



Ministry of Agriculture and Lands  
3rd Floor, 145-3rd Ave.  
Kamloops, BC V2C 3M1

Telephone No: (250) 377-7019  
Facsimile No: (250) 377-7036

GST Registration No: R107864738

Your contact is: Susan Engemoen

Our file: 3411524

### **CROWN GRANT OFFER**

September 5, 2007

s.22

Dear

s.22

**Re: Your Application for a Crown grant**

We are pleased to offer you a Crown grant over:

All that unsurveyed Crown foreshore being part of the bed of Shuswap Lake and fronting on Lot 3, Section 5, Township 21, Range 9, West of the Sixth Meridian, Kamloops Division Yale District, Plan 1784, containing 0.137 hectares, more or less

(the "Land") on the terms and conditions contained in this offer.

Please be aware that Ministry of Transportation is not aware of a controlled access permit for access to your residence. It is recommended that you contact Ministry of Transportation to discuss.

#### **Preconditions of Crown grant**

You can accept this offer by signing the attached acceptance page and returning it to our office. A Crown grant will be issued to the Registrar of the appropriate Land Title Office once you have met the preconditions listed below. The Registrar will then register a title to the Land in your name.

This offer will expire on November 5, 2007 unless you have returned the signed acceptance page by this date. As well, you must satisfy the following preconditions by this date or within the time period specified in the precondition:

**1 FEES PAYABLE**

You need to pay the following fees:

**PAYABLE**

Crown Grant	\$ 212,350.00	
*Application Fee	250.00	
GST	12,756.00	
Survey Required	2,000.00	
Total Payable		227,356.00

**CREDITS**

*Application Fee	\$ 250.00	
GST	15.00	
Survey Credit	2,000.00	
Total Credits		(2,265.00)

**Total Fees to be Paid**  
**(Once survey is completed a**  
**final letter advising of total fees**  
**payable will be sent out)**

**\$ NO FEES**  
**AT THIS TIME**

\* denotes GST payable

Your cheque or money order must be payable to the Minister of Finance and be delivered to 3rd Floor, 145-3rd Ave. Kamloops, BC V2C 3M1.

The purchase price for the Land shall be \$212,350.00.

This price is based on \$155.00/m<sup>2</sup>. This purchase price of the Land is tentative as it is subject to adjustment by us if the boundary plan of the Land when surveyed does not, in our opinion, conform to the attached sketch

You shall pay the purchase price and GST to our office within 60 days from the day you receive notice from us that the boundary survey plan has been accepted by the Surveyor General and the fees are due.

Prior to the issuance of the Crown grant you are to provide us with a copy of the proposed consolidation plan pursuant to Section 3 – Limitation of Estate.

## 2 SURVEY

You need to retain a registered BC Land Surveyor to prepare a boundary survey of the Land, at your expense. The surveyor is responsible for completing the survey, which must be delivered to the Surveyor General within 60 days from the date you accept our offer.

## 3 APPROVALS/CONSENTS/PERMITS

You need to obtain and submit to our office the following:

Upon completion of the survey, a flood covenant will be forwarded to you for completion.

An assessment of your lot indicates that there are potential flood and erosion dangers on or associated with the Land. To protect environmental quality you are required to provide us with an executed (in black ink) restrictive covenant in the form attached to this letter, in duplicate. This covenant will be registered as a charge against title to the Land pursuant to section 219 of the *Land Title Act*.

Written approval from the Lieutenant Governor in Council pursuant to section 18 or 51 of the *Land Act* for the sale of the filled foreshore or the issuance of a free Crown grant.

## PROPERTY TRANSFER TAX ACT

When Crown land is sold, tax under the *Property Transfer Tax Act* becomes due. This tax is based on the fair market value of the property, being the value of the land plus the value of any buildings and other improvements (and the timber) on the land, as of the date of the registration of the Crown grant at the Land Title Office.

If this Ministry will be registering the Crown grant for you, the Property Taxation Branch of the Ministry of Small Business and Revenue will contact you after registration about completion of a tax return and payment of the tax, or alternately, about your claim for tax exemption. If your lawyer will be registering the Crown grant at the Land Title Office for you, you will have to file a tax return at that time.

For more information about this tax, please contact Leslie Guthrie at the Property Taxation Branch, Ministry of Small Business and Revenue at (250) 356-9268. Further information can also be found in Information Bulletin 018 – Application of the Act to the Sales of Crown Land, at the following website address.

<http://www.rev.gov.bc.ca/rpt/ptt/pttbulletins/pttbul-index.htm>

## REMINDER

This offer expires if you do not satisfy the above preconditions by November 5, 2007 or within the time period specified in the precondition.

