
Squatter Policy in the Yukon

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Yukon
Community and Transportation Services

Table of Contents

	Summary	1	8	Yukon Squatter Appeal C.2	
	Introduction	2		Board	9
1	Definitions	3		8.1 Board Responsibilities	9
2	Objectives	4		8.2 Board Recommendations	9
3	Principles	4		8.3 Board Members	9
4	Eligibility Criteria	4	9	Guidelines for Evaluation	10
5	Application Procedure	5	10	Land Disposition: Sales	11
6	Review and Appeal Process	6		10.1 Conditions of Sale	11
	6.1 Review Process	6		10.2 Agreements for Sale	11
	6.2 Appeal Process	6	11	Land Disposition: Leases	14
	6.3 Special Conditions for the			11.1 Conditions of Lease	14
	Application Process	7		11.2 Agreements for Lease	14
7	Yukon Squatter Review		12	Relocation	15
	Panel			Information/Resources	16
	7.1 Panel Responsibilities	8			
	7.2 Panel Recommendations	8			
	7.3 Panel Members	8			

Summary

Squatter Policy in the Yukon is a policy based on existing legislation concerning squatting in the Yukon Territory and applicable to persons and situations affected by that legislation. This policy was produced by the Department of Community and Transportation Services, Government of Yukon, in cooperation with the Government of Canada, and with considerable input from interested associations, communities and individuals.

This policy takes into account the requirements and concerns of squatters/landholders without tenure, other persons and groups who have an interest in the claims and sites of squatters, the Yukon Indian Land Claims, Yukon communities, and the Government of Yukon and Canada. Within the context of those various and diverse requirements and concerns, this policy provides for an application, review and appeal process designed to give all parties due consideration.

Under this policy:

- 1 Squatters will have an opportunity to apply for legitimate tenure to their land site.
- 2 Any person or organization with an interest in a given squatter site will have an opportunity to submit a written intervention concerning the application in question.
- 3 Special consideration will be given to Withdrawn and Settlement Lands, ecological and heritage concerns, health concerns, the 100-foot reserve, municipal zoning legislation, appropriateness of land use, and previous applications for a given parcel of land, regardless of whether or not interventions are registered, and in some instances such factors may preclude legitimization.

- 4 Every squatter eligible under the policy will have an opportunity to:
 - a) enter into an Agreement for Sale for his/her site;
 - b) enter into a Lease for his/her site; or
 - c) relocate to another site as allowed under the Homestead Policy.
- 5 Any squatter who does not participate in or fails to comply with the terms of the Squatter Policy will be subject to eviction.
- 6 Violations of squatter legislation subsequent to April 29, 1986 will be dealt with according to the law.

This policy paper details the objectives and principles of the policy, outlines eligibility criteria and application procedures, explains the review and appeal processes, provides guidelines for evaluation, and explains the various options available at the end of the Review/Appeal process, including Agreements for Sale or Lease, relocation and eviction.

Introduction

Throughout the history of the Yukon Territory people have occupied land without legal tenure. This form of land occupancy, commonly known as squatting, has traditionally characterized frontier areas; but it has developed into an issue of some contention in the Yukon. It is only in recent years that reasonable and practical solutions have become both necessary and possible. Federal, territorial and municipal governments, along with squatters themselves, Yukon Indians, and other members of the public all expressed a desire to resolve the situation and began to look at alternatives.

The Government of Yukon undertook extensive public consultation, a process which allowed all parties to explore and clarify squatting issues, and to develop a comprehensive approach to the development of policy. That process led in turn to the formulation of the solutions presented in this *Squatter Policy*. The policy will remain in force only for the period of time required to receive all eligible applications and carry out review and appeal procedures as set out in the policy document. Thereafter, squatters will be dealt with according to existing federal and territorial legislation.

Research for this policy has demonstrated that any solution to the squatting problem must recognize responsibilities for land management. At the same time it must be fair and flexible, and take into account the concerns of persons, groups and governments with an interest in the squatting issue. Furthermore, the solution must address the question of land availability, particularly with respect to the lack of land currently available for rural residential use. Indeed, the scarcity of such land has contributed considerably to the squatting problem. Since continued scarcity of land would undoubtedly lead to further attempts at squatting, and since some squatters may be unable to obtain legal tenure for their current sites, the Yukon Government has developed a second policy which addresses the larger issue of land availability, the *Homestead Policy*. This latter policy is available from the Lands Branch, Government of Yukon.

