

*[This is an unofficial consolidation of the Land Owner Transparency Act, prepared October 15, 2020 for convenience only. This consolidation reflects how the Act, as amended by sections 17 to 29 of the Miscellaneous Statutes Amendment Act, 2020, S.B.C. 2020, c. 14, would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020 (B.C. Reg. 250/2020), approved and ordered September 20, 2020.]*

## LAND OWNER TRANSPARENCY ACT

### CHAPTER 23

*[Updated to April 30, 2021]*

*Assented to May 16, 2019*

#### *Contents*

#### **PART 1 – DEFINITIONS, INTERPRETATION AND APPLICATION**

- 1 Definitions
- 2 Meaning of “beneficial owner”
- 3 Meaning of “corporate interest holder”
- 4 Meaning of “partnership interest holder”
- 5 Application of *Land Title Act*
- 6 Act does not apply to Indigenous land or prescribed land
- 7 Primary identification information – corporations and limited liability companies
- 8 Primary identification information – individuals
- 9 Primary identification information – relevant partnerships

#### **PART 2 – TRANSPARENCY DECLARATIONS AND TRANSPARENCY REPORTS**

##### **Division 1 – Transparency Declarations**

- 10 Transparency declaration required with application to register interest in land
- 11 Refusal of application if transparency declaration not submitted, certified or signed

##### **Division 2 – Transparency Reports**

- 12 Transparency report required with application to register interest in land
- 13 General rules for filing and completing transparency reports
- 14 Refusal of application if transparency report not submitted, certified or signed
- 15 Transparency report required from pre-existing and other owners
- 16 Transparency report required on change of interest holders or determination of incapacity
- 17 Filing of new transparency report to correct previous report
- 17.1 Notice required if corporation, trust or partnership ceases to be relevant corporation, relevant trust or relevant partnership

##### **Division 3 – Content of Transparency Reports**

- 18 Information required in transparency reports
- 19 Information about interest holders
- 20 Information about settlors
- 21 Requirements if unable to obtain information about interest holders or settlors
- 22 Identification of incapacity
- 23 Interest holder’s duty to give information
- 24 Notice to interest holders and settlors

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Division 4 – Certification and Electronic Signatures**

- 25 Certification of transparency declarations and transparency reports
- 26 Electronic signing
- 27 Prohibitions in relation to electronic signing

**PART 3 – ACCESS TO TRANSPARENCY RECORDS, REPORTED INFORMATION AND PUBLICLY ACCESSIBLE INFORMATION**

- 28 Definitions for Part 3
- 29 Administrator’s duty to keep and maintain records and information
- 30 Administrator’s duty to make information available
- 31 Inspections and searches by enforcement officer and ministry officials
- 32 Inspections and searches for tax and related purposes
- 33 Inspections and searches for law enforcement purposes
- 34 Inspections and searches by regulators
- 35 Searches by members of public
- 36 Manner of conducting inspections and searches
- 37 Restrictions on inspections and searches
- 38 Fees for inspections and searches
- 39 Mandatory omission of information from publicly accessible information
- 40 Application to omit information if health or safety at risk
- 41 Determination of application to omit information
- 42 Application to correct or change information
- 43 Determination of application to correct or change information
- 44 Omissions, changes or annotations on administrator’s initiative
- 45 Omissions, changes or annotations required by enforcement officer

**PART 4 – ADMINISTRATION AND ENFORCEMENT**

**Division 1 – Administrator**

- 46 Appointment of administrator and deputy administrators
- 47 General responsibilities of administrator
- 48 Administrator must report to minister
- 49 Delegation of administrator’s powers and duties

**Division 2 – Enforcement Officer**

- 50 Designation of enforcement officer
- 51 General responsibilities of enforcement officer
- 52 Delegation of enforcement officer’s powers and duties

**Division 3 – Inspections and Demands for Information**

- 53 Enforcement officer’s entry and inspection powers
- 54 Duty to cooperate with inspection
- 55 Warrant to enter place to conduct inspection
- 56 Records in possession of lawyer
- 57 Demand for information
- 58 Demand for verification or proof

**Division 4 – Administrative Penalties**

- 59 Notice of administrative penalty
- 60 Factors enforcement officer must consider
- 61 Amount of administrative penalty

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

- 62 Content of notice of administrative penalty
- 63 Due date of administrative penalty
- 64 Opportunity to dispute administrative penalty
- 65 Enforcement officer's decision
- 66 Appeal to minister
- 67 Minister's decision
- 68 Time limit for judicial review
- 69 Relationship between administrative penalties and offences
- 70 Administrative penalty against officers or directors of corporation
- 71 Time limit for imposing administrative penalty
- 72 Summary proceedings to enforce administrative penalty
- 73 Lien to enforce administrative penalty
- 74 Notice of enforcement proceedings

#### **PART 5 – GENERAL**

- 75 Prohibition against providing false or misleading information
- 76 Prohibition against misuse of information obtained by reporting body
- 77 Prohibition against misuse of publicly accessible information
- 78 Prohibition against interfering with inspection
- 79 Personal liability protection
- 80 Registrar not required to inquire into information
- 81 Records vest in Land Title and Survey Authority
- 82 Disposal of records
- 83 Records certified by administrator as evidence
- 84 Records certified by enforcement officer as evidence
- 85 Administrator exempted from attendance as witness in court
- 86 Enforcement officer not compellable
- 87 How documents must be given to registrar or administrator
- 88 How documents must be given to enforcement officer
- 89 How fees must be paid to authority
- 90 How administrator must give documents
- 91 How enforcement officer must give documents

#### **PART 6 – OFFENCES**

- 92 Offences relating to transparency declarations and transparency reports
- 93 Other offences
- 94 Offence by officer or director of corporation
- 95 Time limit for prosecuting offence
- 96 Section 5 of *Offence Act* does not apply

#### **PART 7 – REGULATIONS**

- 97 General regulation-making authority
- 98 Regulations in relation to Schedules 1 and 2
- 99 Regulations in relation to meaning of “indirect control”
- 100 Regulations in relation to lawyers' records
- 101 Regulations in relation to exemptions

#### **PART 8 – AMENDMENTS TO THIS ACT**

- 102 to 108 Amendments to this Act

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

## **PART 9 – CONSEQUENTIAL AMENDMENTS**

- 109 to 127 Consequential Amendments
- 128 Commencement

### **SCHEDULE 1**

### **SCHEDULE 2**

## **PART 1 – DEFINITIONS, INTERPRETATION AND APPLICATION**

### **Definitions**

#### **1** In this Act:

“**administrator**” means an administrator or deputy administrator appointed under section 46 [*appointment of administrator and deputy administrators*];

“**agreement for sale**” means a contract for the sale of an interest in land under which the purchaser agrees to pay the purchase price over a period of time, in the manner stated in the contract, and on payment of which the vendor is obliged to transfer the interest in land to the purchaser;

“**authority**” means the Land Title and Survey Authority of British Columbia established under section 2 of the *Land Title and Survey Authority Act*;

“**beneficial owner**”, in relation to an interest in land registered or to be registered in the name of a trustee of a relevant trust, means an individual who is a beneficial owner within the meaning of section 2 [*meaning of “beneficial owner”*];

“**corporate interest holder**”, in relation to a relevant corporation, means an individual who is a corporate interest holder within the meaning of section 3 [*meaning of “corporate interest holder”*];

“**corporation**” means a company, a body corporate, a body politic and corporate, an incorporated association or a society, however and wherever incorporated, but does not include a municipality or a corporation sole;

“**designate**” means a person in a class designated under section 26 [*electronic signing*];

“**enforcement officer**”

(a) means an individual designated as the enforcement officer under section 50 [*designation of enforcement officer*], and

(b) for the purposes of the following sections, includes a person who is not an individual referred to in paragraph (a) and who is authorized to exercise powers under a warrant issued under section 55 [*warrant to enter place to conduct inspection*]:

(i) section 54 [*duty to cooperate with inspection*];

(ii) section 56 [*records in possession of lawyer*];

(iii) section 78 [*prohibition against interfering with inspection*];

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

(iv) section 84 *[records certified by enforcement officer as evidence]*;

(v) section 86 *[enforcement officer not compellable]*;

**“execution copy”**, in relation to an electronic transparency declaration or electronic transparency report, means a legible paper copy of the electronic transparency declaration or electronic transparency report, containing every material provision and particular contained in the original, that is prepared for the purposes of certification under section 26 (3) *[electronic signing]*;

**“health authority designate”** has the same meaning as in section 1 of the *Adult Guardianship Act*;

**“Indigenous nation”** means any of the following:

- (a) a band as defined in section 2 (1) of the *Indian Act* (Canada);
- (b) the Nisga’a Nation;
- (c) a Nisga’a Village;
- (d) the Sechelt Indian Band established by section 5 (1) of the *Sechelt Indian Band Self-Government Act* (Canada);
- (e) the Sechelt Indian Government District established by the *Sechelt Indian Band Self-Government Act* (Canada);
- (f) a Treaty First Nation;
- (g) the Westbank First Nation as defined in the agreement approved under the *Westbank First Nation Self-Government Act* (Canada);
- (h) a prescribed Indigenous person or entity;

**“interest holder”** means the following:

- (a) in relation to an interest in land registered or to be registered in the name of a trustee of a relevant trust, a beneficial owner;
- (b) in relation to a relevant corporation, a corporate interest holder;
- (c) in relation to an interest in land registered or to be registered in the name of a partner of a relevant partnership, a partnership interest holder;

**“interest in land”** means any of the following:

- (a) an estate in fee simple;
- (b) a life estate in land;
- (c) a right to occupy land under a lease that has a term of more than 10 years;
- (d) a right under an agreement for sale to
  - (i) occupy land, or
  - (ii) require the transfer of an estate in fee simple;
- (e) a prescribed estate, right or interest;

**“limited liability company”** has the same meaning as in section 1 (1) *[definitions]* of the *Business Corporations Act*;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**“parcel identifier”** means a permanent parcel identifier assigned to a parcel of land under section 58 [*description of land*] of the *Land Title Act*;

**“partner”** means the following:

- (a) in relation to a partnership referred to in paragraph (a) or (b) of the definition of “relevant partnership” in this section, a partner in the partnership;
- (b) in relation to a legal relationship described in paragraph (c) of the definition of “relevant partnership” in this section, a person who has, in respect of the legal relationship, powers and duties similar to those of a partner referred to in paragraph (a) of this definition;

**“partnership interest holder”**, in relation to an interest in land registered or to be registered in the name of a partner of a relevant partnership, means an individual who is presumed to be a partnership interest holder within the meaning of section 4 [*meaning of “partnership interest holder”*];

**“partnership property”** means the following:

- (a) in relation to a partnership referred to in paragraph (a) or (b) of the definition of “relevant partnership” in this section, an interest in land that is partnership property within the meaning of the *Partnership Act*;
- (b) in relation to a legal relationship described in paragraph (c) of the definition of “relevant partnership” in this section, an interest in land that, in respect of the legal relationship, is similar to partnership property referred to in paragraph (a) of this definition;

**“personal information”** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

**“primary identification information”** means the following:

- (a) in relation to a corporation or limited liability company, the information referred to in section 7 [*primary identification information – corporations and limited liability companies*];
- (b) in relation to an individual, the information referred to in section 8 (2) [*primary identification information – individuals*];
- (c) in relation to a relevant partnership, the information referred to in section 9 [*primary identification information – relevant partnerships*];

**“publicly accessible information”** means information that, under section 30 (2) [*administrator’s duty to make information available*], is required to be made available for search by any person;

**“register”**, when used as a verb in relation to land, means to register under the *Land Title Act*;

**“relevant corporation”** means a corporation or limited liability company but does not include a corporation or limited liability company that is

- (a) referred to in Schedule 1, or
- (b) added by regulation to Schedule 1;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**“relevant partnership”** means

