PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 404, Approved and Ordered APR 21 2004

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice of the Executive Council, orders that the administration, control and benefit of the land described in Schedule A to this Order, including all mines and minerals, whether precious or base or solid, liquid or gaseous and land covered by water and all water in, on, upon or flowing in, through or upon the land and all shipwrecks, antiquities and historical and archaeological resources and the royalties incidental to such (the "Land") is transferred to Her Majesty the Queen in Right of Canada ("Canada"), subject to the encumbrances set out in Schedule B to this Order, provided that the transfer of the administration, control and benefit of the Land to Canada

(a) will take effect on Canada's acceptance of the transfer of the administration, control and benefit of the Land to it under the Federal Real Property and Federal Immovables Act, S.C. 1991, c. 50, and

(b) is not subject to the interests, rights, privileges and titles contained in section 50 of the Land Act.

Minister of Water, Land and Air Protection

Presiding Member of the Executive Council

Authority under which Order is made:
Act and section:- Land Act, section 31
Other (specify):-

April 2, 2004
SCHEDULE A

1. Saturna Island (Taylor Point):
   (a) Parcel Identifier 024-486-001
       Lot 1 (DD EN33832), Sections 2, 3, 4, and 5, Saturna Island, Cowichan District, Plan VIP68824; and
       (b) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in item 1(a) of this Schedule A.

2. Tumbo Island:
   (a) Parcel Identifier 001-509-861
       Lot 1, District Lot 13, (Tumbo Island), Cowichan District, Plan 2423;
   (b) Parcel Identifier 001-509-870
       Lot 2, District Lot 13, (Tumbo Island), Cowichan District, Plan 2423;
   (c) Parcel Identifier 001-509-900
       District Lot 13, (Tumbo Island), Cowichan District, Except part in Plan 2423;
   (d) Parcel Identifier 001-509-888
       District Lot 14, (Tumbo Island), Cowichan District;
   (e) Parcel Identifier 001-509-896
       District Lot 16, (Tumbo Island), Cowichan District; and
   (f) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in items 2(a) to and including (e) of this Schedule A.

3. Prevost Island (James Bay Property):
   (a) Parcel Identifier 009-722-301
       Section 1, Prevost Island, Cowichan District;
   (b) Parcel Identifier 023-412-402
       Section 2, Prevost Island, Cowichan District;
   (c) Parcel Identifier 009-722-581
       Section 7, Prevost Island, Cowichan District;
   (d) Parcel Identifier 000-079-456
       Section 9, Prevost Island, Cowichan District; and
(e) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the *Land Act*) of the land described in items 3(a) to and including (d) of this Schedule A.

4. North Pender Island (Roesland Properties):

(a) Parcel Identifier 009-686-983
District Lot 87, Section 16, Pender Island, Cowichan District, Except Part in Plan 15769,

(b) Parcel Identifier 004-564-448
Lot 1, Section 16, Pender Island, Cowichan District, Plan 15769,

(c) Parcel Identifier 006-048-111
Lot 2, Section 16, Pender Island, Cowichan District, Plan 4138,

(d) Parcel Identifier 004-153-065
Lot A, Sections 15 and 16, Pender Island, Cowichan District, Plan 15488, Except that part in Plans 21690 and 30476,

(e) Parcel Identifier 009-596-470
Lot 176, Cowichan District, Containing .094 acres, more or less; and

(f) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the *Land Act*) of the land described in items 4(a) to and including (c) and item 4(e) of this Schedule A.

5. North Pender Island (South Otter Bay):

(a) Parcel Identifier 009-674-853
The North West 1/4 of Section 15, Pender Island, Cowichan District, Except the part in Plan 15488 and Except the Easterly 172.6 feet of the North 1/2 of the said North West 1/4;

(b) Parcel Identifier 009-674-918
The North 1/2 of the South West 1/4 of Section 15, Pender Island, Cowichan District;

(c) Parcel Identifier 023-411-791
The South 1/2 of the South West 1/4 of Section 15, Pender Island, Cowichan District;

(d) Parcel Identifier 003-733-629
That Part of Section 16, Pender Island, Cowichan District, being Product Road as established by Gazette Notice dated the 1st day of March, 1928, now discontinued and closed by Order in Council #2846 dated the 14th day of December, 1948, Except those parts in Plan 7355;

(e) Parcel Identifier 023-411-732
Parcel A (DD 3310041) of Section 16, Pender Island, Cowichan District Except that part in Plan 46553 and Plan VIP62022;
(f) Parcel Identifier 009-675-639
Parcel B (DD 3310061) of Section 16, Pender Island, Cowichan District;

(g) Parcel Identifier 003-733-581
That part of the West 1/2 of the South East 1/4 of Section 15, Pender Island, Cowichan District, lying South of Plan 2941, Except the East 8.4 chains of the North 6 chains thereof and except part in Plan 42951;

(h) Parcel Identifier 005-718-180
Lot 3, Section 16, Pender Island, Cowichan District, Plan 7355; and

(i) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in items 5(e) and (f) of this Schedule A, except for any part of that land within District Lot 536, Cowichan District.

