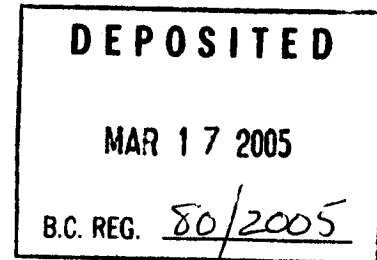



TREASURY BOARD REGULATION

No. \_\_\_\_\_

*Treasury Board orders that*

- (a) the LWBC Inc. Retention of Fees Regulation, attached, is made, and
- (b) the following regulations are repealed:
  - (i) Retention of Fee by British Columbia Assets and Land Corporation Regulation No. 3, B.C. Reg. 384/98;
  - (ii) Retention of Fee by British Columbia Assets and Land Corporation Regulation, No. 2, B.C. Reg. 233/98;
  - (iii) Retention of Fee by British Columbia Assets and Land Corporation Regulation, B.C. Reg. 232/98;
  - (iv) Retention of Fees Regulation (W.L.C. Developments), B.C. Reg. 338/97.



  
\_\_\_\_\_  
APPROVED: CHAIRMAN, TREASURY BOARD

  
\_\_\_\_\_  
DATE SIGNED

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section:- Financial Administration Act, R.S.B.C. 1996, c. 138, section 14 (2)

Other (specify):- \_\_\_\_\_

March 2, 2005

317 /2005/14/dh

# LWBC INC.

## RETENTION OF FEES REGULATION

### *Contents*

- 1 Definitions
- 2 Retention authorized respecting dispositions of Crown land

#### Definitions

1 In this regulation:

“**accommodation agreement**” means an agreement, the parties to which include the government, a first nation and LWBC, respecting an accommodation to a concern of the first nation relating to a disposition or proposed disposition;

“**adjustment amount**”, for a period, means the amount calculated by the following formula:

$$\text{amount} = A - B$$

where

A = the total of amounts that in the period

- (a) LWBC is authorized or required under delegated authority to collect,
- (b) LWBC has not collected, and
- (c) come within the classification of doubtful accounts under generally accepted accounting principles;

B = the total of amounts that

- (a) for an earlier period were included in the description of A, and
- (b) have been collected in the period referred to in the description of A;

“**delegated authority**” means the powers and functions delegated to LWBC by the minister under

- (a) section 97 (1) of the *Land Act*,
- (b) section 3 (3) (a) of the *Ministry of Land, Parks and Housing Act*, or
- (c) section 15.1 of the *University Endowment Land Act*;

“**disposition**” means a disposition of Crown land under the *Land Act*, the *Ministry of Land, Parks and Housing Act* or the *University Endowment Land Act*;

“**eligible fee simple expenses**”, for a period, means all the following incurred and paid by LWBC in relation to Crown land, the fee simple of which has been disposed of in the period by LWBC, exercising delegated authority:

- (a) costs that
  - (i) would not have been incurred by LWBC but for the disposition, and
  - (ii) are directly attributable to the disposition;
- (b) costs incurred to increase the market value of the Crown land;

- (c) costs incurred to acquire some or all of the Crown land;
- (d) costs incurred to market the Crown land;
- (e) costs incurred in accordance with an accommodation agreement related to the disposition,

but does not include operating or administrative expenses of LWBC;

**“eligible tenure expenses”**, for a period, means all the following incurred and paid by LWBC in relation to Crown land, an interest in which, other than the fee simple interest, has been disposed of in the period by LWBC, exercising delegated authority:

- (a) costs that
  - (i) would not have been incurred by LWBC but for the disposition, and
  - (ii) are directly attributable to the disposition;
- (b) costs incurred to increase the market value of the Crown land;
- (c) costs incurred to acquire some or all of the Crown land;
- (d) costs incurred to market the interest in the Crown land;
- (e) costs incurred in accordance with an accommodation agreement related to the disposition,

but does not include operating or administrative expenses of LWBC;

**“first nation”** means an aboriginal governing body, however organized and established by aboriginal people in their traditional territory in British Columbia;

**“interest”**, for a period, means interest that

- (a) becomes payable in the period to LWBC on money received or collected by it, exercising delegated authority, or
- (b) becomes payable in the period to LWBC, as the minister’s delegate, on overdue amounts described in paragraph (a) and (b) of the definition of “net tenure revenue”;

**“LWBC”** means Land and Water British Columbia Inc., a body corporate, incorporated under the laws of the Province under Certificate of Incorporation 258741;

**“minister”** means the minister charged with responsibility for the administration of the *Land Act*;

**“net fee simple revenue”**, for a period, means amounts that become payable in the period to LWBC, as the minister’s delegate, in relation to dispositions in fee simple that LWBC makes under delegated authority, less

- (a) the eligible fee simple expenses for the dispositions, and
- (b) fees collected under B.C. Reg. 177/2003 in relation to those dispositions;

**“net tenure revenue”**, for a period, means

- (a) amounts, other than variable amounts and interest, that become payable in the period to LWBC, as the minister’s delegate, in relation to
  - (i) dispositions, other than dispositions in fee simple, made under delegated authority, or
  - (ii) Crown land administered by LWBC under delegated authority, and

(b) variable amounts received in the period by LWBC as the minister's delegate,

less

(c) the eligible tenure expenses for the dispositions, and

(d) fees collected under B.C. Reg. 177/2003 in relation to those dispositions;

**“operating or administrative expenses”** includes LWBC employee salaries and benefits and costs associated with LWBC employee travel;

**“variable amounts”** means amounts that under an agreement in relation to Crown land or a disposition, other than a disposition in fee simple, vary by the amount of use of Crown land, the amount of resources extracted from Crown land or some other variable specified in the disposition or agreement.

#### **Retention authorized respecting dispositions of Crown land**

**2** For all services performed in a period in relation to collecting, receiving or managing public money under delegated authority, LWBC is authorized to retain, from money collected or received by LWBC as the minister's delegate,

(a) the eligible fee simple expenses for the period,

(b) the eligible tenure expenses for the period,

(c) 10% of net fee simple revenue for the period,

(d) 40% of net tenure revenue for the period,

(e) interest for the period, and

(f) the fees collected under B.C. Reg. 177/2003 for the period,

less the adjustment amount for the period.