



Crown Lands Process / Update

2023 Municipal Symposium – Framing our Future

Municipalities NL

Department of Fisheries, Forestry and Agriculture

May 5, 2023

Gander, NL

- Overview of process
 - Application process
 - Improvements
- Municipalities specifically
 - Section 201
 - Municipal Leasing Policy
 - Municipal Crown Lands Reserve
- Section 36
- Questions



Overview

Crown Lands = Resource

- ✓ Crown Lands matter to everyone:
 - Economic growth
 - Resident enjoyment and recreation
 - Environmental and social sustainability – protecting resources for future generations
 - Revenue generation

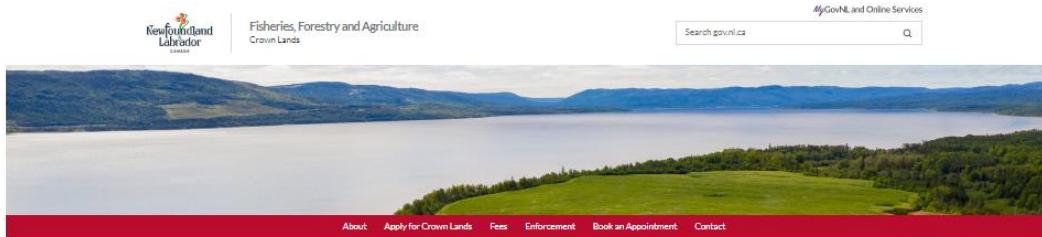
Crown Lands

- Crown Lands are administered and controlled by the Minister of Fisheries, Forestry and Agriculture for the social and economic benefit of the residents of Newfoundland and Labrador (**Lands Act**)
- There is no list or mapping inventory available that identifies all of the Crown lands in the province
- It is an applicant's responsibility to complete the research to determine if the land you want to apply for is available Crown land and is not privately owned

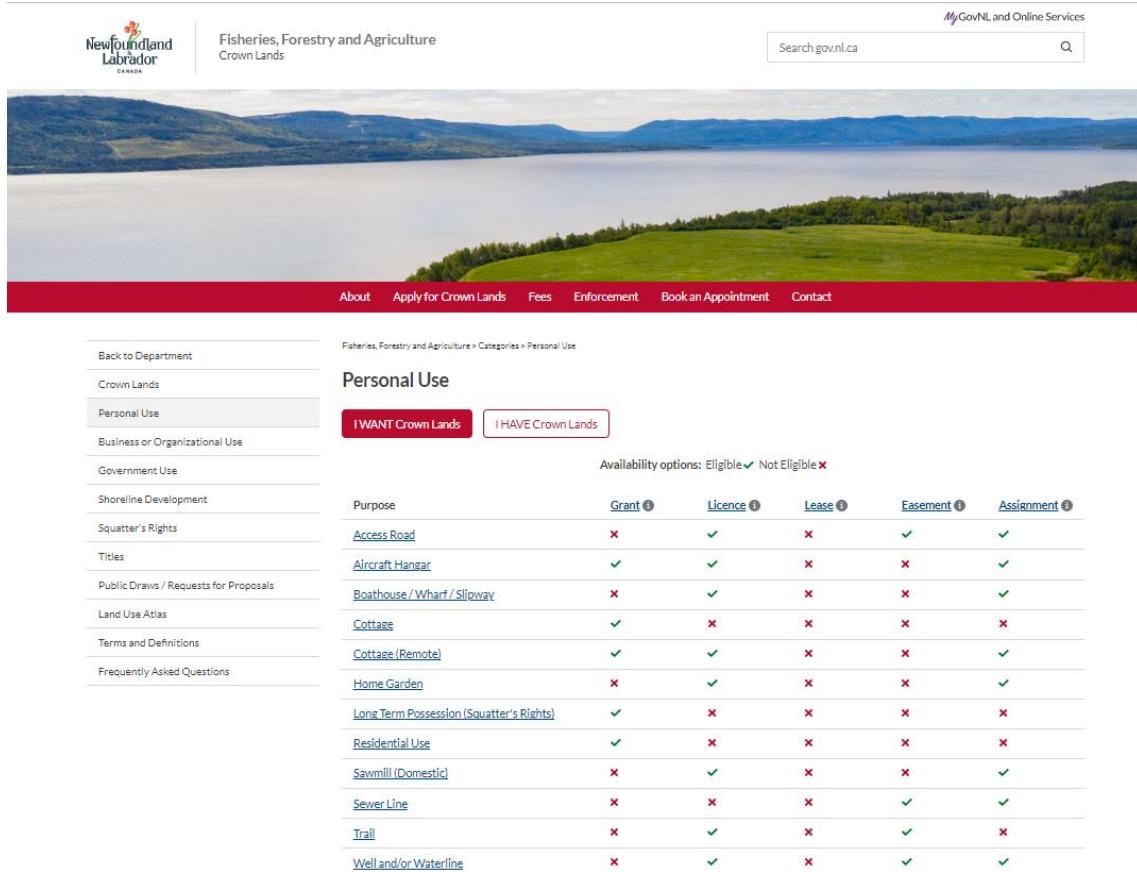
Did You Know?

