



INFORMATION BULLETIN 09

SUBDIVISION AND PLANS THAT CAUSE SUBDIVISION IN THE ALR

Issued: October 18, 2022

Table of Contents

1.	SCOPE OF THIS INFORMATION BULLETIN	2
2.	DEFINITION OF SUBDIVISION	2
	A. Plans that cause subdivision may not be approved or registered unless permitted by the ALCA	2
	B. Subdivision is not a use and approval of a non-farm use is not approval of a subdivision.....	5
3.	PARCELS LESS THAN TWO ACRES ARE SUBJECT TO SUBDIVISION RESTRICTIONS	6
4.	STATUTORY RIGHTS OF WAY THAT MAY OR MAY NOT CAUSE SUBDIVISION	7
5.	LEASE OF A PORTION OF ALR LAND THAT CAUSES SUBDIVISION	8
6.	STRATA PLANS CAUSE SUBDIVISION	9
7.	PERMITTED SUBDIVISIONS	10
	A. Proposed Plan of Subdivision Examples	12
8.	SUBDIVISION APPLICATIONS	14
	A. Subdivision Application Process.....	14
	B. Subdivision Application Considerations.....	15
9.	ROLE OF APPROVING OFFICERS & REGISTRARS OF TITLES.....	16
	A. Approval of plans	16
	B. Consideration of subdivision of land adjacent to ALR land	16
10.	HOMESITE SEVERANCE POLICY	17
11.	GLOSSARY	18

1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (ALCA), the Agricultural Land Reserve General Regulation (the ALR General Regulation) and the Agricultural Land Reserve Use Regulation (the ALR Use Regulation), in relation to subdivision in the Agricultural Land Reserve (ALR). The ALCA, the ALR General Regulation and the ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA, the ALR General Regulation and the ALR Use Regulation. All other applicable provincial and federal laws and regulations, as well as applicable local government bylaws, must also be complied with.

2. DEFINITION OF SUBDIVISION

A. Plans that cause subdivision may not be approved or registered unless permitted by the ALCA

The ALCA provides that a person must not subdivide agricultural land unless permitted by the Commission after an application, or permitted under section 3 of the ALR General Regulation: ALCA, s. 21(1). An owner of agricultural land may apply to the Commission for permission under section 25 of the ALCA to subdivide land in the ALR.

The ALCA imposes additional restrictions to prevent the subdivision of ALR land without the Commission's permission or compliance with the ALR General Regulation.

An approving officer under the *Land Title Act*, the *Local Government Act*, or the *Strata Property Act*, as well as any person who exercises the powers of an approving officer under any other Act, is prohibited from approving a subdivision of land in the ALR unless permitted under section 25 of the ALCA or the ALR General Regulation: ALCA, s. 18(5).

Likewise, unless the subdivision of agricultural land is permitted under the ALCA (i.e. by application to the Commission under section 25 or as permitted by section 3 of the ALR General Regulation), a Registrar of Titles must not, under the *Land Title Act* or the *Strata Property Act*, do either of the following things if it would cause the subdivision of agricultural land:

- (a) accept an application for the deposit of a plan;
- (b) permit a new parcel of land to be created by a metes and bounds description or an abbreviated description.

(ALCA, s. 19)

A “plan” for the purpose of the above restriction is not limited to subdivision plans. A plan means:

- (a) a subdivision plan, reference plan, explanatory plan or other plan showing subdivision of land;
- (b) a statutory right of way plan allowed under section 114 of the *Land Title Act*.

(ALCA, s. 19(1))

“Subdivision” means the division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise: *Land Title Act*, s. 1 “subdivision”. This includes boundary adjustments where no new parcels are created. In some cases, the *Land Title Act*, the *Strata Property Act*, or other legislation expressly states that the filing of a particular plan or document in certain circumstances is a subdivision.

Many types of plans may cause subdivision (i.e. the division of land into separate parcels). These include:

- A subdivision plan;
- A strata plan: *Strata Property Act*, s. 239;
- An amendment to a strata plan;
- A disposition of the common property of a strata corporation by way of a transfer of a freehold estate, a lease for a term exceeding 3 years, or an interest that confers or may confer a right to acquire a freehold estate or a lease exceeding 3 years: *Strata Property Act*, ss. 253, 265; and
- A statutory right of way plan allowed under section 114 of the *Land Title Act*.