- (a) a general partnership, limited partnership, limited liability partnership, professional partnership or foreign partnership within the meaning of the *Partnership Act*,
- (b) a prescribed partnership, or
- (c) a legal relationship, created in another jurisdiction, that is similar to a legal relationship referred to in paragraph (a) or (b) of this definition

but does not include

- (d) a prescribed partnership, or
- (e) a prescribed legal relationship;

**“relevant trust”** means

- (a) an express trust, including a bare trust,
- (b) a prescribed trust, or
- (c) a legal relationship, created in another jurisdiction, that is similar to a legal relationship referred to in paragraph (a) or (b)

but does not include

- (d) a trust referred to in Schedule 2,
- (e) a trust added by regulation to Schedule 2, or
- (f) a legal relationship, created in another jurisdiction, that is similar to a legal relationship referred to in paragraph (d) or (e) of this definition;

**“reported information”** means information contained in transparency declarations and transparency reports filed under Part 2 [*Transparency Reports and Transparency Declarations*];

**“reporting body”** means a relevant corporation, a trustee of a relevant trust or a partner of a relevant partnership that is required to file a transparency report under

- (a) section 12 (1) [*transparency report required with application to register interest in land*], or
- (b) section 15 (1) or (4) [*transparency report required from pre-existing and other owners*];

**“settlor”**, in relation to an interest in land registered or to be registered in the name of a trustee of a relevant trust, does not include a settlor who is also

- (a) a trustee of the relevant trust, or
- (b) a beneficial owner in respect of the interest in land;

**“transparency declaration”** means a declaration under section 10 (1) [*transparency declaration required with application to register interest in land*];

**“transparency report”** means a report under any of the following:

- (a) section 12 (1) [*transparency report required with application to register interest in land*];

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) section 15 (1) or (4) *[transparency report required from pre-existing and other owners];*
- (c) section 16 (1) *[transparency report required on change of interest holders];*
- (d) section 17 (1) *[filing of new transparency report to correct previous report];*

**“true copy”** means

- (a) in relation to a paper document or record, an exact copy of the document or record, and
- (b) in relation to an electronic document or record,
  - (i) an exact copy of the document or record, or
  - (ii) a legible paper copy of the document or record containing every material provision and particular contained in the original;

**“trustee”** means the following:

- (a) in relation to a trust referred to in paragraph (a) or (b) of the definition of “relevant trust” in this section, a trustee of the trust;
- (b) in relation to a legal relationship described in paragraph (c) of the definition of “relevant trust” in this section, a person who has, in respect of the legal relationship, powers and duties similar to those of a trustee referred to in paragraph (a) of this definition.

**Meaning of “beneficial owner”**

- 2** Subject to the exemptions, if any, in the regulations, an individual is a beneficial owner in respect of an interest in land registered or to be registered in the name of a trustee of a relevant trust if any of the following apply:
- (a) the individual has, in respect of the interest in land, a beneficial interest, other than an interest that is contingent on the death of another individual;
  - (b) the individual has the power to revoke the relevant trust and receive the interest in land;
  - (c) the individual is a corporate interest holder in respect of a relevant corporation and the relevant corporation has
    - (i) a beneficial interest in respect of the interest in land, or
    - (ii) the power to revoke the relevant trust and receive the interest in land;
  - (d) the individual has a prescribed interest, right or ability in relation to the interest in land, or a prescribed criterion or circumstance applies to the individual.

**Meaning of “corporate interest holder”**

- 3** (1) In this section:
- “associate”** means an associate within the meaning of paragraph (c) or (d) of the definition of “associate” in section 192 (1) *[liability of insiders]* of the *Business Corporations Act*;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- “beneficial owner”** includes a person who owns through a trustee, personal or other legal representative, agent or other intermediary;
- “registered owner”**, in relation to a share issued by a relevant corporation, means a person who is a registered owner of the share within the meaning of the laws of the jurisdiction in which the relevant corporation is incorporated, organized, formed, continued or transferred;
- “significant number of shares”**, in respect of a relevant corporation, means either of the following:
- (a) 10% or more of the issued shares of the relevant corporation;
  - (b) issued shares of the relevant corporation that carry 10% or more of the rights to vote at general meetings.
- (2) Subject to the exemptions, if any, in the regulations, an individual is a corporate interest holder in respect of a relevant corporation if any of the following apply:
- (a) the individual has any of the following interests or rights, or any combination of them, in a significant number of shares of the relevant corporation:
    - (i) an interest as a registered owner of one or more of the corporation’s shares;
    - (ii) an interest as a beneficial owner of one or more of the corporation’s shares, other than an interest that is contingent on the death of another individual;
    - (iii) indirect control, within the meaning of the regulations, of one or more of the corporation’s shares;
  - (b) the individual has any of the following rights or abilities, or any combination of them, that, if exercised, would result in the election, appointment or removal of the majority of the directors of the relevant corporation:
    - (i) the right to elect, appoint or remove one or more of the corporation’s directors;
    - (ii) indirect control, within the meaning of the regulations, of the right to elect, appoint or remove one or more of the corporation’s directors;
    - (iii) the ability to exercise direct and significant influence over an individual who has the right or indirect control described in subparagraph (i) or (ii);
  - (c) the individual has a prescribed interest, right or ability in relation to the relevant corporation, or a prescribed criterion or circumstance applies to the individual in relation to the relevant corporation.
- (3) If an interest or right referred to in subsection (2) in respect of a relevant corporation is held jointly by 2 or more individuals, each individual is a corporate interest holder in respect of the relevant corporation.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (4) When 2 or more individuals have interests, rights or abilities that, when combined, meet a criterion described in subsection (2) (a), (b) or (c) in respect of a relevant corporation, each individual is a corporate interest holder in respect of the relevant corporation if
- (a) the interests, rights or abilities are subject to an agreement or arrangement under which the interests, rights or abilities are to be exercised jointly or in concert by those individuals, or
  - (b) each individual is an associate of the other individuals.

**Meaning of “partnership interest holder”**

- 4** (1) For the purposes of this section, if
- (a) an individual or relevant corporation is a partner in a relevant partnership, and
  - (b) the relevant partnership referred to in paragraph (a) is a partner in another relevant partnership,
- the individual or relevant corporation referred to in paragraph (a) is deemed to be a partner in the other relevant partnership referred to in paragraph (b).
- (2) Subject to subsection (3) and the exemptions, if any, in the regulations, an individual is presumed to be a partnership interest holder in respect of an interest in land registered or to be registered in the name of a partner of a relevant partnership if the interest in land is partnership property and any of the following apply:
- (a) the individual is a partner in the relevant partnership;
  - (b) the individual is a corporate interest holder in respect of a relevant corporation and the relevant corporation is a partner in the relevant partnership;
  - (c) the individual has a prescribed interest, right or ability in relation to the interest in land, or a prescribed criterion, circumstance or presumption applies to the individual.
- (3) The presumption under subsection (2) that an individual is a partnership interest holder in respect of an interest in land does not apply if the partner in whose name the interest in land is registered or to be registered can demonstrate that,
- (a) in the case of an individual who is a partner referred to in subsection (2) (a), the individual has no interest, right or ability, as a partner, in respect of the interest in land, or
  - (b) in the case of an individual who is a corporate interest holder in respect of a relevant corporation referred to in subsection (2) (b), the relevant corporation has no interest, right or ability, as a partner, in respect of the interest in land.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

#### **Application of *Land Title Act***

- 5 (1) Unless the context indicates otherwise and subject to subsection (2), in this Act, “**electronic**”, “**owner**”, “**parcel**”, “**registrar**” and “**transferee**” have the same meanings as in section 1 [*definitions*] of the *Land Title Act*.
- (2) Transparency declarations, transparency reports and any other documents or records filed with or submitted, given or provided to the registrar or administrator under this Act are not instruments, documents or records filed, submitted, given, provided, deposited, registered, kept or lodged under the *Land Title Act*.

#### **Act does not apply to Indigenous land or prescribed land**

- 6 This Act does not apply in relation to any of the following:
- (a) treaty lands of a Treaty First Nation;
  - (b) Nisga’a Lands;
  - (c) Nisga’a Fee Simple Lands as defined in the Definitions Chapter of the Nisga’a Final Agreement;
  - (d) Sechelt lands, as defined in section 2 (1) of the *Sechelt Indian Band Self-Government Act (Canada)*;
  - (e) a reserve, as defined in section 2 (1) [*definitions*] of the *Indian Act (Canada)*;
  - (f) Other Maa-nulth First Nation Lands as defined in the Definitions Chapter of the Maa-nulth First Nations Final Agreement;
  - (g) Other Tla’amin Lands as defined in the Definitions Chapter of the Tla’amin Final Agreement;
  - (h) Other Tsawwassen Lands as defined in the Definitions Chapter of the Tsawwassen First Nation Final Agreement;
  - (i) prescribed land.

#### **Primary identification information – corporations and limited liability companies**

- 7 In a transparency report, primary identification information in respect of a corporation or limited liability company consists of the following:
- (a) the corporation’s or company’s name and registered office address;
  - (b) if the corporation or company has a head office, the corporation’s or company’s head office address;
  - (c) the jurisdiction in which the corporation or company was incorporated, organized or formed;
  - (d) if the corporation or company has been continued or transferred into another jurisdiction, the jurisdiction into which the corporation or company was most recently continued or transferred;
  - (e) prescribed information, if any.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Primary identification information – individuals**

- 8 (1) In this section:
- “**permanent resident**” has the same meaning as in the *Immigration and Refugee Protection Act* (Canada);
- “**principal residence**” means the usual place where an individual makes the individual’s home.
- (2) In a transparency report, primary identification information in respect of an individual consists of the following:
- (a) the individual’s full name;
  - (b) whether or not the individual is a Canadian citizen or permanent resident of Canada;
  - (c) if the individual is not a Canadian citizen or permanent resident of Canada, every country or state of which the individual is a citizen;
  - (d) if the individual’s principal residence is in Canada, the city and province in which that principal residence is located;
  - (e) if the individual’s principal residence is outside Canada, the city and country in which that principal residence is located;
  - (f) prescribed information, if any.

**Primary identification information – relevant partnerships**

- 9 In a transparency report, primary identification information in respect of a relevant partnership consists of the following:
- (a) the partnership’s registered business name, if any;
  - (b) the type of partnership referred to in paragraph (a), (b) or (c) of the definition of “relevant partnership” in section 1 that applies to the partnership;
  - (c) the partnership’s registered address or head office address, as applicable;
  - (d) the address of the partnership’s principal business premises;
  - (e) the jurisdiction the laws of which govern
    - (i) the partnership, or
    - (ii) if the partnership has a partnership agreement, the interpretation of the partnership agreement;
  - (f) prescribed information, if any.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

## **PART 2 – TRANSPARENCY DECLARATIONS AND TRANSPARENCY REPORTS**

### **Division 1 – Transparency Declarations**

#### **Transparency declaration required with application to register interest in land**

- 10** (1) On an application to register an interest in land, each transferee must file with the administrator a transparency declaration that contains the following information:
- (a) whether or not the transferee is a reporting body;
  - (b) if the transferee is a reporting body, whether or not the reporting body is
    - (i) a relevant corporation,
    - (ii) a trustee of a relevant trust, or
    - (iii) a partner of a relevant partnership;
  - (c) prescribed information.
- (2) A transparency declaration must be filed by submitting the declaration to the registrar, together with the application to register the interest in land.
- (3) A transparency declaration submitted under subsection (2) must be certified in accordance with section 25 *[certification of transparency declarations and transparency reports]*.
- (4) If the application to register referred to in subsection (2) is submitted under Part 10.1 *[Electronic Filing]* of the *Land Title Act*,
- (a) the transparency declaration must be
    - (i) signed in accordance with section 26 *[electronic signing]* of this Act, and
    - (ii) submitted to the registrar electronically, and
  - (b) the applicable filing fee must be paid electronically.
- (5) If the application to register referred to in subsection (2) is not submitted under Part 10.1 of the *Land Title Act*,
- (a) the transparency declaration must be submitted in the form and manner required by the administrator under section 87 (1) *[how documents must be given to registrar or administrator]* of this Act, and
  - (b) the applicable filing fee must be paid at the time and in the manner required by the administrator under section 89 (1) *[how fees must be paid to authority]* of this Act.

