



Enabling Statute: [Canada National Parks Act](#)

National Parks of Canada Lease and Licence of Occupation Regulations (SOR/92-25)

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Regulation current to June 5th, 2007

Attention: See coming into force provision and notes, where applicable.

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National Parks of Canada Lease and Licence of Occupation Regulations

SOR/92-25

Registration December 12, 1991

CANADA NATIONAL PARKS ACT

National Parks of Canada Lease and Licence of Occupation Regulations

P.C. 1991-2469 December 12, 1991

His Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, pursuant to paragraphs 7(1)(g)* and (h)* of the *National Parks Act*, is pleased hereby to revoke the *National Parks Lease and Licence of Occupation Regulations*, made by Order in Council P.C. 1981-2104 of July 29, 1981**, and to make the annexed Regulations respecting leases and licences of occupation of public lands in national parks.* R.S., c. 39 (4th Supp.), s. 5(3)

** SOR/81-627, 1981 *Canada Gazette* Part II, p. 2342

NATIONAL PARKS OF CANADA LEASE AND LICENCE OF OCCUPATION REGULATIONS

1. [Repealed, SOR/2002-237, s. 2]

INTERPRETATION

2. (1) In these Regulations,

"Act" means the *Canada National Parks Act*, (*Loi*)

"appraised value" means the value of public lands within a park in respect of which a lease or licence of occupation applies, as determined by the Minister on the basis of an appraisal of those lands or equivalent lands; (*valeur estimative*)

"assessed value" [Repealed, SOR/2002-237, s. 3]

"Banff Incorporation Agreement" means the Town of Banff Incorporation Agreement, dated December 12, 1989; (*accord concernant la constitution de Banff*)

"common-law partner" , in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year; (*conjoint de fait*)

"condominium" [Repealed, SOR/2002-237, s. 3]

"condominium unit" means an area designated as a unit on a condominium plan duly registered in a Land Titles Office in the Province of Alberta; (*unité condominiale*)

"Consumer Price Index" means the all Canada, all-items annual consumer price index as published by Statistics Canada for the period beginning on January 1 and ending on December 31; (*indice des prix à la consommation*)

"Easter period" means the period beginning 14 days before Good Friday in any year and ending 14 days after Easter Monday in that year; (*période pascale*)

"eligible resident" , in respect of a park, means

(a) an individual whose primary employment is in the park,

(b) an individual who operates a business in the park and whose presence at the place of business is necessary for the day-to-day operation of the business,

(c) a retired individual who resides in the park and who, for five consecutive years immediately prior to retirement,

(i) was employed primarily in that park, or

(ii) operated a business in that park and whose presence at the place of business was necessary for the day-to-day operation of the business,

(d) a retired individual who resided in the park at the time of the individual's retirement and who resided in that park on July 30, 1981,

(e) an individual who is a student in full-time attendance at an educational institution that is located within the park and registered under the *Income Tax Act* or applicable provincial legislation relating to education,

(f) an individual who is a lessee of public lands in the park and who

(i) was the lessee of those public lands prior to May 19, 1911, or

(ii) is a descendant, by blood or adoption, of an individual who was the lessee of those public lands prior to May 19, 1911, or

(g) the spouse or common-law partner or a dependant of an individual referred to in any of paragraphs (a) to (f); (*résident admissible*)

"Jasper Agreement lands" means the lands forming part of Jasper National Park of Canada that are described in Schedule V; (*terres visées par l'accord avec la municipalité de Jasper*)

"Municipality of Jasper" means the local government body established by Order in Council O.C. 279/2001 of July 20, 2001 of the Province of Alberta; (*municipalité de Jasper*)

"Municipality of Jasper Agreement" means the Agreement for the Establishment of Local Government in the Town of Jasper between Her Majesty and the Municipality of Jasper, signed by the Minister and the Chairperson of the Jasper Town Committee on June 13 and 25, 2001, respectively, as that Agreement read on June 25, 2001; (*accord avec la municipalité de Jasper*)

"quota" means 30 per cent of the occupancy capacity of a hotel, motel, bungalow camp or other fixed bed accommodation; (*quota*)

"resort subdivision" means an area described in an item of Schedule II; (*centre de villégiature*)

"subdivision" means the division of an existing leasehold title or licence of occupation, which title or licence may cover one or more parcels of land, or the division of land held under lease or licence of occupation, into two or more leaseholds or licences; (*lotissement*)

"summer period" means the period beginning on June 20 in any year and ending on September 1 in that year;
(*période estivale*)

"Town of Banff" means the area described in Part I of Schedule I; (*périmètre urbain de Banff*)

"Town of Jasper" means the community described in Schedule 4 to the Act; (*ville de Jasper*)

"visitor centre" means an area described in an item of Schedule III. (*centre d'accueil*)

(2) For the purposes of these Regulations, an individual who resides in, operates a business in or whose primary employment is in Lake Louise, and who is an eligible resident of Banff National Park of Canada under paragraph (a) or (b) of the definition "eligible resident" in subsection (1), is an eligible resident of both Yoho National Park of Canada and Banff National Park of Canada.

(3) For the purposes of the definition "eligible resident" and subsection (2), "business" means a business that is licensed under the *National Parks of Canada Businesses Regulations* or under a by-law passed by the Corporation of the Town of Banff.

SOR/94-313, s. 1(F); SOR/2002-237, s. 3

2.1 Subject to sections 40 and 41 of the Act, these Regulations apply to park reserves as if they were parks.

SOR/2002-237, s. 4.

