



Forest Practices Code of British Columbia Act
PROVINCIAL FOREST USE REGULATION
B.C. Reg. 176/95

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Forest Practices Code of British Columbia Act

PROVINCIAL FOREST USE REGULATION

B.C. Reg. 176/95

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PROVINCIAL FOREST USE REGULATION

B.C. Reg. 176/95

PART 1 – DEFINITIONS

Definitions

- 1** (1) In this regulation:
- “**Act**” means the *Forest Practices Code of British Columbia Act*;
- “**special use permit**” means a permit issued under section 9.
- (2) Unless the context indicates otherwise, words and expressions not defined in this regulation have the meaning given to them in the *Forest and Range Practices Act*.
[am. B.C. Reg. 262/2018, Sch. 1, s. 1.]

**PART 2 – PERMITTED USES OF CROWN LAND IN A PROVINCIAL FOREST,
RANGE ACT AGREEMENT OR WOODLOT LICENCE**

Grandparented authorization under the *Land Act* or other enactments

- 2** (1) In addition to the purposes set out in section 2 of the Act or under this regulation, Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any purpose authorized in an instrument granted or issued under the *Land Act* or any other enactment before the date this section comes into force.
- (2) Without limiting subsection (1), Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any purpose authorized in an instrument referred to in that subsection that is renewed or replaced before or after the date this section comes into force.
[am. B.C. Reg. 347/97, s. 2.]

Primary uses authorized under the *Land Act*

- 3** Crown land in a Provincial forest may be managed or used for any of the following purposes if carried out by the government or authorized in an instrument granted or issued under the *Land Act*:
- (a) agriculture;
 - (b) if access to existing residences is not practicable, temporary residences for workers, including
 - (i) camps, and
 - (ii) individual residences;
 - (c) sand pits, gravel pits, rock quarries and other quarries that provide materials for industrial, commercial or domestic use;

- (d) commercial recreation uses and facilities and ancillary improvements, including
 - (i) ski facilities,
 - (ii) hunting lodges,
 - (iii) fishing lodges, and
 - (iv) trails;
- (e) temporary commercial purposes;
- (f) navigational aids;
- (g) construction and maintenance of a road, including construction and maintenance of bridges and other drainage structures;
- (h) a utilities right-of-way, including
 - (i) a highway,
 - (ii) a railway,
 - (iii) a transmission line,
 - (iv) a pipeline, or
 - (v) a penstock;
- (i) a weather station site;
- (j) a communications site;
- (k) educational or research purposes;
- (l) sequestration of carbon;
- (m) electricity generating facilities;
- (n) a log dump, dry land sort or mill site;
- (o) weigh scales;
- (p) infrastructure and facilities that do not include any permanent infrastructure and that are for either of the following:
 - (i) health, education or public safety purposes;
 - (ii) the use or benefit of the public;
- (q) a well.

[am. B.C. Regs. 347/97, s. 2; 281/2009, s. (a); 57/2024, Sch. 3, s. 1.]

Ancillary uses authorized under the *Land Act*

- 4** Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any of the following ancillary purposes if carried out by the government or authorized in an instrument granted or issued under the *Land Act*:

- (a) a garbage dump that is ancillary to a use permitted under section 2 of the Act or this regulation;

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- (b) an airstrip, helipad or other air transportation landing site, including facilities and other improvements, that is ancillary to a use permitted under section 2 of the Act or this regulation;
- (c) a drill site, well site, processing site, hydrocarbon collection system, core sampling site or other purpose including facilities and other improvements, that is ancillary to a use or occupation referred to in section 2 (4) of the Act;
- (d) any use of adjoining upland that is ancillary to the use of land covered by water authorized under the *Land Act*, including
 - (i) an aquaculture operation,
 - (ii) a wharf,
 - (iii) a ferry or barge terminal, or
 - (iv) a marina;
- (e) utilities, waste and sewage facilities that are ancillary to the temporary residences referred to in section 3 (b).

[am. B.C. Reg. 347/97, s. 2.]