Furthermore, any of the following plans may cause subdivision if they affect an area that is smaller than the entire registered parcel:

- A subdivision, reference, or explanatory plan showing an area as a highway,

park, or public square not designated to be of a private nature: *Land Title Act*, ss. 102, 107;

- A subdivision, reference, or explanatory plan showing an area as covered by water and as lying immediately adjacent to a lake, river, stream or other body of water not within the land covered by the plan, and designated on the plan to be returned to the government: *Land Title Act*, s. 107;
- A subdivision or reference plan where an area is designated as “Returned to Crown in right of the Province”, unless the plan simply confirms a return to the Crown which occurred as a result of natural accretion or erosion (rather than a sudden event or human action): *Land Title Act*, s. 108;
- A subdivision or reference plan that extinguishes a highway located in a rural area and that was discontinued and closed by notice published in the *Gazette*: *Land Title Act*, s. 109; and
- A statutory right of way plan used in the application to register fee simple, such as for a highway, as allowed under section 114 of the *Land Title Act*.

The above list of plans that may cause subdivision is not exhaustive. Subdivisions may occur in other circumstances. At all times the ALCA and the legal definition of subdivision will govern.

A metes and bounds description or an abbreviated description is an alternative method of subdividing land, without a plan, and may be used in the circumstances set out in section 99 of the *Land Title Act*. If a new parcel is to be created using a metes and bounds description or abbreviated description, Commission approval is required before a Registrar of Titles may accept the description. See Section 8 Subdivision Applications of this Information Bulletin for information on the application approval process.

If a plan or description is being registered primarily for the clarification of records and the plan does not divide land into two or more parcels, the plan may not be a subdivision. For example, older highways may have been established under former legislation. The registration of an explanatory plan under section 102 of the *Land Title Act* which clarifies the legal status of an existing highway, where the boundaries of the highway will not change and title to the highway already lies with the Crown or local government, is not a subdivision. Likewise, the clarification of records regarding a public road reserved on a Crown grant may not be a subdivision if the Crown has retained title to the area shown as road on the Crown grant.

The registration of certain charges or interests in land that do not create new parcels, such as an easement or covenant, is not a subdivision. However, notice or authorization of the Commission may still be required. Notice to the Commission is required for registration of a statutory right of way described in section 218 of the *Land Title Act: ALCA*, s. 18.1. Approval of the Commission is required for registration of a covenant that restricts or prohibits the use of ALR land for farm purposes: ALCA, s. 22(2). Furthermore, if an easement or other charge grants one party the option to acquire an area that is smaller than the registered parcel, the acquisition cannot be registered without authorization of the Commission (and this contractual term may, therefore, be impossible for the parties to perform).

A statutory right of way will not require approval of the Commission as a subdivision if the right of way consists only of a charge on the land (i.e. the right of way holder does not take ownership of the land underlying the right of way).

If a charge or interest is being registered to facilitate a non-farm use, a non-adhering residential use, or a soil and fill use, that is not permitted by the ALCA or the regulations, the charge or interest may be registered but an application or Notice of Intent, as applicable, to the Commission is required to approve the use, construction of the use, or the placement of fill or removal of soil.

Please contact the Commission if you are uncertain about whether a plan or description is a subdivision.

B. Subdivision is not a use and approval of a non-farm use is not approval of a subdivision

Subdivision is not a use of land. The ALCA treats subdivision and use as distinct concepts, with separate prohibitions, and separate procedures governing applications for approval of the Commission.

Authorization of a non-farm use is not an authorization to subdivide the land in question. A landowner seeking permission for a non-farm use and for a subdivision must apply for both a non-farm use under section 20(2) of the ALCA and subdivision under section 21(2) of the ALCA (this can typically be done jointly under one application). The approval by the Commission of a use application, such as a non-farm use, is not an approval of a subdivision unless the Commission's decision says so expressly.

