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GUIDE TO THE LAND APPLICATION PROCESS

OBJECTIVE

The Land Management Branch and the Land Planning Branch have established a fair and consistent process for reviewing and making decisions on land applications.

PURPOSE

This guide outlines the key steps in the land application process for the sale/lease (disposition) and licence of Yukon (public) land in accordance with the *Lands Act*, the *Territorial Lands (Yukon) Act*, the *Subdivision Act Regulations* and *land tenure Policies*.

BACKGROUND

Land Management Branch reviews land applications and makes decisions based on the authority provided in the *Territorial Lands (Yukon) Act* and *Regulations*, and the *Lands Act* and *Regulations*. This process ensures that the interests of the public, First Nations, Yukon government and other stakeholders are considered prior to a final decision on disposition of lands. The Land Planning Branch reviews and makes decisions on applications in accordance with the *Subdivision Act* and *Regulations* and the *Area Development Act* and *Regulations* to approve or deny subdivision applications. If an application for subdivision approval is denied then the application will not proceed.

The land application Land Review Process consists of the following stages:

1. Pre-screening for application completeness,
2. Review,
3. Documentation and monitoring.

For applications that trigger an assessment under the *Yukon Environmental and Socio-Economic Assessment Act Regulations (YESAA)*, a legislated process allows information about proposed activities to be considered in land applications. Information about the YESAA process can be found here: www.yesab.ca

At any stage of the review process, any relevant new/additional information regarding the application should be provided by an applicant to the Land Management Branch. New information may require a return to an earlier stage in the review process for additional assessment.

In finalizing a decision, Land Management Branch will, whenever possible, consider the principles of Integrated Resource Management (IRM). Core IRM principles include fostering understanding, cooperation and communication with other departments, governments and agencies involved in resource management, as well as consideration of all values and consultation findings before finalizing a decision.

DEFINITIONS

Area Development Regulations: Are area-specific zoning criteria that guide land use activities on private and Yukon (public) land. They are known as zoning regulations. A proposed use in a land application must conform to the land use and development criteria specified in the zoning regulations. If no zoning regulations exist, the parcel will be “classified” (e.g. rural residential, commercial, etc.) upon sale for the intended use the land was applied for (e.g. rural residential, commercial, etc.)

Cumulative Effects: Changes of an environmental, social, or economic nature caused by the combination of past, existing, proposed, and reasonably foreseeable future development.

Detailed Rationale: Description of why the land is required, including why that *amount* of land is needed. This must be accompanied by a scaled map of the site plan demonstrating how the land will be used. Under the Rural Residential Policy, applications must be for the construction of the of the applicant's principal residence. In the case of lot enlargements, applications for small amounts of adjacent land, may in certain circumstances, be exempt from this requirement (e.g. in cases of road realignments and easements etc.). Impact on access will be taken into consideration (e.g. people, wildlife, services etc. ability to access shoreline).

Grouping of Applications: If more than one application (of any type) exists in an area and they have not yet received decisions, or if there are particular sensitivities in an area, applications may be grouped together in

order to consider social, economic and environmental information and to ensure that consistent information is considered in each application.

Land classifications: If no zoning regulations exist, the parcel will be classified upon sale under the same classification the land was applied for (e.g. rural residential, commercial, etc.).

Non-compliant with policy: An application that is determined not to meet the policy criteria during the Policy Compliance Review stage (prior to review by the Land Review Committee). The application is deemed ineligible and Land Management Branch is unable to proceed further with it.

Pre-planning Process: A process coordinated by the Land Management Branch, Yukon Government to assess an area for its suitability for development, which may involve input from the departments of Environment, Highways and Public Works, and Community Services, and any other department with responsibilities or interests in the area. It may consider social, economic, and environmental information in areas experiencing heightened interest, such as multiple applications received; where multiple sensitivities are identified through a land application review; where planning is occurring or anticipated; or where consultation with other governments, such as First Nations, is advisable. A pre-planning process may result in Land Management Branch closing off an area to applications, or deferring or denying applications pending more comprehensive review.

