; or
 - (iv) to delegate a duty or power of the Executive under this or any other Toquaht enactment.
 - (c) For certainty, a delegation by the Executive to a body or person under subsection (a)
 - (i) may include all or any part of a duty or power of the Department of Lands, Public Works and Resources relating to the management or administration of Toquaht lands,
 - (ii) may pertain to all or a specified area of Toquaht lands,
 - (iii) is subject to any terms or conditions established by the Executive under the regulation making the delegation, and
 - (iv) does not restrict the Executive from delegating any additional duties or powers of the Department of Lands, Public Works and Resources to the body or person under another regulation.
 - (d) A body or person to which the Executive delegates a duty or power under subsection (a) may only perform the duty or exercise the power in accordance with this Act, the regulation making the delegation and all other applicable laws.

Lands registry office

2.9 The lands registry office is established as an office of the Department of Lands, Public Works and Resources.

Mandate

2.10 The mandate of the lands registry office is to maintain

- (a) an inventory of Toquaht lands, and
- (b) the lands register

in accordance with this or any other Toquaht enactment or as required by the director.

Office of the registrar established

2.11 (a) The office of the lands registrar is established.

(b) The director of operations must appoint an individual to hold the office of the registrar.

(c) The registrar reports to the director.

Duties of the lands registrar

2.12 (a) The registrar must perform the following duties and may exercise the following powers:

- (i) manage the lands registry office;
 - (ii) record entries and amendments to entries in the lands register required under this or another Toquaht enactment; and
 - (iii) provide for the security and maintenance of the lands register.
- (b) The registrar and staff of the lands registry office must not
- (i) directly or indirectly act as the agent of a person investing money in or taking security in Toquaht lands,
 - (ii) advise for a fee, reward or otherwise on interests in, or licences in relation to, Toquaht lands, or
 - (iii) practice as a lawyer, notary public or conveyancer in relation to Toquaht lands.

2.13 [Repealed]

PART 3 - LANDS REGISTER

Lands register

- 3.1** The registrar must maintain a lands register that records
- (a) any disposition or transfer by or with authorization from the Toquaht Nation of
 - (i) a licence,
 - (ii) an interest in Toquaht titled lands that is not registered in the land title office, or
 - (iii) an interest in Toquaht lands that are not Toquaht titled lands, and
 - (b) any other information the director requests, in writing, to be registered in the lands register.

Interests in Toquaht titled lands

- 3.2** For certainty, the Land Title Act (British Columbia) applies in respect of registration of
- (a) an estate in fee simple to Toquaht lands, and
 - (b) an interest in the land title office.

Registration of disposition and transfers

- 3.3** The registrar must register in the lands register a disposition or transfer under section 3.1(a) if the instrument purporting to dispose of or transfer the appurtenant lands
- (a) is in the prescribed form,
 - (b) has been authorized by the Executive in accordance with this Act, and
 - (c) has been fully executed, with each execution witnessed by a third-party, to the satisfaction of the registrar.

Record keeping and maintenance

- 3.4** (a) Upon registering in the lands registry a disposition or transfer under section 3.1(a), the registrar must
- (i) assign a registration number to the interest or licence being registered, and
 - (ii) store in the records of the lands registry office
 - (A) the registration number,

- (B) the original or a duplicate of the instrument purporting to dispose of or transfer the appurtenant lands, and
 - (C) the name of the holder of the interest or licence being registered.
- (b) The registrar may cause a record in the lands registry to be repaired or copied if
 - (i) the record, from use or age, is becoming unfit for future use, or
 - (ii) in the opinion of the registrar, convenience of reference requires.
- (c) The registrar may, on any evidence the registrar considers sufficient, correct clerical or typographical errors in the records of the land registry, subject to the following:
 - (i) the registrar must not destroy, erase or render illegible the original entry; and
 - (ii) the registrar must sign and date the corrected entry.

Effect of registration

- 3.5** (a) A holder of
- (i) an interest in Toquaht lands that are not Toquaht titled lands, or
 - (ii) a licence in relation to community lands,
- is entitled to that interest or licence regardless of whether it is registered in the lands register.
- (b) The priority of
- (i) interests in Toquaht lands that are not Toquaht titled lands, and
 - (ii) licences in relation to community lands,
- as between or among themselves, is not affected by registration in the lands register.
- (c) Registration in the lands register lands is not a determination by the registrar that the interest or licence being registered is enforceable or otherwise creates or evidences an interest in, or licence in relation to, Toquaht lands.

Accuracy

- 3.6** Toquaht Nation makes no representation as to the accuracy or completeness of the records of the lands register and a person may not recover from the Toquaht Nation any loss or damage that the person suffers by reliance on the records of the lands register.

Inspection

- 3.7** (a) During regular business hours, any person may examine and inspect the records of the lands register
- (i) after completing an application in the form that the registrar requires, and
 - (ii) on the conditions that the registrar imposes.
- (b) The registrar must provide to any person who completes an application in the form that the registrar requires, a copy of the lands register records for a parcel of Toquaht lands.

Transition

- 3.8** An interest in, and a licence in relation to, Toquaht lands referred to in section 4.2(a) is deemed to be registered in the lands register as of the Maa-nulth Treaty effective date on the terms provided for in the Maa-nulth Treaty.

PART 4 - DISPOSITIONS

Acquisition of interests

- 4.1 (a) No person may acquire an interest in, or licence in relation to, Toquaht lands except under this or another Toquaht enactment.
- (b) A disposition under this Act is not binding on the Toquaht Nation until the instrument is executed by the Executive under this Act.
- (c) Negotiations or arrangements, whether in writing or otherwise, before the execution of an instrument by the Executive under this Act, are not binding on and do not commit the Toquaht Nation to perform or complete a disposition.

Existing interests and licences

- 4.2 (a) Despite section 4.1 and subject to subsection (b), interests in, and licences in relation to, Toquaht lands that are listed in
- (i) Appendix E-3 of the Maa-nulth Treaty, or
- (ii) Appendix E-13 of the Maa-nulth Treaty,
- continue in accordance with their terms and conditions until they expire, terminate, are surrendered or otherwise come to an end in accordance with their terms and conditions or otherwise in accordance with law or equity.
- (a.1) An existing and valid interest in Toquaht lands referred to in subsection (a) must be registered concurrently when title to the applicable parcel of Toquaht lands is raised under the Land Title Act (British Columbia) in accordance with section 12.1.1.
- (b) As of the Maa-nulth Treaty effective date, the Executive may exercise any power and carry out any function in relation to the interests and licences referred to in subsections (a)(i) and (a)(ii) that, prior to the Maa-nulth Treaty effective date, was a power or function of Canada or British Columbia as grantor.

Dispositions by the Executive

- 4.3 (a) Subject to this Act, the Executive may make a disposition to an applicant who satisfies the eligibility requirements in section 4.16 if the Executive considers the disposition to be in the interest of the Toquaht Nation.
- (b) For purposes of subsection (a), the Executive may
- (i) make a fee simple grant in accordance with section 7.1,

- (ii) grant a lease for up to 99 years,
 - (iii) grant a statutory right of way for so long as required,
 - (iv) grant an easement for so long as required,
 - (v) grant a utility licence for so long as required,
 - (vi) grant a licence of occupation for up to 10 years,
 - (vii) grant a public purpose licence of occupation for so long as required,
 - (viii) grant a natural resource licence for up to 50 years,
 - (ix) grant a mortgage of lease for the term of the lease, and
 - (x) grant a mortgage of Toquaht titled lands registered in the name of the Toquaht Nation for up to 35 years.
- (c) In a disposition under this section, the Executive may impose the terms, covenants and stipulations it considers advisable, including the following:
- (i) payment by the applicant of the cost of a survey of the Toquaht lands completed under the direction of the director;
 - (ii) personal residence on the Toquaht lands by the applicant for a period set by the Executive; or
 - (iii) permanent improvement of the Toquaht lands by and at the cost of the applicant on the conditions specified by the Executive.
- (d) A disposition under this section must be made in the applicant's name only.

No transfer of estate in fee simple

4.4 For certainty, no estate in fee simple or indefeasible title to Toquaht lands may be granted except in accordance with this Act.

Dispositions must be in writing

- 4.5**
- (a) An interest in, or licence in relation to, Toquaht lands may only be disposed of by an instrument in writing and in accordance with this Act.
 - (b) If the Toquaht Nation in its own name is proposed to be a party to an instrument referred to in subsection (a), the instrument must not be executed on behalf of the Toquaht Nation without the prior approval of the Executive.

Limit on area of interest

- 4.6** The Executive may only make a disposition with a surface area greater than five ha at any one time or on any one application if the proposed disposition is first publicized at an information meeting.

Amendment of area under application

- 4.7** Subject to section 4.6, the Executive may under section 4.3 make a disposition with
- (a) a surface area reduced or expanded from the surface area stated in the application, and
 - (b) boundaries varied from the boundaries described in the application.