LEASES

3. (1) Subject to subsection (2) and sections 4 and 19, the Minister may, for any term not exceeding 42 years and on such terms and conditions as the Minister thinks fit, grant leases of public lands

(a) in the Town of Jasper, visitor centres and resort subdivisions for the purpose of residence;

(b) in the Town of Jasper and visitor centres for the purposes of trade, tourism, schools, churches, hospitals and places of recreation or entertainment;

(c) in the Town of Banff, where the public lands are to be used for the purpose of residence;

(d) in the Town of Banff, where the public lands are to be used for the purposes of trade, tourism, schools, churches, hospitals and places of recreation or entertainment; and

(e) outside the Town of Banff or the Town of Jasper, visitor centres and resort subdivisions for the purposes of tourism, schools, churches, hospitals, service stations and places for the accommodation, recreation or entertainment of visitors to the parks.

(2) No lease of public lands shall be granted

(a) until the public lands have been surveyed in accordance with the *Canada Lands Surveys Act* and unless the description of the lands in the lease is based on an official plan or plans under that Act; or

(b) unless, where the Minister so directs, the lease describes the public lands by

(i) reference to an explanatory plan approved by and in the custody of the Surveyor General, or

(ii) a metes and bounds description, or the equivalent thereof, prepared under the direction of and approved by the Surveyor General.

(3) A lease granted pursuant to subsection (1) may contain a covenant for renewal, on such terms and conditions as the Minister thinks fit, for terms that do not exceed 21 years in the aggregate, where the initial term of the lease and the terms of all renewals do not exceed 49 years.

(3.1) The restrictions on the length of a renewal term, and on the aggregate length of an initial term together

with any renewal term or terms, set out in subsection (3) do not apply to a lease of public lands in respect of which a condominium plan is duly registered in a Land Titles Office in the Province of Alberta.

(4) In addition to the rent based on a rental rate set out in section 7, 8, 11 or 13, at the time a lease of public lands is granted the lessee shall pay to the Minister a sum, known as a release fee, equal to the market value of the leasehold interest and in the case of public lands leased pursuant to Article 9.4 of the Banff Incorporation Agreement, a sum determined in accordance with that Article.

(5) Subsection (4) does not apply where

(a) a lease is granted to a person, personal representative or heir referred to in subparagraph 4(1)(a)(iii) and the lease is in respect of public lands referred to in that subparagraph;

(b) a lease is granted consequential to the subdivision of public lands in respect of which

(i) a lease already applies, or

(ii) a licence of occupation, other than a licence pursuant to Article 9.3 of the Banff Incorporation Agreement or Article 7.3 of the Municipality of Jasper Agreement, formerly applied;

(c) a lease is granted to the Corporation of the Town of Banff pursuant to paragraph (1)(d) of this section and Article 9.1 of the Banff Incorporation Agreement;

(d) a lease is granted in accordance with paragraph (1)(b),(d) or (e) to the same lessee who immediately prior to its expiry held a lease on the same lands; or

(e) a lease is granted to the Municipality of Jasper for a portion of the Jasper Agreement lands pursuant to paragraph (1)(d) of this section and Article 7.3 of the Municipality of Jasper Agreement.

(6) For the purposes of subsection (4), the Minister shall determine the market value of a leasehold interest on the basis of an appraisal of that leasehold interest or a comparable leasehold interest.

(7) The Minister may, with the agreement of the lessee, amend a lease of public lands.

(8) The Minister may accept the surrender of a lease of public lands.

(9) Where a lease of public lands is amended or surrendered for purposes relating to the subdivision of the leased lands, the lessee shall pay to the Minister

(a) where the subdivision is for purposes relating to condominiums or strata space, as that term is defined in the *Land Titles Act* of the Province of Alberta, a sum equal to 10% of the appraised land value after subdivision;

(b) where the subdivision is for any other purpose, a sum determined by the formula

$$A = B(C - D) / 10$$

where

A is the sum to be paid,

B is the average of the appraised value after subdivision,

C is the number of leases after subdivision, and

D is the number of leases amended or surrendered.

(10) The Minister shall not consent to an assignment of a lease of public lands that is granted for the purpose of residence or, in the case of a lease of public lands in the Town of Banff, a lease of public lands that are used for the purpose of residence, if the leased public lands have been designated through a management plan

tabled in each House of Parliament pursuant to section 11 of the Act or through guidelines approved by the Minister as public lands available only to eligible residents, unless the lessee, prior to the assignment of the lease, agrees to include in the lease the term set out in paragraph 4(1)(b).

(11) Subsection (10) does not apply in respect of a lease of public lands in a visitor centre or resort subdivision in Waterton Lakes National Park of Canada, Jasper National Park of Canada, Wood Buffalo National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada that is granted for the purpose of residence if the leased public lands have not been designated through a management plan or guidelines referred to in that subsection as lands available only to eligible residents.

(12) The Minister shall not grant a lease of public lands for the purposes of a hotel, motel, bungalow camp or other fixed bed accommodation, or grant a lease of public lands in the Town of Banff that are to be used for those purposes or consent to the assignment of any of those leases, unless the lessee, prior to the granting or the assignment of the lease, agrees to include in the lease covenants that the lessee will

(a) reserve the quota, until 10 months before the beginning of each Easter period, in respect of that Easter period and the following summer period, for bookings by residents of Canada;

(b) where the lessee has a marketing plan, design it so that the quota for bookings by residents in Canada is reserved as set out in paragraph (a) and submit it to the superintendent not later than January 31 of the second year preceding the year in respect of which it applies; and

(c) keep and retain registration records that specify, in respect of the Easter period and the summer period, the percentage of the occupancy capacity used by residents of Canada and, on 60 days written notice by the superintendent, make the registration records available to the superintendent.

(13) Where a lease of public lands without improvements, other than a lease of public lands in the Town of Banff, granted for the purposes of trade, tourism, service stations or places for the accommodation, recreation or entertainment of visitors to the parks does not include a term providing that the lessee shall undertake and complete prescribed construction within a prescribed period, the Minister shall not consent to the assignment of the lease unless, prior to that assignment, the lessee agrees to include that term in the lease.

SOR/94-313, s. 2(F); 1998, c. 14, s. 101(F); SOR/2002-237, ss. 5, 27(F), 28(F).