#### **Refusal of application if transparency declaration not submitted, certified or signed**

- 11** (1) The registrar must refuse to accept an application to register an interest in land if a transferee fails to submit a transparency declaration with the application.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (2) The registrar must refuse to accept an application to register an interest in land, and each transparency declaration submitted with the application, if
  - (a) in the case of a transparency declaration that is submitted electronically, the requirements referred to in section 10 (4) are not met, or
  - (b) in the case of a transparency declaration that is not submitted electronically,
    - (i) the declaration does not appear, on the face of that declaration, to be certified in accordance with section 25 [*certification of transparency declarations and transparency reports*], or
    - (ii) the requirements referred to in section 10 (5) are not met.

### **Division 2 – Transparency Reports**

#### **Transparency report required with application to register interest in land**

- 12** (1) Subject to this section, section 13 and the exemptions, if any, in the regulations, on an application to register an interest in land in the name of
  - (a) a relevant corporation,
  - (b) a trustee of a relevant trust, or
  - (c) a partner of a relevant partnership,the corporation, trustee or partner must file with the administrator a transparency report completed in accordance with Division 3 [*Content of Transparency Reports*].
- (2) A transparency report required under this section must be filed by submitting the report to the registrar, together with the application to register the interest in land.
  - (3) A transparency report submitted under this section must be certified in accordance with section 25 [*certification of transparency declarations and transparency reports*].
  - (4) If the application to register referred to in subsection (2) is submitted under Part 10.1 [*Electronic Filing*] of the *Land Title Act*,
    - (a) the transparency report must be
      - (i) signed in accordance with section 26 [*electronic signing*] of this Act, and
      - (ii) submitted to the registrar electronically, and
    - (b) the applicable filing fee must be paid electronically.
  - (5) If the application to register referred to in subsection (2) is not submitted under Part 10.1 of the *Land Title Act*,
    - (a) the transparency report must be submitted in the form and manner required by the administrator under section 87 (1) [*how documents must be given to registrar or administrator*] of this Act, and

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) the applicable filing fee must be paid at the time and in the manner required by the administrator under section 89 (1) *[how fees must be paid to authority]* of this Act.

**General rules for filing and completing transparency reports**

- 13** (1) If a trustee of a relevant trust is required to file a transparency report under this Division, the requirement applies whether or not a trust instrument is or will be filed with the registrar under section 180 *[recognition of trust estates]* of the *Land Title Act*.
- (2) For the purposes of completing a transparency report, if
- (a) a trustee of a relevant trust is also a relevant corporation, and
  - (b) the interest in land to which the transparency report relates is or will be held in trust,
- the trustee must complete the transparency report in accordance with Division 3 *[Content of Transparency Reports]* as that Division is required to be applied by a trustee of a relevant trust and not as that Division is required to be applied by a relevant corporation.
- (3) For the purposes of completing a transparency report and unless subsection (4) applies, if
- (a) a partner of a relevant partnership is also a relevant corporation, and
  - (b) the interest in land to which the transparency report relates is or will be partnership property,
- the partner must comply with Division 3 as that Division is required to be applied by a partner of a relevant partnership and not as that Division is required to be applied by a relevant corporation.
- (4) If all of the partners in the relevant partnership referred to in subsection (3) are relevant corporations and the interest in land is or will be registered in the name of all of those relevant corporations, each of those partners must complete a transparency report in accordance with Division 3 as that Division is required to be applied by a relevant corporation.
- (5) A partner of a relevant partnership is not required to file a transparency report if all partners of the relevant partnership are individuals and the interest in land is or will be registered in the name of all of those individuals.

**Refusal of application if transparency report not submitted, certified or signed**

- 14** (1) The registrar must refuse to accept an application to register an interest in land, and each transparency declaration submitted with the application, if both of the following apply:

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (a) a transferee submits a transparency declaration that indicates that the interest in land is to be registered in the name of a reporting body;
  - (b) the reporting body fails to
    - (i) submit a transparency report with the application, or
    - (ii) pay the applicable filing fee.
- (2) The registrar must refuse to accept an application to register an interest in land, and each transparency declaration and transparency report submitted with the application, if one of the following applies:
- (a) in the case of a transparency report that is submitted electronically, the requirements referred to in section 12 (4) are not met;
  - (b) in the case of a transparency report that is not submitted electronically,
    - (i) the report does not appear, on the face of that report, to be certified in accordance with section 25 [*certification of transparency declarations and transparency reports*], or
    - (ii) the requirements referred to in section 12 (5) are not met.

**Transparency report required  
from pre-existing and other owners**

- 15** (1) Subject to section 13 [*general rules for filing and completing transparency reports*], this section and the exemptions, if any, in the regulations, if, immediately before the coming into force of this section,
- (a) a relevant corporation,
  - (b) a trustee of a relevant trust, or
  - (c) a partner of a relevant partnership
- is a registered owner of an interest in land, the corporation, trustee or partner must, within the prescribed period, file with the administrator a transparency report completed in accordance with Division 3 [*Content of Transparency Reports*].
- (2) A registered owner of an interest in land is not required to file a transparency report under subsection (1) if, before the end of the prescribed period, the interest in land is registered in the name of another owner.
- (3) The following are not required to file a transparency report under subsection (1):
- (a) a corporation or limited liability company if, before the end of the prescribed period, the corporation or limited liability company ceases to be a relevant corporation;
  - (b) a trustee of a trust if, before the end of the prescribed period, the trust ceases to be a relevant trust;
  - (c) a partner of a partnership if, before the end of the prescribed period, the partnership ceases to be a relevant partnership.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (4) Subject to section 13, this section and the exemptions, if any, in the regulations, each of the following must file a transparency report completed in accordance with Division 3:
- (a) a corporation or limited liability company if the corporation or limited liability company
    - (i) is a relevant corporation,
    - (ii) is a registered owner of an interest in land, and
    - (iii) was not a relevant corporation at the time the interest in land was registered;
  - (b) a trustee of a trust if
    - (i) the trust is a relevant trust,
    - (ii) the trustee is a registered owner of an interest in land, and
    - (iii) the trust was not a relevant trust at the time the interest in land was registered;
  - (c) a partner of a partnership if
    - (i) the partnership is a relevant partnership,
    - (ii) the partner is a registered owner of an interest in land, and
    - (iii) the partnership was not a relevant partnership at the time the interest in land was registered;
- (5) A transparency report required under subsection (4) must be submitted within 2 months after the date on which
- (a) the corporation or limited liability company becomes a relevant corporation,
  - (b) the trust becomes a relevant trust, or
  - (c) the partnership becomes a relevant partnership.
- (6) A transparency report required under this section must be filed by submitting the report to the registrar electronically.
- (7) A transparency report submitted under this section must be certified in accordance with section 25 *[certification of transparency declarations and transparency reports]*.
- (8) If a transparency report is submitted under this section,
- (a) the report must be signed in accordance with section 26 *[electronic signing]*, and
  - (b) the applicable filing fee must be paid electronically.
- (9) The registrar must refuse to accept a transparency report submitted under this section if the requirements referred to in subsection (8) are not met.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Transparency report required on change of interest holders or determination of incapacity**

- 16** (1) Subject to section 13 [*general rules for filing and completing transparency reports*], this section and the exemptions, if any, in the regulations, within 2 months after a reporting body becomes aware or reasonably ought to have become aware that
- (a) the previous transparency report filed by the reporting body no longer discloses the current interest holders, or
  - (b) a determination of incapacity referred to in section 22 [*identification of incapacity*] has been made in respect of an interest holder,
- the reporting body must file with the administrator a new transparency report completed in accordance with Division 3 [*Content of Transparency Reports*].
- (2) Section 15 (6) to (9) applies in respect of a transparency report required under this section.
- (3) Despite subsection (1), a reporting body is not required to file a transparency report under this section if the reporting body is no longer the registered owner of the interest in land to which the previous transparency report relates.

**Filing of new transparency report to correct previous report**

- 17** (1) Subject to section 13 [*general rules for filing and completing transparency reports*] and subsection (2) of this section, and without limiting section 16, a reporting body may, at any time the reporting body considers necessary in order to complete or correct information contained in a previously filed transparency report, file with the administrator a new transparency report completed in accordance with Division 3 [*Content of Transparency Reports*].
- (2) Section 15 (6) to (9) applies in respect of a transparency report permitted to be filed under this section.

**Notice required if corporation, trust or partnership ceases to be relevant corporation, relevant trust or relevant partnership**

- 17.1** (1) A corporation or limited liability company that is a registered owner of an interest in land must give notice to the administrator if, after the corporation or limited liability company has filed a transparency report, the corporation or limited liability company ceases to be a relevant corporation.
- (2) A trustee that is a registered owner of an interest in land must give notice to the administrator if, after the trustee has filed a transparency report, the trust ceases to be a relevant trust.
- (3) A partner that is a registered owner of an interest in land must give notice to the administrator if, after the partner has filed a transparency report, the partnership ceases to be a relevant partnership.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (4) A notice under this section must be given to the administrator, together with the applicable fee, within 2 months after the date on which
- (a) the corporation or limited liability company ceases to be a relevant corporation,
  - (b) the trust ceases to be a relevant trust, or
  - (c) the partnership ceases to be a relevant partnership.

### **Division 3 – Content of Transparency Reports**

#### **Information required in transparency reports**

- 18** A transparency report filed by a reporting body must contain the following information:
- (a) the reporting body's primary identification information;
  - (b) the information required under section 19 in respect of each interest holder;
  - (c) if the reporting body is a relevant corporation,
    - (i) the relevant corporation's business number, if any, within the meaning of the *Income Tax Act* (Canada), and
    - (ii) the incorporation, continuation, amalgamation or other identifying number or designation given to the relevant corporation by the jurisdiction in which the relevant corporation is incorporated, organized, formed, continued or transferred;
  - (d) if the reporting body is a trustee of a relevant trust,
    - (i) the information required under section 20 [*information about settlors*] in respect of each settlor, and
    - (ii) the reference number, if any, of the trust instrument registered under section 180 [*recognition of trust estates*] of the *Land Title Act*;
  - (e) if the reporting body is a partner of a relevant partnership,
    - (i) the relevant partnership's primary identification information,
    - (ii) the relevant partnership's business number, if any, within the meaning of the *Income Tax Act* (Canada), and
    - (iii) the identifying number, if any, issued to the partnership by the jurisdiction identified under subparagraph (i);
  - (f) the parcel identifier assigned to the land to which the report relates;
  - (g) in respect of the individual who is certifying the report in accordance with section 25 [*certification of transparency declarations and transparency reports*], the individual's name, position name or title, telephone number and email address;
  - (h) prescribed information, if any.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Information about interest holders**

- 19** A transparency report filed by a reporting body must contain the following information in respect of each individual who is an interest holder:
- (a) subject to section 21 *[requirements if unable to obtain information about interest holders or settlors]*,
    - (i) the individual's primary identification information,
    - (ii) the individual's date of birth,
    - (iii) the individual's last known address,
    - (iv) the individual's social insurance number, if any,
    - (v) the individual tax number, if any, assigned to the individual by the Canada Revenue Agency,
    - (vi) whether or not the individual is resident in Canada for the purposes of the *Income Tax Act* (Canada),
    - (vii) the date on which the individual became or ceased to be an interest holder, and
    - (viii) a description of how the individual is an interest holder;
  - (b) if the reporting body knows, as a result of steps taken under section 22 *[identification of incapacity]*, that a determination of incapacity has been made in respect of the individual, a statement setting this out;
  - (c) the information required under section 24 (2) *[notice to interest holders and settlors]*;
  - (d) prescribed information, if any.