Uses authorized under the *Wildlife Act*

- 5** Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for a purpose authorized under the *Wildlife Act*, and any ancillary purpose, including a trapline cabin, if carried out by the government or authorized in an instrument granted or issued under the *Wildlife Act*.

[am. B.C. Reg. 347/97, s. 2.]

Uses authorized under other enactments

- 6** The following Crown land may be managed or used for the purposes provided for in the *Coal Act*, the *Geothermal Resources Act*, the *Mineral Tenure Act* and the *Petroleum and Natural Gas Act*:

- (a) subject to section 7 (2), Crown land in a Provincial forest or wilderness area;
- (b) Crown land described in an agreement under the *Range Act* or described in a woodlot licence.

[en. B.C. Reg. 347/97, s. 3.]

Uses of a Provincial forest authorized by a special use permit

- 7** (1) In addition to the purposes set out in section 2 of the Act and in this regulation, Crown land in a Provincial forest, Crown land described in an area-based licence as defined in section 1 (1) of the *Forest Act* or Crown range as defined in section 1 (1) of the *Range Act* may be managed or used for any of the purposes described in subsection (1.1) of this section if the purpose is carried out by the government or authorized in a special use permit.

- (1.1) Crown land, or Crown range, described in subsection (1) may be managed or used in accordance with that subsection for the following purposes:
- (a) construction and maintenance of a road, including construction and maintenance of bridges and other drainage structures, for the following:
 - (i) a natural resource development purpose as defined in section 21.1 (1) of the *Forest and Range Practices Act*;
 - (ii) the purposes of a permit issued under section 10 of the *Mines Act*;
 - (iii) access to Crown land in respect of which another special use permit has been issued to the holder of the special use permit;
 - (b) sand pits, gravel pits, rock quarries and other quarries that provide materials for road construction, modification or maintenance authorized under the *Forest Act* or by a special use permit;
 - (c) a communications site to be used by the holder of an authorization under any of the following enactments:
 - (i) the *Forest Act*;
 - (ii) the *Range Act*;
 - (iii) the *Mineral Tenure Act*;
 - (iv) the *Coal Act*;
 - (d) a short-term logging camp and associated facilities, including a waste disposal site;
 - (e) a log dump, or a dry land sort, above the natural boundary, as defined in section 1 of the *Land Act*, of a stream, as defined in section 1 (1) of the *Water Sustainability Act*;
 - (f) disposal of organic debris from a remote log dump or dry land sort;
 - (g) a short-term timber processing site;
 - (h) a lookout;
 - (i) a weather station;
 - (j) an airstrip, helipad or other air transportation landing site to be used by the holder of
 - (i) an agreement entered into under section 12 of the *Forest Act*, or
 - (ii) a permit issued under section 10 of the *Mines Act*;
 - (k) temporary weigh scales.
- (1.2) In addition to the purposes set out in section 2 of the Act and in this regulation, Crown land, or Crown range, described in subsection (1) of this section may be managed or used for any of the following purposes if the purpose is carried out by the government or authorized in a special use permit:
- (a) educational or research purposes;
 - (b) wildlife habitat enhancement or facilities associated with wildlife habitat enhancement, including camps and waste disposal sites;

- (c) silviculture treatments or facilities associated with silviculture treatments, including camps and waste disposal sites.
- (2) Without limiting subsection (1), Crown land in a Provincial forest or wilderness area that is located outside the boundaries of a claim, lease, permit or other authorization granted or issued under the *Coal Act*, the *Geothermal Resources Act* or the *Mineral Tenure Act* may only be used or managed for the purposes of constructing, modifying, maintaining or using an access road, including bridges and other drainage structures, if the use is authorized in a special use permit.
- (3) Despite subsection (1), a holder of a woodlot licence is not required to have a special use permit to locate a temporary timber processing facility on Crown land described in a woodlot licence, if the use of the temporary processing facility is permitted under the woodlot licence.

[am. B.C. Regs. 250/95; 347/97, s. 2; 190/99, Sch. B; 281/2009, s. (b); 262/2018, Sch. 1, s. 2; 57/2024, Sch. 3, s. 2.]

