



Reference: 43376

November 14, 2024

VIA EMAIL: smcallister@phara.ca, board@phara.ca

Peter Robson, President
Pender Harbour and Area Residents Association

Dear Peter Robson:

Thank you for your email of September 19th, 2024, regarding the Existing Dock and Boathouse Self Registration. As Deputy Minister for Water, Land and Resource Stewardship, I have been asked to respond.

The Minister responsible for the *Land Act* has the administration of the majority of Crown land in the province (*Land Act* s. 4), including submerged lands in the shíshálh swiya. The Minister, on behalf of the Province, may choose to rent the land i.e. by entering into lease or licence of occupation agreements (“tenures”). Alternatively, the Minister may give their permission for a person to use the land outside the structure of a contract, but on the terms considered reasonable to the Minister. Therefore, a ‘general permission’ is provided where the public can undertake specific activities on Crown land which do not require a *Land Act* tenure nor the payment of a fee or rent under the *Land Act*. A tenure or a permission gives the user of Crown land lawful authority to use or occupy that land and ensures that they are not in trespass (s. 60 of the *Land Act*).

The ‘swiya General Permission for the Use and Occupation of Crown Land for Private Moorage’ sets out the terms under which untenured dock owners are able to use Crown land, one of which is the completion of the registration process. Upon completion of the registration form, registrants will receive a ‘swiya General Permission for the Use and Occupation of Crown Land for Private Moorage’ and are encouraged to download this authorization for their records.

The Province is requesting all dock owners in the shishalh swiya to complete the registration to confirm the most up to date information. For docks without a current *Land Act* tenure, to receive lawful authority in the South Coast Region ‘Application Only Area’ in the form of a general permission, the public must register with the Province. Where a member of the public currently holds a *Land Act* tenure, the Province is also

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requesting the tenure holder to complete the registration as a way of confirming that we have the most up to date information (due to changes as a result of abandonments, assignments, etc.) in this densely tenured area.

Again, thank you for writing and sharing your questions.

Sincerely,

A handwritten signature in black ink that reads "Lori Halls". The signature is written in a cursive, flowing style.

Lori Halls
Deputy Minister