4. (1) A lease of public lands granted pursuant to paragraph 3(1)(a) or (c)

(a) may be granted only to

(i) an eligible resident,

(ii) a corporation or enterprise that operates a business in a park where the purpose of the lease is for residence of employees whose primary employment is in the park,

(iii) a person who held a lease in respect of those lands, or the personal representative or heir of a lessee of those lands, where the lease has expired and if there has been no lease or licence of occupation granted since that lease expired, and

(iv) a corporation or enterprise that operates a business in a park, where the purpose of the lease is the development of residential housing intended for eligible residents; and

(b) in the case of a lease of public lands located in the Town of Banff, the Town of Jasper or a visitor centre in Yoho National Park of Canada or Banff National Park of Canada, shall include a term providing that if the leased public lands are at any time occupied by any person who is not an eligible resident, the Minister may terminate the lease.

(2) A lessee who has been granted a lease of public lands pursuant to paragraph 3(1)(a) or (c) shall, on the request of the Minister, provide to the Minister evidence, by way of affidavit or solemn declaration that each occupant of the leased public lands is an eligible resident.

(3) Where a lessee referred to in subsection (2) is a corporation, the evidence required by that subsection shall be provided by an officer of the corporation.

(4) This section does not apply in respect of a lease of public lands composed of lots that are identified as being available for development for cottage purposes in the community plan for the visitor centre of Wasagamung in Riding Mountain National Park of Canada or in the community plan for the visitor centre of

Waskesiu in Prince Albert National Park of Canada.

SOR/94-313, s. 3; SOR/2002-237, s. 6.

5. On application by the lessee to the Minister, a lease of public lands in a visitor centre in Waterton Lakes National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, or in a resort subdivision in Jasper National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, that is granted for the purpose of residence shall be amended to provide for occupancy of the leased public lands only during the period beginning on April 1 in any year and ending on October 31 in that year.

SOR/2002-237, s. 7.

6. (1) At the time a lease is granted, the lessee shall choose a rental rate set out in section 7, 8, 11, 13 or 14 that is applicable to the location, use and conditions of occupancy of the leased public lands and the purpose for which the lease is granted, and that rental rate shall be a term of the lease.

(2) At the time set out in a lease for setting the rental rate, the lessee may, by written notice to the Minister, choose a rental rate set out in section 7, 8, 11, 13 or 14 that is applicable to the location, use and conditions of occupancy of the leased public lands and the purpose for which the lease was granted, and the lease shall be amended to include that rental rate as a term of the lease.

(3) Where a lease contains a term providing that the Minister shall periodically set the rental rate and the lessee has not chosen a rental rate, the Minister shall set the rental rate at a rental rate set out in subparagraph 7(1)(a)(i) or (b)(i), subsection 7(2), paragraph 8(1)(a) or (2)(a) or 11(1)(a), subsection 11(2) or section 13 or 14 that is applicable to the location and conditions of occupancy of the leased public lands and the purpose for which the lease was granted.

7. (1) The rental rate for a lease of public lands in the Town of Jasper or in a visitor centre in Yoho National Park of Canada or Banff National Park of Canada that is granted for the purpose of residence, or for a lease of public lands in the Town of Banff for the purpose of residence, shall be

(a) where the term referred to in paragraph 4(1)(b) is not included in the lease

- (i) subject to subsection 12(1), 6.0 per cent per annum of the appraised value, or
- (ii) subject to subsection 12(2), 4.0 per cent per annum of the appraised value;
- (iii) [Repealed, SOR/2002-237, s. 8]

(b) where the term referred to in paragraph 4(1)(b) is included in the lease

- (i) subject to subsection 12(1), 0.5 per cent per annum of the appraised value,
- (ii) subject to subsection 12(2), 0.5 per cent per annum of the appraised value, or
- (iii) subject to subsection 12(3),
 - (A) 0.35% per annum of the appraised value, or

(B) in respect of those leases for which the rental rate was set in 2000 in accordance with subsection 6(2) or (3), the greater of 0.35% per annum of the appraised value and the 1999 rental rate.

(2) In respect of a lease referred to in paragraph (1)(b), where there is a condominium on the leased public lands, the rental rate for each condominium unit shall be in proportion to the unit's share of common expenses.

SOR/2002-237, s. 8.

8. (1) The rental rate for a lease of public lands in a visitor centre in Waterton Lakes National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, or in a resort subdivision in Jasper National Park of Canada, Wood Buffalo National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, that is granted for the purpose of residence and that does not restrict occupancy of the leased public lands to the period beginning on April 1 in any year and ending on October 31 in that year shall be

- (a) subject to subsection 12(1), 4.0 per cent per annum of the appraised value;
- (b) subject to subsection 12(2), 3.0 per cent per annum of the appraised value; or
- (c) subject to subsection 12(3),
 - (i) 1.5% per annum of the appraised value, or
 - (ii) in respect of those leases for which the rental rate was set in 2000 in accordance with subsection 6(2) or (3), the greater of 1.5% per annum of the appraised value and the 1999 rental rate.

(2) The rental rate for a lease of public lands in a visitor centre in Waterton Lakes National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, or in a resort subdivision in Jasper National Park of Canada, Wood Buffalo National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada, that is granted for the purpose of residence and that restricts occupancy of the leased public lands to the period beginning on April 1 in any year and ending on October 31 in that year shall be

- (a) subject to subsection 12(1), seven twelfths of 4.0 per cent per annum of the appraised value;
- (b) subject to subsection 12(2), seven twelfths of 3.0 per cent per annum of the appraised value; or
- (c) subject to subsection 12(3),
 - (i) 1.5% per annum of the appraised value, or
 - (ii) in respect of those leases for which the rental rate was set in 2000 in accordance with subsection 6(2) or (3), the greater of 1.5% per annum of the appraised value and the 1999 rental rate.

