

TA'AN KWÄCH'ÄN COUNCIL

Chapter 2

Lands and Resources Act

Land Register Regulation

24 November 2010

TO THE BOARD OF DIRECTORS FOR THE FIRST READING

Ta'an Kwäch'än Council
LANDS AND RESOURCES ACT
LAND REGISTER REGULATION

Enacted on this _____ day of _____ 2010

Chief Brenda Sam

The Board of Directors of the Ta'an Kwäch'än Council hereby establishes as follows:

Short title

1. This regulation may be cited as the *Land Register Regulation*.

Definitions

2. (1) In this regulation

“Act” means the *Land and Resources Act* (Ta'an Kwäch'än Council), 2010, c.1;

“grant in settlement land” means any occupation of settlement land; and

“lands branch” means the lands branch under the Ta'an Kwäch'än Council Lands, Resources and Heritage Department.

(2) With the exception of the definition under subsection (1), all other definitions of the Act shall also apply to this regulation.

Registration of authorization required

3. (1) The holder of any newly issued grant in settlement land shall take all necessary steps to enable the clerk of the land register to register the authorization in the register.

(2) No authorization, notice, order, amendment, transfer, subdivision or change to an authorization shall be considered valid unless and until the respective document is filed in the land register pursuant to the Act and this regulation.

(3) No authorization shall be considered to create an interest, either at law or in equity, in a parcel of settlement land unless and until the instrument is filed in the land register pursuant to the Act and this regulation.

Registration of authorization

4. (1) Every land use authorization shall be deemed to be registered as soon as the authorization is assigned an alpha-numeric registration identifier comprised of the

- (a) year;
- (b) date;
- (c) identifier for the the parcel of settlement land;
- (d) identifier for the type of authorization; and
- (e) identifier for the type of land use.

(2) The lands branch shall create the alpha-numeric registration identifier system as soon as practicable after the Act and this regulation are passed into law.

(3) A person applying to register a land use authorization shall provide the clerk of the land register with

- (a) a copy of the land use authorization with original signatures by a duly authorized public officer;
- (b) a description of the parcel of settlement land sufficient to enable the clerk of the land register to determine the location of the parcel;
- (c) a plan of survey of the parcel or sub-parcel of settlement land if for a land use lease or if for a land use permit or license a sketch map and Global Positioning System coordinates;
- (d) payment of the registration fees pursuant to the Act and regulations unless waived by the Ta'an Kwäch'än Council; and
- (e) any other information that may be requested by the clerk of the land register.

(4) If the parcel of settlement land for which a land use authorization is in effect is subdivided pursuant to the Act, the clerk of the land register shall close the original file for that parcel and after the new authorizations are issued for each of the new parcels shall create new file folders and assign new numbers to each of the subdivided portions of the parcel.

(5) The clerk of the land register shall keep every document and instrument applying or relating to each land use authorization in the specific and numbered file folder in the land register including the authorization itself and any record of any other encumbrances on the parcel and all notices, orders, amendments and letters relating to any authorization.

(6) Documentation pertaining to authorized land uses on Yukon or Crown lands adjacent to or contiguous with settlement land being used may be recorded and filed in the related land use authorization file folders but not registered.

(7) A land use authorization registered and filed pursuant to these regulations may also be entered into an electronic data base that may also be connected to an computer-based Geographic Information System.

(8) All mortgages for developing improvements on a lease parcel of settlement land shall be submitted to the clerk of the land register for inclusion in the land register file for the related authorized land use lease.

Daybook

5. (1) The clerk of the land register shall keep a book, to be called the daybook, in which shall be entered

- (a) the date and time to the minute that the document or instrument was submitted for registration;
- (b) the land use authorization registration identifier;
- (c) the effective date of the registration of the authorization and the expiry date;
- (d) a short description of every document or instrument to be registered;
- (e) the name of the land use operator submitting each document;
- (f) the signature of the clerk of the land register authorizing each entry in the daybook; and
- (g) the date and time of terminations, transfers or subdivision of the authorization or parcel interest.

(2) The clerk of the land register shall also file a copy of a registered land use authorization in the appropriate settlement land parcel file.

Time of registration

6. (1) The time entered in the daybook shall be taken as the time of registration for all purposes, including determining the priorities between mortgagees, transferees and others.

(2) Land use authorizations registered in respect of or affecting the same parcel or sub-parcel of settlement land are entitled to priority, the one over the other, according to the time of registration and not according to the date of issuance of the authorization.

Restriction on registration of land use authorizations

7. If the clerk of the land register believes that a land use authorization submitted for registration

- (a) grants a lease of only part of a parcel of settlement land to which a land use authorization applies;
- (b) charges, mortgages or otherwise encumbers only part of a parcel of settlement land to which a land use authorization applies; or
- (c) provides for the transfer of part of a parcel of settlement land to which a land use authorization applies

and has the effect of subdividing the parcel, the clerk of the land register shall refuse to register the instrument until the subdivision has been approved pursuant to the Act.