This document is intended to provide all persons who have an interest in the squatting issue with useful information regarding the objectives and principles of the *Squatter Policy*, eligibility criteria, application, review and appeal processes, as well as actual land disposition.

1 Definitions

Beneficiary	A person who will be eligible for benefits under any settlement arising out of the Yukon Indian Land Claims Negotiations.	Sale Price	Price of unimproved land, determined by analysis of the private land market by the Assessment Branch of the Government of Yukon.
Clad to Weather	Exterior finishing of a building, including installed windows, stairs and railings, soffits, roof and siding.	Squatters	Individuals, groups or corporations who are occupying Yukon or Federal Land without tenure, excepting beneficiaries. Registered outfitters, trapline holders and placer miners authorized under the Yukon Placer Mining Act, who have made improvements within their registered areas, are not considered squatters under this policy.
Commercial/ Industrial Use	Where land is occupied primarily for business purposes.		
Federal Land	Lands administered by the Government of Canada, <i>i.e.</i> lands in the Yukon Territory vested in Her Majesty the Queen in Right of Canada, except Yukon land.		
Intervener	Any Yukon resident who wishes to comment on a specific application before either the Review Panel (see Section 7) or the Appeal Board (see Section 8).	Withdrawn and Settlement Land	All lands which have been approved for selection by the parties to the Yukon Indian Land Claims Negotiations (as at the date of the signing of the applicable Agreement respecting land), as well as lands subsequently approved for inclusion in a land claims settlement by parties to the Yukon Indian Land Claims Negotiations.
Lands Branch	The Lands Branch of the Department of Community and Transportation Services, of the Government of Yukon.		
Minister	The Minister of Community and Transportation Services of the Government of Yukon where Yukon land is concerned and the Minister of Department of Indian and Northern Affairs where federal land is concerned.	Yukon Land	Lands administered by the Government of Yukon, <i>i.e.</i> land in the Yukon Territory which the right to the beneficial use of or the proceeds of is appropriated to the Government of Yukon.
Recreational Use	Where land is occupied intermittently and primarily for the purpose of pursuing recreational activities.		

2 Objectives

The Squatter Policy has two objectives:

- 2.1 To promote the legitimization of squatters where possible; that is, to encourage and enable land holders without tenure to obtain legitimate rights to the land where their use of the land can be identified as appropriate from a sound land management perspective.
- 2.2 To provide alternate solutions for those squatters who occupy land which cannot be made available for sale or lease; that is, to require and enable squatters to relocate to land which is available for sale or lease if they currently occupy either:
 - a) withdrawn or settlement land wherein resolution of conflict is not possible; or
 - b) land considered more suitable for a use different from that for which it is currently being used.

3 Principles

The squatting issue requires a fair and firm resolution which serves in the best interests of all Yukoners.

A squatter policy should treat all squatters equally whether they are on Federal or Yukon land.

A squatter policy shall not prejudice the aboriginal rights of Indian people in the Yukon.

4 Eligibility Criteria

To be eligible for legitimization, an applicant must meet all of the following criteria:

- 4.1 Must be a Canadian citizen or landed immigrant nineteen (19) years of age or older.
- 4.2 Must be using the land for residential, recreational, or commercial/industrial purposes.
- 4.3 Must provide proof acceptable to the Review Panel (and Appeal Board) that a building clad to the weather was in place as of April 29, 1986. Proof will be in the form of Government of Yukon property tax notices, or bills of sale for improvements, or - in the event such documentation is not available - a sworn affidavit to the same effect which would then be material to an application.
- 4.4 Must provide proof that the applicant occupied the land prior to April 29, 1986 and continues to occupy that land; in other words, must document the period of continuous occupancy. Proof will be in the form of Government of Yukon property tax notices, or bills of sale for improvements, or - in the event such documentation is not available - a sworn affidavit to the same effect which would then be material to an application.
- 4.5 Must make application to the office of the Squatter Policy Coordinator, in accordance with application procedures outlined in the next section of this document (Section 5). For the address and phone number of the Coordinator, see "Information/Resources" at the end of this document.