88% of the 40.57 million hectares of land in Newfoundland and Labrador is Crown land including some of the seabed and beds of freshwater lakes

Applying For Crown Lands



Applying For Crown Lands



Fisheries, Forestry and Agriculture
Crown Lands

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Crown Lands

Personal Use

I WANT Crown Lands I HAVE Crown Lands

Availability options: Eligible ✓ Not Eligible ✗

Purpose	Grant ⓘ	Licence ⓘ	Lease ⓘ	Easement ⓘ	Assignment ⓘ
Access Road	✗	✓	✗	✓	✓
Aircraft Hangar	✓	✓	✗	✗	✓
Boathouse / Wharf / Slipway	✗	✓	✗	✗	✓
Cottage	✓	✗	✗	✗	✗
Cottage (Remote)	✓	✓	✗	✗	✓
Home Garden	✗	✓	✗	✗	✓
Long Term Possession (Squatter's Rights)	✓	✗	✗	✗	✗
Residential Use	✓	✗	✗	✗	✗
Sawmill (Domestic)	✗	✓	✗	✗	✓
Sewer Line	✗	✗	✗	✓	✓
Trail	✗	✓	✗	✓	✗
Well and/or Waterline	✗	✓	✗	✓	✓

Note: If your project is within 15 metres of a lake, pond, seashore or foreshore, or along a river, you will also be required to complete and submit a Notice of Intent.

Applications for Crown lands within the Wind Energy Land Reserve area are limited only to those that are required on an urgent basis and for the public good at this time. Information regarding the Call for Bids for Wind Development Projects can be found on the Department of Industry, Energy and Technology's website.

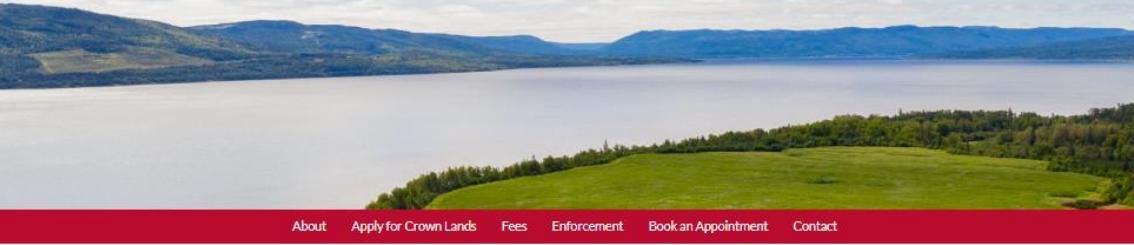
Applying For Crown Lands

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Fisheries, Forestry and Agriculture > Apply for Crown Lands

Apply for Crown Lands

If you would like to apply for Crown Lands, the following steps are required:

Before you apply

Completing the application

Please click the following link to open and complete the application:

[Application for Crown Lands \(3,376 KB\)](#)

For questions on how to complete the Application for Crown Lands, either:

- Refer to the Guidelines for the Preparation of Applications for Crown Lands [\(3,376 KB\)](#);
- Book an Appointment;
- Contact the Crown Lands Inquiries Line at 1-833-891-3249; or
- Email crownlandsinfo@gov.nl.ca.