**Information about settlors**

- 20** A transparency report filed by a reporting body that is a trustee of a relevant trust must contain the following information in respect of each settlor of the trust:
- (a) in the case of a settlor who is an individual,
    - (i) subject to section 21 *[requirements if unable to obtain information about interest holders or settlors]*, the information referred to in section 19 (a) (i) to (vi), and
    - (ii) the information referred to in section 19 (b), if applicable;
  - (b) in the case of a settlor that is a corporation or limited liability company and subject to section 21, the corporation's or company's primary identification information;
  - (c) in any case,
    - (i) the information required under section 24 (2) *[notice to interest holders and settlors]*, and
    - (ii) prescribed information, if any.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Requirements if unable to obtain information  
about interest holders or settlors**

- 21** (1) A reporting body must take reasonable steps to obtain and confirm the accuracy of
- (a) the information required under section 19 (a) in respect of each interest holder,
  - (b) if the reporting body is a trustee of a relevant trust, the information required under section 20 (a) (i) and (b) in respect of each settlor, and
  - (c) prescribed information, if any.
- (2) If a reporting body that is a relevant corporation determines that there are no individuals who are corporate interest holders, or if a reporting body that is a partner of a relevant partnership determines that there are no individuals who are partnership interest holders, the transparency report must contain a statement setting this out.
- (3) If a reporting body that is a trustee of a relevant trust determines that there are no individuals who are beneficial owners, the transparency report must contain a description of each class of beneficiaries of the relevant trust.
- (4) If a reporting body is unable to obtain or confirm the accuracy of some or all of the information referred to in subsection (1) in respect of an interest holder or settlor, as applicable, the transparency report must contain the following:
- (a) the information referred to in subsection (1) that the reporting body was able to obtain or confirm in respect of the interest holder or settlor;
  - (b) for information referred to in subsection (1) that the reporting body was not able to obtain or confirm, a summary of the steps taken to obtain or confirm the information;
  - (c) prescribed information, if any.

**Identification of incapacity**

- 22** If, at any time, a reporting body becomes aware that an individual who is an interest holder or settlor may be incapable of managing the individual's financial affairs, the reporting body must take reasonable steps to determine whether, in respect of that individual, a determination of incapacity has been made by a court, health authority designate or prescribed person.

**Interest holder's duty to give information**

- 23** (1) For the purposes of completing and filing a transparency report, a reporting body may, at any time by written request, require that a person who is or may be an interest holder or settlor, as applicable, provide the reporting body with information.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (2) After receiving a request under subsection (1) and taking reasonable steps to compile the requested information, a person must give to the reporting body a written statement setting out the information that the person was able to compile.

#### **Notice to interest holders and settlors**

- 24** (1) Before filing a transparency report, a reporting body must take reasonable steps to give written notice of the following to each interest holder and settlor required to be identified in the report:
  - (a) that information about the interest holder or settlor is required under this Division for the purposes of completing and filing a transparency report;
  - (b) that an individual has the right under section 40 *[application to omit information if health or safety at risk]* to request that some or all of the information in relation to the individual be omitted from or obscured in publicly accessible information;
  - (c) that unless an individual makes a request under section 40 within 90 days after the filing of a transparency report, the information in relation to the individual will be publicly accessible after the end of that 90-day period.
- (2) A transparency report filed by a reporting body must contain the following information:
  - (a) a list of the interest holders and settlors to whom the reporting body was able to give notice under subsection (1);
  - (b) for the interest holders and settlors to whom the reporting body was not able to give notice under subsection (1), a summary of the steps taken to give notice to those interest holders and settlors.
- (3) Within 7 days after submitting a transparency report, a reporting body must take reasonable steps to give to each interest holder and settlor, as applicable, an extract from the report showing the information contained in the report in respect of the interest holder or settlor.

### **Division 4 – Certification and Electronic Signatures**

#### **Certification of transparency declarations and transparency reports**

- 25** (1) A transparency declaration or transparency report submitted by a transferee or reporting body must, if the transferee or reporting body is a corporation or limited liability company, be certified to be correct and complete, to the extent required under Division 3, by an individual who has
  - (a) knowledge of the matters certified, and
  - (b) actual authority to certify the declaration or report on behalf of the transferee or reporting body.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (2) A transparency declaration or transparency report submitted by a transferee or reporting body must, if the transferee or reporting body is an individual, be certified to be correct and complete, to the extent required under Division 3, by
  - (a) the transferee or reporting body, or
  - (b) an agent of the transferee or reporting body who has knowledge of the matters certified.

### **Electronic signing**

- 26**
- (1) The administrator may designate classes of persons as authorized to certify electronic transparency declarations and electronic transparency reports under this section.
  - (2) Before a transferee or reporting body submits an electronic transparency declaration or electronic transparency report to the registrar, the electronic transparency declaration or electronic transparency report must be
    - (a) signed electronically by the transferee or reporting body in accordance with the policies established by the administrator, or
    - (b) certified under this section by a designate.
  - (3) An electronic transparency declaration or electronic transparency report is certified under this section by a designate if the electronic transparency declaration or electronic transparency report
    - (a) includes a statement that the electronic transparency declaration or electronic transparency report is certified under this section by the designate, and
    - (b) is signed electronically by the designate in accordance with the policies established by the administrator.
  - (4) The electronic signature by a designate of an electronic transparency declaration or electronic transparency report described in subsection (3) is a certification by the designate that
    - (a) an execution copy of the electronic transparency declaration or electronic transparency report has been certified in accordance with section 25, and
    - (b) the execution copy referred to in paragraph (a), or a true copy of that execution copy, is in the possession of the designate.
  - (5) If an electronic transparency declaration or electronic transparency report that is signed electronically by the transferee or reporting body is submitted to the registrar, the transferee or reporting body must
    - (a) retain a true copy of the electronic transparency declaration or electronic transparency report for a period established by the administrator, and
    - (b) produce the true copy for inspection if requested by the administrator during that period.

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

- (6) If an electronic transparency declaration or electronic transparency report that is certified under this section by a designate is submitted to the registrar, the transferee or reporting body, as applicable, and the persons, if any, that are specified in the policies established by the administrator must
- (a) retain the execution copy referred to in subsection (4) (a) of this section, or a true copy of that execution copy, for the period established by the administrator, and
  - (b) produce that execution copy or true copy for inspection if requested by the administrator during that period.

#### **Prohibitions in relation to electronic signing**

- 27 A person must not do any of the following:
- (a) wilfully make a false certification under section 26 (3);
  - (b) sign an electronic transparency declaration or electronic transparency report using an electronic signature of another person;
  - (c) permit an electronic signature of the person to be used by another person to sign an electronic transparency declaration or electronic transparency report.

### **PART 3 – ACCESS TO TRANSPARENCY RECORDS, REPORTED INFORMATION AND PUBLICLY ACCESSIBLE INFORMATION**

#### **Definitions for Part 3**

- 28 In this Part:
- “**regulator**” means any of the following:
- (a) the British Columbia Securities Commission continued under the *Securities Act*;
  - (b) the BC Financial Services Authority established under section 2 of the *Financial Services Authority Act*;
  - (c) the Financial Transactions and Reports Analysis Centre of Canada established under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (Canada);
  - (d) the Law Society of British Columbia;
  - (e) a prescribed public officer, corporation, agency or other entity whose authority to regulate is based on a law of British Columbia or Canada;
- “**taxing authority**” means the portion of the government of British Columbia or Canada responsible for administering or enforcing
- (a) a law of British Columbia or Canada that provides for the imposition or collection of a tax, royalty or duty, or

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) a prescribed law of British Columbia or Canada that is related to a law referred to in paragraph (a);

**“transparency records”** means transparency declarations and transparency reports filed under Part 2 *[Transparency Declarations and Transparency Reports]*.

**Administrator’s duty to keep and maintain records and information**

- 29** Subject to and in accordance with this Act and the regulations, the administrator must keep and maintain the following:
- (a) transparency records;
  - (b) reported information and publicly accessible information;
  - (c) applications given to the administrator in respect of proposed inspections and searches under this Part;
  - (d) applications given to the administrator under the following:
    - (i) section 40 *[application to omit information if health or safety at risk]*;
    - (ii) section 42 *[application to correct or change information]*;
  - (e) verification and proofs provided to the administrator under section 58 *[demand for verification or proof]*;
  - (f) all other documents and records received by the administrator under this Act.

**Administrator’s duty to make information available**

- 30** (1) Subject to and in accordance with this Act and the regulations, the administrator must make transparency records available for inspection and reported information available for search under the following provisions:
- (a) section 31 *[inspections and searches by enforcement officers and ministry officials]*;
  - (b) section 32 *[inspections and searches for tax and related purposes]*;
  - (c) section 33 *[inspections and searches for law enforcement purposes]*;
  - (d) section 34 *[inspections and searches by regulators]*;
  - (e) a prescribed provision of the regulations.
- (2) Subject to and in accordance with this Act and the regulations, the administrator must make the following information contained in transparency records available through searches conducted under section 35 *[searches by members of public]*:
- (a) primary identification information in respect of reporting bodies that are identified as registered owners of interests in land;
  - (b) primary identification information in respect of
    - (i) individuals who are identified as interest holders in relation to
      - (A) the reporting bodies referred to in paragraph (a) of this subsection, or

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (B) the interests in land in respect of which the reporting bodies referred to in paragraph (a) of this subsection are identified as registered owners, and
  - (ii) in the case of reporting bodies referred to in paragraph (a) of this subsection that are trustees of relevant trusts, persons who are identified as settlors of the relevant trusts;
- (b.1) parcel identifiers for parcels of land in relation to which persons are identified as reporting bodies, interest holders or settlors;
- (c) prescribed information, if any.
- (3) The administrator must take reasonable steps to ensure that the information to be made available under subsection (2) relates to persons who are, at the time of the search, identified as reporting bodies, interest holders or settlors.
- (4) The following information, as that information relates to an individual who is identified as an interest holder or settlor, must not be made publicly accessible under subsection (2) until at least 90 days after the transparency report to which the information relates has been accepted by the registrar for filing with the administrator:
  - (a) primary identification information;
  - (b) parcel identifiers for parcels of land in relation to which the individual is identified as an interest holder or settlor.
- (5) For certainty, the requirement under subsection (4) (b) that parcel identifiers must not be made publicly accessible as information that relates to an individual identified as an interest holder or settlor does not affect the requirement under subsection (2) (b.1) that parcel identifiers must be made publicly accessible as information that relates to a person identified as a reporting body.

#### **Inspections and searches by enforcement officer and ministry officials**

- 31**
- (1) The enforcement officer may inspect transparency records and search reported information for the purposes of determining compliance with this Act and the regulations.
  - (2) An official or employee of the ministry of the Minister of Finance may inspect transparency records and search reported information for any of the following purposes:
    - (a) the compilation of statistical information by the government;
    - (b) the formulation or evaluation by the government of
      - (i) fiscal policy, or
      - (ii) policy to combat the laundering of proceeds of crime;
    - (c) a prescribed purpose.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (3) A prescribed official or employee of the government may inspect transparency records and search reported information for prescribed purposes.

#### **Inspections and searches for tax and related purposes**

- 32** (1) An official or employee of a taxing authority may inspect transparency records and search reported information for the following purposes:
- (a) administering or enforcing
    - (i) a law of British Columbia or Canada that provides for the imposition or collection of a tax, royalty or duty, or
    - (ii) a prescribed law of British Columbia or Canada that is related to a law referred to in subparagraph (i);
  - (b) providing information contained in a transparency declaration or transparency report to another jurisdiction in or outside Canada to assist the jurisdiction in the administration or enforcement of a law of that jurisdiction that provides for the imposition or collection of a tax, royalty or duty if this assistance is authorized under an arrangement, written agreement, treaty or law of British Columbia or Canada.
- (2) An official or employee of the British Columbia Assessment Authority may inspect transparency records and search reported information for the purpose of administering or enforcing the *Assessment Act*.