Amendments to instruments

- 4.8**
- (a) This section applies to an instrument disposing of an interest in, or licence in relation to, Toquaht lands,
 - (i) if the Toquaht Nation is a party to the instrument and the interest or licence has been granted under this Act, or
 - (ii) if the Toquaht Nation is proposed to be a party to the instrument, the interest or licence is proposed to be granted under this Act and the proposed disposition has been publicized at an information meeting and approved by vote at a ratification meeting or by referendum.
 - (b) Subject to subsection (c), the Executive may approve an amendment to an instrument referred to in subsection (a) without holding an information meeting, ratification meeting or a referendum only if
 - (i) under Part 7 the Executive could grant the interest or licence on the amended terms without holding information meeting, ratification meeting or a referendum, or
 - (ii) the Executive considers that the amendment is
 - (A) necessary to rectify an error or omission in the instrument, or
 - (B) advisable to better protect or advance the interests of the Toquaht Nation.
 - (c) The Executive may not approve an amendment to an instrument referred to in subsection (a) if the amendment would extend the term of the interest or licence granted by the instrument, unless

- (i) under Part 7 the Executive could grant the interest or licence with that extended term without the disposition being first publicized at an information meeting and approved by vote at a ratification meeting or by a referendum, or
- (ii) the proposed amendment is first publicized at an information meeting and approved by vote at a ratification meeting or by a referendum, as the case may be, as would be required under Part 7 before the Executive could grant the interest or licence with that extended term.

Conditions, provisos, restrictions, exceptions and reservations

- 4.9** (a) A disposition under this or another Toquaht enactment
- (i) excepts and reserves a right in the Toquaht Nation, or any person acting for it or under its authority,
 - (A) to resume any part of the land that is deemed to be necessary by the Executive for making roads, canals, bridges or other public works, but not more than one-twentieth part of the whole of the land, and no resumption may be made of any land on which a building has been erected, or that may be in use as a garden,
 - (B) to enter any part of the land, and to raise and get out of it any mineral resources that may be found in, on or under the land, and to use and enjoy any and every part of the land, and its easements and privileges, for the purpose of the raising and getting, and every other purpose connected with them, paying reasonable compensation for the raising and getting,
 - (C) to enter any part of the land, and to harvest, replenish or protect forest resources that may from time to time be found on, in or under the land, and to use and enjoy any part of the land for any purpose connected with the harvesting, replenishing or protecting of forest resources, and to provide access on and through the land for the harvesting, replenishing or protecting of forest resources on or off the land,
 - (D) to take and occupy water privileges and to have and enjoy the rights of carrying water over, through or under any part of the land, as may be reasonably required for mining or agricultural purposes in the vicinity of the land, paying a reasonable compensation to the grantee, the grantee's successors and assigns, and
 - (E) to take from any part of the land, without compensation, gravel, sand, stone, lime, timber or other material that may be required in

the construction, maintenance or repair of a road, ferry, bridge or other public work, and

- (ii) conveys no interest in
 - (A) mineral resources that may be found in, on or under the land,
 - (B) forest resources that may from time to time be found in, on or under the land, or
 - (C) roads on, over or through the land,

unless otherwise specifically provided in the instrument.

- (b) Subsection (a) applies whether or not express words are used in the instrument, but is subject to subsection (c).
- (c) A disposition under another Toquaht enactment that expressly authorizes a disposition on terms different from those referred to in subsection (a) may be made on those terms.
- (d) A disposition may, by express words, except or reserve to the Toquaht Nation interests more extensive than those referred to in subsection (a).
- (e) For all purposes, every disposition is conclusively deemed to contain express words making the exceptions and reservations referred to in subsection (a), except to the extent that the disposition is made on different terms under subsection (c).
- (f) The power under subsection (d) to except and reserve interests includes a power to create a statutory right of way, and if this is done
 - (i) the Toquaht Nation is, in relation to the statutory right of way, a grantee, and
 - (ii) the statutory right of way is conclusively deemed to be necessary for the operation and maintenance of the Toquaht Nation's undertaking.

Deletion of conditions

- 4.10** (a) If, after a disposition, other than a fee simple grant, has been made under this or any other Toquaht enactment, the Executive finds that a condition, proviso, restriction, exception or reservation in the disposition is no longer required in the interest of the Toquaht Nation, the Executive may, by directive, direct that the condition, proviso, restriction, exception or reservation be deleted from the disposition.

- (b) If, under subsection (a), the Executive directs the deletion of a condition, proviso, restriction, exception or reservation in a disposition that is registered under Part 3,
 - (i) the Executive must deposit a copy of the directive in the lands registry office, and
 - (ii) the registrar must make an entry in the lands register to describe the directive.

Bodies of water

- 4.11** If Toquaht lands bordering on a lake, river, stream or other body of water is the subject of a disposition under this or any other Toquaht enactment, no interest in the bed or shore of the body of water below its natural boundary passes to the person receiving the disposition.

Roads

- 4.12** Unless a contrary intention is expressly stated in an instrument, map or plan made under this Act, a road is deemed to be 20 m in width, being 10 m on each side of the centre line of the traveled portion of the road.

Date of disposition

- 4.13** A disposition of a licence, a lease or rental agreement not exceeding three years, or an interest in Toquaht lands that are not Toquaht titled lands, under section 4.3 is effective as against the Toquaht Nation
- (a) if a survey is not required, on the date that the instrument states, which must not be more than 60 days after the date on which the Executive executes the instrument, or
 - (b) if a survey is required, on the later of
 - (i) the date on which the Executive executes the instrument, and
 - (ii) the date on which the director confirms the survey under section 11.23.

Withdrawal from availability

- 4.14** (a) The Executive may, by Order, for any purpose it consider advisable
- (i) withdraw Toquaht lands from availability for disposition under this Act, and
 - (ii) amend or cancel a withdrawal made under paragraph (i).

- (b) Land withdrawn from availability for disposition under subsection (a) may not be the subject of a disposition under this Act.

Designation for use or purpose

- 4.15** (a) The Executive may, by Order, if it considers advisable
- (i) designate Toquaht lands for a particular use or for the conservation of natural or heritage resources, and
 - (ii) amend or cancel a designation made under paragraph (i).
- (b) Toquaht lands designated under subsection (a) may not be the subject of a disposition under this Act if, in the opinion of the Executive, the disposition is not compatible with the use or purpose for which the land has been designated.

Applications for disposition

- 4.16** (a) Subject to this Act, an individual who is at least 19 years old, a corporation, treaty first nation, Canada or British Columbia may apply for a disposition described in section 4.3(b) but excluding section 4.3(b)(x).
- (b) Nothing in this Act obliges the Toquaht Nation to consider an application for a disposition, or to make a disposition on an application.
- (c) An applicant does not obtain an interest in, or licence in relation to, Toquaht lands, or a priority to acquire an interest in, or licence in relation to, Toquaht lands, by applying for a disposition.

Application procedure for dispositions

- 4.17** (a) An application under section 4.16(a) must
- (i) be made to the director in the form specified by the director, and
 - (ii) be accompanied by any prescribed application fee.
- (b) If the Toquaht lands that are the subject of an application under section 4.16(a) are unsurveyed or if no evidence of survey is available, the applicant must, along with the application and at the applicant's expense, provide a map indicating the location of the proposed interest in the form required by the director.

Public notice

- 4.18** (a) The director must, at the applicant's expense, post, in accordance with Toquaht law, a notice of an application under section 4.16(a).

- (b) The notice under subsection (a) must
 - (i) be headed “Land Act: Notice of Intention to Apply for a Disposition”,
 - (ii) state the applicant's name,
 - (iii) state whether the application is for a fee simple grant, lease, right of way, easement, or licence,
 - (iv) state the location and approximate surface area of the Toquaht lands that are the subject of the application,
 - (v) state the purpose for which the interest is required, and
 - (vi) be signed by the applicant or their agent.
- (c) The director must provide to the Executive proof of posting of the notice satisfactory to the Executive.
- (d) For certainty, the requirement in subsection (a) to “post in accordance with Toquaht law” is satisfied if the requirements of section 3.11 of the Interpretation Act, TNS 17/2011 have been satisfied.

Register of applications

- 4.19** (a) The director must keep a register of applications for a disposition under section 4.16(a), including, for each application, a copy of the notice posted in accordance with section 4.18.
- (b) During regular business hours, any person may examine and inspect the register of applications
 - (i) after completing an application in the form that the director requires, and
 - (ii) on the conditions that the director imposes.
 - (c) The Toquaht Nation makes no representation as to the accuracy or completeness of the register of applications and a person may not recover from the Toquaht Nation any loss or damage that the person suffers by reliance on the register of applications.

Feasibility studies and costs

- 4.20** (a) The director may require an applicant to obtain and file with the director, at the applicant's expense,
- (i) feasibility studies,

- (ii) environmental assessments,
 - (iii) timber cruises,
 - (iv) land valuation appraisals, or
 - (v) any other information about the application required by the director or the Executive.
- (b) If an application is made under section 4.16(a), the director may
- (i) estimate the cost
 - (A) to assess the impact of the disposition, or
 - (B) to monitor compliance with terms of the disposition, and
 - (ii) require the applicant to pay to the Toquaht Nation all or part of that estimated cost before the application is considered or the disposition made.