PART 3 – SPECIAL USE PERMIT

Application for special use permit

- 8** A person may apply in writing to the district manager for a special use permit if the person
- (a) wishes to use or manage either of the following:
 - (i) for a purpose referred to in section 7 (1.1) or (1.2), a portion of Crown land, or Crown range, described in section 7 (1);
 - (ii) for a purpose referred to in section 7 (2), a portion of Crown land in a Provincial forest or wilderness area, and
 - (b) has not been authorized under another enactment to use or manage the portion of Crown land in a manner described in paragraph (a).

[en. B.C. Reg. 57/2024, Sch. 3, s. 3.]

Issuance of special use permit

- 9** (1) Subject to subsection (2), the district manager may issue a special use permit if
- (a) the applicant
 - (i) has applied in accordance with section 8, and
 - (ii) submitted a plan that sets out how the land will be used, and
 - (b) the district manager is of the opinion that
 - (i) the issuance of the special use permit would not impair the proper management and conservation of forest resources on Crown land, and
 - (ii) any activity under the special use permit will not impair the ability of any affected holder of an agreement under the *Forest Act* or *Range Act* to exercise its rights or fulfill its obligations under the agreement.

- (2) The district manager may issue the special use permit subject to
 - (a) a condition that the holder of the permit carry out the activity in accordance with the plan submitted under subsection (1),
 - (b) any conditions the district manager determines necessary to conserve forest resources and the natural environment, including a condition
 - (i) restricting, regulating and prohibiting the building of or disposal of any chattel or fixture, and
 - (ii) requiring the clean up and restoration of the land under the permit to the satisfaction of the district manager on the expiry of the special use permit, and
 - (c) a condition that the holder provide, in an amount specified in the permit, a deposit in the form of money or other securities acceptable to the district manager
 - (i) to ensure the conditions of the permit are met, or
 - (ii) if personal property owned by a person other than the holder or the government is situated on the land under the permit.
- (2.1) In issuing a special use permit, the district manager must specify its term, which must not exceed the following:
 - (a) 4 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (d) or (g);
 - (b) 5 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (e), (f), (i), (j) (i) or (k) or (1.2) (b) or (c);
 - (c) 10 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (a), (b), (c), (h) or (j) (ii) or (1.2) (a).
- (3) The district manager may use any or all of the deposit referred to in subsection (2) (c)
 - (a) to satisfy a claim made by the owner of the personal property referred to in subsection (2) (c) (ii),
 - (b) to cover the costs resulting from a failure of the holder to meet the conditions of the permit or
 - (c) to cover the costs resulting from a failure of the holder to comply with an order under section 15 (1) (a) or (b).
- (4) No later than 12 months after the date the special use permit expires or is cancelled, the remainder of the deposit must be returned to the holder of the permit.

[am. B.C. Regs. 347/97, s. 5; 57/2024, Sch. 3, s. 4.]

Annual charge

- 9.1** (1) The holder of a special use permit must, for each permit held by the holder, pay to the government an annual charge calculated in accordance with section 9.2.

- (2) The holder of a special use permit must pay the annual charge described in subsection (1) no later than,
- (a) for the first year of the special use permit, 60 days after the date the permit is issued, and
 - (b) for all subsequent years, 60 days after the date an invoice is issued for the annual charge.

[en. B.C. Reg. 57/2024, Sch. 3, s. 5.]

Annual charge amount

9.2 (1) In this section, “**BC Assessment**” means the British Columbia Assessment Authority continued under section 3 of the *Assessment Authority Act*.