## AGREEMENT TO FURTHER TERMS

### 1 By accepting this offer, you agree that:

- (a) This offer cannot be transferred to another person;
- (b) This offer and the Crown grant do not guarantee that
  - (i) the Land can be built on,
  - (ii) there is access to it,
  - (iii) it is not susceptible to flooding or erosion;
- (c) This offer shall survive the signing and issuance of the Crown grant but that if there is any contradiction between the terms of the offer and the Crown grant, the Crown grant shall prevail;
- (d) This offer does not give you any right to use or occupy the Land for any purpose.
- (e) In accordance with the provisions of the *Land Act*, this offer is not binding upon the Crown until the Crown grant is signed by the Crown.
- (f) Time is of the essence in this offer.

### 2 By accepting this offer, you confirm that:

- (a) You (or your authorized representative) have inspected the Land and are fully aware of its condition;
- (b) You have knowledge of all municipal and regional district bylaws regulating the use and development of the Land;
- (c) You acknowledge that you have no right to use or occupy the Land unless and until the Crown grant is issued to you under this offer.

### 3 LIMITATION OF ESTATE

The Crown Grant is offered to you with the following limitation of estate:

- (a) The Land will be transferred to you on the condition that you consolidate the Land with your land described as Lot 3, Section 5, Township 21, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 1784 into a single parcel within 3 months from the date of the Crown grant.

As the cost of completing the required consolidation may be substantial, you are encouraged to obtain an estimate from your surveyor prior to accepting this offer. Your surveyor will need to contact the Land Title Office to determine what their requirements will be. You will be required to pay all costs of the consolidation.

#### 4 PRIOR INTERESTS

The transfer of the Land will be subject to:

- (a) Any condition or final water license or substituted water license issued or given under *Water Act* or any prior or subsequent enactment of the Province of British Columbia of like effect, and to the rights of the holder of it to enter on the Land and to maintain, repair and operate any works permitted on the Land under the license at the date of the Crown grant.
- (b) All subsisting grants to, or subsisting rights of any person made or acquired under the *Mineral Tenure Act*, *Coal Act* or *Petroleum and Natural Gas Act* or under any prior or subsequent enactment of the Province of British Columbia of like effect.

#### 5 EXCEPTIONS AND RESERVATIONS

The Crown grant transferring the Land to you will:

- (a) Except and reserve to the Province, its successors and assigns, the interests, rights, privileges and titles referred to in Section 50 of the *Land Act*.

#### FREEDOM OF INFORMATION

Personal information is collected by the Ministry of Agriculture and Lands pursuant to the *Land Act* for the purpose of administering Crown land. Information on your application, and if approved, subsequent disposition will become a part of the Crown Land Registry, which is routinely made available to the public under freedom of information legislation

- 6 -

If you have any questions please contact Susan Engemoen.

Yours truly,

A handwritten signature in cursive script, appearing to read "K. Jenkins".

Authorized Representative

**Acceptance of Offer of Crown Grant**

File No. 3411524

Ministry of Agriculture and Lands  
3rd Floor, 145-3rd Ave.  
Kamloops, BC V2C 3M1

Dear Susan Engemoen:

**Re: Application Crown grant**

- ☐ I/We accept the offer of Crown grant made to me/us by way of a letter dated September 5, 2007 from the Ministry of Agriculture and Lands and I/we agree to perform and abide by my/our covenants, acknowledgements and representations set out in that offer.
- ☐ I/We do not accept the offer of Crown grant made to me/us by way of a letter dated September 5, 2007 from the Ministry of Agriculture and Lands.

DATED the \_\_\_\_ of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Applicant's signature/Applicant's  
representative's signature