Security may be required

- 4.21 (a) The director may require an applicant to deposit with the Toquaht Nation a bond or other form of security for the performance and completion by the applicant of all the obligations and requirements specified by the director under this Act.
- (b) The bond or other form of security required under subsection (a) must be payable to the Toquaht Nation for the amount and on the terms required by the director.

Affidavit may be required

- 4.22 The director may require an applicant to provide proof, by affidavit or otherwise, of any matter connected with the application, including the applicant's financial capacity.

Disposition of interest or licence

- 4.23 (a) A person who acquires an interest in, or licence in relation to, Toquaht lands, other than Toquaht titled lands, by a disposition under section 4.3 or by an allowable disposition under this section, must not dispose of or otherwise deal with that interest or licence, unless the disposing or other dealing is expressly allowed or approved by
- (i) this or any other Toquaht enactment,
 - (ii) the instrument, or
 - (iii) the Executive.

- (b) An intended disposition of or other dealing with an interest in, or licence in relation to, Toquaht lands, other than Toquaht titled lands, in contravention of this section is void.
- (c) As a condition precedent to an approval under subsection (a), the Executive may require the person to agree to and observe or perform, in relation to the Toquaht lands, additional terms, covenants or stipulations.

Certificate of transfer under the Land Title Act (British Columbia)

- 4.24**
- (a) Toquaht titled lands must not be registered in a name other than the Toquaht Nation without a certificate of transfer in the prescribed form issued by the Executive on behalf of the Toquaht Nation in accordance with this section.
 - (b) For certainty, a transfer of the ownership of a parcel of Toquaht titled lands in contravention of this section is void.
 - (c) The registered owner of an indefeasible title to a parcel of Toquaht titled lands may apply to the Executive for a certificate of transfer.
 - (d) An application made under subsection (c) must
 - (i) be made to the Executive in the prescribed form,
 - (ii) set out
 - (A) the parcel's land title office parcel identification number and legal description,
 - (B) the parcel's civic address, if any,
 - (C) the full legal name and occupation of the applicant,
 - (D) the full legal name and occupation of the proposed transferee,
 - (E) the intended use of the parcel by the proposed transferee, and
 - (iii) be accompanied by any prescribed application fee.
 - (e) Nothing in this Act obliges the Executive to consider an application made under subsection (c) or to make any decision on that application and, for certainty, the Executive may refuse to consider or decide an application made under subsection for any reason it decides.
 - (f) In considering an application made under subsection (c), the Executive may consider, among other things, the following matters in reaching a decision on the application:

- (i) the current use of the parcel identified in the application;
 - (ii) the proposed use of that parcel;
 - (iii) the stated use of that parcel, if any, that was indicated in the application under section 4.16 for the fee simple grant of that parcel;
 - (iv) whether or not the proposed transferee is an eligible person;
 - (v) any matters relating to the proposed transferee the Executive decides are relevant; and
 - (vi) any other matters the Executive decides are relevant.
- (g) If an application made under subsection (c) is approved, the Executive must issue to the applicant a certificate of transfer stating
- (i) the certificate of transfer is issued in accordance with Toquaht law, and
 - (ii) the person named in the certificate as transferee of the parcel is a permitted transferee under Toquaht law.

PART 5 - [REPEALED]

PART 6 - [REPEALED]

PART 7 - COMMUNITY LANDS

Fee simple grants

- 7.1 (a) The Executive may grant or transfer an estate in fee simple to community lands in accordance with this section.
- (b) The Executive may grant or transfer an estate in fee simple to community lands designated as Homelands in the Official Community Plan Act, TNS 1/2016 to
- (i) a Toquaht citizen, or
 - (ii) a Toquaht citizen and the spouse of a Toquaht citizen
- without first publicizing at information meetings and without approval by referendum or by vote at a ratification meeting.
- (c) The Executive may
- (i) by regulation, designate certain community lands as unrestricted fee simple lands if the proposed regulation is first publicized at an information meeting, and
 - (ii) grant or transfer an estate in fee simple to lands prescribed under paragraph (i) to any person without additional information meetings and without approval by referendum or by vote at a ratification meeting.
- (d) The Executive may grant or transfer an estate in fee simple to community lands to
- (i) a Toquaht public corporation, or
 - (ii) a Toquaht public institution
- without approval by referendum or by vote at a ratification meeting if the proposed grant is first publicized at an information meeting.
- (d.1) Except as provided in subsections (b) to (d), the Executive may only grant or transfer an estate in fee simple to community lands if the proposed grant is first publicized at two information meetings and approved by a referendum.
- (e) For certainty, the registered owner of an indefeasible title to a parcel of Toquaht titled lands may only transfer his or her estate in fee simple in accordance with section 4.24 and the Land Title Act (British Columbia).

Appraisals

- 7.2 (a) Despite any other provision of this Act, the Executive may not grant

- (i) an estate in fee simple to Toquaht titled lands under section 7.1,
- (ii) a lease under section 7.4 or 7.5, or
- (iii) a natural resource licence under section 7.9 or 7.10

unless the Executive first obtains one or more appraisals of the fair market value of the appurtenant lands.

- (b) If Council enacts a law that requires that the Executive first obtain one or more appraisals of the fair market value of the appurtenant lands before granting an interest in, or a licence in relation to, Toquaht lands under sections 7.3, 7.6, 7.7, 7.8, 7.11 and 7.13, the Executive must comply with that requirement before making such a grant.

Leases of 10 years or less

7.3 The Executive may grant a lease of community lands for a term or possible term of 10 years or less only if

- (a) the Executive has not previously granted a lease of those community lands to the grantee or a member of the grantee's immediate family,
- (b) the term or possible term of the proposed lease, when added to the term of all previous leases of those community lands granted by the Executive to the grantee or a member of the grantee's immediate family since the last occasion, if any, on which such a grant was publicized at an information meeting totals 10 years or less, or
- (c) the proposed grant is first publicized at an information meeting and approved by vote at a ratification meeting.

Leases of between 10 and 25 years

7.4 The Executive may grant a lease of community lands for a term or possible term of more than 10 years but not more than 25 years only if the proposed grant is first publicized at an information meeting and approved by vote at a ratification meeting.

Leases of between 25 and 99 years

7.5 The Executive may grant a lease of community lands for a term or possible term of more than 25 years but not more than 99 years only if the proposed grant is first publicized at two information meetings and approved by a referendum.

Easements and statutory rights-of-way

7.6 (a) The Executive may grant an easement over Toquaht lands.

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- (b) The Executive may grant or reserve a statutory right-of-way over Toquaht lands to any of the following:
- (i) the Toquaht Nation, a Toquaht public institution or a Toquaht corporation;
 - (ii) Canada, an agency of Canada or a corporation owned by Canada;
 - (iii) British Columbia, an agency of British Columbia or a corporation owned by British Columbia;
 - (iv) a treaty first nation, an agency of a treaty first nation or a corporation owned by a treaty first nation;
 - (v) a local government, an agency of a local government or a corporation owned by a local government;
 - (vi) a public utility;
 - (vii) a strata corporation established under the Strata Property Act (British Columbia);
 - (viii) a homeowner's association incorporated under the Society Act (British Columbia);
 - (ix) a housing cooperative incorporated under the Cooperative Association Act (British Columbia); or
 - (x) a railway corporation.
- (c) The holder of an interest in Toquaht lands may, by grant or otherwise in favour of the Toquaht Nation or a person listed in subsection (b), as grantor encumber the interest with an easement called a statutory right-of-way, without a dominant tenement, for any purpose necessary for the operation and maintenance of the grantee's undertaking, including the right to flood.
- (d) To the extent necessary to give effect to this section, the rule requiring an easement to have a dominant and servient tenement is abrogated.
- (e) The requirement that a statutory right of way be for a purpose necessary for the operation and maintenance of a grantee's undertaking does not apply if the grantee is the Toquaht Nation.
- (f) A statutory right-of-way registrable under this section is binding on the grantor and the grantor's successors in title, even though the instrument or other disposition has not been signed by the grantee.

- (g) No person who enters into a statutory right-of-way under this section is liable for a breach of the statutory right-of-way occurring after the person has ceased to be the owner of the interest in the land encumbered by that statutory right-of-way.

Licences of occupation

- 7.7** (a) The Executive may grant a licence of occupation in relation to community lands for a term or possible term of 10 years or less.
- (b) The Executive may grant a licence of occupation in relation to community lands for a public purpose for a term or possible term greater than 10 years to any of the following:
- (i) the Toquaht Nation, an agency of the Toquaht Nation or a corporation owned by the Toquaht Nation;
 - (ii) Canada, an agency of Canada or a corporation owned by Canada;
 - (iii) British Columbia, an agency of British Columbia or a corporation owned by British Columbia;
 - (iv) a treaty first nation, an agency of a treaty first nation or a corporation owned by a treaty first nation; or
 - (v) a local government, an agency of a local government or a corporation owned by a local government.

Natural resource licences of 10 years or less

- 7.8** The Executive may grant a natural resource licence in relation to community lands for a term or possible term of 10 years or less only if
- (a) the Executive has not previously granted a natural resource licence in relation to those community lands to the grantee or a member of the grantee's immediate family,
 - (b) the term or possible term of the proposed natural resource licence, when added to the term of all previous natural resource licences in relation to those community lands granted by the Executive to the grantee or a member of the grantee's immediate family since the last occasion, if any, on which such a grant was publicized at information meetings and approved by vote at a ratification meeting, totals 10 years or less, or
 - (c) the proposed grant is first publicized at an information meeting and approved by vote at a ratification meeting.

