

## RECREATIONAL LAND ACT

### CHAPTER 359

#### Interpretation

**1.** In this Act

“approved recreational land” means recreational land, including the improvements situated on or incidental to it, designated by the minister as approved recreational land for the purposes of this Act;

“assessor” means, where approved recreational land is

- (a) situated in a municipality, the assessor of the municipality appointed under the *Municipal Act*;
- (b) situated in the City of Vancouver, the Assessment Commissioner appointed under the *Vancouver Charter*; and
- (c) not situated in a municipality or the City of Vancouver, the Surveyor of Taxes appointed by the *Taxation (Rural Area) Act*;

“municipality” means a municipality as defined in the *Municipal Act*;

“owner” means a person who is liable, under any Act, to pay property tax on land and improvements as defined in the *Municipal Act*, *Vancouver Charter*, or *Taxation (Rural Area) Act* as the case may be;

“recreational land” means land and improvements used by the public for the recreational purposes that the Lieutenant Governor in Council prescribes.

1974-79-1.

#### Application for approval

**2.** (1) An owner may apply, in the form and manner prescribed by the Lieutenant Governor in Council, to have recreational land of which he is an owner designated as approved recreational land.

(2) On receipt of an application under this section, and after the investigation he considers necessary, the minister may designate the recreational land or a part of it that he specifies, as approved recreational land.

(3) The minister may designate approved recreational land subject to the terms and conditions he considers necessary.

1974-79-2.

#### Agreement

**3.** Before an owner is eligible to be reimbursed under section 6, he must enter, with the Crown in right of the Province, an agreement containing the covenants respecting the use of the approved recreational land that the minister considers appropriate.

1974-79-3.

#### Form and effect of covenants

**4.** (1) Notwithstanding any other Act or rule of law, a covenant contained in an agreement entered under section 3

- (a) need not be restrictive or negative;

- (b) shall be deemed to be in favour of the Crown in right of the Province;
- (c) shall be deemed to run with the land, whether or not it would be, at common law or otherwise, considered to be a covenant that runs with the land; and
- (d) is registrable in a land title office in the same manner as a charge by way of a restrictive covenant.

(2) The owner shall apply to register the agreement under section 3 in the land title office in which the title to the approved recreational land is registered, and, on registration, shall send the minister a certificate of encumbrances in respect of the title to the approved recreational land.

(3) No registrar of a land title office shall register, without the minister's written consent, any instrument as defined in the *Land Title Act* affecting land against which an agreement is registered under subsection (2).

(4) In giving a consent for the purposes of subsection (3), the minister may give it subject to the terms and conditions he considers necessary.

1974-79-4; 1978-25-332,334.

#### Notice of assessment to minister

**5.** At the request of the minister, an assessor who assesses approved recreational land shall, at the time he sends the owner a notice of assessment with respect to the land, send a copy of the notice to the minister, who then has the same rights as the owner to appeal the assessment.

1974-79-5.

#### Reimbursement for taxes paid

**6.** (1) Where an owner of approved recreational land sends the minister a receipt showing that the real property taxes for that land for the current taxation year have been paid, the minister shall, subject to subsection (2), reimburse the owner for those taxes.

(2) The minister shall not reimburse an owner for payment of penalty or interest charged in respect of taxes paid under subsection (1).

1974-79-6.

#### Default under covenant

**7.** (1) Where the minister believes a covenant contained in an agreement entered in respect of recreational land under sections 3 and 4 is not being or has not been complied with, he may, subject to the approval of the Lieutenant Governor in Council,

- (a) demand repayment of all or part of the money paid to the owner under section 6 and interest from the date of the payment to the owner to the date of repayment to the minister, at the rate of 8% per year;
- (b) file a lien, in a form prescribed by the minister, against the land for the amount owing; and
- (c) file a statement, in a form prescribed by the minister, with a registrar of the Supreme Court.

(2) The filing of a statement under subsection (1) (c) constitutes, for all purposes, a judgment in favour of the Crown against the owner for the amount set out in the statement.

(3) No action taken by the minister under subsection (1) shall, unless he otherwise orders, have the effect of releasing, discharging or otherwise affecting any

covenant contained in an agreement entered into in respect of recreational land under section 3.

1974-79-7.

### **Unregistered land**

**8.** (1) Where the title to approved recreational land is not registered in a land title office, or the minister believes it is impractical to register an agreement under section 4 in a land title office, he may order that the agreement be filed with a person the minister specifies in the order.

(2) Where the minister makes an order under subsection (1), a certificate of encumbrances is not required for the purposes of section 4, but the person with whom the agreement is filed shall, on application by the owner, send the minister a certificate verifying filing of the agreement.

(3) Section 4 (3) and (4) apply, with the necessary changes and in so far as applicable, to an agreement filed with a person specified in an order under subsection (1), and a reference to the registrar is a reference to the person with whom the certificate is filed.

1974-79-8; 1978-25-334.

### **Regulations**

**9.** The Lieutenant Governor in Council may make regulations.

1974-79-9.