#### **Inspections and searches for law enforcement purposes**

- 33** An officer within the meaning of the *Police Act* or a member of the Royal Canadian Mounted Police may inspect transparency records and search reported information for the following purposes:
- (a) conducting an investigation in Canada
    - (i) that is undertaken with a view to a law enforcement proceeding, or
    - (ii) from which a law enforcement proceeding is likely to result;
  - (b) policing or criminal intelligence operations in Canada;
  - (c) assisting another law enforcement agency in Canada for a purpose described in paragraph (a) or (b);
  - (d) providing information contained in a transparency declaration or transparency report to a law enforcement agency in a jurisdiction outside Canada to assist the agency in a law enforcement proceeding if this assistance is authorized under an arrangement, written agreement, treaty or law of British Columbia or Canada.

#### **Inspections and searches by regulators**

- 34** An official or employee of a regulator may inspect transparency records and search reported information for the following purposes:
- (a) administering or enforcing a law for which the regulator is responsible;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) assisting another agency in Canada in the administration or enforcement of a law that is similar to a law for which a regulator is responsible;
- (c) providing information contained in a transparency declaration or transparency report to an agency outside Canada to assist the agency in the administration or enforcement of a law that is similar to a law for which the regulator is responsible if this assistance is authorized under an arrangement, written agreement, treaty or law of British Columbia or Canada.

#### **Searches by members of public**

- 35** Subject to reasonable conditions that the administrator may impose, a person may obtain publicly accessible information by
- (a) searching for the name of a person to ascertain the parcel identifiers for the parcels of land in relation to which the person is identified as a reporting body, interest holder or settlor,
  - (b) searching for the parcel identifier for a parcel of land to ascertain the persons who are identified as reporting bodies, interest holders or settlors in relation to the parcel of land, or
  - (c) conducting a prescribed search.

#### **Manner of conducting inspections and searches**

- 36** The administrator may do the following:
- (a) specify the manner in which an inspection or search must be conducted under this Part;
  - (b) require that a proposed inspection or search under this Part be accompanied by an application that contains the information and is completed in the manner required by the administrator.

#### **Restrictions on inspections and searches**

- 37** The regulations may impose restrictions on inspections or searches authorized under any of the following:
- (a) section 32 *[inspections and searches for tax and related purposes]*;
  - (b) section 33 *[inspections and searches for law enforcement purposes]*;
  - (c) section 34 *[inspections and searches by regulators]*;
  - (d) section 35 *[searches by members of public]*;
  - (e) the regulations.

#### **Fees for inspections and searches**

- 38** Unless exempted under the regulations, a person or entity must pay the applicable fees before the person or entity does any of the following:
- (a) inspects transparency records or searches reported information or publicly accessible information;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) obtains from the administrator copies of or extracts from transparency records, reported information or publicly accessible information.

**Mandatory omission of information  
from publicly accessible information**

- 39**
- (1) Primary identification information in respect of an individual and parcel identifiers for parcels of land in relation to which the individual is identified must be omitted from or obscured in publicly accessible information if the transparency report containing the information indicates that
    - (a) the individual is under 19 years of age, or
    - (b) a court, health authority designate or prescribed official has determined that the individual is incapable of managing the individual's financial affairs.
  - (2) The following information must be omitted from or obscured in publicly accessible information:
    - (a) information specified in an application under section 40 (1) unless the administrator is required or authorized under section 40 (4) or 41 (1) to cease omitting or obscuring that information;
    - (b) prescribed information, if any.
  - (3) For certainty, information in the form of parcel identifiers
    - (a) must be omitted from or obscured in publicly accessible information, as that information relates to individuals to whom subsection (1) or (2) applies, and
    - (b) must not be omitted from or obscured in publicly accessible information, as that information relates to persons other than individuals to whom subsection (1) or (2) applies.

**Application to omit information if health or safety at risk**

- 40**
- (1) An individual may, by application to the administrator, request that some or all of the information in relation to the individual that would otherwise be publicly accessible be omitted from or obscured in publicly accessible information if the individual believes that making that information publicly accessible could reasonably be expected to threaten the safety or mental or physical health of
    - (a) the individual, or
    - (b) a member of the individual's household.
  - (2) An applicant under this section must do the following:
    - (a) specify in the application
      - (i) the grounds on which the application is based,
      - (ii) the particular information the individual seeks to have omitted or obscured, and
      - (iii) the address at which the individual is to be notified of the administrator's decision under section 41 (2);

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) give the application to the administrator, together with the applicable fee;
  - (c) provide to the administrator any other records, information and verifications the administrator may require.
- (3) Promptly after receiving an application under this section, the administrator must omit from or obscure in publicly accessible information the information specified by the applicant under subsection (2) (a) (ii).
- (4) Despite subsection (3), the administrator must cease omitting from or obscuring in publicly accessible information the information specified by an applicant under subsection (2) (a) (ii) if the applicant fails to provide, within the time specified by the administrator, any records, information or verifications required under subsection (2) (c).

#### **Determination of application to omit information**

- 41**
- (1) The administrator may, subject to subsection (3), cease omitting from or obscuring in publicly accessible information some or all of the information that an applicant specifies under section 40 (2) (a) (ii) if the administrator is satisfied that making some or all of that information publicly accessible could not reasonably be expected to threaten the safety or mental or physical health of
    - (a) the applicant, or
    - (b) a member of the applicant's household.
  - (2) The administrator must give to the applicant written notice of a decision made under subsection (1).
  - (3) The administrator may not cease omitting or obscuring information under subsection (1) until at least 30 days after giving notice under subsection (2).

#### **Application to correct or change information**

- 42**
- (1) A person other than a person who was a reporting body may, by application to the administrator, request that corrections or changes be made to a filed transparency report, reported information or publicly accessible information if
    - (a) the transparency report, reported information or publicly accessible information contains incomplete or inaccurate information about the person,
    - (b) the person has, by written request to the reporting body that provided the information, requested that the reporting body correct or change the information by filing a new transparency report under section 17 [*filing of new transparency report to correct previous report*], and
    - (c) the reporting body has not, within 3 months after receiving the person's request, filed a new transparency report that contains complete and accurate information about the person.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (1.1) A person who was a reporting body may, by application to the administrator, request that corrections or changes be made to a filed transparency report, reported information or publicly accessible information if
- (a) the transparency report, reported information or publicly accessible information contains incomplete or inaccurate information, and
  - (b) in the case of a request that a correction or change be made to information in relation to an interest holder or settlor, the person has taken reasonable steps to give written notice of the requested correction or change to the interest holder or settlor.
- (2) An applicant under subsection (1) or (1.1) must do the following:
- (a) specify in the application
    - (i) the particular information the applicant considers to be incomplete or inaccurate,
    - (ii) the reasons why the applicant considers that information to be incomplete or inaccurate, and
    - (iii) the address at which the applicant is to be notified of the administrator's decision under section 43 (3);
  - (b) in the case of an applicant under subsection (1), include in the application a copy of the request referred to in paragraph (b) of that subsection;
  - (b.1) in the case of an applicant under subsection (1.1) who requests a correction or change in relation to an interest holder or settlor, include the following information in the application:
    - (i) whether or not the applicant was able to give notice of the requested correction or change to the interest holder or settlor;
    - (ii) if the applicant was not able to give notice, a summary of the steps taken to give notice to the interest holder or settlor;
  - (c) give the application to the administrator, together with the applicable filing fee;
  - (d) provide to the administrator any other records, information and verifications the administrator may require.

**Determination of application  
to correct or change information**

- 43** (1) If an applicant under section 42 seeks corrections or changes to information contained in a filed transparency report, the administrator may, if satisfied that the information specified by the applicant under section 42 (2) (a) (i) is incomplete or inaccurate, annotate the transparency report so that some or all of the necessary corrections or changes are noted.
- (2) If an applicant under section 42 seeks corrections or changes to information in reported information or publicly accessible information, the administrator may,

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

if satisfied that the information specified by the applicant under section 42 (2) (a) (i) is incomplete or inaccurate, do any of the following:

- (a) make changes to, remove information from or add information to reported information or publicly accessible information to reflect some or all of the necessary corrections or changes;
- (b) annotate reported information or publicly accessible information.

(3) The administrator must give to the applicant written notice of a decision made under this section.

**Omissions, changes or annotations  
on administrator's initiative**

**44** The administrator may, on the administrator's own initiative, do any of the following:

- (a) omit information from or obscure information in publicly accessible information if the administrator considers that making that information publicly accessible could reasonably be expected to threaten the safety or mental or physical health of an individual;
- (b) annotate a filed transparency report;
- (c) make changes to, remove information from, add information to or annotate reported information or publicly accessible information.

**Omissions, changes or annotations  
required by enforcement officer**

**45** The administrator must, if requested to do so in writing by the enforcement officer for the purposes of completing or correcting information that the enforcement officer has determined is incomplete or inaccurate,

- (a) omit information from or obscure information in publicly accessible information,
- (b) annotate a filed transparency report, or
- (c) make changes to, remove information from, add information to or annotate reported information or publicly accessible information.

## **PART 4 – ADMINISTRATION AND ENFORCEMENT**

### **Division 1 – Administrator**

**Appointment of administrator and deputy administrators**

**46** The chief executive officer of the authority

- (a) must appoint an employee of the authority as the administrator, and
- (b) may appoint employees of the authority as deputy administrators.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**General responsibilities of administrator**

- 47** (1) Without limiting other powers or duties of the administrator under this Act, and subject to general policy direction given by the minister, the administrator is responsible for the general administration of this Act and the regulations.
- (2) The administrator may develop and provide public information and education respecting this Act and the regulations.

**Administrator must report to minister**

- 48** The administrator must report to the minister, as required by the minister, on
- (a) the administration of this Act and the regulations, and
  - (b) other matters the minister considers necessary in relation to this Act and the regulations.

**Delegation of administrator's powers and duties**

- 49** (1) The administrator may delegate to any person any of the administrator's powers or duties under this Act.
- (2) A delegation under subsection (1) may be to a named person or to a class of persons.

**Division 2 – Enforcement Officer****Designation of enforcement officer**

- 50** The minister may designate as the enforcement officer an individual appointed under the *Public Service Act*.

**General responsibilities of enforcement officer**

- 51** (1) Without limiting other powers or duties of the enforcement officer under this Act, and subject to general policy direction given by the minister, the enforcement officer is responsible for the general enforcement of this Act and the regulations.
- (2) The enforcement officer may develop and provide public information and education respecting this Act and the regulations.

**Delegation of enforcement officer's powers and duties**

- 52** (1) The enforcement officer may delegate to any person any of the enforcement officer's powers and duties under this Act.
- (2) A delegation under subsection (1) may be to a named person or to a class of persons.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

### **Division 3 – Inspections and Demands for Information**

#### **Enforcement officer's entry and inspection powers**

- 53**
- (1) The enforcement officer may conduct inspections under this section for the purposes of determining compliance with this Act and the regulations.
  - (2) For the purposes of conducting an inspection, the enforcement officer may, at any reasonable time and subject to subsection (3), enter a place where
    - (a) a reporting body carries on business, or
    - (b) records relating to a reporting body are kept.
  - (3) Except as authorized by a warrant issued under section 55 [*warrant to enter place to conduct inspection*], the enforcement officer may enter a place occupied as a private residence only with the consent of the owner or occupier of the private residence.
  - (4) Subject to section 56 [*records in possession of lawyer*], the enforcement officer may do any of the following at a place the enforcement officer is authorized to enter under this section:
    - (a) inspect records and things that may be relevant to the inspection;
    - (b) obtain information, including personal information, relevant to the inspection;
    - (c) remove a record or thing for the purposes of inspecting the record or thing;
    - (d) remove a record for the purposes of making copies or extracts of the record.
  - (5) When conducting an inspection, the enforcement officer must
    - (a) carry identification and present the identification on request, and
    - (b) advise the owner, manager or person apparently in charge of the place in which the inspection is being conducted of the reason for the inspection.
  - (6) If the enforcement officer removes a record or thing from a place, the enforcement officer must
    - (a) provide a receipt for the record or thing, and
    - (b) return the record or thing within a reasonable time.

