

C A N A D A
DEPARTMENT OF NORTHERN AFFAIRS AND
NATIONAL RESOURCES

TERRITORIAL LANDS
REGULATIONS

Yukon Territory and Northwest Territories

The Minister of
Northern Affairs and National
Resources, Ottawa
1961

TERRITORIAL LANDS ACT

Territorial Lands Regulations

P.C. 1960-1711

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 16th day of DECEMBER, 1960.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources, pursuant to the Territorial Lands Act, is pleased hereby to revoke the Territorial Lands Regulations made by Order in Council P.C. 1954-533 of 8th April, 1954, as amended, and to make the annexed Regulations Governing the Administration and Disposal of Territorial Lands in the Yukon Territory and Northwest Territories in substitution therefor.

REGULATIONS GOVERNING THE ADMINISTRATION AND DISPOSAL OF TERRITORIAL LANDS IN THE YUKON TERRITORY AND THE NORTHWEST TERRITORIES

Short Title

1. These Regulations may be cited as the *Territorial Lands Regulations*.

Interpretation

2. In these Regulations,
 - (a) "Act" means the *Territorial Lands Act*;
 - (b) "land agent" means an employee of the Department of Northern Affairs and National Resources designated by the Minister as a land agent for an area of the Yukon Territory or Northwest Territories;
 - (c) "Minister" means the Minister of the Department of Northern Affairs and National Resources; and
 - (d) "Superintendent" means the Superintendent of Resources for the Yukon or the Northwest Territories.

Application

3. These Regulations apply only to territorial lands under the control, management and administration of the Minister.

Application to Purchase or Lease Territorial Lands

4. Every application to lease or purchase territorial lands shall be made to the land agent for the area in which the land is situated.

5. Where application is made to a land agent to lease or purchase territorial lands that are not surveyed, the land agent shall accompany the applicant to the site of the lands he wishes to purchase or lease, prepare a sketch of the lands, and, if he deems it necessary, mark off on the ground the boundary limits of the land.

6. Every person who wishes to purchase territorial lands shall enter into an agreement for sale with the Minister containing such terms and conditions as the Minister may deem necessary.

Sale of Territorial Lands

7. (1) Every agreement for sale and every grant of territorial lands other than surveyed territorial lands in a townsite shall be deemed to contain the following reservations and conditions in addition to those prescribed by the Act:

- (a) a reservation of such part or parts of the land as may from time to time be appropriated by Her Majesty in right of Canada for the purpose of a public road; and
- (b) where the land sold has an area in excess of ten acres, the condition that if the owner subdivides the lands or any portion thereof into townsite lots one-third of the lots in the land so subdivided shall revert to the Crown.

(2) Lots to which the Crown is entitled under paragraph (b) of subsection (1) shall be selected as follows: the owner shall first select two lots and the land agent shall then select one lot for the Crown and this shall be repeated until all lots are selected.

8. (1) Where territorial lands have been inspected and appraised by a valuator appointed by the Minister and the value of the lands is less than five thousand dollars, the lands may be sold by the Minister for not less than the appraised value, but in no case shall the selling price be less than sixty dollars.

(2) Payment for territorial lands shall be made by

(a) payment in full at the time of sale; or

(b) payment of

(i) not less than twenty per cent of the purchase price at the time of sale and the balance of the purchase price in equal consecutive annual instalments over a period not exceeding five years, and

(ii) interest at the rate prescribed by the Act.

9. (1) The survey of all unsurveyed territorial lands shall be in accordance with the instructions of the Surveyor General and the cost thereof shall be paid by the purchaser.

(2) Letters Patent for territorial lands shall not be issued until a plan of survey thereof has been approved and confirmed by the Surveyor General and registered in the appropriate land title office.

Leasing of Territorial Lands

10. Every lease of territorial lands shall be for a term of not more than thirty years, but the Minister may grant a renewal of the lease for a further term not exceeding thirty years.

11. (1) The annual rental payable under any lease other than a grazing lease shall be not less than ten per cent of the appraised value of the lands leased.

(2) The rental payable under a grazing lease shall be not less than five cents per acre per annum.

(3) The rental payable under any lease shall in no case be less than fifteen dollars per annum.

12. Every lease of territorial lands shall contain, in addition to such terms and conditions as the Minister may deem necessary, a reservation of

(a) all mines and of all minerals whether solid, liquid or gaseous which may be found to exist within, upon, or under such lands together with the full powers to work the same and for that purpose to enter upon, use and occupy the lands or so much thereof and to such an extent as may be necessary for the effectual working and extracting of the said minerals;

(b) the rights of the recorded holders of mineral claims and any other claims or permits affecting the lands;

- (c) all timber that may be on the land;
- (d) the right to enter upon, work and remove any rock outcrop required for public purposes;
- (e) such right or rights of way and of entry as may be required under regulations in force in connection with the construction, maintenance and use of works for the conveyance of water for use in mining operations; and
- (f) the right to enter upon the lands for the purpose of installing and maintaining any public utility.

13. (1) When a lease is cancelled or expired and there are no arrears of rent or taxes, the lessee may, within three months thereof, remove any buildings or other structures owned by him that may be on the lands or the portion thereof withdrawn from the lease.

(2) Where a lessee described in subsection (1) does not remove his buildings or other structures within three months of the expiration or cancellation of a lease, a land agent for the area in which the lands leased are located shall make an appraisal of the buildings or other structures that have been left on the lands by the lessee and the Superintendent may direct the sale of the same by public auction.

(3) Where the buildings or other structures described in subsection (2) have been offered for sale by public auction and have not been sold, the Superintendent may authorize the disposal thereof by private sale.

(4) From the proceeds realized from the sale of a building or any other structure under this section, the land agent shall, after deducting any expenses of sale and any arrears of rent and taxes, pay to the former lessee the balance remaining from that sale.

14. (1) A lessee who wishes to assign his lease shall pay all outstanding rent and furnish the Department with a properly executed unconditional assignment, in duplicate, of the lease together with the registration fee set out in the Schedule and a certificate from the proper official of the Territorial Government, municipality or other local authority that all taxes on the territorial lands covered by the assignment have been paid.

(2) No assignment of a lease that is not approved by the Superintendent is binding on the Crown.

Grazing Leases

15. A lease of territorial lands for grazing purposes shall contain a covenant that the lessee shall not during the terms of the lease use or allow to be used any part of the lands leased to him for any purpose other than grazing purposes.

16. (1) Every person who is a resident in the Yukon Territory or the Northwest Territories may each year, without permission of the Superintendent, cut on territorial lands in the territory in which he resides not more than five tons of hay for each head of livestock owned by him.

(2) Hay cut pursuant to subsection (1) shall not be sold or bartered.

Fees

17. The fees set out in Column II of the Schedule to these Regulations are payable for the services set out in Column I thereof.

Schedule

FEEs

<i>Column I</i>	<i>Column II</i>
1. Lease fee	\$ 5.00
2. Renewal of lease	5.00
3. Registration of assignment	5.00
4. Issue of letters patent	10.00
5. Copy of any document	2.00
6. Preparation of submissions to the Governor in Council	10.00
7. Copy of a survey plan	.10 per sq. foot.