- (2) The annual charge for a special use permit with a term of less than 6 months is
- (a) the flat rate set out for the applicable purpose in column 2 of table 1, or
 - (b) the minimum charge set out for the applicable purpose in column 2 of table 2.
- (3) The annual charge for a special use permit with a term of 6 months or more is
- (a) if the special use permit is issued for a purpose set out in section 7 (1.2), the flat rate set out for the applicable purpose in column 2 of table 1, and
 - (b) if the special use permit is issued for a purpose set out in section 7 (1.1), the greater of the following:
 - (i) the minimum charge set out for the applicable purpose in column 2 of table 2;
 - (ii) the charge determined in accordance with the following formula:

$$H \times LV \times C$$

where

H = the number of hectares of Crown land that may be managed or used under the special use permit

LV = the land value per hectare, in an amount that is,

- (a) in the first year after the special use permit is issued, equal to the zone value set out for the applicable forest region and forest district in column 3 of table 3, and
- (b) in all subsequent years, determined by BC Assessment and, if necessary, converted to a per-hectare value, and

C = the charge per hectare set out in column 3 of table 2.

- (4) The annual charge for a special use permit issued for a purpose set out in section 7 (1.1) (a) must not exceed \$20 000.
- (5) If BC Assessment cannot determine a land value for the purposes of the formula set out in subsection (3), the land value to be used in determining the charge is the zone value set out for the applicable forest region and forest district in column 3 of table 3.

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Table 1

Item	Column 1 Purpose	Column 2 Flat rate
1	Educational or research purposes	\$500
2	Silviculture treatments	\$0
3	Facilities associated with silviculture treatments, including camps and waste disposal sites	\$500
4	Wildlife habitat enhancement	\$0
5	Facilities associated with wildlife habitat enhancement, including camps and waste disposal sites	\$500

Table 2

Item	Column 1 Purpose	Column 2 Minimum charge	Column 3 Charge per hectare
1	Construction and maintenance of a road, including construction and maintenance of bridges and drainage structures	\$850	7.5% of zone value x 2
2	Sand pits, gravel pits, rock quarries and other quarries that provide materials for road construction, modification or maintenance authorized under the <i>Forest Act</i> or in a special use permit	\$850	7.5% of land value
3	Communications site	\$850	7.5% of land value
4	Short-term logging camp and associated facilities, including a waste disposal site	\$850	7.5% of land value
5	Log dump or dry land sort	\$850	7.5% of land value
6	Disposal of organic debris from a remote log dump or dry land sort	\$850	7.5% of land value
7	Short-term timber processing site	\$850	7.5% of land value
8	Lookout	\$500	4.5% of land value
9	Weather station	\$500	4.5% of land value
10	Airstrip, helipad or other air transportation landing site	\$500	7.5% of land value
11	Temporary weigh scales	\$850	7.5% of land value

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Table 3

Item	Column 1 Forest region, as established under the Administrative Boundaries Regulation	Column 2 Forest district, as established under the Administrative Boundaries Regulation	Column 3 Zone value per hectare
1	West Coast Forest Region	Campbell River Forest District	\$1 770
2	West Coast Forest Region	North Island Central Coast Forest District	\$1 770
3	West Coast Forest Region	South Island Forest District	\$4 505
4	West Coast Forest Region	Haida Gwaii Forest District	\$1 046
5	South Coast Forest Region	All districts	\$4 505
6	Thompson-Okanagan Forest Region	All districts	\$1 968
7	Kootenay Boundary Forest Region	All districts	\$1 515
8	Cariboo Forest Region	All districts	\$1 770
9	Skeena Forest Region	All districts	\$1 046
10	Omenica Forest Region	All districts	\$1 046
11	Northeast Forest Region	All districts	\$1 046

[en. B.C. Reg. 57/2024, Sch. 3, s. 5.]

Assignment prohibited

- 10** A holder of a special use permit must not assign the special use permit to another person without the consent of the district manager.

No exclusive rights to the use of the land

- 11** Rights granted under a special use permit are not exclusive and do not prevent the government from using the land or authorizing others to use the land in accordance with the Act or this regulation.