#### **Duty to cooperate with inspection**

- 54**
- (1) On request of the enforcement officer, an occupant of a place that the enforcement officer is authorized to enter under section 53 or a warrant issued under section 55 must
    - (a) promptly allow the enforcement officer to enter the place, and
    - (b) facilitate the enforcement officer's inspection.
  - (2) A person who has possession or control of records, things or information that the enforcement officer is entitled to inspect or obtain under section 53 or a warrant

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

issued under section 55 must promptly produce or provide access to the records, things or information as required by the enforcement officer.

#### **Warrant to enter place to conduct inspection**

- 55** If a justice is satisfied by evidence on oath or affirmation that there are reasonable grounds to believe that there are, in a private residence or in any other place, records or things relevant to determining compliance with this Act and the regulations, the justice may issue a warrant authorizing the enforcement officer or another person named in the warrant to enter the place in accordance with the warrant in order to exercise the powers referred to in section 53 *[enforcement officer's entry and inspection powers]*.

#### **Records in possession of lawyer**

- 56** Except in accordance with the regulations, the enforcement officer's power to inspect records under section 53 or a warrant issued under section 55 must not be used to inspect records in the possession of a lawyer if the lawyer, at the time the records are about to be inspected, claims that a client or former client of the lawyer has solicitor-client privilege in relation to those records.

#### **Demand for information**

- 57** (1) For the purpose of determining compliance with this Act and the regulations, the enforcement officer may, by demand notice, require a person to provide
- (a) a written statement on matters specified in the demand notice, or
  - (b) a record specified in the demand notice.
- (2) A person to whom a demand notice is given under this section must provide the required written statements and records
- (a) within the time specified in the notice, and
  - (b) in the form and manner required under section 88 *[how documents must be given to enforcement officer]*.

#### **Demand for verification or proof**

- 58** A person must, if requested in writing to do so by the administrator or enforcement officer,
- (a) verify that a transparency declaration, transparency report or other document or record filed, submitted, given or provided under this Act is accurate and complete, and
  - (b) provide proof of a fact stated in a document or record referred to in paragraph (a) of this section.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

## Division 4 – Administrative Penalties

### Notice of administrative penalty

- 59** (1) The enforcement officer may give written notice to a person requiring the person to pay an administrative penalty if the enforcement officer, after considering the factors set out in section 60 *[factors enforcement officer must consider]*, determines that the person has contravened the Act by
- (a) failing to file a transparency report required under
    - (i) section 15 (1) (a), (b) or (c) *[transparency report required from pre-existing owners]*,
    - (ii) section 15 (4) (a), (b) or (c) *[transparency report required from owners who become reporting bodies after registration]*, or
    - (iii) section 16 (1) (a) or (b) *[transparency report required on change of interest holders]*,
  - (b) filing a transparency report that does not comply with a requirement under Part 2 *[Transparency Declarations and Transparency Reports]*,
  - (c) contravening section 75 (1) (a) or (b) *[prohibition against providing false or misleading information in transparency declaration or transparency report]*, or
  - (d) contravening a prescribed provision of this Act or the regulations.
- (2) The enforcement officer may give written notice to a person requiring the person to pay an administrative penalty if the enforcement officer, after considering the factors set out in section 60, determines that the person has contravened any of the following:
- (a) section 23 (2) *[interest holder's duty to give information]*;
  - (b) section 27 (a), (b) or (c) *[prohibitions in relation to electronic signing]*;
  - (c) section 57 (2) *[demand for information]*;
  - (d) section 58 (a) or (b) *[demand for verification or proof]*;
  - (e) section 75 (2) (a), (b), (c), (d), (e), (f), (g) or (h) *[prohibition against providing false or misleading information in other documents or records]*;
  - (f) section 76 *[prohibition against misuse of information obtained by reporting body]*;
  - (g) section 77 (a), (b) or (c) *[prohibition against misuse of publicly accessible information]*;
  - (h) section 78 (a), (b) or (c) *[prohibition against interfering with inspection]*;
  - (i) a prescribed provision of this Act or the regulations.
- (3) A determination under this section may be based on information obtained from an inspection or from any other source.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Factors enforcement officer must consider**

- 60** Before the enforcement officer imposes an administrative penalty on a person for a contravention referred to in section 59 (1) or (2) [*notice of administrative penalty*], the enforcement officer must consider the following:
- (a) previous enforcement actions against the person under this Act;
  - (b) the gravity and magnitude of the contravention;
  - (c) whether the contravention was repeated or continuous;
  - (d) whether the contravention was deliberate;
  - (e) any economic benefit derived by the person from the contravention;
  - (f) the person's efforts to correct the contravention.

**Amount of administrative penalty**

- 61** (1) An administrative penalty for a contravention referred to in section 59 (1) must not exceed,
- (a) in the case of a contravention by a person other than an individual, the greater of
    - (i) \$50 000, and
    - (ii) 5% of the assessed value of the property to which the transparency declaration or transparency report relates, or
  - (b) in the case of a contravention by an individual, the greater of
    - (i) \$25 000, and
    - (ii) 5% of the assessed value of the property to which the transparency declaration or transparency report relates.
- (2) For the purposes of subsection (1), "**assessed value**" means the most recent assessed value, as determined under the *Assessment Act*.
- (3) An administrative penalty for a contravention referred to in section 59 (2) must not exceed,
- (a) in the case of a contravention by a person other than an individual, \$50 000, or
  - (b) in the case of a contravention by an individual, \$25 000.

**Content of notice of administrative penalty**

- 62** A notice of administrative penalty for a contravention referred to in section 59 (1) or (2) [*notice of administrative penalty*] must specify the following:
- (a) the contravention;
  - (b) the amount of the administrative penalty;
  - (c) the date by which the administrative penalty must be paid;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (d) the person's right under section 64 (1) *[opportunity to dispute administrative penalty]* to request an opportunity to dispute the administrative penalty.

#### **Due date of administrative penalty**

- 63** (1) A person on whom an administrative penalty is imposed must pay the administrative penalty to the government on or before the latest of the following dates, as applicable:
- (a) 14 days after the date on which the person is given notice under section 59 (1) or (2);
  - (b) if the person disputes the administrative penalty in accordance with section 64 (1) and (3), 90 days after the date on which the person is given notice under section 65 (3) *[enforcement officer's decision]* of the enforcement officer's decision, unless that decision rescinds the administrative penalty;
  - (c) if the person appeals the administrative penalty in accordance with section 66 (1) *[appeal to minister]*, 30 days after the date on which the person is given notice under section 67 (3) *[minister's decision]* of the minister's decision, unless that decision rescinds the administrative penalty.
- (2) On the date that an administrative penalty is payable under subsection (1), the penalty constitutes a debt payable to the government by the person on whom the administrative penalty is imposed.

#### **Opportunity to dispute administrative penalty**

- 64** (1) A person who receives notice of an administrative penalty under section 59 (1) or (2) *[notice of administrative penalty]* may, within 14 days after receiving the notice, give written notice to the enforcement officer requesting an opportunity to dispute
- (a) the contravention, or
  - (b) the amount of the administrative penalty.
- (2) On receipt by the enforcement officer of a written notice of request under subsection (1), the administrative penalty to which the request applies is stayed.
- (3) A person who gives a written notice of request under subsection (1) must give to the enforcement officer, within 30 days after receiving notice of the administrative penalty, a written statement setting out
- (a) the material facts, and
  - (b) the reasons for disputing, as applicable,
    - (i) the contravention, or
    - (ii) the amount of the administrative penalty.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Enforcement officer's decision**

- 65** (1) Within a reasonable time after receiving a written statement under section 64 (3), the enforcement officer must confirm, vary or rescind the contravention and the amount of the administrative penalty, as applicable.
- (2) The dispute of an administrative penalty under this section may be conducted in writing, electronically or orally, or any combination of them, as the enforcement officer, in the enforcement officer's discretion, considers appropriate.
- (3) Promptly after making a decision under subsection (1), the enforcement officer must give to the person to whom the decision relates written notice of the decision, including notice of the following, as applicable:
- (a) the contravention, as confirmed or varied by the enforcement officer;
  - (b) the amount of the administrative penalty, as confirmed or varied by the enforcement officer;
  - (c) the date by which the administrative penalty must be paid;
  - (d) the person's right under section 66 (1) to appeal the enforcement officer's decision to the minister.

**Appeal to minister**

- 66** (1) A person who receives notice under section 65 (3) of a decision confirming or varying an administrative penalty may, within 90 days after receiving the notice, appeal the decision to the minister by giving a written notice of appeal that sets out
- (a) the material facts, and
  - (b) the reasons for appealing, as applicable,
    - (i) the contravention, or
    - (ii) the amount of the administrative penalty.
- (2) On receipt by the minister of a written notice of appeal under subsection (1), the administrative penalty to which the appeal relates is stayed.

**Minister's decision**

- 67** (1) Within a reasonable time after receiving a written notice of appeal under section 66 (1), the minister must affirm, vary or rescind the contravention and the amount of the administrative penalty, as applicable.
- (2) The appeal of an administrative penalty under this section may be conducted in writing, electronically or orally, or any combination of them, as the minister, in the minister's discretion, considers appropriate.
- (3) Promptly after making a decision under subsection (1), the minister must give to the person to whom the decision relates written notice of the decision, including notice of the following, as applicable:
- (i) the contravention, as affirmed or varied by the minister;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (ii) the amount of the administrative penalty, as affirmed or varied by the minister;
  - (iii) the date by which the administrative penalty must be paid;
  - (iv) the date under section 68 by which an application for judicial review, if pursued, must be commenced.
- (4) The minister may, in writing, delegate any of the minister's powers or duties under this section.
- (5) A delegation under subsection (4) may be to a named person or to a class of persons.

#### **Time limit for judicial review**

- 68** If a person makes an application for judicial review of a decision made by the minister under section 67 (1), the application must be commenced within 30 days after the date on which the person receives written notice under section 67 (3).

#### **Relationship between administrative penalties and offences**

- 69** (1) If an administrative penalty is imposed on a person under this Division, a prosecution for an offence under Part 6 [*Offences*] for the same contravention may not be brought against the person.
- (2) A person who has been charged with an offence under Part 6 may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

#### **Administrative penalty against officers or directors of corporation**

- 70** If the enforcement officer determines that a corporation or limited liability company has contravened this Act or the regulations, the enforcement officer may, in accordance with this Division, impose an administrative penalty on an officer, director, manager or agent of the corporation or limited liability company who authorized, permitted or participated in the contravention.

#### **Time limit for imposing administrative penalty**

- 71** Notice of an administrative penalty for a contravention under this Division must not be given more than 6 years after the date on which the act or omission that is alleged to constitute the contravention occurred.

#### **Summary proceedings to enforce administrative penalty**

- 72** (1) In this section and sections 73 and 74, "**amount owing**" means an amount remaining unpaid on an administrative penalty and any interest on that amount.
- (2) If a person fails to pay an amount owing to the government in respect of an administrative penalty imposed under this Act, the enforcement officer may issue

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

a certificate setting out the unpaid amount of the administrative penalty and the name of the person who owes it.

- (3) A certificate issued under subsection (2) may be filed with the Provincial Court or Supreme Court.
- (4) A certificate filed under subsection (3) has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgment of the court in favour of the government for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

#### **Lien to enforce administrative penalty**

- 73**
- (1) If a person fails to pay an amount owing to the government in respect of an administrative penalty imposed under this Act, the enforcement officer may register a lien against the real property of the person by registering a certificate of lien in the appropriate land title office.
  - (2) A certificate of lien under this section must
    - (a) state the amount owing,
    - (b) be in the prescribed form, and
    - (c) be registered in the same manner that a charge is registered under the *Land Title Act*.
  - (3) On registration under subsection (1) of a certificate of lien against real property, a lien is created on the real property for the amount owing in respect of the administrative penalty.
  - (4) On the oral or written request of a person, the enforcement officer must disclose in writing the amount of the lien registered under this section against the real property of the person.