It is the Commission's practice to expressly set limits or conditions when approving a subdivision application, including in particular the requirement that the subdivision plan be approved by the Commission prior to registration to ensure it is consistent with the proposal the Commission approved. A Registrar of Titles should not register a plan of subdivision in the ALR that is not endorsed by the Commission (unless the subdivision in question is permitted by section 3 of the ALR General Regulation). If there is any doubt as to whether a subdivision is permitted by the regulations or authorized by the Commission, a Registrar of Titles should consult with the Commission prior to registration.

Likewise, authorization of subdivision is not an authorization for a non-farm use of the subdivided ALR land. Where subdivision is permitted by the regulations, or where a charge such as an easement does not require the Commission's approval, the landowner will still need to comply with the ALCA's restrictions on use in respect of the subdivided parcel.

3. PARCELS LESS THAN TWO ACRES ARE SUBJECT TO SUBDIVISION RESTRICTIONS

Section 23(1) of the ALCA states: "Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area."

Where applicable, section 23(1) of the ALCA provides an exception from the restrictions on **the use** of ALR land set out in the ALCA and its regulations, such as the restrictions on non-adhering residential use (s. 20.1), non-farm use (s. 20) and soil and fill use (s. 20.3).

The section 23(1) exception is limited and does not provide a general exemption from the ALCA or its regulations. The land remains within the ALR and the ALR notation remains on the certificate of title. For example, the section 23(1) exception does not apply to the ALCA's restriction on subdivision of land in the ALR. Under the ALCA, "use" and "subdivision" are distinct concepts.

Where section 23(1) applies to a parcel of land, an approving body (which includes a local government, first nation government, or other authority) may approve a non-farm use (including a building), non-adhering residential structure, and soil or fill use, whether or not that use is permitted by the ALR regulations or approved by the Commission. In

other words, section 23(1) of the ALCA establishes an exception, where it applies, to the restrictions in section 18 of the ALCA on approving bodies approving such uses.

However, an approving officer under the *Land Title Act*, the *Local Government Act*, or the *Strata Property Act* must not approve a subdivision of property in the ALR, even a property to which the restrictions on use do not apply because of section 23(1), unless the requirements for subdivision that apply in all other cases are met. That is, subdivision may only be approved if permitted under section 3 of the ALR General Regulation or if the Commission has granted permission after an application: ALCA, s. 18(4).

The ALCA's restrictions on subdivision also apply to the registration of a plan or description of land by a Registrar of Titles even if the ALCA's restrictions on use do not apply pursuant to section 23(1). Section 19(2) of the ALCA provides that unless the subdivision of agricultural land is permitted under the Act, a Registrar of Titles must not, under the *Land Title Act* or the *Strata Property Act*, do either of the following things if it would cause the subdivision of ALR land: (a) accept an application for the deposit of a plan; (b) permit a new parcel of land to be created by a metes and bounds description or an abbreviated description. Section 19(2) of the ALCA prohibits a Registrar of Titles from doing these things, whether or not the section 23(1) exception applies to uses on the land.

If approving officers are unsure if subdivision is permitted under section 3 of the ALR General Regulation, section 25 of the ALCA by an application decision of the Commission, or if a plan would cause subdivision, they should check with the ALC. Likewise, if a Registrar of Titles is unsure if a plan should be accepted for deposit, they should also check with the ALC.

4. STATUTORY RIGHTS OF WAY THAT MAY OR MAY NOT CAUSE SUBDIVISION

The ALCA was amended on September 30, 2020, to require notice to the Commission when a statutory right of way (SROW) as described in section 218 of the *Land Title Act* is being registered over land within the ALR. This is set out in section 18.1 of the ALCA:

Notice of statutory right of way

18.1 (1) In this section, “statutory right of way” means a statutory right of way as described in section 218 of the Land Title Act that extends fully or partially over land within the agricultural land reserve.

(2) Before applying to register a charge granting or otherwise creating a statutory right of way, the applicant must give notice, in the prescribed form and manner, to the commission.

