

Crown Lands Information, Resources and Tips

Department of Fisheries and Land Resources

Overview

- Crown Lands
- Identification of Crown Lands
- Applying for Crown Lands
- Type of Application Title and Intended Land Use
- Important Information for Applicants
- Application Review Process
- Contact

Crown Land

- Crown Lands are administered and controlled by the Minister of Fisheries and Land Resources for the social and economic benefit of the residents of Newfoundland and Labrador (**Lands Act**).
- Currently, there is no list or mapping inventory available that identifies all of the Crown Lands in the province.
- Completing the research to determine if the land you want is available Crown Lands or privately owned is your responsibility.

Did You Know?

88 per cent 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.

Identification of Crown Land

Several sources of information can be used to assist in determining Crown Land availability:

1. Local Knowledge

- ✓ Community residents may be aware of the history of land ownership.
- ✓ Physically walking over the land can provide clues (e.g. fences, building remains, gardens) as to whether the land was previously occupied.

2. Municipalities

- ✓ Municipal Councils may have property taxation records identifying land ownership.
- ✓ Councils can identify what purposes the land within their boundaries can be used for (municipal zoning).

Identification of Crown Land

3. Registry of Deeds

- ✓ If you are able to identify the individual(s) connected to or listed as adjacent to the land you are interested in, the Registry of Deeds may have records of registered land claims, including surveys and land descriptions identifying individual names associated with the land.

4. Regional Crown Lands Offices

- ✓ The Crown Lands Office in your region may be able to provide access to maps showing the most recent Crown Lands issued titles and relevant surveys.
- ✓ Older land ownership maps, compiled between the 1940-60's, and aerial photos may also be available for viewing.

Identification of Crown Land

5. Provincial Archives

- ✓ The Provincial Archives located at The Rooms in St. John's holds records of Crown Lands purchases from 1830 to 1930.

6. Court Records

- ✓ Court records may also serve as a supplementary source for land ownership identification.

Applying For Crown Land

- After you complete the research, and have determine the land you are interested in is Crown Lands, your next step is to complete and submit an application to the Crown Lands Division.
- Crown Lands Applications and Application Guidelines* can be accessed at: www.flr.gov.nl.ca/lands/.
- Applicants must be:
 - An individual at least 19 years of age;
 - An organization registered at the Newfoundland and Labrador Registry of Companies or incorporated under the laws of Canada in good standing; or
 - A Municipality or Federal Government Department or Minister of the Government of Newfoundland and Labrador.

* It is important to read the application guidelines before completing your application.

Did You Know?

The Crown Lands Division receives approximately 3600 applications per year.

Applying For Crown Land

- Completed applications can be submitted through:
 - Email at CrownLandsInfo@gov.nl.ca;
 - The nearest Crown Lands Regional Office; or
 - Mail.
- Applications for Crown Lands are reviewed on a first-come, first-served basis.
- Applications must be completed in full to be accepted.
- Multiple requests for the same Crown Lands may initiate a public draw process.
- Crown Lands are a public resource; standard lot sizes are used to distribute land to the public in a fair and orderly manner.
- An application may be refused if the proposed activity is not considered to be in the best interests of the province.

Application Title Type

Title	Description	Duration	Cost	Example
Lease	Crown retains ownership of the land and leases or rents the land to the applicant. An existing lease in some instances may be converted to a grant.	Long term up to 50 years	Annual Fee	Agriculture lease*
Grant	Crown Land is sold to the applicant who assumes legal ownership of the land.	Long term	One-time market value transaction	Grant for commercial sub-division development
Easement	Crown retains ownership of the land and gives permission for land use for a specific purpose.	Long term up to 50 years	Annual Fee	Utility company easement to erect power lines
Licence to Occupy	Crown retains ownership of the land and the applicant pays an annual fee to the Crown for use. An existing License to Occupy in some instances may be converted to a grant.	Short term up to five years	Annual fee	Construction and occupation of a recreational remote cottage

Did You Know?

There are several forms of Crown Land title and use. A single piece of land can have multiple uses. An individual application is required for each specific use or form of title.