Natural resource licences of between 10 and 25 years

- 7.9** The Executive may grant a natural resource licence in relation to community lands for a term or possible term of more than 10 years but not more than 25 years only if the proposed grant is first publicized at an information meeting and approved by vote at a ratification meeting.

Natural resource licences of between 25 and 50 years

- 7.10** The Executive may grant a natural resource licence in relation to community lands for a term or possible term of more than 25 years but not more than 50 years only if the proposed grant is first publicized at two information meetings and approved by a referendum.

Utility licences

- 7.11** The Executive may grant a utility licence in relation to community lands to any of the following:
- (a) the Toquaht Nation, a Toquaht public institution or a Toquaht corporation;
 - (b) Canada, an agency of Canada or a corporation owned by Canada;
 - (c) British Columbia, an agency of British Columbia or a corporation owned by British Columbia;
 - (d) a treaty first nation, an agency of a treaty first nation or a corporation owned by a treaty first nation;
 - (e) a local government, an agency of a local government or a corporation owned by a local government; or
 - (f) a public utility.

- 7.12** [Repealed]

Registration of covenant as to use and alienation

- 7.13** (a) A covenant described in subsection (b) in favour of
- (i) the Toquaht Nation, a Toquaht public institution or a Toquaht corporation,
 - (ii) Canada, an agency of Canada or a corporation owned by Canada, or
 - (iii) British Columbia, an agency of British Columbia or a corporation owned by British Columbia,

- as covenantee, may be registered against an interest in the Toquaht lands subject to the covenant and is enforceable against the covenantor and the successors in title of the covenantor even if the covenant is not annexed to Toquaht lands owned by the covenantee.
- (b) A covenant registrable under subsection (a) may be of a negative or positive nature and may include one or more of the following provisions:
- (i) provisions in relation to
 - (A) the use of Toquaht lands, or
 - (B) the use of a building on or to be erected on Toquaht lands;
 - (ii) that Toquaht lands
 - (A) are to be built on in accordance with the covenant,
 - (B) are not to be built on except in accordance with the covenant, or
 - (C) are not to be built on;
 - (iii) that Toquaht lands
 - (A) are not to be subdivided except in accordance with the covenant, or
 - (B) are not to be subdivided;
 - (iv) that the parcels of Toquaht lands designated in the covenant and registered under one or more registrations are not to be sold or otherwise transferred separately.
- (c) A covenant described in subsection (d) in favour of
- (i) the Toquaht Nation, a Toquaht public institution or a Toquaht corporation, or
 - (ii) any person designated by the Executive on terms and conditions it determines is proper,

- as covenantee, may be registered against an interest in the Toquaht lands subject to the covenant and, subject to subsections (j) and (l), is enforceable against the covenantor and the successors in title of the covenantor even if the covenant is not annexed to Toquaht lands owned by the covenantee.
- (d) A covenant registrable under subsection (c) may be of a negative or positive nature and may include one or more of the following provisions:

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- (i) any of the provisions under subsection (b);
 - (ii) that Toquaht lands or a specified amenity in relation to it be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant.
- (e) For the purpose of subsection (d)(ii), "amenity" includes any natural, historical, heritage, cultural, scientific, architectural, environmental, wildlife or plant life value relating to the Toquaht lands that are subject to the covenant.
- (f) A covenant registrable under this section may include, as an integral part,
- (i) an indemnity of the covenantee against any matter agreed to by the covenantor and covenantee and provision for the just and equitable apportionment of the obligations under the covenant as between the owners of the interest in the Toquaht lands affected, and
 - (ii) a rent charge charging the Toquaht lands affected and payable by the covenantor and the covenantor's successors in title.
- (g) If an instrument contains a covenant registrable under this section, the covenant is binding on the covenantor and the covenantor's successors in title, even though the instrument or other disposition has not been signed by the covenantee.
- (h) No person who enters into a covenant under this section is liable for a breach of the covenant occurring after the person has ceased to be the holder of the interest in the Toquaht lands.
- (i) A covenant registrable under this section may be
- (i) modified by the holder of the charge and the holder of the interest in the Toquaht lands charged, or
 - (ii) discharged by the holder of the charge
- by an agreement or instrument in writing.
- (j) [Repealed]
- (k) On the death or dissolution of an owner of a covenant registrable under subsection (c)(ii), the covenant ceases to be enforceable by any person, including the Toquaht Nation, other than
- (i) another covenantee named in the instrument creating the covenant, or

- (ii) an assignee of a covenantee if the assignment has been approved in writing by the Executive.
- (l) If a covenantee or assignee referred to in subsection (j) is a corporation that has been dissolved and subsequently restored into existence, the covenant continues to be enforceable by the restored corporation from the date of its restoration.
- (m) A recital in a covenant that a person "has been designated by the Executive under section 7.13(c)(ii) of the Land Act", or a statement to that effect in the application to register the covenant, is sufficient proof to the registrar of that fact.
- (n) The Executive may only delegate its powers under subsection (c)(ii) and (k)(ii) to the director.

PART 8 - EXPROPRIATIONS

Expropriations for community purposes

- 8.1**
- (a) Subject to subsections (b) and (c), the Executive may expropriate all or part of an interest in, or licence in relation to, Toquaht lands that in the opinion of the Executive is necessary for community works or community purposes.
 - (b) The Executive may not expropriate all or part of an interest in, or licence in relation to, Toquaht Lands until the following conditions, in the order listed, are satisfied:
 - (i) notice of the proposed expropriation has been delivered in accordance with Toquaht law to the holder of the interest or licence;
 - (ii) the Executive has attempted in good faith to negotiate an agreement with the holder of the interest or the licence for the transfer of the interest or licence, or the part of the interest or licence, as the case may be; and
 - (iii) the proposed expropriation has been publicized at an information meeting.
 - (c) The Executive may not expropriate an interest in Toquaht lands obtained by Canada or British Columbia.

Compensation

- 8.2**
- (a) If the Executive proposes to take all or a part of an interest in, or licence in relation to, Toquaht lands under section 8.1, the Executive must offer to pay compensation for the proposed taking to the registered holder.
 - (b) As all or part of the compensation offered under subsection (a), the Executive may offer to grant to the holder a similar interest or licence under section 4.3.
 - (c) If the Executive and the holder agree on the compensation to be paid for the proposed taking, the interest or licence or the part of the interest or licence is deemed to be cancelled when the Toquaht Nation pays that compensation to the holder.
 - (d) If the Executive and the holder do not agree on the compensation to be paid for the proposed taking, the Executive may apply to the director for a determination of compensation under section 8.3.
 - (e) If under section 8.3 the director determines compensation to be paid for the proposed taking, the interest or licence or the part of the interest or licence is deemed to be cancelled when the Toquaht Nation pays that compensation to the holder.

- (f) The Executive is not obligated to proceed with a proposed taking of an interest or licence after the director determines compensation to be paid for the proposed taking under section 8.3.

Determination of compensation

- 8.3** (a) In this section, “estimated fair market value” means in relation to a proposed taking of an interest in, or licence in relation to, Toquaht lands under section 8.1, the estimated amount that would have been paid for an interest in, or licence in relation to, Toquaht lands in the open market by a willing seller to a willing buyer on the date that the Executive gave written notice of the proposed taking to the holder, without any account of
- (i) the development or other purpose for which the Executive proposes the taking, or
 - (ii) the enactment or amendment by the Toquaht Nation of a zoning or other law in anticipation of the development or other purpose.
- (b) The director must determine the compensation to be paid by the Executive for the proposed taking of the interest or licence, on application by the Executive under section 8.2(d).
- (c) Before making a determination of compensation under this section, the director
- (i) must invite the Executive and the holder to make a written or oral submission to the director on the determination of compensation, and
 - (ii) may require the Executive and the holder to produce any information that the registrar considers relevant to the determination.
- (d) In making a determination of compensation on an application under section 8.2(d), the director may take into account
- (i) the estimated fair market value of the interest or licence,
 - (ii) whether the holder is in actual occupation of the Toquaht lands,
 - (iii) whether the Executive is willing to grant another interest or licence to the holder as all or part of the compensation, and
 - (iv) the costs or expenses that would be reasonably incurred by the holder as a direct result of the proposed taking.
- (e) The director must, on making a determination of compensation under this section, provide written reasons for the determination to the Executive and the holder.

- (f) A person who is affected by a determination of the director under subsection (b) may request a review of that determination under the Administrative Decisions Review Act, TNS 7/2011.
- (g) For certainty, a person that requests a review under subsection (f) may also apply for an order staying the directive in accordance with the Administrative Decisions Review Act, TNS 7/2011.

PART 9 - DISALLOWANCE, CANCELLATION, AMENDMENT AND ABANDONMENT

Application

- 9.1 This Part does not apply to Toquaht titled lands, the owner of which is a person other than the Toquaht Nation.