(3) A Registrar of Titles must not register a charge granting or otherwise creating a statutory right of way unless the application to register the charge is accompanied by proof, given in the prescribed form and manner, that notice has been given as required under subsection (2) of this section.

A statutory right of way under section 218 of the *Land Title Act* is a charge on the land which grants specific rights to use the land. The terms, conditions, and covenants expressed in the SROW are binding on the grantor and grantee and their successors in title, unless the language of the SROW indicates that the grantor and grantee did not intend the SROW to bind their successors.

A statutory right of way is typically not a subdivision, as it does not divide land into two or more parcels or change the boundaries of a parcel. However, section 114 of the *Land Title Act* permits the use of a SROW plan in an application to register the fee simple title to land. If section 114 is relied on, the SROW plan is a subdivision and, if not permitted under the ALR General Regulation, may not be registered without approval of the Commission: ALCA, s. 19.

5. LEASE OF A PORTION OF ALR LAND THAT CAUSES SUBDIVISION

A lease for a term greater than 3 years of agricultural land that is less than an entire registered parcel (other than a lease for a building or part of a building) is a subdivision requiring the Commission’s permission: *Land Title Act*, s. 20, 73, 73.1; ALCA, s. 21. In order to subdivide land in the ALR for the purpose of a lease greater than 3 years, Commission approval is needed, or the subdivision must be one that is permitted under the ALR General Regulation.

Therefore, land which has been leased for a term greater than 3 years remains part of the parent parcel for the purposes of any restrictions on use of ALR land in the ALCA or its regulations, unless it has been subdivided with approval of the Commission or as permitted by the ALR General Regulation. For example, if part of a parcel has been leased for a term of 10 years and there is already a principal residence on the parcel, the lessee may not construct another principal residence on the leased portion. However, the leased area could include a permitted additional residence under Part 4, Division 2 of the ALR Use Regulation.

Leases greater than 3 years which were registered after December 21, 1972 without Commission approval of a corresponding subdivision plan are invalid unless the corresponding subdivision was permitted and approved under the ALR General Regulation.

6. STRATA PLANS CAUSE SUBDIVISION

Depositing a strata plan in a Land Title Office causes subdivision: *Strata Property Act*, s. 239; *Land Title Act*, s. 1 “parcel”, “subdivision”. The Commission’s permission (or compliance with section 3 of the ALR General Regulation) is therefore required as with any other subdivision. This is the case for all types of strata plans under the *Strata Property Act*, including bare land stratas, phased stratas, and stratas where the lot boundaries are defined with reference to a building (sometimes referred to as a “building strata”). Amendments to a strata plan also cause subdivision. For example, a plan which divides a strata lot into more than one lot causes subdivision.

Although an approving officer’s approval is not required for registration of some types of strata plans, Commission approval of a subdivision application (or compliance with section 3 of the ALR General Regulation) is required as with any other subdivision. In addition, a registrar of titles must not accept the deposit of a strata plan or amendment of a strata plan for land in the ALR without Commission permission after an application under section 25 of the ALCA (or compliance with section 3 of the ALR General Regulation): ALCA, s. 19.

In addition, the *Strata Property Act* designates a disposition of the common property of a strata corporation by way of any of the following as a subdivision: a transfer of a freehold estate, a lease for a term exceeding 3 years, or an interest that confers or may confer a

right to acquire a freehold estate or a lease exceeding 3 years: *Strata Property Act*, ss. 253, 265.

7. PERMITTED SUBDIVISIONS

The ALR General Regulation permits approving officers to approve a subdivision of ALR land in certain prescribed situations without application to the Commission:

3(2) The following types of subdivision are permitted for the purposes of subsection (1) (a):

(a) a subdivision that does one or more of the following:

- (i) consolidates 2 or more parcels into a single parcel by eliminating common lot lines;
- (ii) establishes a legal boundary along the boundary of the agricultural land reserve;
- (iii) resolves a building encroachment on a property line, if no additional parcels are created;

(b) a subdivision for which all of the following conditions are met:

- (i) the agricultural land to be subdivided involves not more than 4 parcels, each of which is a minimum of 1 ha;
- (ii) on subdivision, there would be no increase in the number of parcels and no parcel would be less than 1 ha;
- (iii) the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of structures used for farming.