Before you submit your application

Submitting your application

After you submit your application

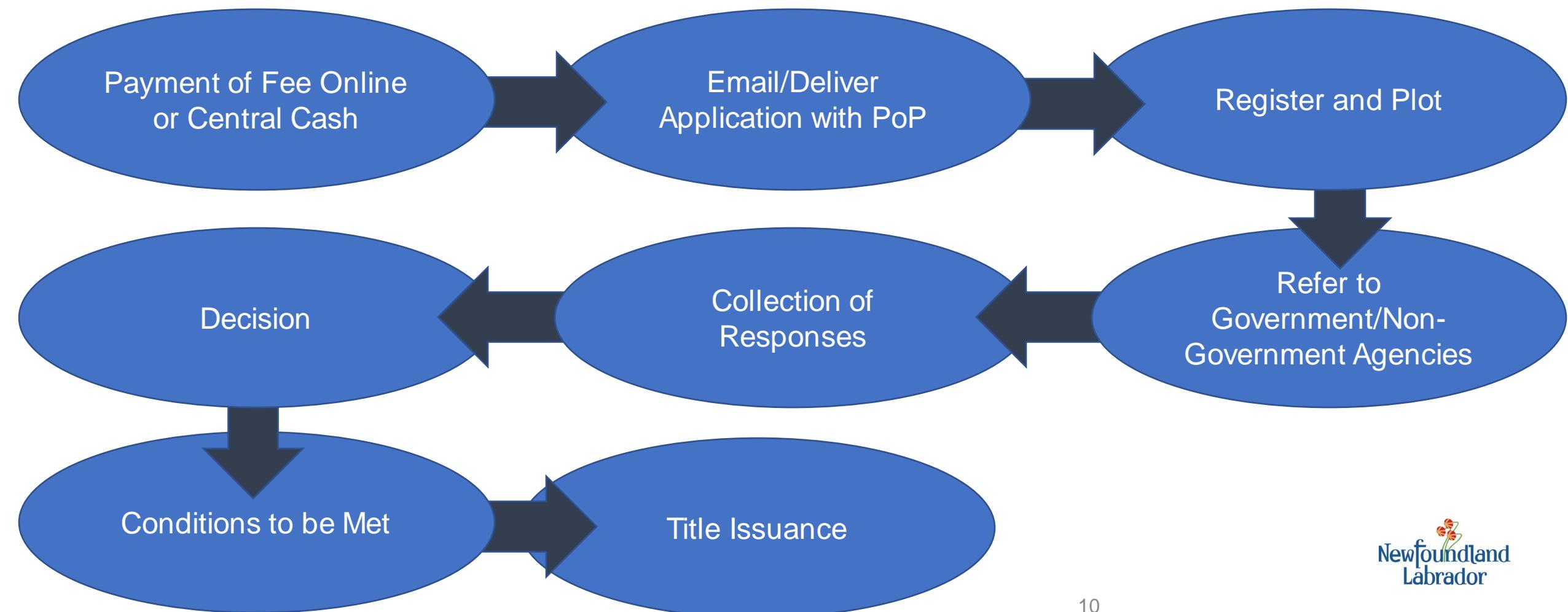
Review/Application Process

- Due Diligence
- Legal Land Transaction – heightened responsibility of government to ensure usability

Did you know?