If approval subject to survey

- 9.2 (a) If an application for a disposition of unsurveyed Toquaht lands has been approved by the Executive subject to completion of a satisfactory survey, the Executive may disallow the application if
- (i) the survey is not completed by the date specified by the director, or
 - (ii) the Executive considers it not to be in the interest of the Toquaht Nation to make the disposition because of information
 - (A) in the completed survey,
 - (B) in a report from the land surveyor who conducted the survey, or
 - (C) received by the Executive from another source.
- (b) If the Executive disallows an application under subsection (a)(ii), the Toquaht Nation must reimburse the applicant for the applicant's survey costs, unless the applicant made a misrepresentation that resulted in the disallowance.

If error in approval or disposition

- 9.3 (a) The Executive may, by directive,
- (i) amend or correct
 - (A) a disposition made under this Act, or
 - (B) an approval of a disposition given under this Act,
 - (ii) disallow an application for a disposition made under this Act, or
 - (iii) cancel a disposition made under this Act,
- if the Executive determines that
- (iv) there is an error in the names or description of the applicant, the description of the Toquaht lands, or any other material part of the approval or disposition,

- (v) the Toquaht lands are not available for disposition under this Act,
 - (vi) the survey of the Toquaht lands is incorrect, or
 - (vii) information provided by the applicant is incorrect.
- (b) If the Executive amends or corrects a disposition or approval under this section, the amended or corrected disposition or approval is effective as of the date of the original disposition or approval.
- (c) If the Executive disallows an application under this section, the Executive may
- (i) reimburse the applicant for all or part of the money paid on the application,
 - (ii) reimburse the applicant for the applicant's survey costs, and
 - (iii) pay to the applicant any compensation that the Executive considers advisable.
- (d) If the Executive cancels a disposition under this section,
- (i) the disposition holder's interest in, or licence in relation to, the Toquaht lands and the interest of all persons claiming through that holder are terminated,
 - (ii) all improvements to the Toquaht lands become the property of the Toquaht Nation, and
 - (iii) the Executive may
 - (A) reimburse the disposition holder for all or part of the money paid for or under the disposition,
 - (B) reimburse the disposition holder for the disposition holder's survey costs, and
 - (C) pay to the disposition holder any compensation that the Executive considers advisable.
- (e) If a disposition that is amended or cancelled under this section is registered under Part 3,
- (i) the Executive must deposit a copy of the directive in the lands registry office, and

- (ii) the registrar must amend or cancel the registration on receipt of the directive.
- (f) A person who is affected by a directive under subsection (a) may request a review of that directive under the Administrative Decisions Review Act, TNS 7/2011.
- (g) For certainty, a person that requests a review under subsection (f) may also apply for an order staying the directive in accordance with the Administrative Decisions Review Act, TNS 7/2011.

If non-compliance with disposition

- 9.4**
- (a) If a person who holds a disposition under this Act fails or neglects to comply with a term, covenant or stipulation set out in the instrument of disposition or imposed by the Executive in the disposition, the director may deliver in accordance with Toquaht law a notice to the person requiring the person to comply with the term, covenant or stipulation within 60 days after the date the notice is delivered.
 - (b) If the failure or neglect referred to in subsection (a) continues after the 60 day period, the Executive may, by directive, cancel the disposition.
 - (c) If the Executive cancels a disposition under subsection (b),
 - (i) the disposition holder's interest in, or licence in relation to, the land and the interest of all persons claiming through that holder are terminated,
 - (ii) all improvements to the Toquaht lands become the property of the Toquaht Nation, and
 - (iii) any money paid for or under the terms of the disposition is forfeited to the Toquaht Nation.
 - (d) If a disposition that is cancelled under subsection (b) is registered under Part 3,
 - (i) the Executive must deposit a copy of the directive in the lands registry office, and
 - (ii) the registrar must cancel the registration on receipt of the directive.
 - (e) A person who is affected by a directive under subsection (b) may request a review of that directive under the Administrative Decisions Review Act, TNS 7/2011.
 - (f) For certainty, a person that requests a review under subsection (e) may also apply for an order staying the directive in accordance with the Administrative Decisions Review Act, TNS 7/2011.

Abandonment of disposition

- 9.5** (a) A person holding a disposition under this Act may abandon and terminate the disposition by giving written notice to the director.
- (b) On abandonment and termination of a disposition under subsection (a),
- (i) all improvements to the Toquaht lands become the property of the Toquaht Nation, and
 - (ii) all money paid for or under the terms of the disposition is forfeited to the Toquaht Nation.
- (c) If a disposition that is abandoned and terminated under subsection (a) is registered under Part 3,
- (i) the director must deposit in the lands registry office a copy of the written notice given to the director under subsection (a), and
 - (ii) the registrar must cancel the registration on receipt of the written notice.

Debts payable on cancelled disposition

- 9.6** (a) Unless the Executive otherwise directs, the holder of a disposition that is cancelled under section 9.4 or abandoned and terminated under section 9.5 must pay all money remaining due under the disposition and observe or perform all terms, covenants and stipulations of the disposition.
- (b) Money remaining due to the Toquaht Nation on a cancelled or abandoned and terminated disposition is recoverable by the Toquaht Nation as a debt due to the Toquaht Nation.

PART 10 - [REPEALED]

PART 11 - SURVEYS

Application of Part

- 11.1** This Part applies to Toquaht lands that are Toquaht titled lands only to the extent it does not conflict with the Land Title Act (British Columbia), which prevails to the extent of an inconsistency between it and this Act.

Districts

- 11.2** For the purpose of describing Toquaht lands under this Act, the Executive may, by regulation
- (a) constitute a part of Toquaht lands as a district, and
 - (b) amend or cancel a district.

Authorized surveyor

- 11.3** All surveys required under this Act must be carried out by a British Columbia land surveyor acting under the instruction of the director.

Surveyor to act under director

- 11.4** The British Columbia land surveyor in charge of a survey under this Part must make the survey and plan under the guidance and instruction of the director.

Power to require survey

- 11.5** The Executive may require a survey to be made of Toquaht lands.

Method of defining new parcel

- 11.6** Unless otherwise provided in section 11.20, a new parcel created by subdivision or a parcel for which a new disposition is sought under Part 4 must be defined by a subdivision plan.

Survey costs for Toquaht dispositions

- 11.7** Unless the Executive otherwise requires, by directive or section 9.2(b) applies, an applicant under section 4.16 must pay the cost of a survey of the Toquaht lands that is required under this Act.

Survey district lots

- 11.8** (a) Toquaht lands may be surveyed into district lots that are rectangular in shape and bounded by lines running as nearly as may be true north and south and east and west.

- (b) At the discretion of the director, district lots may be polygonal in shape and oriented to conform to topography.
- (c) The natural boundary of a body of water may be adopted as a boundary of a district lot.
- (d) A conventional boundary may be established in a survey of a district lot and land defined by a conventional boundary carries with it the rights and incidents as if it were bounded by the natural boundary.
- (e) District lots must be numbered in a consecutive numbering system for each district constituted under section 11.2.
- (f) Subject to subsection (g), the area of a district lot must not be larger than 300 ha.
- (g) If one of the boundaries of a district lot is a natural boundary, the area of the district lot must not be larger than 320 ha.

Survey instructions by director

- 11.9** (a) If
- (i) an application for a disposition of unsurveyed Toquaht lands has been approved by the Executive subject to completion of a satisfactory survey, and
 - (ii) a land surveyor engaged by the applicant to conduct the survey of the Toquaht Lands makes a request of the director for instructions,
- the director must issue instructions about the survey to the surveyor.
- (b) A survey under subsection (a) must be completed in the time specified in the instructions, and the survey records must be forwarded immediately to the director unless, in special circumstances, the director extends the date for completion.
 - (c) If, for any reason, a survey under subsection (a) is not satisfactory to the director, the director may require a further survey or report.
 - (d) If a survey under subsection (a) is not completed and forwarded by the required date, the surveyor must discontinue the survey and advise the applicant.
 - (e) A surveyor who discontinues a survey under this section must immediately forward to the director the field notes and the results of the surveyor's work up to and including the date the survey was discontinued.

Restrictions on subdivision

- 11.10** (a) Except in compliance with this Part, a person must not subdivide Toquaht lands into smaller parcels than those of which the person is the owner for the purpose of
- (i) transferring it, or
 - (ii) leasing it, or agreeing to lease it, for life or for a term exceeding three years.
- (b) Except in compliance with this Part, a person must not subdivide Toquaht lands for the purpose of a mortgage or other dealing that may be registered under this Act as a charge if the interest conferred on the transferee, mortgagee or other party would entitle the person in law or equity under any circumstances to demand or exercise the right to acquire or transfer the underlying interest in the Toquaht lands.
- (c) Subsection (a) does not apply to a subdivision for the purpose of leasing a building or part of a building.
- (d) An instrument executed by a person in contravention of this section does not confer on the party claiming under it a right to registration of the instrument or a part of it.

Approval of subdivision plan required

- 11.11** A subdivision or reference plan must not be deposited in the lands registry office by the registrar unless it has first been approved by the approving officer.