6. Mayne Island (Bennett Bay):

(a) Parcel Identifier 023-412-054
Lot 1, Sections 9 and 10, Mayne Island, Cowichan District, Plan 6586, Except Plans 15040, 18736, 21008 and 37203;

(b) Parcel Identifier 023-412-011
Lot A, Sections 9 and 10, Mayne Island, Cowichan District, Plan 37203; and

(c) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in items 6(a) and (b) of this Schedule A.

7. Georgeson Island:

(a) Parcel Identifier 000-629-332
Lot 23, Cowichan District; and

(b) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in item 7(a) of this Schedule A.

8. Russell Island:

(a) Parcel Identifier 023-767-502
Russell Island, Cowichan District; and

(b) The land extending 25 metres perpendicularly distant seaward of the natural boundary (as that term is defined in the Land Act) of the land described in item 8(a) of this Schedule A.
SCHEDULE B

1. All subsisting exceptions and reservations of interests, rights, privileges and titles contained in any previous Crown grant of the Land.

2. With respect to the land described in item 1 of Schedule A to this Order,
   (a) notation as to access by water only (see Plan 41302);
   (b) notation as to the Agricultural Land Reserve Act, see Agricultural Land Reserve Plan Nos. 2 and 4; and
   (c) right of way registered in favour of British Columbia Hydro and Power Authority under number 290432G.

3. With respect to the land described in item 2 of Schedule A to this Order, the licence of occupation issued to Arthur Hojohn and Carroll Andrus-Hojohn on May 14, 1997 for the life of the licensees.

4. With respect to the land described in item 3(a) of Schedule A to this Order,
   (a) right of way registered in favour of Canada under number G48369; and
   (b) covenant registered in favour of Canada under number G48370.

5. With respect to the land described in item 3(c) of Schedule A to this Order,
   (a) notation as to the Agricultural Land Reserve Act, see Agricultural Land Reserve Plan No. 4; and
   (b) conditional water licences CL40382 and CL40383 and the rights of the holders of those conditional water licences to enter on the land and to maintain, repair and operate any works permitted on the land under those licences on the date this Order is made.

6. With respect to the land described in item 3(d) of Schedule A to this Order,
   (a) undersurface rights registered in favour of Eileen Hussey De Burgh, administratrix of the estate of Harlowin Pirrie Odo Hussey De Burgh, Ulick Francis Hussey De Burgh and Elizabeth Emily Skrondal under number 189743G (Skrondal's interest transmitted to 359334G);
   (b) undersurface rights registered in favour of Christeen Elizabeth Sowden under number 359334G; and
   (c) undersurface rights registered in favour of Hubert Walter Hussey De Burgh under numbers 363113G and 363114G.
7. With respect to that part of the land described in item 4 of Schedule A to this Order, the licence of occupation issued to David William Davidson and Florence Annie Davidson on May 14, 1997 for the life of the licensees.

8. With respect to the land described in item 4(a) of Schedule A to this Order, notation as to annexed easement 409051G over part of Lot 1 outlined in red on Plan 2010 RW.

9. With respect to the land described in item 4(b) of Schedule A to this Order, easement registered under number 409051G.

10. With respect to the land described in item 4(d) of Schedule A to this Order, notation as to the Agricultural Land Reserve Act, see Agricultural Land Reserve Plan No. 4.

11. With respect to the land described in items 5(a), (b), (c), (d) and (e) of Schedule A to this Order, notation as to the Agricultural Land Reserve Act, see Agricultural Land Reserve Plan No. 4.

12. With respect to the land described in item 5(e) of Schedule A to this Order, conditional water licence CL62085 and the rights of the holder of the conditional water licence to enter on the land and to maintain, repair and operate any works permitted on the land under the licence on the date this Order is made.

13. With respect to the land described in items 5(e) and (f) of Schedule A to this Order, right of way registered in favour of British Columbia Hydro and Power Authority under number 393190G.

14. With respect to the land described in item 5(i) of Schedule A to this Order, non-expiring right of way issued under the Land Act to British Columbia Hydro and Power Authority by Order in Council 246/72 for a submerged power line.

15. With respect to the land described in item 6(a) of Schedule A to this Order, notation as to the Agricultural Land Reserve Act, see Agricultural Land Reserve Plan No. 4.

16. With respect to the land described in items 6(a) and (b) of Schedule A to this Order,

   (a) right of way registered in favour of British Columbia Hydro and Power Authority under number 317124G; and

   (b) easement registered under number 376480G.

17. All encumbrances created by Canada over the Land after the date this Order is made and before the date that Canada accepts the transfer of the administration, control and benefit of the Land to it under the Federal Real Property and Federal Immovables Act, S.C. 1991, c. 50.