Proposed Planning Scheme: A local area plan or a regulation under the *Area Development Act* that has undergone a final consultation and that has been submitted to EMR for consideration and has been formally acknowledged to be a Proposed Planning Scheme by the Department of Energy, Mines and Resources.

Settlement Pattern: the spatial distribution and arrangement of human habitations or surveyed parcels that has developed over time for the area

YESAA Project Proposal: A submission is made to a YESAA Designated Office for a review of its social, economic, and environmental effects. A project proposal is made if a land application triggers an assessment under the *YESAA Regulations*. Submissions to YESAA are the responsibility of

applicants. Assessments under YESAA are conducted independent of the Yukon government.

YESAA Designated Office: The office located in one of six YESAA assessment districts throughout the Yukon. Projects are submitted to the appropriate Designated Office for assessment.

YESAA Decision Body: A term in the YESAA legislation that refers to the government responsible for regulating, authorizing, or funding a project. In the case of land applications, the Land Management Branch is the delegated Decision Body because it authorizes land tenure under the *Territorial Lands (Yukon) Act* or the *Lands Act* for the proposed project.

YESAA Decision Document: issued by the Decision Body accepting, varying or rejecting the YESAA assessor's recommendation within a specified time period (30 days or 60 days of receiving the recommendation depending on the project size). The Decision Document is based on an environmental and socio-economic assessment of the project area and does not imply approval of the application where other policy and regulatory matters are an issue. Mitigation terms and conditions of the Decision Document are binding on an approved application.

Yukon (public) Land: Includes both "*Territorial Lands*" as defined in the *Territorial Lands (Yukon) Act* and "*Yukon Lands*" as defined in the *Yukon Lands Act*

ABBREVIATIONS

LMB – Land Management Branch

LPB – Land Planning Branch

LRC - Land Review Committee

IRM - Integrated Resource Management

NRO - Natural Resources Officer

O/S - Offer to Sell Letter

YESAA - Yukon Environmental and Socio-Economic Assessment Act Regulations

YESAB - Yukon Environmental and Socio-economic Assessment Board

Land Application (see: Land Application Overview Summary Table)

Applications for Yukon (public) land must be made to the Land Management Branch. Applications must be in compliance with land policies, and include a Detailed Rationale. Copies of policies are available at the Land Management Branch Office and on the Energy, Mines and Resources website: www.emr.gov.yk.ca/lands/legislation_policies.html.

An application does not imply any current or future interest in land, nor does it imply tenure over land. Land Application forms are available at the Land Management Branch Office and on the Energy, Mines and Resources website: www.emr.gov.yk.ca/lands/application_forms.html

Applications for land under the *Rural Residential Land Application Policy* are not accepted within the boundaries of municipalities nor in areas where there is local area planning and/or zoning regulations. This is in order to support planned and orderly development in these areas.

In addition applications for land for minor agricultural pursuits are considered in accordance with local areas plans, area development regulations and the Rural Residential Land Application Policy.

Interested stakeholders and First Nation Governments will be notified of land applications by Yukon government during the application process.

Prior to making a land application, though not mandated, it is good practice and in the interest of a prospective land applicant to contact all interested stakeholders, e.g.:

- All affected First Nation Governments for land within their traditional territory
- All neighbours, lease, license and permit holders (both adjacent to and within the vicinity of the proposed land application), Mineral Claim holders
- For applications in rural/ remote areas the applicant is advised to contact landowners in a one (1) kilometre radius of the site

Land Application Process

The land application process consists of three stages:

1. Pre-screening for application completeness,
2. Land application review process and decisions,

This process consists of either:

- a) A public review and recommendation within the YESAA-legislated process (if required) for environmental, social, and economic impacts, **or**
 - b) A similar review of impacts and decision coordinated by Yukon government.
3. Documentation and monitoring of approved applications.