Requirements as to subdivision and reference plans

- 11.12** A survey plan tendered for deposit in the lands registry office must comply with the following requirements:
- (a) the survey plan must be based on a survey made by a British Columbia land surveyor;
 - (b) the plan must have a title which includes a legal description, in accordance with the requirements of the registrar, of the Toquaht lands;
 - (c) unless otherwise provided by regulation, the survey plan must be accompanied by a machine made transparent copy of a type approved by the director, together with the number of white prints that may be necessary for the purpose of taxing authorities and the director; and
 - (d) the correctness of the survey and plan must be verified by the surveyor by his or her statement in the form approved by the director.

Tender of plan for examination and approval

- 11.13** (a) A subdivision plan must be tendered for examination and approval by the approving officer.
- (b) The subdivision plan must be accompanied by the following:
- (i) the applicable prescribed fees;
 - (ii) a certificate
 - (A) that all taxes assessed on the subdivided land have been paid, and
 - (B) if taxes are payable by installments, that all installments owing at the date of the certificate have been paid;
 - (iii) if the approving officer considers that there is reason to anticipate that the Toquaht lands may be resubdivided and requires this information, a sketch showing that the parcels into which the Toquaht lands are subdivided can conveniently be further subdivided into smaller parcels; and
 - (iv) if the approving officer requires this information, profiles of every new roadway shown on the plan and such necessary topographical details as may indicate engineering problems to be dealt with in opening up the roadways, including environmental impact or planning studies.
- (c) The Executive may prescribe fees for subdivision plan examination by the approving officer, which may vary with the number, size and type of parcels involved in the proposed subdivision.

Plan tendered later than three months after survey

- 11.14** (a) If a subdivision plan is tendered for examination and approval after the expiration of three months after the date the survey is completed, the approving officer may require the surveyor who carried out the survey to inspect the survey and
- (i) satisfy himself or herself that
 - (A) all posts and monuments are in place, and
 - (B) the survey has not been affected by an intervening survey or a registration, deposit or filing under this Act, and
 - (ii) write on the plan "inspected under the Land Act", with the date of the inspection and his or her signature.

- (b) The surveyor may inspect and certify a plan under subsection (a) before the plan is tendered for approval.
- (c) In the event of the death or disability of the surveyor, the director may appoint another British Columbia land surveyor to make the inspection.

Time limit for approval and consideration of public interest

- 11.15** (a) A subdivision plan must be approved or rejected by the approving officer within two months after the date it is tendered for examination and approval or within another prescribed period.
- (b) If, under subsection (a), the approving officer rejects a subdivision plan, the approving officer must as soon as practicable notify in writing the applicant, or the solicitor or agent of the applicant, of the rejection, stating briefly the reason and the approving officer's requirements, if any.
 - (c) In considering an application for subdivision approval in relation to Toquaht lands, the approving officer may refuse to approve the subdivision plan if the approving officer considers that the deposit of the plan is against the public interest.

Principles guiding approving officer

- 11.16** (a) In considering an application for approval of a subdivision under section 11.13, the approving officer must be guided by the principles and requirements set out in this Act and the Planning and Land Use Management Act applicable to the examination of subdivisions made by subdivision plan.
- (b) An application for approval must be accompanied by the prescribed fee.
 - (c) If the approving officer refuses to grant approval, or if approval is not granted within two months after the date the application is tendered to the approving officer for approval, the applicant may request a review of the matter under the Administrative Decisions Review Act, TNS 7/2011.

Signatures of owners to plan

- 11.17** (a) A subdivision plan must be signed by each holder of the interest in the Toquaht lands subdivided.
- (b) All the signatures to the plan must be witnessed in the same manner as is required by section 3.3.

Application for deposit

- 11.18** (a) An application to deposit a subdivision plan in the lands registry office must be

- (i) in the form approved by the registrar,
 - (ii) accompanied by the approved subdivision plan and the reproductions required by the registrar, and
 - (iii) tendered for deposit to the registrar within two months or any other period that may be prescribed after it has been approved by the approving officer, or within a further time the registrar, on application made to the registrar before the expiration of the two months or the other period prescribed, may allow for sufficient cause.
- (b) If the application and plan are not tendered to the registrar within the time allowed, the approval of the plan is deemed to have been revoked.

Serial deposit number

11.19 The registrar must assign a serial number to each reference plan or explanatory plan deposited with the registrar.

Registrar to determine whether description acceptable

- 11.20** (a) The registrar may accept
- (i) a metes and bounds description or an abbreviated description, with or without a reference plan or an explanatory plan, or
 - (ii) a reference plan or an explanatory plan, with or without a metes and bounds description
- in any of the following cases:
- (iii) if a new parcel is created by the subdivision of an existing parcel shown on a deposited subdivision plan;
 - (iv) if the new parcel is created for the purpose of adding it to an already existing adjoining parcel in the same subdivision plan, in which case the new parcel is deemed to be an integral portion of the parcel to which the new parcel is added; or
 - (v) if an easement or a statutory right of way under section 7.6 or covenant under section 7.13 is being created.
- (b) The registrar, before exercising his or her discretion in relation to the matters covered by subsection (a), must require the applicant to provide satisfactory evidence that the approving officer has granted approval of the subdivision.

- (c) In the case of a lease of all or part of a building, the registrar may, on the ground of hardship or economic loss, accept a sketch plan with or without a metes and bounds description or abbreviated description.

New registrations for parcels shown on deposited plan

- 11.21** (a) The registrar must examine the application and plan submitted under section 11.18, and any supporting instrument produced and, if satisfied that they are in order and in compliance with all the requirements of this Act, must deposit the plan under the serial deposit number assigned to the plan on its receipt and register the new interests in Toquaht lands and the holders of the parcels shown on the plan as may be necessary.
- (b) If a new interest in Toquaht lands is registered, the former interest must be cancelled.
 - (c) If a new taxable interest in Toquaht lands under a real property tax law of the Toquaht Nation is registered, a print of the plan must be transmitted to the appropriate authorities.
 - (d) Concurrently with the tender of the plan an application may be made to the registrar to register an instrument dealing with any parcel included in the plan and reference in the instrument to the plan and parcel must be in the manner required by the registrar.

Road and walkway allowances

- 11.22** The Executive may authorize the director to establish or cancel a road allowance or walkway allowance on Toquaht lands.

Surveys to be confirmed

- 11.23** A survey may not be used or adopted for the purpose of this Act until it is confirmed in writing by the director on the official plan.

Deemed deposit of certain plans

- 11.23.1(a)** Subject to subsection (b) and despite any other provision in this Part, any survey plan completed in accordance with 2.5.1 of Chapter 2 Lands of the Maa-nulth Treaty and deposited in the provincial Crown land registry is deemed to be deposited in the lands registry office on the same date and at the same time as that survey plan was deposited in the provincial Crown land registry.
- (b) Despite any other provision in this Part, a survey plan completed in accordance with 2.5.1 of Chapter 2 Lands of the Maa-nulth Treaty and deposited in the provincial Crown land registry prior to April 1, 2011, is deemed to be deposited in the lands registry office at 12:01 AM on April 1, 2011.

- (c) The registrar must assign a serial number to each survey plan deemed to be deposited under this section.
- (d) For each survey plan deemed to be deposited under this section, the registrar must
 - (i) deposit a white print in the lands registry office, and
 - (ii) provide the director the number of white prints that may be necessary for the purpose of taxing authorities and the director.

Director may require resurvey

- 11.24** (a) Subject to subsection (b), the director may, by directive, require a resurvey of Toquaht lands if the director considers that
- (i) a survey of Toquaht lands, on the ground, differs materially from the field notes or plan of that survey confirmed under this Act,
 - (ii) it is advisable to replace a natural boundary confirmed under this Act with a conventional boundary, or
 - (iii) the posts, monuments or boundaries of a survey confirmed under this Act cannot be located.
- (b) If the land requiring a resurvey under subsection (a) is Toquaht titled lands, the director may not require a resurvey of that land under this section unless the director receives an application for a resurvey from a registered owner of the estate in fee simple to the Toquaht titled lands.

Persons likely to be affected by resurvey

- 11.25** If a person applies to the director for a resurvey under section 11.24(b) and the director believes that other persons are likely to be adversely affected by a resurvey, the director must direct the person applying for the resurvey to publish in accordance with Toquaht law a notice of the application.

Decision on application for resurvey

- 11.26** (a) Before deciding an application for resurvey under section 11.24(b), the director may permit any person who the director believes may be affected by the application an opportunity to make a submission to the director on the application.
- (b) After deciding an application for resurvey under section 11.24(b), the director must provide a written decision

- (i) to the applicant for the resurvey, and
- (ii) to any other person who the director believes may be affected by the decision.

Guiding principles

- 11.27** (a) Subject to subsection (b), in making a resurvey under section 11.24, the British Columbia land surveyor must re-establish, as nearly as possible, the existing boundaries.
- (b) The surveyor in subsection (a) may
- (i) depart from existing boundaries in order to establish boundaries in agreement with occupation and improvements, and
 - (ii) distribute any shortage in area within a group of parcels, having regard to occupation and improvements.

