

**LAND TITLE ACT**  
**LRSBC 1996] CHAPTER 250**  
**Part 7 – Descriptions and Plans**  
**Division 2 – Subdivision of Land**  
**Requirements for subdivisions**

75 (1) A subdivision must comply with the following, and all other, requirements in this Part:

(a) to the extent of the owner's control, there must be a sufficient highway to provide necessary and reasonable access

(i) to all new parcels, and

(ii) through the land subdivided to land lying beyond or around the subdivided land;

(b) all highways provided for in a subdivision plan or otherwise legally established on lands adjoining, lying beyond or around the land subdivided must be continued without unnecessary jogs and must be cleared, drained, constructed and surfaced to the approving officer's satisfaction, or unless, in circumstances the approving officer considers proper, security is provided in an amount and in a form acceptable to the approving officer;

(c) if the land subdivided borders on

(i) a body of water, the bed of which is owned by the Crown,

(ii) the boundary of a strip of land established as the boundary of a water reservoir, where the strip of land and reservoir arc owned by the Crown, or

(iii) a strip of Crown land 20 m or less in width contiguous to a natural boundary as defined in the *Land Act*,

access must be given by highways 20 m wide to the body of water and to the strips at distances not greater than 200 m between centre lines, or, in a rural area where the parcels into which the land is subdivided all exceed 0.5 ha, at distances not greater than 400 m between centre lines;

(d) if the land subdivided borders on a body of water, the bed of which is owned by a person other than the Crown and,

(i) in the case of a lake or pond, the surface of the body of water at mean annual high water is at least 1.5 ha, and the mean depth at mean annual high water is at least 0.6 m, or

(ii) in the case of a river, creek or watercourse, the average width at mean annual high water is at least 6 m and the average depth at mean annual high water is at least 0.6 m,

access must be given by highways 20 m wide to the body of water and to the strips at distances not greater than 200 m between centre lines, or, in a rural area where the parcels into which the land is subdivided all exceed 0.5 ha, at distances not greater than 400 m between centre lines;

(e) suitable lanes must be provided in continuation of existing lanes and in every case where lanes are considered necessary by the approving officer.

(2) As an exception, subsection (1) (d) (i) does not apply to a reservoir or pond referred to in paragraph (d) of that subsection if the reservoir or pond is used for the purpose of domestic or industrial water supply and its bed is owned by a public body other than the Crown.

(3) In considering the sufficiency of a highway shown on a plan and to be dedicated to the Crown, the approving officer must consider the following:

(a) the location and width of the highway;

(b) the suitability of the highway in relation to the existing use of the subdivided land and the use intended by the subdivision;

(c) the configuration of the land subdivided;

(d) the relation of the highway to be dedicated to an existing main highway or approach, whether by land or water, and local circumstances;

(e) on the question of width, the extent of the use, present and future, to which the highway may be put:

(f) the likely or possible role of the highway in a future highway network serving the area in which the subdivided land is located.

### **Relief from requirements established by section 75**

76 (1) In circumstances prescribed under subsection (2), an approving officer may grant relief from compliance with all or part of the provisions of section 75 (1) (a) or (b).

(2) The Lieutenant Governor in Council may make regulations prescribing circumstances for the purposes of subsection (1), which may be different for different areas.

(3) On receiving an application made in accordance with subsection (4), the minister charged with the administration of the *Transportation Act* may grant relief from strict compliance with a requirement under section 75 (1) (c) or (d).

(4) An application under subsection (3) must be supported by an affidavit and, if the approving officer is a municipal, regional district or islands trust approving officer appointed under section 77 or 77.1 or is the Nisgaa approving officer appointed under section 77.3, by the written recommendation of the approving officer.

(5) Relief granted under subsection (3) may be evidenced by a certificate endorsed on the plan and signed by the minister charged with the administration of the *Transportation Act* or by a designated highways official.