Applicants who are interested in vacant Yukon (public) land which is not subject to any other pre-existing right or interest, and which complies with Legislation, Regulations and Policies, may complete and submit an Application Form for Yukon (public) land and Subdivision Approval. A detailed site sketch (to scale) must be submitted with the application. All application areas must be flagged in the field and coordinates must be provided and verified by a Natural Resources Officer (NRO) prior to acceptance.

Application Fees

Land Application forms must be submitted to the Land Management Branch along with the following fees:

- 1) \$25.00+GST Land Application fee (non-refundable).
- 2) \$100+GST Subdivision Application fee. If the land application is not approved, the Subdivision Application fee will be refunded. Please note this does not apply to applications for lot enlargements in Dawson or Whitehorse municipal boundaries. Applicants *must* contact the municipality directly for subdivision process fee information.

All applications must include the following:

- 1) Completed application form.
- 2) Detailed Site Sketch.
- 3) Coordinates verified by Natural Resources Officer (following compliance review by LMB)
- 4) Application areas flagged.
- 5) Application fees (see above).

Requirements for documentation are determined by the specific land category; applicants should refer to the application form for information about the required documentation.

1. PRE-SCREENING STAGE FOR APPLICATION COMPLETENESS

No application will be accepted before the applicable fees are paid. All applications must be complete in order to be accepted by Land Management Branch. LMB reviews draft applications prior to accepting and will notify the applicable District Office to check coordinates and complete site inspections.

Note: If applying through a District Office, the application will be forwarded to the LMB Office in Whitehorse for pre-screening. If additional information is required you will be contacted and provided a timeline to submit additional information. Upon completion of the pre-screen the Natural Resources Officer for the district will contact you to complete a site inspection and verify coordinates.

The LMB will issue a receipt of payment for the applicable fees and may also provide general guidance and answer general questions in relation to application content.

Once LMB has accepted the application by issuing the client with an application receipt applications then move to the “Review Stage”.

2. REVIEW STAGE

Overview

The review stage contains two main parts: 1) a policy compliance review and 2) a public review. The public review will be conducted either as a YESAA triggered review or a Non-YESSA review. A detailed explanation of the process is set out below.

During the initial stage (the Policy Compliance review) the Land Management Branch:

- Reviews applications, (including the Detailed Rationale), to ensure compliance with policies, legislation, local area plans, official community plans and area development (zoning) regulations. This

aspect of the review may lead to a Pre-Planning Process if there is high development pressure in the area. Applications found not to be compliant will be deemed **Non-compliant with policy** and will not be eligible to proceed.

- Determines the extent of public review required in consideration of First Nations and stakeholder interests. All applications go through a public review process.
- Determines if the application is subject to an assessment under the *Yukon Environmental and Socio-economic Assessment Act*, and,
- may request further information and additional endorsements for an application.

After the initial review process is complete, an acknowledgement letter is mailed to the applicant, stating whether the application requires a review by the Yukon Environmental and Socio-economic Assessment Board (YESAB).

The YESAA review process is completed when YESAB makes a recommendation about whether the project should proceed and Yukon government submits a Decision Document.

- For further information, go to Review Stage section of the process summary.
- For further information regarding YESAA decisions can be found on the YESAB website: www.yesab.ca
- For information about appeals see the *Guide to Land Application Appeal Process*: www.emr.gov.yk.ca/lands

Land applications which do not trigger an assessment under YESAA are subject to a similar process set up internally within the Land Management Branch including a review by the Land Review Committee (LRC).

The LRC reviews land applications, and provides a recommendation to the Manager, Land Client Services who then briefs the Director of Land Management Branch. The aim of the LRC is to provide a consistent, fair and accountable approach to the review of land applications, based on legislation and policy.

For further information about the LRC, see the Land Review Committee Terms of Reference document on the Energy, Mines and Resources website: www.emr.gov.yk.ca/lands/legislation_policies.html.