Substitute surveyor

- 11.28** After a directive has been issued under section 11.24, the director may
- (a) appoint a substitute British Columbia land surveyor in place of the surveyor previously appointed to make the resurvey,
 - (b) direct the substitute surveyor to adopt and make use of as much of the resurvey as the previously appointed surveyor has completed, and
 - (c) determine how the work of the previously appointed surveyor is to be certified or authenticated.

Plan and report of surveyor

- 11.29** (a) On completion of a resurvey under section 11.24, the British Columbia land surveyor must prepare and apply to file with the director
- (i) the resurvey plan, and
 - (ii) a report that sets out
 - (A) any difficulties encountered during the resurvey,
 - (B) the evidence concerning the re-establishment of original and lost monuments,
 - (C) the system of surveying employed,

- (D) the degree of accuracy obtained,
 - (E) the nature of all monuments erected, and
 - (F) other information bearing on the resurvey as may be of service in the consideration of the report and plan.
- (b) The surveyor must include in a report under subsection (a), in concise and tabulated form,
- (i) a list of all parcels comprised within the limits of the resurvey,
 - (ii) a list of all parcels the boundaries of which appear as altered by the plan, with a statement showing how they are altered, and
 - (iii) a statement of the costs and expenses of the resurvey.

Further work by surveyor

11.30 If, for any reason, the director is not satisfied with a resurvey plan or report that a British Columbia land surveyor has applied to file under section 11.29, the director may

- (a) refuse to file the plan and the report, and
- (b) instruct the surveyor
 - (i) to complete further or remedial work, and
 - (ii) to prepare and apply to file, under section 11.29, a plan and report that includes that further or remedial work.

Notice of plan and report

11.31 On the filing of a resurvey plan and report under section 11.29, the director must

- (a) deliver a copy of the resurvey plan and the report to the Executive, and
- (b) deliver in accordance with Toquaht law a notice to all
 - (i) registered owners of an estate in fee simple in Toquaht titled lands, if any, and
 - (ii) registered holders of an interest in, or licence in relation to, the Toquaht landswithin the limits of the resurvey
- (iii) that the resurvey has been completed,

- (iv) that the resurvey plan and the report may be inspected at the lands registry office, and
- (v) of a date and place at which submissions may be made to the director on the resurvey plan and the report.

Hearing of submissions

- 11.32** (a) At the time and place specified in the notice delivered under section 11.31(b), the director must receive the written or oral submission on the resurvey plan and report of any
- (i) registered owner of an estate in fee simple in Toquaht titled lands, if any, and
 - (ii) registered holder of a interest in, or licence in relation to, the Toquaht lands
- within the limits of the resurvey.
- (b) After receiving any submissions under subsection (a), the director must prepare and deliver to the Executive a report on the submissions received.

Approval of plan

- 11.33** (a) On receipt of the report of the director prepared under section 11.32, the Executive may, by directive,
- (i) approve the resurvey plan, or any part of it, or
 - (ii) reject the resurvey plan.
- (b) If the Executive approves the resurvey plan, or any part of it, under subsection (a)(i), the Executive may by directive
- (i) declare the resurvey plan, or the approved part of it, to be the true and correct survey and plan of the Toquaht lands affected,
 - (ii) declare that all boundaries and lines fixed by the resurvey plan, or the approved part of it, are the true boundaries and lines,
 - (iii) declare, with any reservations that the Executive considers expedient, that the resurvey plan, or the approved part of it, must be substituted for all former surveys and plans of the Toquaht lands affected which have previously been registered, or for the corresponding portions of those former surveys or plans, and

- (iv) vest any interest in the Toquaht lands necessary to implement the resurvey plan, or the approved part of it.
- (c) The Executive must deliver to
 - (i) the registrar, and
 - (ii) the British Columbia surveyor who completed the resurvey,a copy of a directive made under this section.

Registration of directive

- 11.34** (a) On receipt of a directive made under section 11.33 approving a resurvey plan, or a part of it, the registrar must register the directive and the approved resurvey plan or part of the resurvey plan.
- (b) An approved resurvey plan or part of a resurvey plan that is registered under subsection (a) is
- (i) the official plan of the Toquaht lands comprised within the limits of the plan or the approved part of it,
 - (ii) binding on all persons,
 - (iii) deemed, for all purposes, to be the original survey of the Toquaht lands, and
- the boundaries established by any previous survey have no further effect and the notes or plans of the previous survey have no further effect.
- (c) If the land resurveyed is Toquaht titled lands, the director must deposit a copy of the confirmed resurvey plan in the land title office.

Conflicting monuments

- 11.35** On receipt of a directive made under section 11.33 approving a resurvey plan, or a part of it, the British Columbia land surveyor who completed the resurvey must
- (a) remove all survey posts, stakes or monuments that
 - (i) were on the Toquaht lands within the limits of the resurvey prior to the resurvey, and
 - (ii) are liable to lead to confusion in connection with the approved resurvey plan or part of the resurvey plan, and
 - (b) obliterate all marks on any post, stake or monument that

- (i) was on the Toquaht lands within the limits of the resurvey prior to the resurvey, and
- (ii) has been used or adopted by the surveyor as a post, stake or monument of the resurvey,

except the marks placed on it or adopted by the surveyor in the survey.

Resurvey gain or loss of property

- 11.36** (a) If, as a result of a resurvey, a person acquires an interest in Toquaht lands, the person must pay the person from whom the interest in Toquaht lands is taken compensation in an amount the director may, by directive, require.
- (b) An amount that the director requires one person to pay to a second person under subsection (a) is recoverable by the second person as a debt owed to the second person.
 - (c) If either person described in subsection (a) is dissatisfied with the amount of compensation required by the director, the person may request a review of the directive issued under that subsection under the Administrative Decisions Review Act, TNS 7/2011.

Cost of resurvey

- 11.37** (a) Subject to subsection (c), all of the registered holders of an interest in the Toquaht lands contained in the resurvey required by the director under section 11.24 must pay, as determined by the director under subsection (b), a proportion of
- (i) the cost of the resurvey, and
 - (ii) if applicable, other expenses to complete and deposit the resurvey plan in the lands registry office or land title office.
- (b) The director must determine the amount payable by a registered owner or holder of an interest as contemplated in subsection (a) by
- (i) calculating the proportion of the total area of Toquaht lands contained in the resurvey plan that is made up by the registered owner's area or holder's area, and
 - (ii) applying that proportion to the total amount payable under subsection (a).
- (c) On the recommendation of the director, the Executive may exempt the registered owner or holder from paying all or any part of the costs or expenses in subsection (a) and in that event the Toquaht Nation must assume those costs or expenses.

- (d) An amount payable by a registered owner or holder under this section is recoverable by the Toquaht Nation as a debt due to the Toquaht Nation.

PART 12 - GENERAL PROVISIONS

Regulations

- 12.1** The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.

Application for indefeasible title

- 12.1.1** (a) The Executive may apply, in the name of the Toquaht Nation, under 3.3.1 of Chapter 3 Land Title of the Maa nulth Treaty for the registration of an indefeasible title to a parcel of Toquaht lands for which no indefeasible title is registered at the time of the application.
- (b) Subject to section 7.1, the Executive may apply, in the name of a person contemplated in section 7.1, under 3.3.1 of Chapter 3 Land Title of the Maa-nulth Treaty for the registration of an indefeasible title to a parcel of Toquaht lands for which no indefeasible title is registered at the time of the application.

Cancellation of Toquaht title

- 12.2** (a) If
- (i.1) the Toquaht Nation is the registered owner of Toquaht titled lands, or
 - (i) a Toquaht corporation is the registered owner of Toquaht titled lands and that Toquaht corporation has given its consent, and
 - (ii) there are no charges registered against the Toquaht titled lands, except charges in favour of the Toquaht Nation,
- the Executive may apply under 3.7.1 of Chapter 3 Land Title of the Maa-nulth Treaty for the cancellation of the registration of the indefeasible title to that land under the Land Title Act (British Columbia).
- (b) On cancellation of the registration of an indefeasible title to Toquaht lands, the land is deemed to no longer be Toquaht titled lands under this Act.

Right of entry

- 12.3** (a) For the purpose of performing their duties under this Act, and subject to subsection (b), the following individuals may, at reasonable times, enter any Toquaht lands and premises on Toquaht lands:
- (i) the director;
 - (ii) the registrar; and

- (iii) an authorized Toquaht employee who has identification from the Toquaht Nation for the purpose.
- (b) The Toquaht Nation must provide the occupier of a premises with at least 24 hours' notice prior to entry into that premises by an individual under subsection (a), except where the occupier consents or in case of emergency.