#### **Notice of enforcement proceedings**

- 74**
- (1) Before taking proceedings for the recovery of an amount owing to the government in respect of an administrative penalty, the enforcement officer must give to the person who owes the amount notice of the enforcement officer's intention to enforce payment.
  - (2) Failure to give notice under subsection (1) does not affect the validity of proceedings taken for the recovery of an amount owing in respect of an administrative penalty.

## **PART 5 – GENERAL**

#### **Prohibition against providing false or misleading information**

- 75**
- (1) A person must not provide false or misleading information in

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (a) a transparency declaration, or
  - (b) a transparency report.
- (2) A person must not provide false or misleading information in any of the following documents or records:
- (a) a written statement given to a reporting body under section 23 (2) *[interest holder's duty to give information]*;
  - (b) an application given to the administrator in respect of a proposed search or inspection under Part 3 *[Access to Transparency Records, Reported Information and Publicly Accessible Information]*;
  - (c) an application, record or verification given to the administrator under section 40 (2) (b) or (c) *[application to omit information if health or safety at risk]*;
  - (d) an application, record or verification given to the administrator under section 42 (2) (c) or (d) *[application to correct or change information]*;
  - (e) a written statement or record provided to the enforcement officer under section 57 (2) *[demand for information]*;
  - (f) a verification or proof provided to the administrator or enforcement officer under section 58 *[demand for verification or proof]*;
  - (g) a written statement given to the enforcement officer under section 64 (3) *[opportunity to dispute administrative penalty]*;
  - (h) a written notice of appeal given to the minister under section 66 (1) *[appeal to minister]*.
- (3) A person who omits a material fact from the information contained in a document or record referred to in subsection (1) or (2) contravenes that subsection if the omission of the material fact makes the information false or misleading.

**Prohibition against misuse of information obtained by reporting body**

- 76** A reporting body that obtains personal information for the purposes of this Act in respect of an interest holder or settlor must not disclose or use the personal information except as follows:
- (a) for the purpose of filing transparency declarations and transparency reports with the administrator;
  - (b) to provide information under this Act to the administrator, enforcement officer or minister;
  - (c) with the consent of the individual to whom the information relates;
  - (d) as required or authorized by law;
  - (e) for prescribed purposes, if any.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Prohibition against misuse  
of publicly accessible information**

- 77 A person who obtains information from publicly accessible information must not use or disclose the information
- (a) to solicit persons by telephone, mail or other means,
  - (b) to harass persons, or
  - (c) for prescribed purposes, if any.

**Prohibition against interfering with inspection**

- 78 If the enforcement officer is conducting an inspection authorized under section 53 *[enforcement officer's entry and inspection powers]*, a person must not do any of the following:
- (a) obstruct the enforcement officer in conducting the inspection;
  - (b) withhold, destroy, conceal or refuse to provide or produce information, records or things required by the enforcement officer or otherwise related to the inspection;
  - (c) provide false or misleading records or information.

**Personal liability protection**

- 79 (1) In this section, “**protected person**” means any of the following:
- (a) the minister;
  - (b) the administrator;
  - (c) the enforcement officer;
  - (d) a person acting under the authority of a warrant issued under section 55 *[warrant to enter place to conduct inspection]*;
  - (e) a person acting for or under the direction of a person referred to in any of paragraphs (a) to (d) of this subsection.
- (2) Subject to subsection (3), no legal proceeding for damages lies or may be commenced or maintained against a protected person because of anything done or omitted
- (a) in the exercise or intended exercise of any power under this Act, or
  - (b) in the performance or intended performance of any duty under this Act.
- (3) Subsection (2) does not apply to a protected person in relation to anything done or omitted in bad faith.
- (4) Subsection (2) does not absolve the authority or the government from vicarious liability arising out of anything done or omitted by a protected person for which the authority or the government would be vicariously liable if this section were not in force.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Registrar not required to inquire into information**

- 80** The registrar is not required, for the purpose of determining the completeness or accuracy of information or for any other reason, to inquire into information contained in
- (a) transparency declarations, transparency reports or any other documents or records submitted, given or provided to the registrar under this Act, or
  - (b) reported information or publicly accessible information.

**Records vest in authority**

- 81** (1) The following documents and records vest in the authority:
- (a) transparency declarations and transparency reports filed with the administrator under Part 2 [*Transparency Declarations and Transparency Reports*];
  - (b) applications given to the administrator in respect of proposed inspections and searches under Part 3 [*Access to Transparency Records, Reported Information and Publicly Accessible Information*];
  - (c) applications, verifications and any other documents or records given to the administrator under sections 40 (2) (b) and (c) [*application to omit information if health or safety at risk*] and 42 (2) (c) and (d) [*application to correct or change information*];
  - (d) verifications and proofs provided to the administrator under section 58 [*demand for verification or proof*];
  - (e) any other documents or records filed with or submitted, given or provided to the administrator under this Act.
- (2) The following are not subject to any process of attachment, execution or seizure:
- (a) documents and records referred to in subsection (1);
  - (b) reported information;
  - (c) publicly accessible information.
- (3) Despite any Act, agreement or court order, a receiver must not exercise custody or control over any of the documents, records or information referred to in subsection (2).

**Disposal of records**

- 82** (1) Documents and records referred to in section 81 (1) must be kept in the location approved by the board of directors of the authority.
- (2) Documents and records referred to in section 81 (1) may be destroyed or disposed of only in accordance with
- (a) the bylaws of the authority, or
  - (b) section 3 [*status of assets if Authority is dissolved*] of the *Land Title and Survey Authority Act*.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Records certified by administrator as evidence**

- 83** (1) A copy of a document or record referred to in section 81 (1) [*records vest in authority*] that is
- (a) obtained from the administrator, and
  - (b) certified by the administrator to be a true copy
- is conclusive evidence of the document or record and is admissible in court as if it were the original.
- (2) A certification by the administrator under subsection (1) in respect of an electronic document or record is conclusive evidence that the copy was made by the administrator in the usual and ordinary course of business using procedures and techniques that
- (a) are capable of recording all significant details of the original electronic document or record, and
  - (b) do not permit additions to or deletions or changes from the original electronic document or record.

**Records certified by enforcement officer as evidence**

- 84** A copy or extract certified by the enforcement officer as being a true copy of a document, record or extract inspected or obtained by the enforcement officer under Division 3 [*Inspections and Demands for Information*] of Part 4 [*Administration and Enforcement*] is admissible in evidence to the same extent as, and has the same evidentiary value as, the original document, record or thing, without proof of the signature of the enforcement officer.

**Administrator exempted from attendance as witness in court**

- 85** (1) The administrator, in the administrator's official capacity, is not bound by a subpoena, order or summons issued in a civil proceeding
- (a) to attend outside of the office of the authority as a witness for examination, or
  - (b) to produce in a place that is outside the office of the authority a document or record filed with or submitted, given or provided to the administrator under this Act.
- (2) Subsection (1) applies whether or not the subpoena, order or summons is directed to the administrator in the administrator's personal or official capacity.
- (3) The administrator may be examined and may produce documents and records at the office of the authority under a commission or similar order for the examination of a witness.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Enforcement officer not compellable**

- 86** The enforcement officer must not be compelled to disclose any information, document, record or thing obtained under Division 3 [*Inspections and Demands for Information*] of Part 4 [*Administration and Enforcement*] unless the disclosure is necessary for the administration or enforcement of this Act or is otherwise required by law.

**How documents must be given to registrar or administrator**

- 87** (1) A person who files, submits, gives or provides a document or record that is any of the following must file, submit, give or provide the document or record in the form and manner required by the administrator:
- (a) a transparency declaration or transparency report, except to the extent this Act requires the declaration or report to be signed or submitted electronically;
  - (a.1) a notice under section 17.1 [*notice required if corporation, trust or partnership ceases to be relevant corporation, relevant trust or relevant partnership*];
  - (b) a written request under section 45 [*omissions, changes or annotations required by enforcement officer*];
  - (c) a document or record referred to in section 81 (1) (b), (c) or (d);
  - (d) any other document or record required or permitted under this Act to be filed with or submitted, given or provided to the registrar or administrator.
- (2) Without limiting subsection (1), in establishing requirements under that subsection the administrator may do any of the following:
- (a) provide that specified provisions of the *Land Title Act* and the *Property Transfer Tax Act* apply, in whole or in part, with any additions and modifications that the administrator considers appropriate;
  - (b) require officers, designates or other persons to
    - (i) file, submit, give or provide a document or record electronically,
    - (ii) certify, sign, attest to, witness or prove execution of a document or record, and
    - (iii) verify the identity of a person
      - (A) who files, submits, gives or provides a document or record, or
      - (B) on whose behalf a document or record is filed, submitted, given or provided.

**How documents must be given to enforcement officer**

- 88** (1) A person who gives or provides a document or record that is any of the following must give or provide the document or record in the form and manner required by the enforcement officer:

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

- (a) a written statement or record under section 57 (2) *[demand for information]*;
  - (b) a verification or proof requested by the enforcement officer under section 58 *[demand for verification or proof]*;
  - (c) a written notice of request under section 64 (1) *[opportunity to dispute administrative penalty]*;
  - (d) a written statement under section 64 (3);
  - (e) a written notice of appeal under section 66 (1) *[appeal to minister]*;
  - (f) any other document or record required or permitted under this Act to be given or provided to the enforcement officer.
- (2) Without limiting subsection (1), the enforcement officer may require that a written statement referred to in subsection (1) (a) or a verification or proof referred to in subsection (1) (b) be provided by way of affidavit or statutory declaration.

#### **How fees must be paid to authority**

- 89** (1) A person who is required to pay a fee that is any of the following must pay the fee to the authority at the time and in the manner required by the administrator:
- (a) a filing fee for a transparency declaration or transparency report, except to the extent this Act requires the fee to be paid electronically;
  - (a.1) a fee for a notice under section 17.1 *[notice required if corporation, trust or partnership ceases to be relevant corporation, relevant trust or relevant partnership]*;
  - (b) a fee for an inspection, search, copy or extract referred to in section 38 *[fees for inspections and searches]*;
  - (c) a fee for an application under
    - (i) section 40 *[application to omit information if health or safety at risk]*,  
or
    - (ii) section 42 *[application to correct or change information]*;
  - (d) a fee for any other service provided by the administrator under this Act.
- (2) The authority's board of directors may set fees referred to in subsection (1).

#### **How administrator must give documents**

- 90** (1) A request, notice or other document or record that the administrator is required or authorized to give to a person under any of the following must be given in the prescribed manner:
- (a) section 41 (2) *[determination of application to omit information]*;
  - (b) section 43 (3) *[determination of application to correct or change information]*;
  - (c) section 58 *[demand for verification or proof]*;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (d) a prescribed provision of this Act or the regulations.
- (2) A request, notice, order or other document or record referred to in subsection (1) that is given to a person in a prescribed manner is conclusively deemed to be received by the person at the time prescribed in relation to the prescribed manner.

#### **How enforcement officer must give documents**

- 91** (1) A request, notice or other document or record that the enforcement officer or minister is required or authorized to give to a person under any of the following must be given in the prescribed manner:
- (a) section 57 (1) *[demand for information]*;
  - (b) section 58 *[demand for verification or proof]*;
  - (c) section 59 (1) or (2) *[notice of administrative penalty]*;
  - (d) section 65 (3) *[enforcement officer's decision]*;
  - (e) section 67 (3) *[minister's decision]*;
  - (f) a prescribed provision of this Act or the regulations.
- (2) A request, notice, order or other document or record referred to in subsection (1) that is given to a person in a prescribed manner is conclusively deemed to be received by the person at the time prescribed in relation to the prescribed manner.