Decision

Once the Review stage is completed:

YESAA triggered applications

- YESAB issues a recommendation.
- Yukon government reviews the recommendation and issues a YESAA Decision Document. Yukon government then determines whether the application can proceed to the Land Review Committee.
- Where a Decision Document is issued recommending that the project not be allowed to proceed, Land Management Branch (LMB) is unable to further process the application.

Non-YESAA triggered applications

- Proceed to the Land Review Committee.

If the application is allowed to proceed Land Management Branch conducts a review of the application through the Land Review Committee. When a recommendation is made to approve, deny or defer the application based on Land Management Branch and Land Planning Branch policy and legislation.

Applications that are not approved

the Director of Land Management Branch may decide to:

- **Deny** a land application; or
(Please note: If an application is not approved prior to the subdivision review, the applicant will be eligible for a full refund of the Subdivision Application fee).
- **Defer**: defer the review of a land application pending receipt of more information. Written correspondence with the applicant will outline next steps, timelines, and responsibilities. The letter will also outline the proposed date for review of the new information.

Note: if at any stage during the land application process Land Management Branch determines an application to be inactive, a notification letter will be

sent to the applicant. This letter will alert applicants that they have 30 days to respond to the LMB before their application is closed.

Applications that are deferred or denied

Applications may be deferred or denied in order to:

- Conduct a pre-planning process (see definition) if there is high development pressure in the area;
- Group applications to consider the cumulative effects of multiple applications; or
- Learn the outcomes of a planning process already underway.

Decision Notification

- Applicants are notified of the LMB decision via the Decision Letter.
- Applicable local area governments, First Nations and RRCs are also notified of the application decision via the Decision Letter.
- The Decision Letter is also copied to members of the public who have submitted comments on the application.
- LMB considers comments received prior to making an Offer to Sell/lease/licence.

Applications that are “Conditionally Approved” - Decision Letter

- The applicant is asked to confirm acceptance within 21 business days. Once this notification of acceptance has been received the information is posted on the EMR Land Management Branch website (www.emr.gov.yk.ca/lands/).

Subdivision Approval Process (Please note this section does not apply to leases or licences)

All Land Applications will be required to go through the Subdivision Approval Process.

Subdivision is required any time a new surveyed parcel of land is created. Subdivision approval is required when:

- A parcel is divided into more than one parcel;
- A parcel is created out of Yukon (public) land;
- Two or more parcels are consolidated into a single parcel; or
- An existing parcel is enlarged.

Land applications outside Dawson and Whitehorse

Subdivision approvals are administered by the LPB in accordance with the *Subdivision Act and Regulations*.

Date last updated: July 31, 2015

Date initially approved: April 1, 2009

- The subdivision approval process happens concurrently with the land application process, and involves only one application.
- The process involves two separate fees - the Land Application fee and the Subdivision Application fee. These are paid at the same time.
- The subdivision application is reviewed by the Subdivision Approving Officer, who approves, approves with conditions, or denies the application. The Subdivision Approving Officer is required to make a decision within 90 days from acceptance of the application. This is the date when all required information has been received by LPB. Applicants should expect the process to take the full 90 days.
- If LMB disagrees with the Subdivision Approving Officer, the decision may be appealed.

Applications within Dawson and Whitehorse (Only applies to Lot enlargements and commercial applications)

- Applicant submits a land application to LMB. Once a Decision Letter of conditional approval has been received, the applicant must apply for subdivision approval directly to the municipality.
- Once the application has been conditionally approved by LMB the applicant is responsible for submitting their application with fee for subdivision approval to the appropriate municipal office.

For further details see: *Subdivision Approval Info Sheet 14* for details: www.emr.gov.yk.ca/lands/

Land Applications for new parcels (not including lot enlargements, leases or licences)

- Upon written acceptance by the applicant of the Decision Letter and Subdivision Approval terms and conditions, an Offer to Sell Agreement will be sent to the applicant.
- The Offer to Sell Agreement includes the market value of the land, a copy of the signed Decision letter and the Subdivision Approval letter.
- The subdivision application approval is valid for one year.
- The applicant is asked to confirm acceptance **within** 21 business days to accept the offer in writing.
- LMB will survey the site and register the survey plan.