Although subdivision is in some circumstances permitted by the ALR General Regulation, landowners still must comply with all other applicable laws, including local bylaws. Local government approval may be required before registering a plan of subdivision in these prescribed circumstances.

While subdivision along the ALR boundary is permitted (for reference see Example 1 below), if a plan of subdivision creates a boundary that will transect the portion of a parcel that is within the ALR (for reference see Proposed Subdivision Plan examples 2 – 4 below), then authorization of the Commission is required.

On a property with multiple non-contiguous portions of ALR land as well as non-ALR land, a proposed subdivision that would separate those portions of ALR land onto separate lots requires authorization of the Commission, regardless of whether the proposed property lines transect the ALR boundary (for reference see Example 5 below).

The final plan, as registered, must fully comply with the ALR General Regulation and must only do that which is permitted under section 3 of that regulation. If the plan complies with section 3 in part, but also causes another division or boundary change which is not permitted under section 3, or if the plan would result in a parcel that is non-compliant with the ALCA or its regulations (such as by creating a parcel with two residences on it – see Example 4, below) the plan may not be registered. A subdivision to enable a non-farm use, such as a road, is also not permitted and an application for subdivision approval is required.

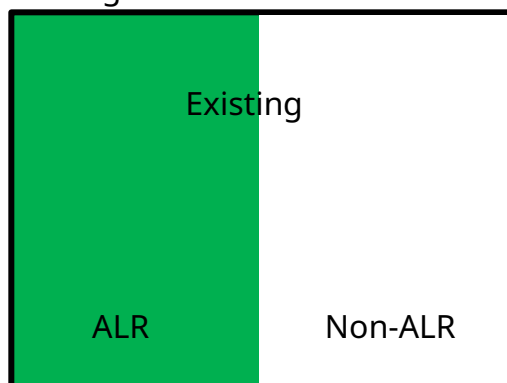
Therefore, if an enactment, local government policy or other planning rule requires that a plan of subdivision be altered before approval, such as to provide road access to a new parcel or lands beyond, the plan may only be registered if the final plan complies with the ALCA and ALR General Regulation. If an amendment to a proposed plan – even one required by local government policy or rule – causes it to no longer comply with the ALR General Regulation, the plan may not be registered and an application for subdivision approval is required.

Approving officers must indicate their approval by endorsing on the plan of subdivision a certificate in the form required by the Commission and must submit a copy of the endorsed plan to the Commission: ALR General Regulation, s. 3(1). A Registrar of Titles may only accept an application for deposit of a subdivision permitted under the ALR General Regulation if all of the applicable conditions under Part 2 of the ALR General Regulation are met, including submitting a copy of the plan to the Commission: ALR General Regulation, s. 5.

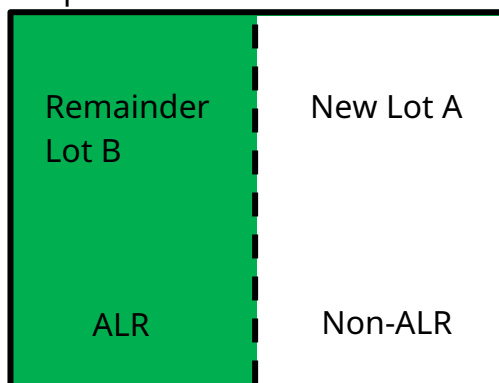
A. Proposed Plan of Subdivision Examples

Example 1: Permitted because proposed legal boundary matches the ALR boundary

Existing:



Proposed:

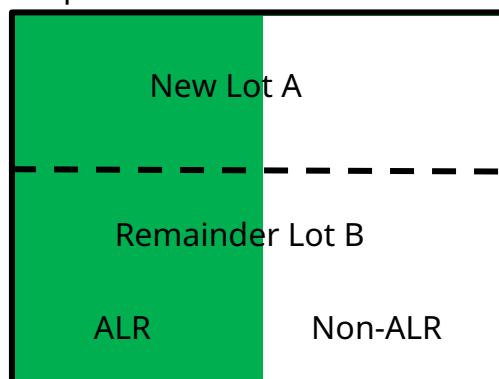


Example 2: Not permitted because proposed boundary transects the portion of the parcel that is within the ALR