Permit extension

- 12** (1) On application by the holder no less than 6 months before the expiry of a special use permit, the district manager may grant an extension of the term of the permit specified under section 9 (2.1) if the district manager is satisfied of all of the following:
- (a) the holder continues to hold a licence, agreement, permit or authorization to which the special use permit relates;
 - (b) the holder has begun to exercise the rights granted under the special use permit;
 - (c) the holder has performed the conditions of the special use permit;

- (d) the holder has paid all deposits and charges in relation to the special use permit;
 - (e) the special use permit is not suspended at the time of application;
 - (f) the conditions set out in section 9 (2) (b) will continue to be met;
 - (g) the application demonstrates that an extension is necessary.
- (2) An extension under subsection (1)
- (a) may be granted once for a term not exceeding 2 years if the special use permit was issued for a purpose set out in section 7 (1.1) (d) or (g),
 - (b) may be granted twice for terms not exceeding 5 years each if the special use permit was issued for a purpose set out in section 7 (1.1) (e), (f), (i), (j) (i) or (k) or (1.2) (b) or (c), and
 - (c) may be granted for terms not exceeding 10 years each if the special use permit was issued for a purpose set out in section 7 (1.1) (a), (b) (c), (h) or (j) (ii) or (1.2) (a).
- (3) If the maximum number of extensions described in subsection (2) (a) or (b) has been granted, the district manager may issue a replacement special use permit if the district manager is satisfied that the Crown land may not be managed or used under a tenure under the *Land Act* for the purpose authorized in the special use permit.
- (4) When granting an extension under subsection (1), the district manager may do one or both of the following:
- (a) require that the holder submit an updated plan described in section 9 (1) (a) (ii);
 - (b) amend any of the conditions described in section 9 (2).
- (5) If the district manager does not make a decision under subsection (1) before the expiry of the special use permit, the holder may continue to manage or use Crown land under the permit until a decision is made.

[en. B.C. Reg. 57/2024, Sch. 3, s. 6.]

Cancellation and suspension

- 13** (1) Subject to subsection (2), sections 76 and 77 of the *Forest Act*, except section 77 (5), apply to the cancellation or suspension of a special use permit.
- (1.1) The minister may suspend or cancel a special use permit if any of the following applies:
- (a) the holder of the special use permit
 - (i) has failed to provide a deposit described in section 9 (2) (c) or to pay the annual charge under section 9.1 by the required date, and
 - (ii) the deposit or annual charge has been in arrears for more than 6 months;

- (b) the holder of the special use permit has failed to comply with an order under section 15 (1);
 - (c) 2 years after the date the permit is issued, the holder of the special use permit has not begun to exercise the rights granted under the special use permit;
 - (d) the district manager
 - (i) has, for more than 6 months, not been able to locate or contact the holder of the special use permit, or
 - (ii) is satisfied that the holder of the special use permit no longer exists;
 - (e) the district manager is satisfied that the holder of the special use permit is insolvent because the holder
 - (i) has filed for protection under the *Companies' Creditors Arrangement Act* (Canada), or
 - (ii) is a bankrupt or insolvent person under the *Bankruptcy and Insolvency Act* (Canada).
- (2) The district manager may cancel a special use permit without notice and without suspending the permit prior to cancellation if the holder contravenes section 10.
- [am. B.C. Regs. 347/97, s. 6; 57/2024, Sch. 3, s. 7.]

Holder's obligations on permit expiry, surrender, suspension or cancellation

- 14** On the expiry, surrender, suspension or cancellation of a special use permit, the holder or former holder of the special use permit must do all of the following:
- (a) pay any outstanding charge or deposit the holder owes the government in respect of the special use permit;
 - (b) fulfill any outstanding obligation of the holder or former holder under the special use permit;
 - (c) fulfill any outstanding obligation of the holder or former holder under the Act, the *Forest and Range Practices Act*, the *Wildfire Act* or any other enactment, in respect of any of the holder's activities under the special use permit.
- [en. B.C. Reg. 57/2024, Sch. 3, s. 8.]

Deactivation and remediation orders

- 15** (1) The minister may, by order, require the holder or former holder of a special use permit, including a special use permit that has expired or is surrendered, suspended or cancelled, to do one or both of the following:
- (a) deactivate a road authorized in the special use permit;
 - (b) remediate the land that is the subject of the special use permit.
- (2) An order under this section must include the following:

- (a) a description of the location of the road to be deactivated or of the land to be remediated;
 - (b) the date by which the deactivation or remediation must be completed.
- (3) A holder or former holder of a special use permit who receives an order under this section must comply with the order.