## **PART 6 – OFFENCES**

#### **Offences relating to transparency declarations and transparency reports**

- 92** (1) A person who does any of the following commits an offence:
- (a) fails to file a transparency report required under
    - (i) section 15 (1) (a), (b) or (c) *[transparency report required from pre-existing owners]*,
    - (ii) section 15 (4) (a), (b) or (c) *[transparency report required from owners who become reporting bodies after registration]*, or
    - (iii) section 16 (1) (a) or (b) *[transparency report required on change of interest holders]*;
  - (b) contravenes section 75 (1) (a) or (b) *[prohibition against providing false or misleading information in transparency declaration or transparency report]*;
  - (c) contravenes a prescribed provision of this Act or the regulations.
- (2) A person, other than an individual, that commits an offence under this section is liable to a fine of not more than the greater of
- (a) \$50 000, and

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) 15% of the assessed value of the property to which the transparency declaration or transparency report relates.
- (3) An individual who commits an offence under this section is liable to a fine of not more than the greater of
  - (a) \$25 000, and
  - (b) 15% of the assessed value of the property to which the transparency declaration or transparency report relates.
- (4) For the purposes of subsections (2) and (3), “**assessed value**” means the most recent assessed value, as determined under the *Assessment Act*.

#### **Other offences**

- 93** (1) A person who contravenes any of the following commits an offence:
- (a) section 23 (2) [*interest holder’s duty to give information*];
  - (b) section 75 (2) (a), (b), (c), (d), (e), (f), (g) or (h) [*prohibition against providing false or misleading information in other documents or records*];
  - (c) section 76 [*prohibition against misuse of information obtained by reporting body*];
  - (d) section 77 (a), (b) or (c) [*prohibition against misuse of publicly accessible information*];
  - (e) a prescribed provision of this Act or the regulations.
- (2) A person, other than an individual, that commits an offence under this section is liable to a fine of not more than \$100 000.
- (3) An individual who commits an offence under this section is liable to a fine of not more than \$50 000.

#### **Offence by officer or director of corporation**

- 94** If a corporation or limited liability company commits an offence under this Act, an officer, director, manager or agent of a corporation or limited liability company who authorizes, permits or participates in the commission of the offence also commits an offence, whether or not the corporation or limited liability company is prosecuted or convicted.

#### **Time limit for prosecuting offence**

- 95** The time limit for laying an information for an offence under this Act is 6 years after the date on which the act or omission that is alleged to constitute the offence occurred.

#### **Section 5 of *Offence Act* does not apply**

- 96** Section 5 [*general offence*] of the *Offence Act* does not apply to this Act or the regulations.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

## PART 7 – REGULATIONS

### General regulation-making authority

- 97**
- (1) The Lieutenant Governor in Council may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
  - (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
    - (a) respecting any matter for which regulations are contemplated by this Act;
    - (b) defining any word or expression used but not defined in this Act.
  - (3) The authority to make regulations under another provision of this Act does not limit subsections (1) and (2) of this section.
  - (4) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
    - (a) delegate a matter to a person;
    - (b) confer a discretion on a person;
    - (c) make different regulations in relation to
      - (i) different persons, entities, places, circumstances, transactions, trusts, partnerships, interests in land, reports, information, matters or things, or
      - (ii) different classes of persons, entities, places, circumstances, transactions, trusts, partnerships, interests in land, reports, information, matters or things;
    - (d) establish or define classes of persons, entities, places, circumstances, transactions, trusts, partnerships, interests in land, reports, information, matters or things.

### Regulations in relation to Schedules 1 and 2

- 98**
- (1) The Lieutenant Governor in Council may, by regulation, do any of the following:
    - (a) for the purposes of paragraph (b) of the definition of “relevant corporation” in section 1 [*definitions*], add corporations or limited liability companies to Schedule 1 by adding new provisions to that Schedule;
    - (b) delete corporations or limited liability companies from Schedule 1 by amending or repealing provisions added under paragraph (a) of this subsection.
  - (2) The Lieutenant Governor in Council may, by regulation, do any of the following:
    - (a) for the purposes of paragraph (e) of the definition of “relevant trust” in section 1 [*definitions*], add trusts to Schedule 2 by adding new provisions to that Schedule;
    - (b) delete trusts from Schedule 2 by amending or repealing provisions added under paragraph (a) of this subsection.

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

#### **Regulations in relation to meaning of “indirect control”**

- 99** The Lieutenant Governor in Council may make regulations respecting the meaning of “indirect control” for the purposes of section 3 (2) (a) (iii) or (b) (ii), including regulations establishing criteria or circumstances that are based on the ownership of shares, even though the ownership of the shares does not result in control.

#### **Regulations in relation to lawyers’ records**

- 100** (1) In this section, “**lawyer’s record**” means a record or part of a record to which all of the following apply:
- (a) the record or part is in the possession of a lawyer;
  - (b) the record or part is about to be
    - (i) inspected or removed for the purposes of an inspection under section 53 *[enforcement officer’s entry and inspection powers]* or a warrant issued under section 55 *[warrant to enter place to conduct inspection]*, or
    - (ii) seized for the purposes of the investigation of an offence under Part 6 *[Offences]*;
  - (c) at the time the record or part is about to be inspected, removed or seized, the lawyer, in respect of that record or part, makes a claim of solicitor-client privilege for a client or former client.
- (2) The Lieutenant Governor in Council may make regulations in relation to lawyers’ records as follows:
- (a) establishing procedures for allowing a lawyer’s record to be retained or seized and held in a secure manner until
    - (i) the claim of solicitor-client privilege is waived by the lawyer’s client or former client, or
    - (ii) the claim is determined, or the lawyer’s record is otherwise dealt with, on application to the Supreme Court in accordance with the regulations;
  - (b) establishing a right to apply to the Supreme Court to resolve a claim of solicitor-client privilege regarding a lawyer’s record retained or seized under paragraph (a) and establishing how the court is to deal with such an application.

#### **Regulations in relation to exemptions**

- 101** Despite any other provision of this Act, the Lieutenant Governor in Council may make regulations providing for exemptions, in whole or in part, from one or more provisions of this Act or the regulations, including, without limitation, regulations doing one or more of the following:
- (a) exempting a person from a requirement to
    - (i) file a transparency declaration or transparency report,

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

- (ii) include or disclose specified information in a transparency report, or
- (iii) pay a fee;
- (b) establishing circumstances in which an exemption applies;
- (c) setting conditions in respect of, or limitations on, the application of an exemption.

## PART 8 – AMENDMENTS TO THIS ACT

*[Note: See Table of Legislative Changes for the status of sections 102 to 108.]*

Section(s)	Affected Act
102 – 108	Land Owner Transparency Act

## PART 9 – CONSEQUENTIAL AMENDMENTS

*[Note: See Table of Legislative Changes for the status of sections 109 to 127.]*

Section(s)	Affected Act
109 – 121	Land Title Act
122 – 127	Land Title and Survey Authority Act

### Commencement

- 128** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 120	By regulation of the Lieutenant Governor in Council
3	Sections 122 to 127	By regulation of the Lieutenant Governor in Council

## SCHEDULE 1

*(Note: see section 1, definition of “relevant corporation”)*

### EXCLUDED CORPORATIONS AND LIMITED LIABILITY COMPANIES

#### Exclusions under paragraph (a) of definition of “relevant corporation”

- 1 A corporation or limited liability company that is any of the following is not a relevant corporation:
  - (a) a corporation within the government reporting entity as defined in the *Budget Transparency and Accountability Act*;

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

- (b) a government body within the meaning of section 1 of the *Financial Administration Act*;
- (c) a local public body within the meaning of the *Freedom of Information and Protection of Privacy Act*;
- (d) a body referred to in Schedule 2 [*Public Bodies*] of the *Freedom of Information and Protection of Privacy Act*;
- (e) a corporation incorporated by a municipality under section 185 [*ownership of corporations*] of the *Community Charter*;
- (f) a corporation incorporated by a regional district under section 265 [*inspector approval required for incorporation or acquisition of corporations*] of the *Local Government Act*;
- (g) a corporation that is a reporting issuer or reporting issuer equivalent within the meaning of the *Business Corporations Act*;
- (h) a corporation that is listed on a designated stock exchange within the meaning of section 248 (1) of the *Income Tax Act* (Canada);
- (i) a corporation incorporated or continued by an enactment;
- (j) a water utility within the meaning of the *Water Utility Act*;
- (k) a designated airport authority within the meaning of the *Airport Transfer (Miscellaneous Matters) Act* (Canada);
- (l) a port authority within the meaning of the *Canada Marine Act* (Canada);
- (m) an independent school within the meaning of the *Independent School Act*;
- (n) a strata corporation within the meaning of the *Strata Property Act*;
- (o) a savings institution;
- (p) an insurance company;
- (q) a trust company;
- (r) a pension fund society within the meaning of the *Pension Fund Societies Act*;
- (s) a corporation owned by an Indigenous nation;
- (t) a wholly owned subsidiary, within the meaning of the *Business Corporations Act*, of a corporation to which any of paragraphs (a) to (s) of this section apply.

**Exclusions under paragraph (b)  
of definition of “relevant corporation”**

2 The following are not relevant corporations:

- (a) a corporation that, under an Act of Canada or a province, is an agent of Canada or a province;
- (b) a corporation of which Canada or a province directly owns more than 50% of the issued voting shares;

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

- (c) a corporation controlled by the government of Canada or a province and, for this purpose, a corporation is controlled by the government if a majority of the corporation's members, board of directors or board of management consists of either or both of the following:
  - (i) persons appointed as members by
    - (A) an executive legislative body of the government,
    - (B) a minister of the government, or
    - (C) an Act of Canada or a province;
  - (ii) public officers acting as public officers;
- (d) a corporation incorporated, continued or amalgamated by an Act of Canada or a province;
- (e) a wholly owned subsidiary, within the meaning of the *Business Corporations Act*, of a corporation referred to in paragraph (d).

## SCHEDULE 2

*(Note: see section 1, definition of "relevant trust")*

### EXCLUDED TRUSTS

#### Exclusions under paragraph (d) of definition of "relevant trust"

- 1 The following are not relevant trusts:
  - (a) a charitable trust;
  - (b) a testamentary trust;
  - (c) an alter ego trust or joint spousal or common-law partner trust within the meaning of the *Income Tax Act* (Canada);
  - (d) a trust the trustee of which is the Public Guardian and Trustee;
  - (e) a trust the trustee of which is an administrator of an estate;
  - (f) a trust in respect of a pension plan registered under
    - (i) a pension enactment of British Columbia, or
    - (ii) the pension legislation of another province or Canada;
  - (g) a trust in respect of a pooled registered pension plan within the meaning of the *Pooled Registered Pension Plans Act*;
  - (h) a trust in respect of which each beneficiary is an Indigenous nation;
  - (i) property vested in a person licensed or appointed under the *Bankruptcy and Insolvency Act* (Canada);
  - (j) a mutual fund trust within the meaning of the *Income Tax Act* (Canada);
  - (k) a SIFT trust within the meaning of the *Income Tax Act* (Canada).

---

*[This unofficial consolidation reflects how the Land Owner Transparency Act would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020.]*

---

**Exclusions under paragraph (e)  
of definition of “relevant trust”**

- 2 A real estate investment trust within the meaning of the *Income Tax Act* (Canada) is not a relevant trust.

Queen's Printer for British Columbia©  
Victoria, 2020

*[This is an unofficial consolidation of the Land Owner Transparency Act, prepared October 15, 2020 for convenience only. This consolidation reflects how the Act, as amended by sections 17 to 29 of the Miscellaneous Statutes Amendment Act, 2020, S.B.C. 2020, c. 14, would read on April 30, 2021, the specified date on which the remaining provisions of the Act are to take effect under Order in Council 549/2020 (B.C. Reg. 250/2020), approved and ordered September 20, 2020.]*

