

BEAVER LODGE LANDS TRUST RENEWAL ACT

CHAPTER 37

Assented to July 29, 1993

Contents

Section

- 1 Definitions
- 2 Purposes of this Act
- 3. Beaver Lodge lands
- 4. Trust lands
- 5. Acquisition of land
- 6. Appropriation
- Schedule 1
- Schedule 2

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1. In this Act

"Beaver Lodge lands" means lands conveyed to the Crown on February 25, 1931 by the Campbell River Land and Development Company Limited, all as described in Schedule 1;

"core lands" means the Beaver Lodge lands less the developed lands;

"developed lands" means the lands that have been disposed of, or are proposed to be dealt with, all as described in Schedule 2;

"trust lands" means the core lands, and all other land in proximity to the core lands that is designated as trust lands by the Lieutenant Governor in Council under section 4 (2).

Purposes of this Act

2. The purposes of this Act are as follows:

- (a) to ratify and confirm previous dispositions of, and dealings with, portions of the Beaver Lodge lands by the Crown, the Lieutenant Governor in Council, ministers of the Crown and public officers;
- (b) to confirm that the core lands will continue to be managed by the Crown for the purposes for which the Beaver Lodge lands were conveyed to the Crown;

- (c) to permit the minister to dispose of the developed lands;
- (d) to permit the acquisition of additional land and the designation of that land as trust lands.

Beaver Lodge lands

3. (1) The trust under which the Beaver Lodge lands were transferred to the Crown is terminated in respect of the developed lands.
- (2) All previous dispositions of, and dealings with, the developed lands by the Crown, the Lieutenant Governor in Council, ministers of the Crown or public officers are ratified and confirmed.
- (3) The minister may, in accordance with the *Land Act*,
 - (a) dispose of the developed lands which are vested in the Crown on the day this Act comes into force, and
 - (b) dispose of the trust lands for the purpose of any road right of way that does not exceed 30 metres in width.
- (4) The minister must, before July 1, 1994, acquire as Crown land additional land in proximity to the core lands in order that the area of the trust lands is at least 502 hectares, and the additional Crown land must be designated as trust lands under section 4 (3).
- (5) No action, other than with respect to subsection (4), shall be brought or maintained in a court against the Crown, the Lieutenant Governor in Council, ministers of the Crown or public officers, and no compensation is payable to any person in relation to this section, for any consequence of this section or resulting from any past or future dispositions of, or dealings with, the Beaver Lodge lands or the developed lands.

Trust lands

4. (1) The core lands are confirmed as trust lands.
- (2) The minister must, in respect of the trust lands, file a certificate with the registrar under the *Land Title Act* in accordance with the requirements of section 5 (3) to (5).
- (3) The Lieutenant Governor in Council must designate as trust lands all land acquired under section 3 (4).
- (4) The core lands and the land designated as trust lands under subsection (3) may be used only for experimental work in reforestation and forest management, and will be known as the "Beaver Lodge Forest Lands".

- (5) The Minister of Forests must, before July 1, 1994, establish a resource use plan for the trust lands and in establishing the plan must consult with the public.

Acquisition of land

5. (1) For the purpose of acquiring land which may be designated as trust lands under section 4 (3), the minister, on behalf of the Crown and with the approval of the Lieutenant Governor in Council, may do any of the following:
- (a) purchase or otherwise acquire land;
 - (b) transfer Crown land to any person in exchange for land which may be designated as trust lands;
 - (c) expropriate land or property and, if expropriated, the *Expropriation Act* applies.
- (2) The cost of acquiring land under subsection (1) must be paid from monies in the Crown Land Special Account.
- (3) For the purposes of section 4 (2), the minister must file with the registrar under the *Land Title Act* a certificate that
- (a) describes the land acquired,
 - (b) states that the land is acquired for the purposes of this Act, and
 - (c) requests the registrar make a notation on the title to the land to indicate that the land may be affected by this Act.
- (4) The filing of a certificate under subsection (3) constitutes evidence to the registrar of the land title district that the land is affected by this Act.
- (5) If the registrar receives a certificate under subsection (3), the registrar must make a note of the filing against the title to the land that is affected by the certificate.
- (6) In the event of any omission, mistake or misfeasance by the registrar of the land title district or the employees of that office in relation to the making of a note of the filing under subsection (5) after the certificate is received by the land title office,
- (a) the registrar of the land title district is not liable nor is the Crown liable vicariously, and
 - (b) the assurance fund or the Attorney General as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

Appropriation

6. Money required for the ongoing management of the Beaver Lodge Forest Lands under section 4 (4) must be paid out of an appropriation of the Ministry of Forests.