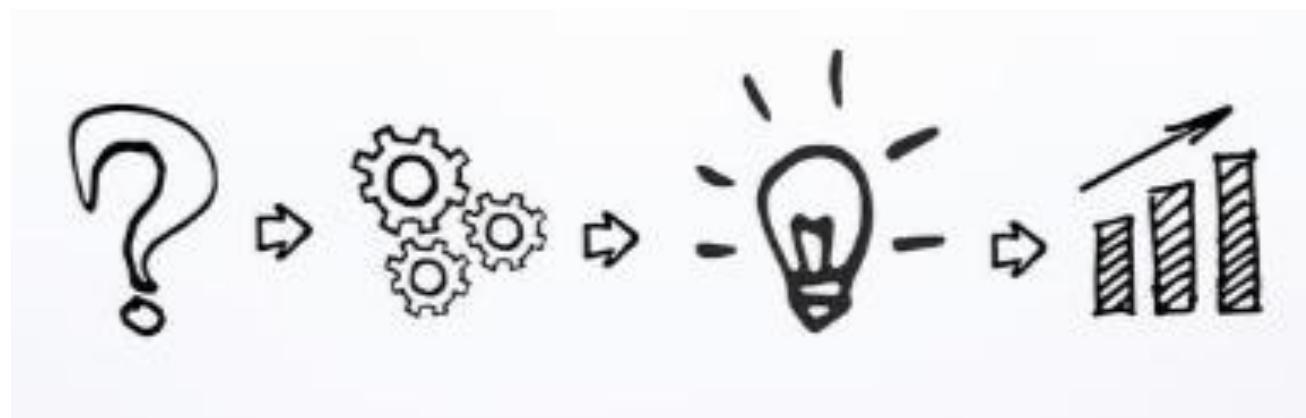
The Crown Lands Division receives approximately 3,000 applications per year.

Review/Application Process



Improvements

- Modernize
- Electronic Processes
- Digitization
- Efficiencies
- Communication and Continuous Improvement





Municipalities

Municipalities Act, 1999

- **Property Acquisition (S.201)**
 - A council may acquire and hold real and personal property which is not necessary for the operations of the council with prior written approval of the minister.
- **Criteria Considered:**
 - Purpose/need for the property
 - Information such as are the lots serviced; will the Town carry liability insurance on the land, and how has the Town ensured that the purposes for which the land will be used or disposed of do not violate Section 221 of the Municipalities Act, 1999, which prohibits towns from competing with the private sector, including land developers?

Municipalities Act, 1999

- Sale of Property Valued at \$500 or more (S.201.2)
 - Additional requirements around notification and advertising
 - Approval from the Minister is also required
- Process:
 - Requests to be sent directly to the Minister of Municipal and Provincial Affairs

Municipal Leasing Policy

- Economic development purposes
- Regular application process
- Decision to be made after approval
- Market Value
- 3 options:
 - Lease-to-own for a set term (10 years maximum), with varying annual payments to be negotiated
 - Lease-to-own for a set term (10 years maximum), at 50% now / 50% later
 - Lease-to-own for a set term (10 years maximum), with payments deferred

Municipal Crown Lands Reserves

- At the request of a municipality a reserve can be created
- 5 years
- Only applications that can be accepted are those from the municipality
- Prefer an application accompany the request
 - Area of land (map)
 - Purpose
 - Location of roads
 - Confirmation the municipality will accept ownership



Section 36

Adverse Possession Abolished

36. (1) Notwithstanding a law or practice to the contrary, no period of possession of Crown lands after December 31, 1976 , counts for the purpose of conferring upon a person an interest in the lands so possessed unless the period is permitted to count as against the Crown for the constitution of that interest under or by virtue of an Act of the province, or as a condition of a grant, lease, licence or other document validly made or issued by or on behalf of the Crown under that Act.

(2) The period of possession of Crown lands prior to January 1, 1977, which would, by the application of the law pertaining to the acquisition of an interest in land based upon open, notorious and exclusive possession existing prior to the enactment of this section, have been necessary to confer upon a person an interest in that land is considered to be, and always to have been, 20 continuous years immediately prior to January 1, 1977.

...

(4) Where the Crown lands affected by this section contain 30 hectares or less, the minister may issue a grant, upon being satisfied that

(a) a person has acquired an interest in Crown lands under subsection (2); and

(b) the lands have been in continuous use for agricultural, business or residential purposes or for a purpose referred to in section 9 for a 20 year period immediately prior to January 1, 1977,

and the grant may be issued subject to those charges, exceptions or qualifications that the minister may decide.