Applications for enlargements to an existing lot

For lot enlargements applicants are sent a Decision letter which outlines the conditional approval, terms and conditions.

Lot enlargements:

- A Decision Letter is sent to the applicant
- If necessary, regulatory agencies are also notified with the terms and conditions that are necessary for approval.
- The applicant is asked to confirm acceptance **within** 21 business days to accept the offer in writing.
- Upon receipt of acceptance LMB will obtain a Market Valuation and prepare an Offer to Sell Letter.
- The Applicant will have 21 business days to accept the Offer and make the required payment of 20% of the market value plus full GST or payment in full.

- Upon receipt of payment, Land Management Branch will prepare an Agreement for Sale and an Authority to Survey.
- Applicants are responsible for hiring their own surveyor and paying any costs associated with the survey.

Please note that the Decision Letter and/or Offer to Sell will be made null and void for the following reasons:

- If the Decision Letter and or Offer to Sell is not accepted **within** the 21 business days
- If terms and conditions of the Decision Letter are not met.
- In the case of lot enlargements, if the survey is not registered by the applicant within 1 year.

3. DOCUMENTATION AND MONITORING STAGE

Agreement for Sale (Please note this section does not apply to leases or licences)

- Once all conditions within the “Offer to Sell Agreement” have been met Land Management Branch will prepare an Agreement for Sale. and the survey will be registered at the Land Titles Office.
- The Agreement for Sale specifies all the terms and conditions of the sale including the payment schedule.
- Within the Agreement for Sale applicants are to pay a 20% (plus GST) down payment of the price of the lot.
- The Agreement for Sale commences on the date that the applicant pays their 20% down payment.

Agreement for Sale Cancellation

- If the Agreement for sale is cancelled by the applicant during the 60 day period from the effective date the purchaser forfeits application fee, however, the 20% down payment, and GST will be refunded.
- If the Agreement for sale is cancelled after the 60 day period from the effective date the purchaser forfeits the 20% down payment and application fee.
- **All terms and conditions of the Agreement for Sale must be met before title to the land can be transferred by the Commissioner to the applicant.**
- **No work can commence on the site until the applicant has entered into an Agreement for Sale.**

All current Land Applications can be viewed on EMR's website www.emr.gov.yk.ca/lands/land_applications.html

AUTHORITIES/ACTS:

Area Development Act and Regulations
Environment Act and Regulations
Highways Act and Regulations
Lands Act and Regulations
Municipal Act and Regulations
Public Health and Safety Act
Territorial Lands (Yukon) Act and Regulations
Yukon Environmental &
Socio-economic Assessment Act and Regulations
Subdivision Act and Regulations

POLICIES:

All current policies can be viewed at:
[/www.emr.gov.yk.ca/lands/legislation_policies.html](http://www.emr.gov.yk.ca/lands/legislation_policies.html)
All up-to-date policies are available at the Land Services Office:
320 Elijah Smith Building,
300 Main Street, Whitehorse
Box 2703 K-320
Whitehorse, Yukon, Y1A 2C6
General Inquiries: 867.667.5215
Toll Free: 1.800.661.0408 ext. 5215

LAND APPLICATION PROCESS SUMMARY

Step 1	<p>Pre-Screening for application completeness</p> <ul style="list-style-type: none"> • Prior to accepting an application (and application fees), LMB completes initial review to ensure the application is complete based on the application checklist (Part 8 of the application form). • LMB may provide general guidance and answer general questions in relation to application content. This service is discretionary. • Applicants are responsible for completing their applications. Any guidance provided at this stage is NOT an endorsement or approval of the application. • Prior to making a land application applicant's should contact the affected First Nation(s) when applying for land in their traditional territory and contact interested stakeholders. • If applying through a District Office, your application will be forwarded to the LMB Office in Whitehorse for pre-screening. • If additional information is required you will be contacted and provided a timeline to submit the additional information. On completion of the Pre-Screen a Natural Resources Officer will complete a site inspection and verify coordinates. Once complete you will be required to pay the appropriate fees. • LMB notifies the District Office to conduct a site inspection
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REVIEW STAGE