(3) Despite subsections (1) and (2), if a person — including the personal representative or heir of the person — was a lessee under a lease, the rental rate for which was set either in 2002 in accordance with clause 7(1)(b)(iii)(B), or in 2002, 2003 or 2004 in accordance with subparagraph 8(1)(c)(ii) or (2)(c)(ii), remained the lessee under that lease until its expiry or surrender and is offered a new lease or a renewal of the lease, the rental rate for the new lease or the renewal, as the case may be, may be the rental rate in the last year of the expired or surrendered lease, which rental rate shall be adjusted each year throughout the term of the replacement lease by compounding it by the average of the previous five years' Consumer Price Indices, subject to a maximum rental rate increase in any year of 5%.

SOR/2002-237, s. 9; SOR/2004-36, s. 1.

9. (1) With respect to a lease of public lands in a visitor centre or resort subdivision in Waterton Lakes National Park of Canada, Jasper National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada that is granted for the purpose of residence and that restricts occupancy of the leased public lands to the period beginning on April 1 in any year and ending on October 31 in that year, if those lands have been designated through a management plan tabled in each House of Parliament pursuant to section 11 of the Act or through guidelines approved by the Minister as public lands available for occupancy during the period beginning on November 1 in any year and ending on March 31 in the following year, the Minister may, on application by the lessee, permit the occupancy of the leased public lands during the period beginning on November 1 in any year and ending on March 31 in the following year.

- (2) Where the Minister grants an application in accordance with subsection (1),
 - (a) the Minister shall set the rental rate in accordance with paragraph 8(1)(a), (b) or (c), as the case may be; and
 - (b) the lease shall be amended to remove the restrictions on the occupancy period and to specify the rental rate set by the Minister.

SOR/2002-237, s. 10.

10. (1) With respect to a lease of public lands in a visitor centre or resort subdivision in Waterton Lakes National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada that is granted for the purpose of residence and that restricts occupancy of the leased public lands to the period

beginning on April 1 in any year and ending on October 31 in that year, on application by the lessee, the Minister may set the rental rate in accordance with paragraph 7(1)(b) if the leased public lands are to be occupied only by eligible residents during the whole of that period.

(2) With respect to a lease of public lands referred to in subsection (1) that is granted for the purpose of residence and that restricts occupancy of the leased public lands to the period beginning on April 1 in any year and ending on October 31 in that year, if the leased public lands have been designated through a management plan tabled in each House of Parliament pursuant to section 11 of the Act or through guidelines approved by the Minister as public lands available for occupancy during the period beginning on November 1 in any year and ending on March 31 in the following year, the Minister may, on application by the lessee, permit the occupancy of the leased public lands during part or all of the period beginning on November 1 in any year and ending on March 31 in the following year if the leased public lands are to be occupied only by eligible residents during the whole of the permitted occupancy period and their presence in the park is necessary for the continued operation of the park during the whole of that period.

(3) Where the Minister grants an application pursuant to subsection (2), the Minister shall set the rental rate in accordance with paragraph 7(1)(b).

(4) Where the Minister grants an application pursuant to subsection (1) or (2), the lease shall be amended

(a) to specify the rental rate set by the Minister and, in the case of an application granted pursuant to subsection (2), to specify the period of occupancy permitted by the Minister;

(b) to include a term providing that, if the requirements of subsection (1) or (2) in respect of occupancy and, in the case of an application granted pursuant to subsection (2), the necessity of the presence in the park of the occupants are no longer being met, the lessee shall so notify the Minister and shall submit to the Minister the lease which shall be amended so that its terms and conditions are the same as they would be if the application had not been granted; and

(c) to include a term providing that if the lessee does not notify the Minister and submit the lease to the Minister where required in accordance with paragraph (b), the Minister may terminate the lease.

SOR/2002-237, s. 11.

11. (1) The rental rate for a lease of public lands in the Town of Jasper or a visitor centre that is granted for the purpose of trade, tourism or places of recreation or entertainment, for a lease of public lands in the Town of Banff that are to be used for that purpose and for a lease of public lands outside the Town of Banff or the Town of Jasper, visitor centres and resort subdivisions that is granted for the purposes of tourism, service stations or places for the accommodation, recreation or entertainment of visitors to the parks shall be

(a) subject to subsection 12(1), 6.0 per cent per annum of the appraised value;

(b) subject to subsection 12(2), 4.0 per cent per annum of the appraised value;

(c) subject to subsection 12(3)

(i) 4.0% per annum of the appraised value, or

(ii) in respect of those leases for which the rental rate was set in 2000 in accordance with subsection 6(2) or (3), the greater of 4% per annum of the appraised value and the 1999 rental rate; or

(d) when the leased public lands have been used for commercial purposes during the previous five years and the financial records relating to that use are available to the lessee, or the leased public lands have been used for commercial purposes for less than five years and the gross revenue can be reasonably estimated, the greater of

(i) a per cent per annum that is agreed to by the Minister and the lessee of the annual gross revenue from business conducted on or from the leased public lands by the lessee and any sublessee, sublicensee or concessionaire, and

(ii) a percent per annum that is agreed to by the Minister and the lessee

(A) of the average annual gross revenue from business conducted on or from those leased public lands by the lessee and any sublessee, sublicensee or concessionaire during the previous five year

period, or

(B) if financial records of gross revenue for that period are not available to the lessee, of estimated annual gross revenue for the first year of the term of the lease.

(e) [Repealed, SOR/2002-237, s. 12]

(2) In respect of a lease referred to in subsection (1), where there is a condominium on the leased public lands, the rental rate for each condominium unit shall be in proportion to the unit's share of common expenses.

SOR/94-313, s. 4(E); SOR/2002-237, ss. 12, 28(F).