Note: Persons who have made improvements within trapline and outfitting areas or placer claims which are registered in the name of that person are not eligible under this policy.

5 Application Procedure

All squatters who wish to be considered for legitimization must submit an application on the prescribed form to the office of the Squatter Policy Coordinator within 90 days of announcement of this policy. Such applications may also be made through designated Territorial Agents. A \$25.00 application fee must accompany each application.

Applicants must, as part of their application, submit a scale drawing of the land under application. Its location must be marked on a National Topographic Service map of a scale not less than 1:50,000 (1.25 inch = 1 mile) where such maps exist. Applicants must have an inspection of their site done before any Review Panel Hearings.

A squatter may make only one (1) application under this policy.

The onus is on the squatter to apply within the 90-day time period. However, the Government of Yukon will be actively working to ensure all squatters have a chance to be considered under the policy.

5.1 Request for Extension of the Application Period

Where a squatter cannot meet the 90-day application period due to extenuating circumstances, he/she may request an extension, provided such a request is submitted within the 90-day period. This request must outline the reasons for needing an extension and indicate the time period needed to complete the application. Such requests will be considered and decided on by the Review Panel (see Section 7 below).

Should a squatter who wishes to be considered under the policy fail to submit either an application form or request for extension within the 90-day application period, his/her application or request will be considered only if it meets all of the following criteria:

- 5.1.1 A written explanation for the delay must be submitted to the Review Panel within 30 days of the end of the application period.
- 5.1.2 There must be a *bona fide* reason for the delay.
- 5.1.3 The written explanation must be accepted by the Review Panel.

If the Review Panel accepts the late submission requesting an extension, then the Panel will prescribe a time-period for the completion of the application.

Any squatters who do not comply with the above application procedures will not be eligible under this policy, and will therefore be subject to eviction under current legislation.

6 *Review and Appeal Process*

6.1 *Review Process*

Each application for legitimization will be advertised for a 30-day period following the submission.

There will be Review Panel Hearings for all applications, except for cases involving land located in municipalities which are not participating in the squatter policy (see Section 6.3.3). Hearings will be open to applicants and registered interveners. Intervenors must register a written intervention with the Squatter Policy Coordinator within 14 days of the end of the 30-day advertising period.

Within 14 days of receipt of a written intervention, the Squatter Policy Coordinator will forward copies of any such intervention to the applicants affected.

If no intervention is received, a Review Panel Hearing will be held within 60 days following the end of the 30-day advertising period, or within 60 days of the site inspection.

Where an intervention does occur, the Review Panel Hearing will be held within 60 days following the date on which that intervention was registered with the Squatter Policy Coordinator.

Review Panel Hearings will be held on a regional basis as required. All applicants and interveners will be advised in advance of hearing procedures. Furthermore, applicants and interveners all will have an opportunity to make presentations at such hearings.

Within 14 days of the conclusion of a hearing, the Panel will issue its recommendations. Recommendations will be forwarded to all parties who have made written submissions to the panel, including applicants and interveners, except where the application involves withdrawn or settlement lands. In such cases, applications, related interventions and Panel recommenda-

tions will be forwarded to the Land Claims Table for review, and then directly to the Minister responsible for a decision.

6.2 *Appeal Process*

All Panel recommendations, except those involving withdrawn and settlement lands, will be subject to appeal by applicants or registered interveners within 45 days from the date on which those recommendations are issued.

Where an appeal is initiated, the applications and recommendations along with a written appeal, will be submitted to the Squatter Appeal Board. The Board will serve notice of appeal to applicants, and all other parties *directly* involved in the original hearing.

An Appeal Board Hearing will be held within 60 days after the date of the notice of appeal. The appellant and the applicant where he/she is not the appellant shall have the right to make a presentation before the Board. The Board reserves the right to invite additional presentations concerning the appeal.

The Board will forward its recommendations to the Minister responsible within 14 days of the end of a hearing. The Minister responsible will make a decision upon receiving the Board's recommendations. The Minister's decision accompanied by the Board's recommendations will be forwarded to all parties directly involved in the appeal. The decision of the Minister will be final.