House approves bill to outlaw squatters' rights on crown land

Legislation to end claiming of Crown land by squatters' rights as of Jan. 1, 1977, unless possession of the land was held for 20 years prior to that date, received second reading (approval in principle) in the House of Assembly Monday.

For the first time in quite a while this session, MHAs debated a considerable amount of legislation yesterday afternoon, giving second reading to 10 bills.

These bills and three others given second reading earlier now are ready for the committee of the whole stage, which involves clause-by-clause consideration.

The next step after that would be third reading — final approval of the House — which is generally just a formality. All that is required then is royal assent — that is the signature of the lieutenant-governor.

Of the 61 bills now on the order paper, 48 are awaiting second reading, the stage where main debate on the bill is normally held.

Forestry and Agriculture Minister Joe Rousseau yesterday led off the debate on the bill entitled An Act to Further Amend the Crown Lands Act.

With regard to the acquisition of title to Crown lands, at present the common law applies, which is that a person must "openly, notoriously and exclusively" possess Crown lands for 60 years before acquiring title to it.

This bill would reduce the period to 20 years' possession and would be effective only for possession prior to Jan. 1, 1977.

The explanatory notes accompanying the bill state: "Subsequent to that date, no period of possession of Crown lands will count for conferring title upon any one."

The bill would also make it an offence to possess Crown lands after 1977 without "color of title."

Mr. Rousseau said that after the first of next year, persons not qualifying under this bill will have to go through the normal procedure of making application in order to acquire Crown lands.

Opposition leader Ed Roberts (L-Strait of Belle Isle) supported the bill, terming it a "revolutionary change," a "good step forward," and "the end of an era."

Mr. Roberts said he guessed "it had to come," as "desirable land is becoming very hard to come by," particularly for agricultural purposes.

The Opposition leader said that while he felt it was "the right and proper thing to end squatters' rights, still it's a significant moment."

He urged the minister to make sure that the new law is widely publicized.

Liberal Reform leader J.R. Smallwood (MHA-Twillingate) welcomed the bill, suggesting it was "excellent," and that it "seems to me to be an improvement."

A number of other Opposition members also supported the bill, while at the same time suggesting there was a need to re-organize the Crown lands division to eliminate some problems and speed up processing of applications.

Mr. Rousseau said there will be a campaign to let the people know about this change in the law.

