

Section 99. Waiver zoning or (survey costs)?

LAND TITLE ACT
[RSBC 1996] CHAPTER 250

Division 6 — Other Methods of Defining New Parcels

Registrar to determine whether description of land acceptable

99 (1) The registrar may accept

- (a) a metes and bounds description or an abbreviated description, with or without a reference plan or an explanatory plan, or
- (b) a reference plan or an explanatory plan, with or without a metes and bounds description

in any of the following cases:

- (c) if a new parcel is created by the subdivision of an existing parcel shown on a deposited subdivision plan;
- (d) 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;
- (e) if an easement, restrictive covenant, covenant under section 219 or a statutory right of way is being created;
- (f) if a parcel is being transferred to the Crown or other transferee for highway purposes;
- (g) if there is a statutory right to acquire compulsorily a parcel smaller than the registered parcel;
- (h) if a parcel is being transferred, leased or donated for public purposes to
 - (i) the Crown, including a Crown agency,
 - (ii) a municipality, regional district or improvement district,
 - (iii) a public body exercising public functions over the area in which the land is located, or
 - (iv) a person designated by the minister under section 219 (3) (c);
- (i) if the registrar is satisfied that

Keep what the landowner wants + donate^u cons part to 9.T.F.

(i) the creation of the new parcel is to provide for an isolated transaction and is not a step in a progressive subdivision, and

(ii) due to the previous legal establishment of sufficient highways in accordance with section 75, the acceptance of the description or the deposit of the plan is not against the public interest;

(j) if a new parcel is being created for a lease for well site or access roadway or both well site and access roadway purposes under the *Petroleum and Natural Gas Act*;

(k) if a new parcel is being created for a lease other than a lease referred to in paragraph (j).

(2) The registrar, before exercising his or her discretion in respect of the matters covered by subsection (1) (c), (d), (f), (h) (iv), (i) or (k), must require the applicant to provide satisfactory evidence that the approving officer has granted approval of the subdivision but in the case of a transfer under subsection (1) (f), approval is required only if the land is in a rural area.

(3) 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.