\_\_\_\_\_  
Applicant's signature/Applicant's  
representative's signature

\_\_\_\_\_  
Print name of person signing

\_\_\_\_\_  
Print name of person signing

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Occupation

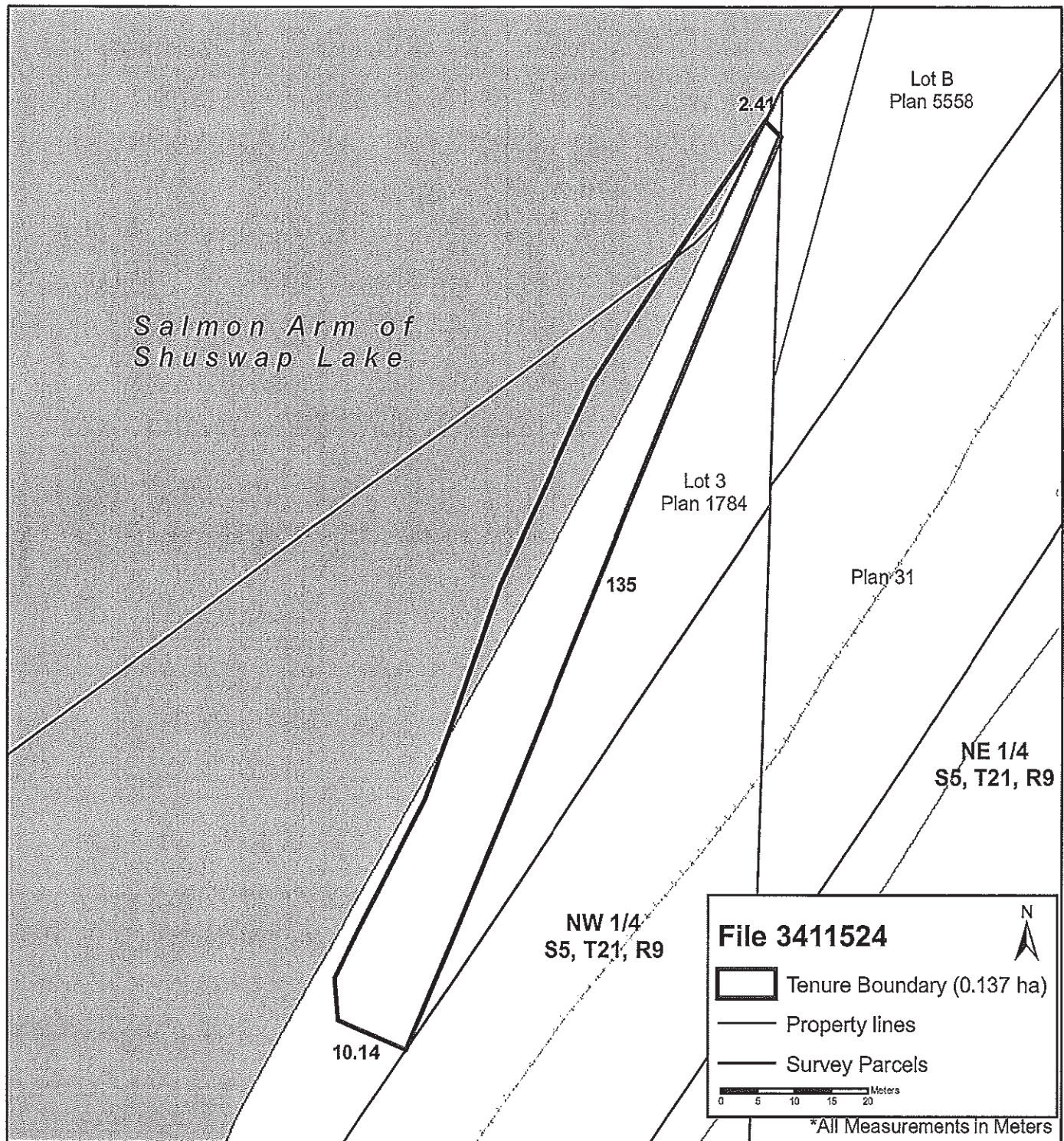
Please check one if applicable (more than one Applicant)

- ☐ Joint Tenants  
☐ Tenants in Common



## LEGAL DESCRIPTION SCHEDULE

All that unsurveyed Crown foreshore being part of the bed of Shuswap Lake and fronting on  
Lot 3, Section 5, Township 21, Range 9, West of the Sixth Meridian,  
Kamloops Division Yale District, Plan 1784, containing 0.137 hectares, more or less



July 30, 2007:slkgis2/work/wbc/ssr/Workarea/kamloops/dtopoint/3411524/3411524.mxd

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**Site Information:**

The subject area is North East of Salmon Arm, along the Trans Canada Highway in Canoe, BC. It is existing filled foreshore fronting Lot 3 of plan 1784. As shown in the accompanying survey plans, there are buildings that encroach onto the filled area. The applicant is applying for the filled foreshore from the natural boundary to the top of the fill, rather than to the toe.

**Pricing:**

As per usual practice of foreshore sales, the market value is based on the most recent assessment values from the British Columbia Assessment (BCAA) office. For unknown reasons, the BC assessed value of this property includes both the private land and the filled foreshore, at \$79.00/ m<sup>2</sup>. Compared with similar lots, this is the lowest amount found in 2007 (see Property Table 1). Values for lots with similar characteristics reach the \$200 and \$300 per square meter range.

Given that a reasonable value lies somewhere between \$79.00 and \$300.00, these approaches were considered.