12. (1) For the purposes of subparagraphs 7(1)(a)(i) and (b)(i) and paragraphs 8(1)(a) and (2)(a) and 11(1)(a), the appraised value shall be adjusted

(a) where the lease contains a term that sets out each period in respect of which the Minister may set the rental rate, at the beginning of that period; and

(b) in all other cases, on April 1, 2000, and every ten years thereafter.

(2) For the purposes of subparagraphs 7(1)(a)(ii) and (b)(ii) and paragraphs 8(1)(b) and (2)(b) and 11(1)(b), the appraised value shall be adjusted on March 31, 1992, and every two years thereafter.

(3) In respect of those leases referred to in subparagraph 7(1)(b)(iii) or paragraph 8(1)(c) or (2)(c) or 11(1)(c), the rental rate shall — subject to subsections (3.1) and (3.11) in respect of those leases referred to in paragraph 8(1)(c) and subject to subsections (3.2) and (3.21) in respect of those leases referred to in paragraph 8(2)(c) — be adjusted on March 31 of each year throughout the term of the lease by compounding the rate by the average of the previous five years' Consumer Price Indices, subject to a maximum rental rate increase in any year of 5%.

(3.1) For the purpose of subsection (3) and paragraph 8(1)(c), the maximum rental rate for the year 2002 shall be

(a) \$1,750 per annum in respect of leased lands with an area of 1,500 m² or less; and

(b) \$4,000 per annum in respect of leased lands with an area greater than 1,500 m².

(3.11) The maximum rental rate in respect of those leases referred to in paragraph 8(1)(c) that pertain to leased lands with an area greater than 1 500 m² shall be \$3,500 per annum for the year 2004.

(3.2) For the purpose of subsection (3) and paragraph 8(2)(c), the maximum rental rate for the year 2002 shall be

(a) \$1,500 per annum in respect of leased lands with an area of 1,500 m² or less; and

(b) \$3,500 per annum in respect of leased lands with an area greater than 1,500 m².

(3.21) The maximum rental rate in respect of those leases referred to in paragraph 8(2)(c) that pertain to leased lands with an area greater than 1 500 m² shall be \$3,000 per annum for the year 2004.

(3.3) Maximum rental rates in subsections (3.1) to (3.21) shall be adjusted on March 31 of each year throughout the term of each lease to which they apply by compounding the maximum rental rates by the average of the previous five years' Consumer Price Indices, subject to a maximum increase in any maximum rental rate in any year of 5%.

(4) and (5) [Repealed, SOR/2002-237, s. 13]

SOR/2002-237, s. 13; SOR/2004-36, s. 2.

13. (1) The rental rate for a lease of public lands granted for the purpose of a school, church or hospital is \$250 per annum.

(2) The rental rate for a lease of public lands granted for any of the purposes referred to in paragraph 3(1)(b), (d) or (e) is \$250 per annum if the carrying out of those purposes involves providing services to the community in which those purposes are carried out and does not involve the realization of any profit.

SOR/2002-237, s. 14.

14. The rental rate for a lease of public lands shall be \$1 per annum where the leased public lands are occupied only by eligible residents and the lands have been leased since May 19, 1911 to an eligible resident described in paragraph (f) of the definition "eligible resident" in subsection 2(1) or to the spouse or common-law partner or a dependant of the eligible resident.

SOR/2004-36, s. 3.

15. (1) Sections 6, 7, 11 and 13 do not apply in respect of leases of public lands located in the Town of Banff if the lessee has entered into a lease or a lease amending agreement with Her Majesty in accordance with the Banff Incorporation Agreement, as long as the lease or lease amending agreement, as the case may be, remains in force.

(2) With respect to the leases and the lease amending agreements referred to in subsection (1), the rental rates shall be those set out in the Banff Incorporation Agreement.

15.1 (1) The rental rate for any lease or lease amending agreement in respect of public lands located in the Town of Jasper, excluding the Jasper Agreement lands, that is entered into between Her Majesty and any person other than the Municipality of Jasper, shall be \$1.00 per annum, and sections 6, 7, 11 and 13 shall not apply to the lease or lease amending agreement while it remains in force, except if the Municipality of Jasper

(a) is dissolved;

(b) is adjudged by a court of competent jurisdiction as unlawfully levying taxes; or

(c) receives notice sent in accordance with Article 6.5 of the Municipality of Jasper Agreement advising of the Minister's intention to take action pursuant to Article 6.4 of that agreement.

(2) The rental rate for any lease or lease amending agreement in respect of public lands located in the Town of Jasper that includes all or part of the Jasper Agreement lands, that is entered into between Her Majesty and the Municipality of Jasper, shall be \$475,000 per annum, such rental rate to be adjusted, annually, beginning April 1, 2003 in accordance with the table to this subsection, subject to a maximum rental rate increase in any year of 5%, and sections 6, 7, 11 and 13 shall not apply to the lease or lease amending agreement while it remains in force and while the Municipality of Jasper is the lessee.

TABLE

Item	Year	Adjusted rental rate
1.	From April 1, 2003 to March 31, 2004	\$475,000 + (\$475,000 x the Consumer Price Index for 2002)
2.	From April 1, 2004 to March 31, 2005	Previous year's rental rate + (previous year's rental rate x the average Consumer Price Index for the previous 2 years)
3.	From April 1, 2005 to March 31, 2006	Previous year's rental rate + (previous year's rental rate x the average Consumer Price Index for the previous 3 years)
4.	From April 1, 2006 to March 31, 2007	Previous year's rental rate + (previous year's rental rate x the average Consumer Price Index for the previous 4 years)
5.	All future years	Previous year's rental rate + (previous year's rental rate x the average Consumer Price Index for the previous 5 years)

SOR/2002-237, s. 15.

16. (1) The minimum rental rate for a lease referred to in subsection 7(1) or section 8 is \$250 per annum.

(2) The minimum rental rate for a lease referred to in section 11 is \$500 per annum.

SOR/2002-237, s. 16.