In cases where no appeal is initiated within the 45-day appeal period, the Review Panel will forward its recommendations directly to the Minister responsible for a final decision. The Minister will make a decision upon receiving the Review Panel's recommendations and applicants will be notified accordingly.

6.3 Special Conditions for the Application Process

6.3.1 Land Claims/Indian Occupants

Beneficiaries who are occupying land that is not Withdrawn and Settlement Land are encouraged to make application for review under the squatter policy. This may protect or establish their individual interests or ensure that their interest will be addressed through the Land Claims process. Where necessary, beneficiaries will be assisted in the application process to ensure their interests are protected under this policy and the Land Claims process.

6.3.2. Withdrawn and Settlement Lands

Squatters on Withdrawn and Settlement Lands will be legitimized only if:

- a) an application is first approved by the Yukon Squatter Review Panel; and
- b) the application is also approved by the Yukon Indian Land Claims Negotiating Table in consultation with the Band involved.

Legitimization of squatters on Withdrawn and Settlement Lands may be subject to tenure through lease agreement only.

6.3.3 Municipal Jurisdictions

Municipalities will have an opportunity, at the initiation of the policy, to either participate or not in the Squatter Policy. If a municipality chooses to participate, it must subsequently abide by the recommendations of the Review/ Appeal Process and decisions of the Minister responsible. Municipalities may not opt in and out depending on decisions.

Where a squatter within a municipal jurisdiction is recommended for legitimization, it is anticipated that the municipality will, if required, agree to modify the zoning to accommodate approved land use. However, if zoning modifications are not forthcoming for a legitimized applicant, then that applicant will be bound by relevant zoning legislation. Any relief from such zoning legislation must thereafter be sought by the applicant through procedures normally available to the general public. No transfer of land will occur until zoning is modified to permit the approved use, or until the applicant conforms to existing zoning. Zoning approval will be received by the Lands Branch within a reasonable time period from receipt of the Minister's decision to legitimize.

If legitimization is recommended on Yukon, Federal or municipal land within a municipality and the affected municipality disagrees, that municipality can appeal to the Yukon Squatter Appeal Board if they have first registered as an intervener.

In the event that a municipality declines to participate in the squatter policy, the Lands Branch intends to turn over all relevant applications to the municipality involved to deal with as they wish. In such cases, there shall be no Review Panel Hearing, no recommendations, and no appeal process. Squatters residing in a municipality should consult the appropriate municipal authority.

7 Yukon Squatter Review Panel

7.1 Panel Responsibilities

The Squatter Review Panel will be charged with the following responsibilities:

- 7.1.1 To review squatters' applications for legitimization and written interventions.
- 7.1.2 To review and rule on requests for late submissions.
- 7.1.3 To review and rule on all other requests for deadline extensions.
- 7.1.4 To recommend solutions where conflicting land uses exist.
- 7.1.5 To make recommendations to the Minister responsible.
- 7.1.6 To abide by the terms of reference for the Yukon Squatter Review Panel.
- 7.1.7 To rule on authenticity of any and all documents pertaining to an application or intervention, and to solicit expert advice in these matters if necessary.

Note: While terms of reference are not itemized in this document, general guidelines for the process are identified in Section 6 and general guidelines for evaluation are identified in Section 9.

7.2 Panel Recommendations

The Squatter Review Panel recommendations will include the following:

- 7.2.1 Approval or rejection of application for legitimization.

- 7.2.2 Form of tenure (title or lease).

- 7.2.3 Where appropriate, specific conditions with respect to lot size, term of lease and other land use/land management factors.

7.3 Panel Members

The Yukon Squatter Review Panel will consist of:

One Government of Yukon land official appointed by the Minister of Community and Transportation Services.

One Government of Canada land official.

One member of the public to be appointed by the Minister of Community and Transportation Services.

One Indian Band representative (or more where land interests overlap) appointed by the band(s) where such band(s) has/have an interest in applications before the panel.

One local municipality, hamlet or unincorporated community representative appointed by the municipality, hamlet or unincorporated community where that community has an interest in applications before the panel.