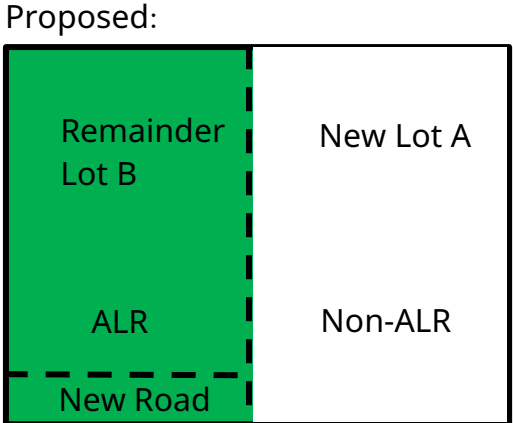
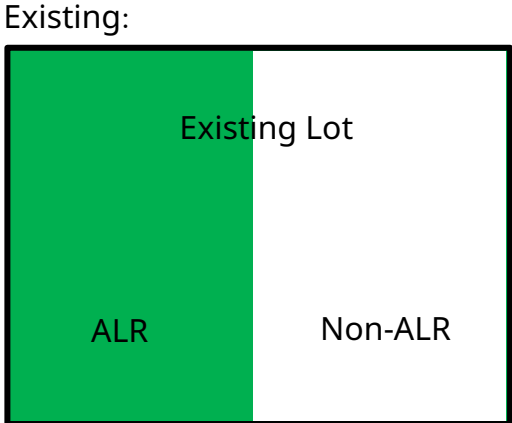
Existing:



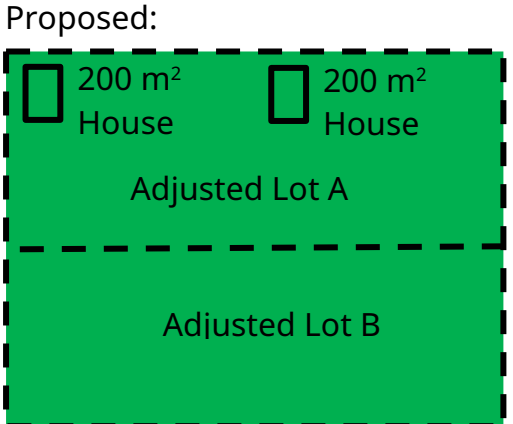
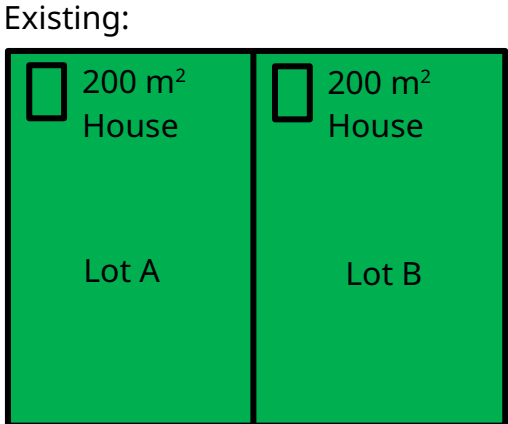
Proposed:



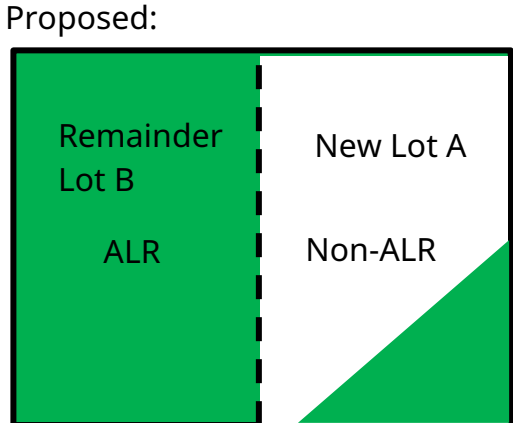
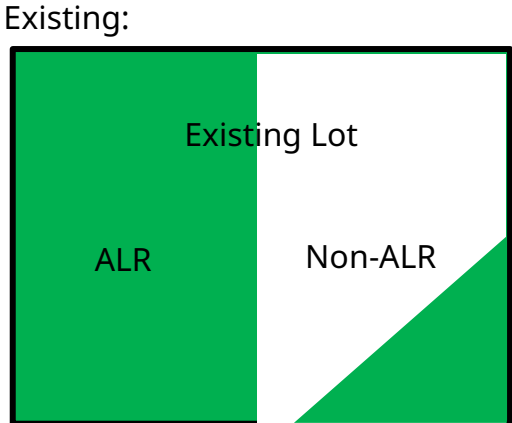
Example 3: Not permitted because the New Road transects the portion of the parcel that is within the ALR



Example 4: Not permitted because the boundary adjustment creates a new non-adhering residential use in the ALR (i.e. an additional residence).



Example 5: Not permitted because the boundary adjustment separates two non-contiguous portions of ALR land.



8. SUBDIVISION APPLICATIONS

A. Subdivision Application Process

A subdivision application is a form of application to be decided by the Commission under section 25 of the ALCA. A subdivision application may only be made by an owner of agricultural land or their authorized agent. Please see the [Applications](#) section of the Agricultural Land Commission's website at www.alc.gov.bc.ca for more information on preparing and submitting an application to the Commission.

An applicant may make a subdivision application by first submitting the application and paying the prescribed application fee to the applicable local government or first nation government: ALCA, s. 34.1. The local government or first nation government that receives an application must decide whether to forward the application to the Commission along with the comments and recommendations of the local government or first nation government in respect of the application. In many cases, the application must be authorized by a resolution of the local government or a law of the first nation government in order to proceed.

If an applicant is seeking approval of a subdivision for a use that is not permitted by the ALCA or the ALR Use Regulation, such as a public road, an applicant must also submit the applicable use application (non-farm use application, non-adhering residential use application, or soil and fill use application), which must also be submitted to the local government. Typically, the subdivision and use may be submitted jointly as one application.

On receiving a subdivision application, the Commission must reject the application if required by the regulations, or otherwise may do one of the following pursuant to section 25(1)(b) of the ALCA:

- (a) refuse permission for the proposed subdivision;
- (b) grant permission, with or without limits or conditions, for the proposed subdivision, or

- (c) grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

B. Subdivision Application Considerations

For examples of general considerations that the Commission may take into account in determining a subdivision application, please see the [What the Commission Considers section](#) of the Agricultural Land Commission's website.

Among the considerations that the Commission is likely to take into account on a subdivision application are the following:

- What is the agricultural capability of the land?
- Have there been any attempted agricultural improvements to the property?
- Is the property suitable for agriculture?
- What types of land uses surround the property?
- Does the proposal encourage or enhance agriculture or agri-business in the short or long-term?
- Will the proposal encourage farm use in the ALR while preserving the land base?
- Could this proposal be accommodated on lands outside of the ALR, or on an alternative site within the ALR that is less capable or suitable for agriculture?
- Does the proposal/application impact the size, continuity, or integrity of the ALR land base?
- Is the proposed subdivision likely to narrow the range of agricultural options on the property, or to otherwise negatively impact the use of the property for farm use?

If the Commission approves a subdivision application, the subdivision may proceed only in accordance with that approval, including any limits or conditions which may be imposed by the Commission.

A plan of subdivision of ALR land that is not authorized by the Commission or permitted by the ALR General Regulation may not be registered.

9. ROLE OF APPROVING OFFICERS & REGISTRARS OF TITLES

A. Approval of plans

The *Land Title Act* requires subdivisions to be approved by approving officers, generally from the local government where the land is located. Approving officers should seek confirmation from the Commission that subdivision is permitted under section 25 of the ALCA or its regulations before approving a subdivision of land that would cause agricultural land to be subdivided. The Commission's practice is to require that the final subdivision plan be submitted to the Commission for approval. Approved plans will have been endorsed by the Commission.