Commencement

12.4 This Act comes into force on the Maa-nulth Treaty effective date.

LEGISLATIVE HISTORY

Land Act TNS 12/2011 enacted April 1, 2011

Amendments

Section	Amendment	In Force
1.2	TNS 3/2012, s.6.4(d)	July 10, 2012
12.1.1	TNS 3/2013, s.2.1(a)	February 15, 2013
12.2(a)(i.1)	TNS 3/2013, s.2.1(b)	February 15, 2013
1.4	TNS 3/2014, s.4.1(a)	March 11, 2014
11.6	TNS 3/2014, s.4.1(b)	March 11, 2014
11.23.1	TNS 3/2014, s.4.1(c)	March 11, 2014
3.25	TNS 8/2014, s. 4.12(a)	June 10, 2014
3.26	TNS 8/2014, s. 4.12(a)	June 10, 2014
6.5(a)	TNS 8/2014, s. 4.12(a)	June 10, 2014
6.6(a)	TNS 8/2014, s. 4.12(a)	June 10, 2014
6.6(b)	TNS 8/2014, s. 4.12(a)	June 10, 2014
6.8	TNS 8/2014, s. 4.12(a)	June 10, 2014
9.3	TNS 8/2014, s. 4.12(a)	June 10, 2014
9.4	TNS 8/2014, s. 4.12(a)	June 10, 2014
11.33	TNS 8/2014, s. 4.12(a)	June 10, 2014
11.34	TNS 8/2014, s. 4.12(a)	June 10, 2014
11.35	TNS 8/2014, s. 4.12(a)	June 10, 2014
3.25	TNS 8/2014, s. 4.12(b)	June 10, 2014
3.26	TNS 8/2014, s. 4.12(b)	June 10, 2014
4.10	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.5(e)(iii)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.5(h)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.6(a)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.6(d)(iv)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.6(e)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.6(g)	TNS 8/2014, s. 4.12(b)	June 10, 2014
6.7	TNS 8/2014, s. 4.12(b)	June 10, 2014
9.3	TNS 8/2014, s. 4.12(b)	June 10, 2014
9.4	TNS 8/2014, s. 4.12(b)	June 10, 2014
11.33	TNS 8/2014, s. 4.12(b)	June 10, 2014
11.34	TNS 8/2014, s. 4.12(b)	June 10, 2014
11.35	TNS 8/2014, s. 4.12(b)	June 10, 2014
4.14	TNS 8/2014, s. 4.12(c)	June 10, 2014
4.15	TNS 8/2014, s. 4.12(d)	June 10, 2014
4.23(a)(iii)	TNS 8/2014, s. 4.12(e)	June 10, 2014

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6.5(c)(vi)	TNS 8/2014, s. 4.12(f)	June 10, 2014
6.5(d)	TNS 8/2014, s. 4.12(g)	June 10, 2014
6.5(e)	TNS 8/2014, s. 4.12(h)	June 10, 2014
6.5(e)(i)	TNS 8/2014, s. 4.12(i)	June 10, 2014
6.5(f)	TNS 8/2014, s. 4.12(j)	June 10, 2014
6.5(j)	TNS 8/2014, s. 4.12(k)	June 10, 2014
6.6	TNS 8/2014, s. 4.12(l)	June 10, 2014
6.6(c)	TNS 8/2014, s. 4.12(m)	June 10, 2014
6.6(d)	TNS 8/2014, s. 4.12(n)	June 10, 2014
6.6(d)(i)	TNS 8/2014, s. 4.12(o)	June 10, 2014
6.6(d)(ii)	TNS 8/2014, s. 4.12(o)	June 10, 2014
6.6(f)	TNS 8/2014, s. 4.12(p)	June 10, 2014
11.5	TNS 8/2014, s. 4.12(q)	June 10, 2014
11.7	TNS 8/2014, s. 4.12(r)	June 10, 2014
11.24(a)	TNS 8/2014, s. 4.12(s)	June 10, 2014
11.24	TNS 8/2014, s. 4.12(t)	June 10, 2014
11.28	TNS 8/2014, s. 4.12(u)	June 10, 2014
11.36(a)	TNS 8/2014, s. 4.12(v)	June 10, 2014
11.36(b)	TNS 8/2014, s. 4.12(w)	June 10, 2014
11.36(c)	TNS 8/2014, s. 4.12(x)	June 10, 2014
11.37(a)	TNS 8/2014, s. 4.12(y)	June 10, 2014
7.8	TNS 4/2015, s. 4.3	September 16, 2015
4.24(f)(iv)(E)	TNS 4/2016, s. 2.1(a)	June 14, 2016
7.1	TNS 4/2016, s. 2.2(b)	June 14, 2016
7.3(b)	TNS 5/2018, s. 2.1(a)	August 14, 2018
10	TNS 4/2019, s. 7.3	May 14, 2019
1.1	TNS 3/2023, s. 2.1(a)	September 6, 2023
1.4	TNS 3/2023, s. 2.1(b)	September 6, 2023
2.2(b)(iii)	TNS 3/2023, s. 2.1(c)	September 6, 2023
2.2(b)	TNS 3/2023, s. 2.1(d)	September 6, 2023
2.8(b)(iii)	TNS 3/2023, s. 2.1(e)	September 6, 2023
2.8(c)	TNS 3/2023, s. 2.1(f)	September 6, 2023
2.8	TNS 3/2023, s. 2.1(g)	September 6, 2023
2.10	TNS 3/2023, s. 2.1(h)	September 6, 2023
2.13	TNS 3/2023, s. 2.1(i)	September 6, 2023
3	TNS 3/2023, s. 2.1(j)	September 6, 2023
4.2(a)	TNS 3/2023, s. 2.1(j)	September 6, 2023
4.2	TNS 3/2023, s. 2.1(j)	September 6, 2023
4.3(b)	TNS 3/2023, s. 2.1(k)	September 6, 2023
4.6	TNS 3/2023, s. 2.1(l)	September 6, 2023
4.8(a)	TNS 3/2023, s. 2.1(m)	September 6, 2023
4.10(a)	TNS 3/2023, s. 2.1(n)	September 6, 2023
4.10(b)	TNS 3/2023, s. 2.1(o)	September 6, 2023
4.13	TNS 3/2023, s. 2.1(p)	September 6, 2023

4.13(a)	TNS 3/2023, s. 2.1(q)	September 6, 2023
4.16(a)	TNS 3/2023, s. 2.1(r)	September 6, 2023
4.18(b)(ii)	TNS 3/2023, s. 2.1(s)	September 6, 2023
4.18(b)(iii)	TNS 3/2023, s. 2.1(t)	September 6, 2023
4.18(b)(iv)	TNS 3/2023, s. 2.1(u)	September 6, 2023
4.18	TNS 3/2023, s. 2.1(v)	September 6, 2023
4.23(b)	TNS 3/2023, s. 2.1(w)	September 6, 2023
4.24(f)(iv)	TNS 3/2023, s. 2.1(x)	September 6, 2023
5	TNS 3/2023, s. 2.1(y)	September 6, 2023
6	TNS 3/2023, s. 2.1(y)	September 6, 2023
7.1(b)	TNS 3/2023, s. 2.1(z)	September 6, 2023
7.1(c)	TNS 3/2023, s. 2.1(aa)	September 6, 2023
7.1(d)	TNS 3/2023, s. 2.1(bb)	September 6, 2023
7.1	TNS 3/2023, s. 2.1(cc)	September 6, 2023
7.2(a)(i)	TNS 3/2023, s. 2.1(dd)	September 6, 2023
7.7(b)	TNS 3/2023, s. 2.1(ee)	September 6, 2023
7.9	TNS 3/2023, s. 2.1(ff)	September 6, 2023
7.12	TNS 3/2023, s. 2.1(gg)	September 6, 2023
7.13(i)	TNS 3/2023, s. 2.1(hh)	September 6, 2023
7.13(j)	TNS 3/2023, s. 2.1(ii)	September 6, 2023
8.3(f)	TNS 3/2023, s. 2.1(jj)	September 6, 2023
8.3	TNS 3/2023, s. 2.1(kk)	September 6, 2023
9.3(f)	TNS 3/2023, s. 2.1(ll)	September 6, 2023
9.3	TNS 3/2023, s. 2.1(mm)	September 6, 2023
9.4(e)	TNS 3/2023, s. 2.1(nn)	September 6, 2023
9.4	TNS 3/2023, s. 2.1(oo)	September 6, 2023
11.1	TNS 3/2023, s. 2.1(pp)	September 6, 2023
11.16(c)	TNS 3/2023, s. 2.1(qq)	September 6, 2023
11.17	TNS 3/2023, s. 2.1(rr)	September 6, 2023
11.36(c)	TNS 3/2023, s. 2.1(ss)	September 6, 2023
12.3	TNS 3/2023, s. 2.1(tt)	September 6, 2023

Amending Acts:

- TNS 3/2012 Economic Development Act enacted July 10, 2012
- TNS 3/2013 Land Act Amendment Act enacted February 15, 2013
- TNS 3/2014 Miscellaneous Amendments Act enacted March 11, 2014
- TNS 8/2014 Enforcement Framework Amendment Act No. 2 enacted June 10, 2014
- TNS 4/2015 Miscellaneous Amendments Act No. 2 enacted September 16, 2015
- TNS 4/2016 Land Act (Fee Simple) Amendment Act enacted June 14, 2016
- TNS 5/2018 Land Act Amendment Act enacted August 14, 2018
- TNS 4/2019 Trespass and Community Safety Act enacted May 14, 2019
- TNS 3/2023 Land Act Amendment Act enacted September 6, 2023

Regulations enacted under this Act:

TNR 6/2011 Lands Registry Forms Regulation enacted April 1, 2011