Step 2	<p>Policy Compliance Review In this stage, Land Management Branch:</p> <ol style="list-style-type: none"> 1. Reviews applications (including Site Rationale) for compliance with policies, legislation, local area plans and zoning (this may lead to a Pre-Planning Process if there is high development pressure in the area). Applications found not to be compliant will be termed <u>Non-compliant with policy</u> and will not be eligible to proceed. 2. Determines the extent of consultation required in consideration of First Nations; 3. Determines if the application is subject to a YESAA assessment (in accordance with the requirements of YESAA), or not. <p>The initial review is completed in consultation with other departments within 5 days of receipt of application.</p>							
	If application is not subject to YESAA Start NON-YESAA REVIEW PROCESS	If application is subject to YESAA START REVIEW PROCESS FOR YESAA-TRIGGERED APPLICATIONS						
Step 3	<p>Distribution of information</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #e6f2ff;">A letter is sent to the applicant advising that the LMB will be coordinating the application review.</td> <td style="background-color: #fff2cc;">A letter is sent to the applicant advising that a YESAA assessment is required</td> </tr> <tr> <td style="background-color: #e6f2ff;"></td> <td style="background-color: #fff2cc;">Applicant submits project proposal to the appropriate YESAB Designated Office</td> </tr> <tr> <td style="background-color: #e6f2ff;">A notice of receipt of the application is posted on the EMR website: www.emr.gov.yk.ca/lands/, including the application number, name of applicant, class of land and timeline.</td> <td style="background-color: #fff2cc;">A notice of receipt of the application is posted on the EMR website www.emr.gov.yk.ca/lands/, including the application number, name of applicant, class of land and timeline.</td> </tr> </table>		A letter is sent to the applicant advising that the LMB will be coordinating the application review.	A letter is sent to the applicant advising that a YESAA assessment is required		Applicant submits project proposal to the appropriate YESAB Designated Office	A notice of receipt of the application is posted on the EMR website: www.emr.gov.yk.ca/lands/ , including the application number, name of applicant, class of land and timeline.	A notice of receipt of the application is posted on the EMR website www.emr.gov.yk.ca/lands/ , including the application number, name of applicant, class of land and timeline.
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	<p>Copies of land application are sent with a request for comments to:</p> <ul style="list-style-type: none"> • Yukon government authorities (Environment, Community Services, Highways and Public Works, Environmental Health, Executive Council Office) with regulatory duties; • applicable local governments; • affected First Nations (with or without final agreements); • RRCs <p>Comments are to be received within 30 days.</p>	<p>Copies of land application are sent as an initial notice of the application to:</p> <ul style="list-style-type: none"> • Yukon government authorities (Environment, Community Services, Highways and Public Works, Environmental Health, Executive Council Office) with regulatory duties; • applicable local governments; • affected First Nations (with or without final agreements); • RRCs
	<p>A notification letter is sent to identified stakeholders requesting written comments 30 days are provided for receipt of comments.</p>	<p>A notification letter is sent to identified stakeholders requesting written comments 30 days are provided for receipt of comments.</p>
		<p>YESAA Assessment is conducted and a recommendation is provided to the Decision Body (LMB). Process and timing is followed according to YESAA and YESAB Rules</p>
<p>Step 4</p>	<p>Review of Comments / Recommendation</p>	
	<p>LMB reviews comments submitted and tracks all comments received on an application. This includes application type/location, and includes comments received from Yukon and First Nation governments, federal agencies, municipal and local area governments, Renewable Resources Councils (RRC's), neighbours, trappers, outfitters and the general public. This information is used during the application review, and is available upon written request. Go to step 5.</p>	<p>YESAA issues a recommendation to LMB within 42 days of confirming the project proposal review is complete, if the project is reviewed by a Designated Office. Project timelines can be extended and projects reviewed by the Executive Committee will take longer.</p> <p>The recommendation summarizes any public input into the proposal that has been submitted to the public registry.</p> <p>The recommendation is either that the project should proceed, or should not proceed, or should proceed with conditions.</p> <p>The LMB seeks additional comments of affected non-settled Yukon First Nations with regard to the assessment recommendation provided by YESAB.</p>
		<p>LMB issues a Decision Document. The Decision Document accepts, varies, or rejects the YESAA recommendation within either 30 days or 60 days from receiving the recommendation, depending on the size of the project. The Decision Document is a recommendation based on an environmental and</p>