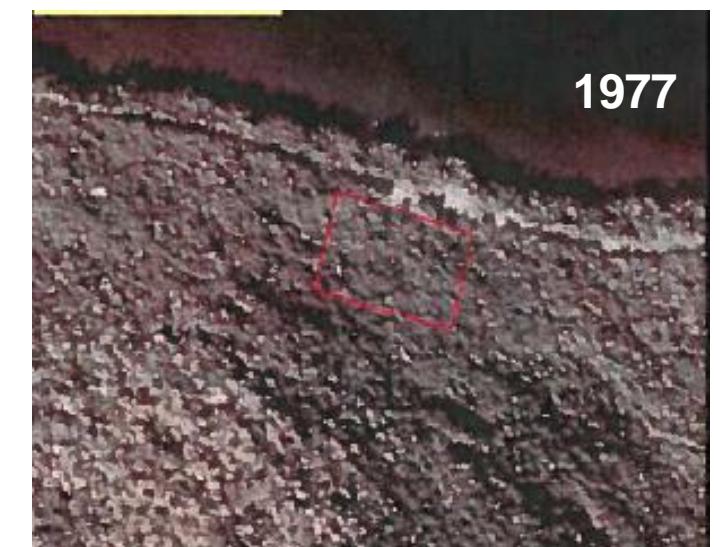
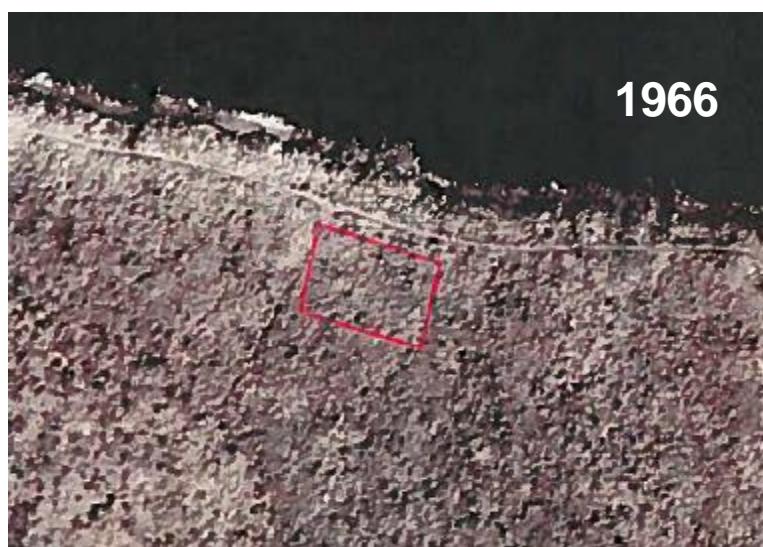
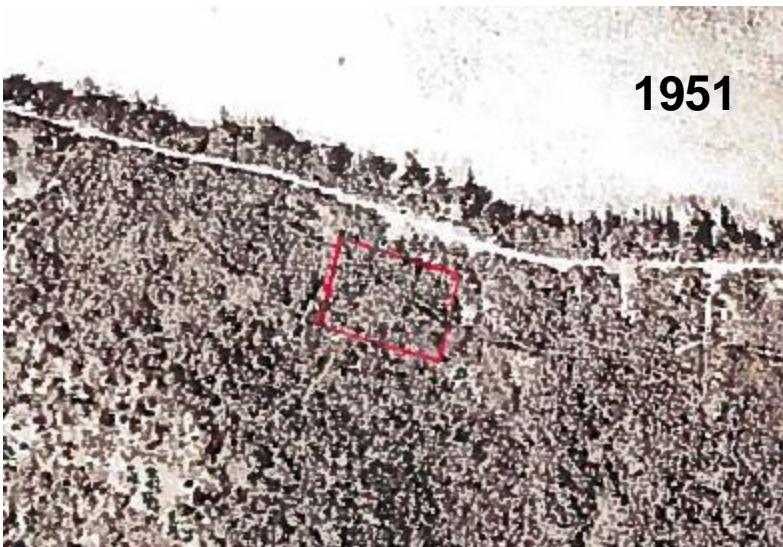
The minister said there are some staffing problems in the division in that it is highly technical work and when someone leaves, it takes a while to train someone new.

However, he added, it is hoped to have the matter cleared up before the end of the summer.

Another bill which passed second reading yesterday was one brought in specifically to allow Newfoundland's Chief Magistrate Hugh O'Neill to be extended in office for a further 18 months beyond retirement age until his successor has been

- All party support
- "Persons not qualifying under the bill will have to go through the normal procedure of making application in order to acquire Crown lands."
- "Revolutionary change"
- "A good step forward"
- "End of an era"
- "Right and proper thing to end squatters rights"
- "Excellent"
- "Improvement"

Process/Photo Examples



Process/Photo Examples



1951



1966



1978

Recent Consultation

- engageNL.ca
- Focus was Lands Act only
- Support for change
- Under review



Consultation into Amendments to the Adverse Possession Provision in the Lands Act (s. 36)

Newfoundland and Labrador's Crown lands are administered under the Lands Act and allocated as a public trust. The Provincial Government manages this valuable resource in a responsible manner for the continuous social and economic benefit of the province's residents for present and future generations.

The Provincial Government is considering updating Lands Act to clarify adverse possession against the Crown and protect the land interests of the people of the province. To assist in this process, the province engaged the public and key stakeholders for input.

[Updated: What We Heard](#)

Take-Aways

- Valued relationship
- Recognition of limitations
 - Procedural
 - Legislative/Regulatory
- Encourage open communication with Regional Offices

Web Links

- Consultation engageNL
 - www.engagenl.ca
- Land Use Atlas
 - <https://www.gov.nl.ca/landuseatlas/details/>
- Crown Lands Website
 - <https://www.gov.nl.ca/crownlands/>