Application fee is \$150.00 + HST - \$172.50

Other processing fees may apply

*** Agriculture Leases, ATV/Walking Trail Licenses can not be converted to a grant**

Application Title Type

Title	Description	Duration	Cost	Example
Section 36 Grant	Uninterrupted possession of Crown Land for residential, commercial or agricultural use without benefit of title for the 20 year period prior to January 1, 1977.	Long term	\$500	Historic long term occupation of land with visible proof of a house, fencing, garden, or other signs of use from 1956 through to 1977.
Transfer of Administration and Control	Transfer of Crown Land to the Federal Government or another Provincial Government department.	Long term	N/A	Construction of a Government wharf

Application fee is \$150.00 + HST - \$172.50
Other processing fees may apply

Intended Land Usage

Land Use	Description
Residential	<ul style="list-style-type: none"> Residential grants are available in communities where the land is zoned for residential use under an approved municipal plan or, if no municipal plan exists, within the community infilling limits (where there is vacant or undeveloped land within the community limits) and no land use conflicts exist.
Recreational Cottage	<ul style="list-style-type: none"> Recreational cottage grants are available in rural areas accessible by road where no land use conflicts exist, or in areas without road access that have been designated by the Department of Fisheries and Land Resources for recreational cottage development. Recreational Cottage Licences to Occupy are available where no land use conflicts exist in remote areas that are not accessible by passenger motor vehicle (car or truck).
Recreational Boat House and Wharf	<ul style="list-style-type: none"> Single story Recreational Boat House and Wharf Licences to Occupy are available where no land use conflicts exist and within municipal and planning area boundaries where the land is zoned accordingly.
Agricultural	<ul style="list-style-type: none"> Agricultural leases and licences are available where no land use conflicts exist and, within municipal and planning area boundaries where the land is zoned for agricultural use. Agricultural leases must be approved by the Department of Fisheries and Land Resources Land Management Division. Licences can be issued for home gardening, pasture land and non-commercial farming. Agriculture leases and licences cannot be converted to grants and the Crown retains ownership of the land.

Intended Land Usage

Land Use	Description
Commercial	<ul style="list-style-type: none">Commercial titles are available where no land use conflicts exist, and within municipal and planning area boundaries where the land is zoned accordingly.Commercial resource based camp licences are available where no land use conflicts exist, and within municipal and planning area boundaries where the land is zoned accordingly. Examples of commercial resource based camps include trapper's tilts, temporary living quarters for commercial fisherman in coastal areas and sawmill shacks.
Other	<ul style="list-style-type: none">Other purpose title options are available where no land use conflicts exist, and within municipal and planning area boundaries where the land is zoned accordingly.

Important Information

Important information to consider when applying for specific Crown Land title types and specific land uses:

- **Residential**

- Service NL stipulates minimum lot size requirements for services such as sewer/septic/water.
- Standard lot sizes are:
 - 0.186 hectare (30m x 62m) if unserviced;
 - 0.14 hectare (23m x 60.9m) for 1 available service;
 - 0.065 hectare (20m x 32.5m) for 2 available services; and
 - Municipal development regulations stipulating a different lot size or frontage override Crown standard lot sizes.

Did You Know?

Residential applications are generally limited to municipalities.

Important Information

- **Recreational Cottages (Cabins)**
 - There are 3 forms of title offered for recreational cottages:
 1. Remote Cottage Licence to Occupy
 - The land is not required to be surveyed.
 - Cottages must be constructed 30 metres from a shoreline and 45 metres away from other cottages.
 2. Remote Cottage Grant
 - An applicant may make application to purchase a lot up to 0.3 hectares at a market value price
 - A survey and septic design may be required (*additional fees apply).

Did You Know?

A remote area is an area that is a minimum of 1 kilometre away from an accessible road and is not intended to be accessed by a passenger vehicle (car or truck). The area may be accessed by ATV, snowmobile, boat or by foot.

Important Information

- **Section 36 (Squatter's Rights)**
 - A section 36 application is different than other types of applications, in that:
 - All forms of documentation/research should be attached to the application including old photos taken on or of the site, affidavits, drawings, wills, deeds and any other relevant documentation.
 - There may be referrals to other agencies, and the review, inspection and decision are provided by the Crown Lands Regional Office.
 - Even if an application is approved and issued, it does not affect other requirements, regulations or development controls like municipal zoning or building in a watershed.
 - It is possible that a title could be issued in a municipal zone that does not allow development or on a road where an access permit cannot be issued.

Important Information

- **Recreational Cottages (Cabins)**

- 3. Cottage Grant

- Cottage is generally located in a rural location and is accessible by vehicle.*
 - Lots are a maximum of 0.4050 hectares
 - Cottage lots are not permitted within a two kilometre distance along an accessible community or infilling limit.

* Some municipalities allow for cottages in appropriately zoned areas, usually referred to as seasonal residential.