The Minister of Community and Transportation Services will appoint members of the Panel as chairperson and vice chairperson.

8 Yukon Squatter Appeal Board

8.1 Board Responsibilities

The Squatter Appeal Board will be charged with the following responsibilities:

- 8.1.1 To review all appeals along with the original applications and any written interventions.
- 8.1.2 Where appropriate, request additional submissions from other parties or sources.
- 8.1.3 To review and rule on requests for deadline extensions.
- 8.1.4 To recommend solutions where conflicting land uses exist.
- 8.1.5 To make recommendations to the Minister responsible.
- 8.1.6 To abide by the terms of reference for the Yukon Squatter Appeal Board.

Note: While terms of reference are not itemized in this document, general guidelines for the process are identified in Section 6 and general guidelines for evaluation are identified in Section 9.

8.2 Board Recommendations

The Squatter Appeal Board recommendations will include the following:

- 8.2.1 Acceptance or rejection of the Review Panel's general recommendations.
- 8.2.2 A change to the form of tenure (title or lease) recommended by the Review Panel.
- 8.2.3 A change to specific conditions with respect to lot size, terms of lease, and other land use/land management factors.

8.3 Board Members

The Appeal Board will consist of no more than eight (8) persons including:

One Government of Yukon land official appointed by the Minister of Community and Transportation Services.

One Government of Canada land official.

One member of the public appointed by the Minister of Community and Transportation Services.

One representative from the Council for Yukon Indians appointed by that organization.

One to four representatives of groups having an interest in land use issues, nominated by their organizations and appointed by the Minister of Community and Transportation Services.

The Minister of Community and Transportation Services will appoint members of the Board as chairperson and vice chairperson.

9 *Guidelines for Evaluation*

The following guidelines are provided to assist squatters and interveners with their submissions, and the Panel or Board in reviewing them:

- 9.1 An applicant's request for a given land use will be viewed as if it were a new application for land.
- 9.2 Previous applications to lease or purchase land which includes the squatter's site may preclude legitimization (*e.g.* agriculture, rural residential).
- 9.3 Compatibility of the squatter's land use with adjacent land uses will be a consideration.
- 9.4 Consideration will be given to physical features of the lot (*e.g.* lot size), especially with respect to zoning in municipalities.
- 9.5 Consideration will be given to the appropriate form of tenure to be recommended from a land management perspective, especially within municipalities.
- 9.6 Consideration will be given to significant ecological or heritage resources on or adjacent to the squatter's site.
- 9.7 Squatters located in the 100-foot reserve (Section 9 of the Territorial Lands Act) may require a lease option rather than title.
- 9.8 Consideration will be given to the length of occupancy, extent of improvements and other factors that demonstrate a significant and appropriate commitment to the land and its use as proposed by the applicant.
- 9.9 Land use that poses a threat to the health and safety of the occupant and others may preclude legitimization where such threats cannot be removed.

10 *Land Disposition: Sales*

Where an application is approved for legitimization on Yukon lands, the applicant has 60 days in which to notify the Lands Branch of his/her acceptance of the conditions. The Lands Branch will offer an Agreement for Sale or lease in accordance with the decision made by the Minister responsible.

For applications approved on federal lands the Government of Yukon will request a transfer of land administration from the Government of Canada. Upon confirmation of the transfer, an agreement for sale or lease will be offered by the Yukon Government, Lands Branch.

10.1 *Conditions of Sale*

Any outstanding property taxes, penalties and interest attributed to the applicant must be paid in full prior to entering into an agreement. Applicants must pay any such amounts within 90 days of their acceptance of conditions; otherwise they will be required to vacate the land under the relocation provisions of this policy.

An applicant must provide a certified correct sketch with metes and bounds describing the requested parcel of land. Such descriptions may be secured from private land survey companies at the applicant's expense. Lot sizes shall conform wherever possible to existing zoning requirements within municipalities. Elsewhere, lot sizes shall not exceed 2 hectares, except for recreational land uses which have a maximum limit of 0.4 hectares.

Note: Upon approval and the eventual securing of title, individuals may apply for lot enlargement under existing programs.

