

2016 Approving Officers Workshop



Leasehold Subdivisions

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Legislation

Land Title Act (LTA) Sec. 73 Restrictions on Subdivision

73(1) Except on compliance with this Part, a person must not subdivide land into smaller parcels than those of which the person is the owner of for the purpose of
 (b) leasing it, or agreeing to lease it, for life or for a term exceeding 3 years.



Legislation

Land Title Act (LTA) Sec. 99 Plans Requiring an Approving Officers

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

99 (j) applies to a land lease for a well site, access roadway, or both, under the Oil & Gas Activities Act



LGMA Guide for Approving Officers (2015)

2.2.3 Leases Longer than 3 Years

Local Government Act Division 11 – Subdivision and Development: Requirements and Related Matters



Legislation

Land Title Act (LTA)

Sec. 73

Case Law Examples

An important purpose of the prohibition in s. 73 against subdivision except in compliance with part 7 is to ensure that municipal authorities retain control over subdivision as a means of regulating zoning, drainage, utility supply, building encroachment, siting, local aesthetics, and land development and use generally in the public interest.



Planning Law & Practice Manual

(Buholzer)

**13.24 Leasehold Subdivisions
Summary and Case Law**

Un-registered land lease is not unenforceable in law.

AO may be asked to approve a leasehold subdivision (reference or explanatory plan) so that a lease may be registered on title



**Sample Reference Plan
(BCLS)**