Important Information

- **Section 36 (Squatter's Rights)**

- This type of application has three potential outcomes:

1. With detailed documentation and clear and evident use of occupation for the required period, an application can be approved for a grant under Section 36.
2. If some documentation exists for the required use and occupation period (1956-1977) but there are documentation gaps or unknowns then the application may be approved for a Quit Claim deed from the Crown (e.g. The Crown would relinquish its interest in the land).
3. An application can be refused for all or a portion of the land. This may result in the Crown serving the applicant notice that the Crown owns the land and the applicant has taken possession of the land without authority to do so. The applicant will have 60 days to make another application* under The Quieting of Titles Act or statute barred for the lands claimed by the Minister of Fisheries and Land Resources.

* An application to court to establish a title to the land and to quiet any other claims or challenges to the title.

Important Information

- **Section 36 (Squatter's Rights)**
 - In many situations an applicant may have purchased the interest in property where there is no knowledge of its history or documentation. Applicants should consider seeking legal advice and undertaking research before making an application of this type.
 - Applicants may wish to give consideration to finding out more information about a process under the Quieting of Titles Act to clarify their interest in the property.
 - Although not directly related to Crown Lands, Quieting of Titles applications submitted to the Supreme Court are reviewed by Crown Lands to determine if there is any Crown interest in the property.

Important Information

- **Shoreline Reservation**

- A shoreline reservation for specific use of the 15 metre buffer can be requested (e.g. Recreational Boat House and Wharf).
- An application must submit a site plan that includes:
 - The location of all structures in the water and on land with the dimensions specified;
 - The Crown Land reservation area dimensions;
 - Upland property owners applying for a shoreline reservation must provide proof of ownership of their property; and
 - In the event the applicant is not the owner of the upland property adjacent to the shoreline area, the applicant is required to obtain written approval from the owner of the upland property prior to application submission.*

* Some exceptions may apply

Did You Know?

Where Crown Lands border on a lake, pond, river, the seashore or the part of a shore between high-and low-water marks, or between the water and developed land (foreshore), a strip of Crown Land not less than 15 metres wide must be maintained.

Application Review Process

There are four steps to the Crown Lands Application Review Process:

1. **Accepted and Registered/Rejected**

- When a completed application is received by the Regional Crown Lands Office a detailed analysis is done to determine if the application can be accepted or rejected.
- If the application is accepted, * applicants are notified in writing that the application has been registered* and the following information is generally communicated:
 - Applicant's file reference number;
 - Application number;
 - Location of the land and purpose/use of the land being applied for; and
 - Departments/agencies the application has been referred to for recommendations.
- If the application is rejected, applicants are notified in writing of the reasons the application cannot be accepted

* Accepted and registered does not mean the application is approved.

Application Review Process

2. Referral

- Applications are referred to other departments or agencies for recommendation based upon their legislative/regulatory land use responsibilities.
- Referral agencies have the responsibility to approve, subject to conditions, or to refuse an application based on the mandate of the particular department or agency.
- Factors that determine the department or agencies selected for referral are: land location, type of development and area of land.

Did You Know?

It is the applicant's responsibility to consult with the Municipality, Service NL, Municipal Affairs and Environment, Transportation and Works or any other relevant department to be aware of any regulations or limitations prior to application submission.

Application Review Process

- **Mandatory Referrals**
 - Trails and right of ways over 500 meters in length and areas of land over 10 hectares must be referred to Environmental Assessment.
 - Agriculture applications in excess of the home gardening size of .1860 hectares must be referred to the Land Management Division.
- 3. Approval/Refusal**
 - Once all referral responses have been returned, evaluation and recommendation is made to approve or refuse the application.
 - If refused, the file is closed and the applicant is notified in writing as to the refusal reasons.
 - If the reason for refusal is due to a referral response, applicants are responsible for following up with the departments or agencies that refused the application.

Application Review Process

3. Approval/Refusal

- If approved, the applicant is notified in writing of the following:
 - Area and frontage of the land approved;*
 - Market value of the land for grants or the annual rental fee for leases, licences and easements;
 - Illegal occupation fee (if applicable);
 - Conditions of approval from referral departments/agencies (if applicable);
 - Requirement to contract a licensed land surveyor to complete and submit a survey of the land within one year of the date of the approval letter (if applicable; or application will be cancelled); and
 - Requirement for an approved sewage disposal and/or water supply system to be submitted within one year from the date of the approval letter (if applicable; or application will be cancelled).

* May differ from particulars identified in the application

Application Review Process

4. Issuance of Title, Lease or License

- After all payments, requirements and conditions are met a title, lease or license for the land is issued to the applicant

Contact

Consult www.flr.gov.nl.ca/lands

for the most up-to-date information

or

Call the Crown Lands Inquiries Line at

1-833-891-3249