SCHEDULE 1**Beaver Lodge Lands**

The Beaver Lodge Lands are the lands described as follows:

- (a) the east half (1/2) of the northeast quarter (1/4) of Section Nineteen (19);
- (b) the northwest quarter (1/4) of Section Twenty (20);
- (c) the west half (1/2) of the southwest quarter (1/4) of Section Twenty-Nine (29);
- (d) the east half (1/2) of Section Thirty (30);
- (e) the east half (1/2) of the west half (1/2) of said Section Thirty (30);
- (f) the southeast quarter (1/4) of Section Thirty-One (31);
- (g) the east half (1/2) of the northeast quarter (1/4) of the southwest quarter (1/4) of Section Thirty-One (31);
- (h) the southeast quarter (1/4) of the southwest quarter (1/4) of said Section Thirty-One (31),

all in Township One (1), Comox District, Plan 552.

SCHEDULE 2**Developed Lands**

The developed lands are the lands described as follows:

- (a) Lot 3 of the Northwest 1/4 of Section 20, Township 1, Comox District, Plan 33674;
- (b) Lot A of the Northwest 1/4 of Section 20, Township 1, Comox District, Plan 33675;
- (c) Lot 1 of Section 20, Township 1, Comox District, Plan 47410;
- (d) Lot 1 of the Northwest 1/4 of Section 20, Township 1, Comox District, Plan 50686;
- (e) that part of the Northwest 1/4 of Section 20, Township 1, Comox District, Plan 552, shown outlined on Plan 50687;
- (f) Lot 1 of the Southeast 1/4 of the Southwest 1/4 of Section 31 and of the East 1/2 of the West 1/2 of Section 30, Township 1, Comox District, Plan 33674;

- (g) Lot 2 of the East 1/2 of Section 30, Township 1, Comox District, Plan 33674;
- (h) that part of the Southeast 1/4 of Section 31, Township 1, Comox District, Plan 552, shown outlined on Plan 40784;
- (i) the 1.314 hectare portion of the Southeast 1/4 of Section 31, Township 1, Comox District, Plan 552, dedicated as "Park" on Plan 47530;
- (j) Lot 1 of Section 31, Township 1, Comox District, Plan 47573;
- (k) Lot 1 of Section 31, Township 1, Comox District, Plan 51073;
- (l) Lot 2 of Section 31, Township 1, Comox District, Plan 51073;
- (m) Lot 3 of Section 31, Township 1, Comox District, Plan 51073;
- (n) Lot 4 of Section 31, Township 1, Comox District, Plan 51073;
- (o) Lot 5 of Section 31, Township 1, Comox District, Plan 51073;
- (p) Lot 6 of Section 31, Township 1, Comox District, Plan 51073, except Plan VIP53432;
- (q) Lot A of the Southeast 1/4 of Section 31, Township 1, Comox District, Plan VIP53432;
- (r) Lot B of the Southeast 1/4 of Section 31, Township 1, Comox District, Plan VIP53432;
- (s) Lot 1 of the Southeast 1/4 of Section 31, Township 1, Comox District, Plan 47530;
- (t) Lot 7 of Section 31, Township 1, Comox District, Plan 51073, except Plan VIP53432;
- (u) that part of the West 1/2 of the Southwest 1/4 of Section 29, Township 1, Comox District, Plan 552, lying to the east of the easterly boundary of the proposed Dogwood Street extension, with said easterly boundary as shown on Plan 7 Tube 1621 on deposit with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, Victoria;
- (v) that part of the Northwest 1/4 of Section 20, Township 1, Comox District, Plan 552, lying to the east of the easterly boundary of the proposed Dogwood Street extension, with said easterly boundary as shown on Plans 6 Tube 1621 and 7 Tube 1621 both on deposit with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, Victoria, except Plans 33674, 33675 and 47410.