	<p>socio-economic assessment of the project area and does not imply approval of the application where other policy and regulatory matters are an issue. Mitigation terms and conditions of the Decision Document are binding on an approved application. The result is either:</p> <p><i>The application can proceed: Go to Step 5</i> OR <i>The application cannot proceed.</i></p> <p>Please note LMB does not accept appeals from applicants made regarding YESAB recommendations.</p>
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Step 5	<p>THE LAND REVIEW COMMITTEE</p> <ul style="list-style-type: none"> • The LRC reviews land applications, and provides a recommendation to the Manager, Land Client Services who then briefs the Director of LMB. . • The aim of the LRC is to provide a consistent, fair and accountable approach to the review of land applications, based on legislation and policy. • Land Management Branch conducts a review of the application through LRC, • The LRC will make a recommendation to approve, deny or defer the application based on Land Management Branch and Land Planning Branch policy and legislation. • Where a YESAB Decision Document is issued recommending the project not be allowed to proceed, there will be no review by the LRC as LMB is unable to further process the application.
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Step 6	<p>Land Management Branch issues the Decision Letter to the applicant.</p> <ul style="list-style-type: none"> • The Decision Letter communicates the preliminary decision of the LMB to the applicant and affected regulatory agencies (when applications have been approved) to allow refinement of terms and conditions that may be necessary to meet regulations and policy. • The decision could conditionally approve, deny or defer the application. If an application is denied or deferred the applicant will receive a letter to that effect and the file closed if denied or put on hold if deferred. • If conditionally approved, the letter requests the applicant to confirm acceptance of specified terms and conditions e.g. set-backs, parcel reconfiguration, zoning and land value. <p>Applicant has 21 business days to provide any comments on the decision to LMB</p> <p>The applicant has the opportunity to provide any new or changed information about the land application. A significant change to the application may require a new application.</p>
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<p>No comments are received: Go to Step 8</p> <p>OR</p> <p>Comments are received: Go to Step 7</p>	<p>Comments on the decision are not distributed: Go to step 8</p> <p>If an applicant provides new information about an application once a YESAA assessment and recommendation has been completed, a new application will be required.</p>
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Step 7	<p>Distribution of comments</p> <table border="1" style="width: 100%;"> <tr> <td style="background-color: #e6f2ff;">Comments are provided to other government departments.</td> <td></td> </tr> <tr> <td style="background-color: #e6f2ff;">Comments are provided to applicant for</td> <td></td> </tr> </table>	Comments are provided to other government departments.		Comments are provided to applicant for	
Comments are provided to other government departments.					
Comments are provided to applicant for					

review and further comment
The applicant has 21 business days for Land Management Branch to receive comments on responses.

Applicant accepts revised conditions.

Step 8

Subdivision Approval Process. (this does not apply to leases or licences)

All Land Applications will be required to go through the Subdivision Approval Process.

Land applications outside Dawson and Whitehorse Subdivision approvals are administered by the Land Planning Branch in accordance with the *Subdivision Act and Regulations*.

