

## BILL 6 – 2023

# MUNICIPALITIES ENABLING AND VALIDATING ACT (No. 5)

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

#### **Definitions**

**1** In this Act:

“**land use contract**” means land use contract as defined in section 1 [*definitions*] of the Schedule to the *Local Government Act*;

“**regional district**” means the Regional District of Okanagan-Similkameen;

“**registrar of land titles**” means registrar of land titles as defined in section 1 of the Schedule to the *Local Government Act*;

“**specified land use contract**” means the land use contract identified as Land Use Contract No. LU-6-D, authorized on February 22, 1973 by Regional District Amendment Bylaw No. 169, 1973 and entered into by the regional district on March 9, 1973.

#### **Termination of specified land use contract on set date**

- 2** (1) Section 547 (1) [*termination of all land use contracts in 2024*] of the *Local Government Act* does not apply to the specified land use contract and, instead, the specified land use contract is terminated on June 30, 2034 or, if a later date is prescribed, on the later date.
- (2) Sections 547 (2), 548 [*process for early termination of land use contract*], 549 [*notice of termination*] and 550 [*discharge of terminated land use contract*] of the *Local Government Act* do not apply in relation to the specified land use contract.

- (3) For the purposes of subsection (1), the Lieutenant Governor in Council may, before June 30, 2032, make regulations prescribing a date later than June 30, 2034.
- (4) The regional district must adopt a zoning bylaw that will, on the date the specified land use contract is terminated under subsection (1), apply to the land subject to the specified land use contract.
- (5) A zoning bylaw under subsection (4) must be adopted by June 30, 2032 or, if a date is prescribed under subsection (3), by the date that is 2 years before the prescribed date.

**Process for early termination of specified land use contract**

- 3 (1) In this section:
  - “**charge number**” means charge number as defined in section 548 (1) of the *Local Government Act*;
  - “**parcel identifier**” means parcel identifier as defined in section 548 (1) of the *Local Government Act*.
- (2) Despite section 2, the regional district may, by bylaw, terminate the specified land use contract.
- (3) A bylaw under subsection (2)
  - (a) must not be adopted after June 30, 2032 or, if a date is prescribed under section 2 (3), after the date that is 2 years before the prescribed date,
  - (b) must provide that the bylaw comes into force on a date that is
    - (i) at least one year after the date the bylaw is adopted, and
    - (ii) not later than June 30, 2034 or, if a date is prescribed under section 2 (3), not later than the prescribed date, and
  - (c) must not be adopted unless the regional district has adopted a zoning bylaw that will, on the date the bylaw under subsection (2) of this section comes into force, apply to the land subject to the specified land use contract.
- (4) Section 546 [*amendment and discharge of land use contract*] of the *Local Government Act* does not apply in relation to a bylaw adopted under subsection (2) of this section.
- (5) Within 30 days after adopting a bylaw under subsection (2), the regional district must give written notice of the bylaw to the proper land title office for each parcel of land subject to the specified land use contract.

- (6) A notice under subsection (5) must
  - (a) be in a form satisfactory to the registrar of land titles,
  - (b) include a certified copy of the bylaw, and
  - (c) identify the following:
    - (i) the charge number of the specified land use contract;
    - (ii) the legal description and parcel identifier of each parcel of land subject to the specified land use contract.

**Notice of termination**

- 4 (1) The regional district must give written notice of the termination of the specified land use contract to the owners of the land subject to the specified land use contract.
- (2) A notice under subsection (1) must
  - (a) be mailed or otherwise delivered as follows:
    - (i) if the regional district adopts a bylaw under section 3 that will terminate the specified land use contract, by the date that is 10 days after the adoption of the bylaw to the owners as shown on the assessment roll as at the date of the first reading of the bylaw;
    - (ii) if subparagraph (i) does not apply, by June 30, 2032 or, if a date is prescribed under section 2 (3), by the date that is 2 years before the prescribed date to the owners as shown on the assessment roll as at a date no more than one month before the notice is mailed or delivered,
  - (b) identify the place where and the times and dates when zoning bylaws are available for public inspection, and
  - (c) if the regional district adopts a bylaw under section 3 that will terminate the specified land use contract, inform the owners that they may apply to a board of variance for an exemption under section 543 [*exemption to relieve hardship from early termination of land use contract*] of the *Local Government Act*.
- (3) The obligation to deliver a notice under subsection (2) (a) is satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

**Discharge of terminated specified land use contract**

- 5 (1) This section applies despite any enactment or law to the contrary.
- (2) If the specified land use contract is registered as a charge against a title to land and the specified land use contract is terminated under section 2 or 3, the charge is deemed to be discharged as of the date of the termination of the specified land use contract.

- (3) The following are conclusive proof that the specified land use contract is terminated:
- (a) before June 30, 2034 or, if a date is prescribed under section 2 (3), before the prescribed date,
    - (i) this Act, and
    - (ii) a certified copy of the bylaw under section 3 that terminates the specified land use contract;
  - (b) on or after June 30, 2034 or, if a date is prescribed under section 2 (3), on or after the prescribed date, this Act.
- (4) The registrar of land titles is not required to inquire whether a bylaw under section 3 has been made in accordance with this Act before cancelling the registration of a charge that is discharged by operation of that bylaw and subsection (2) of this section.

**Commencement**

- 6** This Act comes into force on the date of Royal Assent.