[en. B.C. Reg. 57/2024, Sch. 3, s. 8.]

Entry on Crown land

- 16** (1) Subject to subsection (2), the holder or former holder of a special use permit may enter onto Crown land for the purpose of fulfilling any of the obligations described in section 14 (b) and (c) or complying with an order under section 15 (1).
- (2) The minister may impose on the holder or former holder of a special use permit who enters onto Crown land for a purpose described in subsection (1) any condition that the minister considers necessary or desirable.

[en. B.C. Reg. 57/2024, Sch. 3, s. 8.]

PART 4 – TRANSITIONAL PROVISIONS

Existing special use permits

- 17** Sections 9.1, 9.2, 13 (1.1) and 14 to 16 apply to a special use permit issued before the date this Part comes into force.

[en. B.C. Reg. 57/2024, Sch. 3, s. 9.]

Transition – annual charge

- 18** The annual charge for a special use permit issued before the date this Part comes into force is, during the first year after the date this Part comes into force, the greater of
- (a) half of the annual charge determined in accordance with section 9.2 (3) (b), and
 - (b) whichever of the following that applies:
 - (i) for a special use permit issued for a purpose set out in section 7 (1.1) (a), (b), (c), (d), (e), (f), (g) or (k), \$675;
 - (ii) for a special use permit issued for a purpose set out in section 7 (1.1) (h), (i) or (j), \$500.

[en. B.C. Reg. 57/2024, Sch. 3, s. 9.]

Transition – replacement permit

- 19** (1) On the expiry of a special use permit issued before the date this Part comes into force for any purpose set out in section 7 (1.1) or (1.2), except a purpose set out in section 7 (1.1) (d) or (g), the district manager may issue a replacement permit under section 12, as it read immediately before the date this Part comes into force,

if, in addition to the matters set out in section 12, the district manager is satisfied of all of the following:

- (a) the holder continues to hold a licence, agreement, permit or authorization to which the special use permit relates;
 - (b) the holder has begun to exercise the rights granted under the special use permit;
 - (c) the holder has paid all deposits and charges in relation to the special use permit;
 - (d) the special use permit is not suspended at the time of application;
 - (e) the holder has demonstrated that a replacement permit is necessary.
- (2) The district manager may issue only one replacement permit for each special use permit.

[en. B.C. Reg. 57/2024, Sch. 3, s. 9.]

Transition – permit extension

- 20** (1) This section applies to a special use permit issued before the coming into force of this Part
- (a) for a purpose set out in section 7 (1.1) (d) or (g),
 - (b) for a purpose other than a purpose set out in section 7, or
 - (c) to a person who does not hold a licence, agreement, permit or authorization to which the special use permit relates.
- (2) A special use permit that expires before the date that is one year after the date this Part comes into force is extended for a term of one year from the date the special use permit expires.
- (3) If, before the expiry of the term referred to in subsection (2), the permit holder submits to the district manager proof of the holder's application for a licence, agreement, permit or authorization that would authorize the purpose for the special use permit, the district manager may grant an extension of the term of the special use permit
- (a) for up to 2 years, or
 - (b) for up to 4 years if the district manager is satisfied that special circumstances exist.
- (4) If, before the expiry of a special use permit, the permit holder submits to the district manager proof of the holder's application, made no less than 6 months before the expiry of the special use permit, for tenure under another enactment that would authorize the purpose for the special use permit, the district manager may grant an extension of the term of the special use permit
- (a) for up to 2 years, or
 - (b) for up to 4 years if the district manager is satisfied that special circumstances exist.

- (5) An extension granted under subsection (3) or (4) must include a condition that the permit holder notify the district manager of the decision made on the application for tenure under another enactment as soon as practicable after the permit holder is notified of the decision.
- (6) Once the district manager receives notification under subsection (5) that tenure has been granted to the permit holder, the district manager may cancel the special use permit whose term was extended under this section.

[en. B.C. Reg. 57/2024, Sch. 3, s. 9.]

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