- The subdivision approval process happens concurrently with the land application process, and involves only one application.
- The process involves two separate fees - the Land Application fee and the Subdivision Application fee. These are paid at the same time.
- The subdivision application is reviewed by the Subdivision Approving Officer, who approves, approves with conditions, or denies the application. The Subdivision Approving Officer is required to make a decision within 90 days from acceptance of the application. This is the date when all required information has been received by Land Planning Branch. Applicants should expect the process to take the full 90 days.
- If LMB disagrees with the Subdivision Approving Officer, the decision may be appealed.

Land Applications within Dawson and Whitehorse (Only applies to Lot enlargements and commercial applications)

- Applicant submits a land application. Once a Decision Letter of conditional approval has been received the applicant must apply for subdivision approval directly to the municipality.
- Once the application has been conditionally approved the applicant is responsible for submitting their application with fee for subdivision approval to the appropriate municipal office.

See: *Subdivision Approval Info Sheet 14* for details: www.emr.gov.yk.ca/lands/

Step 9

Land Applications for new parcels (not including lot enlargements, leases or licences)

- Upon written acceptance by the applicant of the Decision Letter and Subdivision Approval terms and conditions, an Offer to Sell Agreement will be sent to the applicant
- The Offer to Sell Agreement includes a copy of the signed Decision letter and the Subdivision Approval letter.
- The subdivision application approval is valid for one year.
- The applicant has 21 business days to accept the offer in writing.
- LMB will survey the site and register the survey plan

Applications for enlargements to an existing lot

For lot enlargements, applicants are sent a Decision letter which outlines the conditional approval, terms and conditions.

Lot enlargements:

- A Decision Letter is sent to the applicant
- If necessary, regulatory agencies are also notified with the terms and conditions that are necessary for approval.
- The applicant is asked to confirm acceptance within 21 business days.
- Upon receipt of acceptance LMB will obtain a Market Valuation and prepare an Offer to Sell

	<p>Letter.</p> <ul style="list-style-type: none"> • The Applicant will have 21 business days to accept the Offer and make the required payment of 20% of the market value plus full GST or payment in full. • Upon receipt of payment, LMB will prepare an Agreement for Sale and an Authority to Survey. • Applicants are responsible for hiring their own surveyor and paying any costs associated with the survey. <p>The Decision Letter and or Offer to Sell will be made null and void for the following reasons:</p> <ul style="list-style-type: none"> • If the Decision Letter and or Offer to Sell is not accepted within the 21 business days • If terms and conditions of the Decision Letter are not met. <p>In the case of lot enlargements, if the survey is not registered by the applicant within 1 year.</p>
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DOCUMENTATION AND MONITORING STAGE

<p>Step 10</p>	<p>Enter Agreement for Sale (this does not apply to leases or licences)</p> <ul style="list-style-type: none"> • The Agreement for Sale specifies all of the terms and conditions of the sale. • All terms and conditions of the Agreement for Sale must be met before the title to the land can be transferred by the Commissioner to the applicant. • Failure to meet the terms and conditions of the Agreement for Sale will result in the agreement becoming null and void. <p>Agreement for Sale Cancellation</p> <ul style="list-style-type: none"> • If the Agreement for sale is cancelled by the applicant during the 60 day period from the effective date the purchaser forfeits application fee, however, the 20% down payment, and GST will be refunded. • If the Agreement for sale is cancelled after the 60 day period from the effective date the purchaser forfeits the 20% down payment and application fee. • All terms and conditions of the Agreement for Sale must be met before title to the land can be transferred by the Commissioner to the applicant. • No work can commence on the site until the applicant has entered into an Agreement for Sale.
<p>Step 11</p>	<p>Documentation</p> <p>When all conditions of the agreement-for-sale are met including payment in full, LMB will initiate the process to raise title.</p>
<p>Step 12</p>	<p>Monitoring</p> <p>Leases and Licences of Occupation are monitored for compliance with their terms and conditions. Titled properties within communities with Local Area Plans are monitored for compliance with zoning (Area Development Regulations) by the Development Officers.</p>