17. (1) The Minister may renew a lease of public lands in accordance with a covenant for renewal or

perpetual renewal, as the case may be, with such amendments as may be agreed to by the Minister and the lessee in accordance with these Regulations.

(2) When a lease of public lands does not contain a covenant for renewal or perpetual renewal, and a condominium plan in respect of those public lands is duly registered in a Land Titles Office in the Province of Alberta, the Minister may renew the lease on such terms and conditions as the Minister thinks fit.

SOR/2002-237, s. 17.

LICENCES OF OCCUPATION

18. (1) Subject to section 19, the Minister may, for any term not exceeding 42 years and on such terms and conditions as the Minister thinks fit, grant licences of occupation of public lands

(a) in the Town of Jasper and visitor centres for the purpose of residence;

(b) in the Town of Jasper and visitor centres for the purposes of trade, tourism, schools, churches, hospitals and places for recreation or entertainment;

(c) in the Town of Banff, where the public lands are to be used for the purpose of residence;

(d) in the Town of Banff, where the public lands are used for the purposes of trade, tourism, schools, churches, hospitals and places for recreation or entertainment; and

(e) outside the Town of Jasper or the Town of Banff, visitor centres and resort subdivisions for the purposes of tourism, schools, churches, hospitals, service stations and places for the accommodation, recreation or entertainment of visitors to the parks.

(2) Subject to subsection (3), a licence of occupation of public lands granted pursuant to paragraph (1)(a) or (c)

(a) may be granted only to

(i) an eligible resident,

(ii) a corporation or enterprise that operates a business in a park where the purpose of the licence is for residence of employees whose primary employment is in the park,

(iii) a person who held a licence of occupation in respect of those lands, or the personal representative or heir of a licensee of those lands, if the licence of occupation has expired and if there has been no lease or licence of occupation granted since that licence of occupation expired, and

(iv) a corporation or enterprise that, operates a business in a park, where the purpose of the licence is the development of residential housing intended for eligible residents; and

(b) in the case of public lands located in the Town of Banff, the Town of Jasper or a visitor centre in Yoho National Park of Canada or Banff National Park of Canada, shall include a term providing that if the public lands are at any time occupied by any person who is not an eligible resident, the Minister may terminate the licence.

(3) A licensee who has been granted a licence of occupation pursuant to paragraph (1)(a) or (c) shall, on the request of the Minister, provide to the Minister evidence, by way of affidavit or solemn declaration, that each occupant of the public lands in respect of which the licence applies is an eligible resident.

(4) Where a licensee referred to in subsection (3) is a corporation, the evidence required by that subsection shall be provided by an officer of the corporation.

(5) The Minister shall not consent to the assignment of a licence of occupation of public lands that is granted for the purpose of residence or, in the case of a licence of occupation of public lands in the Town of Banff, a licence of occupation of public lands that are used for residence, if the public lands have been designated through a management plan tabled in each House of Parliament pursuant to section 11 of the Act or through guidelines approved by the Minister as public lands available only to eligible residents, unless the licensee, prior

to the assignment of the licence, agrees to include in the licence the term set out in paragraph (2)(b).

(6) Subsection (5) does not apply in respect of a licence of occupation of public lands in a visitor centre or resort subdivision in Waterton Lakes National Park of Canada, Jasper National Park of Canada, Wood Buffalo National Park of Canada, Prince Albert National Park of Canada or Riding Mountain National Park of Canada that is granted for the purpose of residence if the licensed public lands have not been designated through a management plan or guidelines referred to in subsection (5) as lands available only to eligible residents.

(7) Subject to subsection (16), the Minister may, from time to time, establish a fee, in excess of the minimum fee set out in subsection (17), with respect to a licence of occupation of public lands, which fee shall be based on

(a) the appraised value; or

(b) the greater of

(i) a percent per annum that is agreed to by the Minister and the licensee of the annual gross revenue from business conducted on or from those licensed public lands by the licensee and any sublicensee or concessionaire, and

(ii) an amount that is agreed to by the Minister and the licensee.

(8) A licence of occupation shall provide for a review of the fee with respect to the licence at least once every five years from the time of the granting of the licence.

(9) In addition to the fee with respect to a licence of occupation, at the time the licence is granted the licensee shall pay to the Minister a sum, known as a release fee, equal to the market value of the licence.

(10) Subsection (9) does not apply where

(a) a licence of occupation is granted to a person, personal representative or heir of a licensee described in subparagraph (2)(a)(iii) and the licence of occupation is in respect of lands referred to in that subparagraph;

(b) a licence of occupation is granted as a consequence of the subdivision of the public lands in respect of which a licence of occupation applies;

(c) a licence of occupation is granted to the Corporation of the Town of Banff pursuant to paragraph (1)(d) of this section and Articles 9.1 and 9.3 of the Banff Incorporation Agreement;

(d) a licence of occupation is granted in accordance with paragraph (1)(b) or (d) to the same licensee who immediately prior to its expiry held a licence of occupation of the same lands; or

(e) a licence of occupation is granted to the Municipality of Jasper of public lands located in the Town of Jasper including all or part of the Jasper Agreement lands.

(11) For the purpose of subsection (9), the Minister shall determine the market value of a licence of occupation on the basis of an appraisal of the market value of the licence or a comparable licence of occupation.

(12) No licence of occupation of public lands gives the licensee any leasehold estate or other estate or interest in land.

(13) The Minister may, with the agreement of the licensee, amend a licence of occupation of public lands.

(14) The Minister may accept the surrender of a licence of occupation.

(15) Where a licence of occupation is amended or surrendered for purposes relating to the subdivision of the public lands in respect of which the licence applies, the licensee shall pay to the Minister

(a) where the subdivision is for purposes relating to a condominium, a sum equal to 10 per cent of the appraised value after the subdivision; and

(b) where the subdivision is for any other purpose, a sum determined by the formula

$$A = B(C - D) / 10$$

where

- A is the sum to be paid,
- B is the average of the appraised value after subdivision,
- C is the number of licences of occupation and leases after subdivision, and
- D is the number of licences of occupation amended or surrendered.