10.2 *Agreements for Sale*

10.2.1 All Agreements for Sale for residential properties will include the following conditions:

- a) Agreement for Sale will be a 10-year agreement.
- b) Agreement for Sale is not transferable.
- c) Within five (5) years of signing an agreement for sale, the purchaser shall ensure that buildings and renovations conform to provisions of the Yukon Building Standards Act, Yukon Electrical Protection Act and the Public Health Act.
- d) Within five (5) years of signing an Agreement for Sale, the purchaser shall have made improvements valued at a minimum of \$5,000 as determined by the Yukon Government's Assessment Office.
- e) The purchaser must maintain Yukon residency during the life of the agreement.
- f) Survey must be completed prior to request for title and upon receipt from the Lands Branch of approval for survey. All survey costs must be paid in full by the purchaser prior to issuing title.

10.2.1.1 Agreements for Sale for residential property, where an applicant first occupied the land **prior** to April 29, 1976, also will include the following conditions:

- a) Sale price will be the value of land based on the fair market value for unimproved land as determined by an analysis of the market conditions by the Assessment Branch of the Government of Yukon. If the applicant wishes, a second and final appraisal may be sought from an authorized appraiser at the applicant's expense.

- b) An \$800 policy administration fee is payable upon signing an Agreement for Sale.
- c) Administration fees will be paid at current government rates (*i.e.*, \$100 per year administration fee).
- d) Equity in the land, to a maximum of 100% of the sale price, may be earned at the rate of 10% for each year of occupancy by the applicant *after* an Agreement for Sale is signed.

In other words, if a parcel of land is priced for sale at \$10,000, equity may be earned at the rate of \$1,000 (10%) per year for 10 years after the Agreement for Sale is signed, until the purchaser has earned \$10,000 or 100% equity in the land.

Equity that is earned according to the preceding condition may be credited towards the sale price of the land until the full price of the land has been credited; in other words, for ten years. At that point, the sale price of the land will be considered to have been paid in full and title will be granted.

If an applicant requests title prior to conclusion of the Agreement for Sale, he/she will be required to pay the sale price *less any equity earned up to that point*.

10.2.1.2 Agreements for Sale for residential property, where an applicant has first occupied the land **after** April 29, 1976, also will include the following conditions:

- a) Sale price will be the value of land based on the fair market value for unimproved land determined by an analysis of the market conducted by the Assessment Branch of the Government of Yukon. If the applicant wishes, a second and final appraisal may be sought from an authorized appraiser at the applicant's expense.
- b) An \$800 policy administration fee is payable upon signing an Agreement for Sale.

- c) Administration fees at the current government rates (*i.e.* \$100 per year administration fee).
- d) Equity in the land, to a maximum of 100% of the sale price, may be earned at the rate of 10% for each year of occupancy by the applicant *after* an Agreement for Sale is signed.

In other words, if a parcel of land is priced for sale at \$10,000, equity may be earned at the rate of \$1,000 (10%) per year for 10 years after the Agreement for Sale is signed, until the applicant has earned \$10,000 or 100% equity in the land.

Equity earned according to the preceding condition, may be credited towards the sale price of the land *only after* the applicant has occupied the land for 10 years under the Agreement for Sale. Equity will be earned but not credited until the 10-year Agreement for Sale is concluded. At that point, the sale price of the land will be considered to have been paid in full and title will be granted.

If an applicant requests title prior to conclusion of the Agreement for Sale, he/she will be required to pay the full sale price as stated in the Agreement for Sale.

10.2.2 Recreational Agreements for Sale

All Agreements for Sale for recreational properties will include the following conditions:

- a) Agreement for Sale will be for one year.
- b) Within one year, the purchaser shall ensure that improvements conform to structural standards prescribed by Protective Services Branch of the Government of Yukon, and the Public Health Act.
- c) An \$800 policy administration fee is payable upon signing an Agreement for Sale.

d) Deposit of 10% of sale price based on market value is required upon signing an Agreement for Sale.

e) Interest and administration fees will be paid at the current government rates (*i.e.* interest at 12%, \$100 per year administration fee).

f) Sale price, 100% of appraised value as determined by the Assessment Branch of the Government of Yukon, is payable within one year. If the applicant wishes, a second and final appraisal may be sought from an authorized appraiser at the applicant's expense.

