CHAPTER 28

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I. OVERVIEW OF PART 24.01 [§28.1]

Part 24.01 of the *Land Title Act* creates the legislative framework for the treatment of treaty lands and the registration of title to those lands. Schedule 1 of the Act sets out how the Act applies to treaty lands. It is included in this chapter of the Manual.

Statutes ratifying specific treaties with several individual First Nations also include provisions with respect to the registration of title to the treaty lands of the First Nation. See, for example:

Maa-nulth First Nations Final Agreement Act, S.B.C. 2007, c. 43

Tla'amin Final Agreement Act, S.B.C. 2013, c. 2

Tsawwassen First Nation Final Agreement Act, S.B.C. 2007, c. 39

In some cases, provisions with respect to the registration of title to the treaty lands of the First Nation are found within the treaty but not the ratifying legislation. See, for example:

K'ómoks Treaty, 20 February 2026, Minor Changes Agreement No. 1 Consolidated Version, www.bclaws.gov.bc.ca/civix/document/id/treaties/treaties/k'ómokstreaty, ratified by *K'ómoks Treaty Act*, S.B.C. 2026, c. 18

II. LEGISLATION AND COMMENTARY [§28.2]

373.11 Application of Act to treaty lands [§28.3]

373.11 This Act, as modified by Schedule 1, applies in relation to

(a) the registration of treaty lands, and

(b) registered treaty lands.

2007-36-111, effective April 3, 2009 (B.C. Reg. 55/2009).

CROSS REFERENCES AND OTHER SOURCES OF INFORMATION

British Columbia Statutes

In addition to Schedule 1 to the *Land Title Act*, the following British Columbia statutes make specific provisions for land titles, registration, and expropriation in the treaties included as Schedules:

- Chapter 3 of the Schedule to the *Maa-nulth First Nations Final Agreement Act*

- Chapter 4 of the Schedule to the *Tla'amin Final Agreement Act*
- Chapter 5 of the Schedule to the *Tsawwassen First Nation Final Agreement Act*

Treaties

In some cases, provisions for land titles, registration, and expropriation are found in treaties that are not included in the British Columbia ratifying statutes:

- Chapter 7 of the *K'ómoks Treaty*

III. SCHEDULE 1 TO THE LAND TITLE ACT: APPLICATION OF ACT TO TREATY LANDS [§28.4]

PART 1—TREATMENT OF TREATY LANDS

1 Definitions [§28.5]

1 (1) In this Schedule:

"chief administrative officer", in relation to a treaty first nation, means the officer or employee of the treaty first nation designated by the treaty first nation for the purposes of exercising the powers, and performing the duties, under this Schedule of a chief administrative officer of a treaty first nation;

"public area" has the same meaning as in Part 8 of this Act;

"treaty first nation corporation", in relation to a treaty first nation, means a corporation incorporated under federal or provincial law, all the shares of which are owned legally and beneficially by

(a) the treaty first nation,

(b) a settlement trust of which the treaty first nation is the sole beneficiary,

(c) another treaty first nation corporation of the treaty first nation, or

(d) a combination of these entities;

"treaty first nation public institution", in relation to a treaty first nation, means a body, including a board, commission, committee, tribunal, society, trust or similar entity,

(a) that is established under a law of the treaty first nation, and

(b) whose principal function is to provide public non-profit programs or services that are reasonably similar to public programs or services of the government, the Government of Canada or a municipality.

(2) Despite the definition of "rural area" in section 1 of this Act, for the purpose of applying this Act in relation to treaty lands, as this Act applies under the final agreement of the treaty first nation, references to "rural area" do not include treaty lands

(a) in sections 77.1 and 77.2 of this Act,

(b) in Part 23 of this Act, and

(c) if the treaty first nation has enacted a law excluding treaty lands from the rural area for the purposes of section 75(1) or 99(2) of this Act, in the specified provision.

2007-36-113 (B.C. Reg. 55/2009); 2026-18-32.

2 Effect of indefeasible title to treaty lands [§28.6]

2 (1) An indefeasible title to a parcel of treaty lands, as long as it remains in force and uncancelled, is conclusive evidence at law and in equity, as against the Crown and all other

persons, that the person named in the title is indefeasibly entitled to an estate in fee simple to the land described in the indefeasible title, subject to the following:

(a) the subsisting conditions, provisos, restrictions, including restrictions on alienation, exceptions and reservations, including royalties, set out in a certificate of the treaty first nation under section 25(3) or 28(1)(a)(ii)(A) of this Schedule, as the case may be, relating to that parcel;

(b) a charge, tax, rate or assessment of the treaty first nation that at the date of the application for registration is imposed or made a lien, or that may after that date be imposed or made a lien, on the parcel of land;

(c) a right of expropriation under a law of the treaty first nation.

(2) The matters to which an indefeasible title to a parcel of treaty lands is subject under subsection (1) are in addition to any other matters to which that title is subject under section 23(2) of this Act, as that section applies to the parcel under the final agreement of the treaty first nation.

3 Notation respecting treaty lands [§28.7]

3 (1) If the indefeasible title to a parcel of treaty lands is registered under this Act, the registrar must endorse a notation in the register stating

(a) that the land forms part of the treaty lands of the applicable treaty first nation under its final agreement,

(b) that the land may be subject to conditions, provisos, restrictions, exceptions and reservations, including royalties, in favour of that treaty first nation, and

(c) if section 28 of this Schedule applies in relation to the treaty lands, that the section applies.

(2) If a parcel referred to in subsection (1) ceases to be treaty lands in accordance with the final agreement of the treaty first nation, the registrar must cancel the notation under subsection (1) in relation to the parcel.

(3) If the registrar receives notice under section 28(4) or (5) of this Schedule indicating that section 28 (1) of this Schedule no longer applies in relation to a parcel referred to in subsection (1) of this section, the registrar must cancel the notation under subsection (1) (c) of this section in relation to the parcel.

FORMS

Submissions

The registrar is informed of what parcels are treaty lands by an Order in Council and letter from the Treaty First Nation. On the Form 17 Charge, Notation or Filing, select First Nations Filing and attach an image of the original Order in Council and letter from the Treaty First Nation.

PRACTICE

The registrar makes the following endorsement on the applicable titles pursuant to s. 3:

Section 3(1)(a)

THIS LAND FORMS PART OF THE TREATY LANDS OF THE (QUOTE PERTINENT FIRST NATION)

Section 3(1)(b)

THIS LAND IS SUBJECT TO CONDITIONS, PROVISOS, RESTRICTIONS, INCLUDING RESTRICTIONS ON ALIENATION, EXCEPTIONS AND RESERVATIONS, INCLUDING ROYALTIES, AS SET OUT IN (QUOTE THE RELEVANT SECTIONS AND STATUTORY AUTHORITY OF THE FIRST NATION)