(16) The fee for a licence of occupation of public lands granted for any of the purposes referred to in paragraph (1)(b), (d) or (e) is \$150 per annum if the carrying out of those purposes involves providing services to the community in which those purposes are carried out and does not involve the realization of any profit.

(17) Subject to subsection (16), the minimum fee for a licence of occupation shall be

(a) \$250 per annum if the licence is granted for any of the purposes referred to in paragraph (1)(b), (d) or (e); and

(b) \$150 per annum in all other cases.

(18) The Minister shall not grant a licence of occupation of public lands for the purposes of a hotel, motel, bungalow camp or other fixed bed accommodation, or grant a licence of occupation of public lands in the Town of Banff that are used for those purposes, or consent to the assignment of any of those licences, unless the licensee, prior to the granting or assignment of the licence, agrees to include in the licence covenants that the licensee will

(a) reserve the quota, until 10 months before the beginning of each Easter period, in respect of that Easter period and the following summer period, for bookings by residents of Canada;

(b) where the licensee has a marketing plan, design it so that the quota for bookings by residents in Canada is reserved as set out in paragraph (a) and submit it to the superintendent not later than January 31 of the second year preceding the year in respect of which it applies; and

(c) keep and retain registration records that specify, in respect of the Easter period and the summer period, the percentage of the occupancy capacity used by residents of Canada and, on 60 days written notice by the superintendent, make the registration records available to the superintendent.

(19) Where a licence of occupation of public lands without improvements, other than a licence of occupation of public lands in the Town of Banff, granted for the purposes of trade, tourism, service stations or places for the accommodation, recreation or entertainment of visitors to the parks does not include a term providing that the licensee shall undertake and complete prescribed construction within a prescribed period, the Minister shall not consent to the assignment of the licence unless, prior to that assignment of the licence, the licensee agrees to include that term in the licence.

(20) Subsections (7), (8), (16) and (17) do not apply in respect of licences of occupation of public land located in the Town of Banff if the licensee has entered into a licence of occupation agreement with Her Majesty that provides for a fee determined in a manner consistent with Article 11 of the Banff Incorporation Agreement, as long as the licence remains in force.

(21) With respect to the licences of occupation referred to in subsection (20), the fees shall be \$1.00 per annum.

(22) The fee for any licence of occupation of public lands located in the Town of Jasper other than the Jasper Agreement lands, that is entered into between Her Majesty and any person other than the Municipality of Jasper, shall be \$1.00 per annum, and subsections (7), (8), (16) and (17) shall not apply to the licence while it remains in force, except if the Municipality of Jasper

(a) is dissolved;

(b) is adjudged by a court of competent jurisdiction as unlawfully levying taxes; or

(c) receives notice sent in accordance with Article 6.5 of the Municipality of Jasper Agreement advising of the Minister's intention to take action pursuant to Article 6.4 of that agreement.

(23) The fee for any licence of occupation of public lands located in the Town of Jasper that includes all or part of the Jasper Agreement lands, that is entered into between Her Majesty and the Municipality of Jasper, shall be \$475,000 per annum, such fee to be adjusted, annually, beginning April 1, 2003 in accordance with the table to this subsection, subject to a maximum fee increase in any year of 5%, and subsections (7), (8), (16) and (17) shall not apply to the licence while it remains in force and while the Municipality of Jasper is the licensee.

TABLE

Item	Year	Adjusted fee
1.	From April 1, 2003 to March 31, 2004	\$475,000 + (\$475,000 x the Consumer Price Index for 2002)
2.	From April 1, 2004 to March 31, 2005	Previous year's fee + (previous year's fee x the average Consumer Price Index for the previous 2 years)
3.	From April 1, 2005 to March 31, 2006	Previous year's fee + (previous year's fee x the average Consumer Price Index for the previous 3 years)
4.	From April 1, 2006 to March 31, 2007	Previous year's fee + (previous year's fee x the average Consumer Price Index for the previous 4 years)
5.	All future years	Previous year's fee + (previous year's fee x the average Consumer Price Index for the previous 5 years)

SOR/2002-237, ss. 18, 27(F), 28(F).

PUBLIC PASSAGE

19. (1) Subject to subsection (2), every lease or licence of occupation of public lands in a park granted pursuant to these Regulations is subject to a right of public passage over a strip of land 30 metres in width along the high-water mark of any lake, river or stream within those public lands.

(2) Subsection (1) does not apply in respect of leases and licences of occupation of public lands in

(a) that portion of the Town of Banff that is shown as Parcel CA on plan of survey number 63858, Canada Lands Surveys Records, Ottawa; or

(b) that portion of the Town of Jasper that is shown as Parcel CV-1 on plan of survey number 63051, Canada Lands Surveys Records, Ottawa.

SOR/2002-237, s. 28(F).

MISCELLANEOUS

20. Every lease and licence of occupation granted pursuant to these Regulations shall contain the terms and conditions set out in Schedule IV.

SCHEDULE I (Subsection 2(1))

PART I TOWN OF BANFF

All those lands shown on plan number 82414 in the Canada Lands Survey Records at Ottawa, a copy of which is filed at the Land Titles Office for the South Alberta Land Registration District as plan number 9911462.

PART II

TOWN OF JASPER

All those lands shown on plan number 85860 in the Canada Lands Survey Records at Ottawa, a copy of which is filed at the Land Titles Office for the North Alberta Land Registration District as plan number 0221301.

SOR/94-313, s. 5; SOR/2002-237, s. 19.