First, I looked at recent sales of property, and those for sale on Canoe water front to determine a fair market value. I worked out that properties for sale were marked up approximately 221%. Averaging the assessed values for Lot 3, and neighboring properties Lot B and C, (\$130.00/ m<sup>2</sup>) I then marked them up 221% (\$286.00/ m<sup>2</sup>). Taking the following into consideration, I reduced the value by 25%: that the subject land is not valuable to anyone but this land owner, that the residents of the upland can only access their property by way of neighbours land, and that the upland is not zoned for residential. This left a figure of \$214.00/ m<sup>2</sup>.

I rejected this value for 2 reasons. First, I could not differentiate if the mark-up was resulting from the land or from the structures or what percentage of both. There was no way of knowing if the mark-up reflected an updated structure or if the land was marked-up according to market costs of water front land. I couldn't find any recent sales of vacant crown land to check. Second, the reduced value of 25% was arbitrary and I couldn't tell if that value adequately represented the above mentioned impacts to the market value of the property.

My other option was to simplify the process and only use the average assessment values of Lots B and C, leaving out Lot 3, given its significantly lower price. In my opinion, this is the best option because these lots have similar size and shape characteristics, are all facing similar bylaw infractions and access issues, and they are all located between Shuswap Lake (water front) and the CPR railway and Trans-Canada Highway.

This results in the following calculations:

BCAA Assessments (m<sup>2</sup>): Lot B = \$104.00, Lot C = \$206.00    Average = \$155.00 m<sup>2</sup>

Based on the surveyed area in the application, the market value will be:

1370 m<sup>2</sup> x \$155.00 m<sup>2</sup> = \$212,350.00

**Discussion/Recommendations:**

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s.13, s.22

Signature:

*R. Lopotniskiy*

Date:

*August 23/07*

*nm*

BC assessments from properties east and west of the interest property were considered for this appraisal. The number of assessments corresponds to the assessment maps provided.

Property Table 1.

#	Legal Description	Size of property (m <sup>2</sup> )	BC Assessment (\$/m <sup>2</sup> )	For Sale Market Price (\$/m <sup>2</sup> )	2007 Sale Market Price (\$/m <sup>2</sup> )	%
1	Lot 3, PI1784, S5 TP21 R9 W6M	2711	\$79.00	None	None	N/A
2	Lot B, PI5558, S4 TP21R9 W6M	2788	\$104.00	None	None	N/A
3	Lot C, PI5558, S4 TP21R9 W6M	1902	\$206.00	None	None	N/A
4	PLB5270 PartSW1/4 S9 TP21 R9	1780	\$110.00	N/A	\$243.00	221
5	Lot 1, PL80653, DL6438, S6-21-9	1214	\$214.00	\$697.00	Not Sold	326
6	Lot 13, PL17358, S6 TP21 R9	850	\$301.00	\$458.00	Not Sold	152
7	Lot 1, PL17358, S6 TP21 R9	769	\$313.00	None	None	N/A
8	Lot 2, PL17358, S6 TP21 R9	809	\$307.00	None	None	N/A
9	Lot 3, PL17358, S6 TP21 R9	1052	\$257.00	None	None	N/A



# Integrated Land Management Bureau

File: 3411524

May 13, 2008

s.22

Dear

s.22

Re: Crown Grant Offer to Purchase the land described as all that unsurveyed Crow Foreshore being part of the bed of Shuswap Lake and fronting on Lot 3, Section 5, Township 21, Range 9, West of the Sixth Meridian, Kamloops Division Yale District, Plan 1784, containing 0.137 hectares, more or less.

Further to our telephone conversation on Monday, March 17, 2008, I'd like to follow up with this letter recapping our discussion. As you know, the time specified in our offer to purchase the filled foreshore has now elapsed. We understand that

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Normally, if an offer of sale is not accepted, the Province will withdraw and seek other ways to resolve these matters. Given your situation, we have decided to take the following actions. First, the initial offer is no longer valid and will be re-examined at such time as you are ready to proceed with the sale. Second, the application will be valid for 1 year commencing on the initial offer expiry date; being November 5, 2007. If you are unable to reach consensus by this date, 2008, we will require that you reapply for purchase of the filled foreshore.

This decision is based on the Crown's responsibility to consult with First Nations and to allow the Province the opportunity to adjudicate your application while remaining consistent to the current policy at such time. Please contact ILMB should you have any changes in your situation or if you have any questions regarding this matter. Feel free to contact Danya Leduc at (250) 377- 7013 or Neil MacLennan at (250) 377-7006.

Yours truly,

Danya Leduc, P.Ag