A Registrar of Titles likewise should seek confirmation from the Commission that the subdivision of agricultural land is permitted under the ALCA before accepting an application for the deposit of a plan which would cause the subdivision of ALR land or permitting the creation of a new parcel of land which would cause the subdivision of ALR land.

B. Consideration of subdivision of land adjacent to ALR land

The *Land Title Act* permits approving officers considering an application for subdivision approval to refuse to approve a subdivision plan on the basis of the impact of a subdivision on adjacent agricultural operations and ALR land, even if the land to be subdivided is not itself in the ALR. Specifically, an approving officer may consider whether:

- the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm, and
- the extent or location of highways and highway allowances shown on the plan is such that it would unreasonably or unnecessarily increase access to agricultural land within the agricultural land reserve, as those terms are defined in the ALCA

(Land Title Act, s. 86(1)(c)(x),(xi))

For more information on the impacts of urban uses adjacent to agricultural lands,

please see the Ministry of Agriculture's [Guide to Edge Planning](#) (2015). This guide describes urban-side edge planning tools to promote urban/rural compatibility and outlines best practices for setbacks and buffering adjacent to the ALR.

10. HOMESITE SEVERANCE POLICY

Landowners who are applying to subdivide a property that has been the principal residence of the applicant as owner-occupant since December 21, 1972, where the applicant wishes to dispose of the parcel but retain a homesite on the land, may qualify for subdivision under the Commission's [Policy L-11: Homesite Severance in the ALR](#).

There is no automatic right to a homesite severance. Owners who meet the criteria set out in Policy L-11 still must apply to the Commission for approval. Approval is not guaranteed even if the conditions of the policy are met. In particular, the remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel.

11. GLOSSARY

The following key definitions are relevant to this information bulletin:

“agricultural land” means land that

(a) is included in the agricultural land reserve under section 15(1.1), 17(3.1) or 45(1) of the ALCA, or

(b) was included under a former Act as agricultural land or land in an agricultural land reserve,

unless the land has been excluded from the agricultural land reserve under the ALCA or from an agricultural land reserve under a former Act;

“ALCA” means the Agricultural Land Commission Act;

“ALR” means the Agricultural Land Reserve;

“ALR General Regulation” means the Agricultural Land Reserve General Regulation;

“Commission” means the Agricultural Land Commission;

“first nation government” means,

(a) in relation to settlement lands, other than treaty lands, the governing body that has legislative authority in relation to those settlement lands,

(a.1) in relation to treaty lands, the treaty first nation, and

(b) in relation to proposed settlement lands, an aboriginal governing body that

(i) the first nation, in relation to which an agreement in principle applying to those lands has been entered into, has organized and established within its traditional territory in British Columbia, and

(ii) has been mandated by the members of that first nation to enter into treaty negotiations on their behalf in accordance with a process facilitated by the British Columbia Treaty Commission, established under section 3 of the Treaty Commission Act;

“parcel” means a lot, block or other area in which land is held or into which land is subdivided;

“approving officer” means, as applicable,

- (a) the municipal approving officer under section 77 of the *Land Title Act*,
- (b) the regional district approving officer under section 77.1 of the *Land Title Act*,
- (c) the islands trust approving officer under section 77.1 of the *Land Title Act*,
- (d) the Provincial approving officer under section 77.2 of the *Land Title Act*,
- (e) the Nisga'a approving officer under section 77.3 of the *Land Title Act*; or
- (f) the treaty first nation approving officer under section 77.21 of the *Land Title Act*.

“Registrar of Titles” means a registrar appointed under the Land Title Act and includes a deputy registrar or acting registrar;

“statutory right of way” means an easement without a designated dominant tenement registrable under section 218 of the Land Title Act;

“subdivision” means the division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise: Land Title Act, s. 1 “subdivision”. This includes boundary adjustments where no new parcels are created. In some cases, the Land Title Act, the Strata Property Act, or other legislation expressly states that the filing of a particular plan or document in certain circumstances is a subdivision.