SCHEDULE II
(Subsection 2(1))

RESORT SUBDIVISIONS

Item	Column I Area	Column II National Park of Canada
1.	Villa Block 1, Lots 1 to 8, Villa Block 2, Lots 1 to 5, Villa Block 8, Lots 1 to 6 and Villa Blocks 9, 10, 12, 14, 16, 20, 22 and 23	Jasper
2.	Blocks 4, 5, 6 and 7	Wood Buffalo
3.	Ranges 1, 2 and 3 in the vicinity of Prospect Point	Prince Albert
4.	Blocks 1, 2 and 3 and Reserves 1 to 6 in Lakeview Subdivision	Prince Albert
5.	Lot 23 in Clare Beach Subdivision	Prince Albert
6.	Blocks 1 to 6, 15, 17 and 18 in Clear Lake Summer Resort	Riding Mountain

SOR/2002-237, ss. 20, 29(F).

SCHEDULE III
(Subsection 2(1))

VISITOR CENTRES

Item	Column I Area	Column II National Park of Canada
1.	All those lands shown on plan number 86004 in the Canada Lands Survey Records at Ottawa, a copy of which is filed at the Land Titles Office for the South Alberta Land Registration District as plan number 0211573.	Banff
2.	All those lands shown on plan number 85304 in the Canada Lands Survey Records at Ottawa, a copy of which is filed at the Land Titles Office for the South Alberta Land Registration District as plan number 0112666.	Waterton Lakes
3.	All those lands shown on plan number 83808 in the Canada Lands Survey Records at Ottawa.	Yoho
4.	Lots 1 to 14 and 149 and Parcels A, B, C and D in Radium Hot Springs	Kootenay
5.	All those lands shown on plan number 82678 in the Canada Lands Survey Records at Ottawa, a copy of which is filed at the Land Titles Office Prince Albert as plan number 99PA 16152.	Prince Albert
6.	Blocks 1 to 63 and Block S in Wasagaming	Riding Mountain

SOR/2002-237, ss. 21 to 23, 29(F).

SCHEDULE IV
(Section 20)

TERMS AND CONDITIONS

1. (1) The terms and conditions of any lease or licence of occupation are subject to the *Canada National Parks Act*, the *National Parks of Canada Lease and Licence of Occupation Regulations* and all other applicable federal statutes and regulations related thereto.

(2) For greater certainty, in case of a conflict between the rights of a lessee or licensee under a lease or licence of occupation, and the *Canada National Parks Act*, the *National Parks of Canada Lease and Licence of Occupation Regulations* and any other applicable federal statute and regulations, the statutes and regulations shall prevail.

2. The lessee or licensee shall obtain all permits, licences and authorizations required under the *Canada National Parks Act* and the *National Parks of Canada Lease and Licence of Occupation Regulations* and all other applicable federal statutes and regulations.

3. The lessee or licensee shall comply with the provisions of the *Canada National Parks Act* and the *National Parks of Canada Lease and Licence of Occupation Regulations* and all other applicable federal statutes and regulations related thereto.

4. (1) The Minister may terminate a lease or licence of occupation where the lessee or licensee contravenes any provision of the *Canada National Parks Act*, *National Parks of Canada Lease and Licence of Occupation Regulations* or any other applicable federal statute or regulations.

(2) For greater certainty the interest granted under a lease or licence of occupation does not in any way exclude the application of the *Canada National Parks Act*, the *National Parks of Canada Lease and Licence of Occupation Regulations*, and any other applicable federal statutes and regulations related thereto, unless explicitly waived in the lease or licence.

5. A lessee or licensee shall allow a superintendent to take any necessary action on the leased or licensed public lands in order to protect the ecological integrity of the park or to protect the flora or fauna from immediate threat or to protect human life.

SOR/2002-237, ss. 24, 25(F), 27(F).

SCHEDULE V
(subsection 2(1))

JASPER AGREEMENT LANDS

Emergency Services Facility

Block 6, Lots 10 and 11

Parkettes

Block 40, Lot 19

Block 41, Lot 23

Block 40, Lot 27

Parks

R11

Parking Lots

Block 8, Lots 8 and 9

Block 6, Lots 12 to 15 and part of closed road

Unsurveyed Parking Lot on closed road by building located at 416 Connaught Drive

Portion of Parcel FR

Parking Lot (East side of Connaught Drive in Block 5)

Block 3, Lots 12 to 15

Parking Lot (East side of Connaught Drive by Block 1)

Closed Road (Hazel Avenue) Unsurveyed Parking Lot

Other Lots and Parcels (unsurveyed parcels)

Block 39, Lot 12 (Reserve behind Stone Mountain).

Block 39, Lot 5 (Reserve between housing on the northwest portion of Cabin Creek Drive)

Block 39, Lot 2 (Reserve between housing on the northwest portion of Cabin Creek Drive)

Cabin Creek riparian green space

Block 44, Mobile Home Subdivision Reserve

Snipes Hill — between Lodgepole Street and Willow Avenue behind Block 45

Green area behind CV1 and CV2 to Connaught Drive and the CNR Right of Way

Walkway on north side of lane Blocks 12 and 25

Green area between Connaught Drive and Town boundary on the east side of Connaught Drive

Parcel R7

Parcel R8

Walkway between Parcels R7 and R8

Block 36, Lots 31 and 32

Parcel CA

Green area between Catholic Church and the road to Pyramid Lake

Green area behind the Aspen Garden rental units and the road to Pyramid Lake

Block 101, Lot 15 (Road and Grass Shoulder)

Block 101, Lot 16 (Road and Grass Shoulder)

Block 102, Lot 15 (Road and Grass Shoulder)

Block 102, Lot 16 (Road and Grass Shoulder)

Green area between Parcel CL and 93A access road

Green area between the Cabin Creek riparian right of way and the back of Lots 28 to 59 in Block 42

Reserve land including land for the walkway north of Block 38, which land abuts the Cabin Creek riparian right of way

Green area behind Block 38 bounded by the Cabin Creek riparian right of way and the CN right of way

SOR/2002-237, s. 26.

Last updated: 2007-07-06



[Important Notices](#)