g) Survey costs will be paid by the purchaser upon receipt from the Lands Branch of approval to survey. Survey must be completed and paid in full prior to request for title.

e) Deposit of 20% of sale price based on market value is required upon signing an Agreement for Sale.

f) Interest and administration fees will be paid at the current government rate (*i.e.* interest at 12%, \$100 per year administration fee).

g) Sale price, 100% of appraised value as determined by the Assessment Branch of the Government of Yukon, is payable within three (3) years. If the applicant wishes, a second and final appraisal may be sought from an authorized appraiser at the applicant's expense.

h) Survey costs will be paid by the purchaser upon receipt from the Lands Branch of approval to survey. Survey must be completed and paid in full prior to request for title.

10.2.3 Commercial and Industrial Agreements for Sale

All Agreements for Sale for commercial and industrial properties will include the following conditions:

a) Agreement for Sale will extend up to three years.

b) By the conclusion of the Agreement for Sale, the purchaser shall be required to have made improvements valued at a minimum of \$10,000, and such improvements shall reflect the area zoning and the nature of the commercial/industrial operation.

c) the purchaser shall ensure that improvements conform to provisions of the Yukon Building Standards Act, Yukon Electrical Protection Act and the Public Health Act.

d) An \$800 policy administration fee is payable upon signing an Agreement for Sale.

11 Land Disposition: Leases

11.1 Conditions of Lease

Leases shall only be offered where any of the following conditions apply:

- 11.1.1 The land may be required for future development.
- 11.1.2 Land use constraints are such that title is not recommended by the Review Panel or Appeal Board.
- 11.1.3 Relocation is recommended but old age or infirmity of the applicant are significant considerations.

These situations are most likely to arise within municipalities where a lease option may be more appropriate given community planning initiatives.

11.2 Agreements for Residential, Recreational and Commercial/Industrial Leases

All lease agreements may extend up to thirty (30) years and may be renewed upon mutual agreement of the parties and shall include the following conditions:

- a) Lease is not transferable.
- b) Rental fee of up to 10% of appraised value of unimproved land is payable annually in advance.
- c) A \$800 administration fee is payable upon signing a lease agreement.

- d) Within five (5) years of signing the lease agreement the lease holder shall be required to have improvements valued at a minimum of \$5,000 (\$10,000 for commercial/industrial) except where circumstances dictate a lower value. All buildings must conform to provisions of the Yukon Building Standards Act, Yukon Electrical Protection Act, and the Public Health Act.
- e) Upon cancellation of lease, lease holder may remove improvements.

Conditions may be further specified in Review Panel or Appeal Board recommendation.

12 Relocation

12.1 Opportunities for Relocation

Homestead lands are being made available for Yukoners as an inexpensive alternative to squatting and other land developments. Squatters required to relocate under the *Squatter Policy* may avail themselves of opportunities under the *Homestead Policy* to acquire alternate homesites.

In the event that an application for legitimization is approved but not acted upon by the applicant within sixty (60) days of notification, or that an application is not approved and any appeal has been unsuccessful, the applicant shall be notified in writing to relocate within sixty (60) days. This period may be extended for up to one (1) year at the discretion of the Minister responsible upon application for extension by the applicant within the first 60 days. The application for extension will include the expected date of relocation and the reasons for the request for extension. Further extensions would be granted only under extenuating circumstances and at the discretion of the Minister.

Salvage rights to improvements may be exercised by the applicant within the above time periods after which improvements may be disposed of by the Government having jurisdiction over the land.

12.2 Eviction

In the event of non-compliance by the applicant, the Yukon or Federal Governments may avail themselves of the remedies available to them at law, particularly those provided pursuant to the Yukon Lands Act and the Territorial Lands Act where the applicant shall be subject to eviction.

Persons will be subject to eviction if:

- 12.2.1 They occupied land without legal tenure prior to April 29, 1986, but have not made application under the Squatter Policy.
- 12.2.2 They have not been legitimized and have not relocated according to the provisions of the Squatter Policy.
- 12.2.3 They unlawfully enter and use Yukon or Federal lands after April 29, 1986.
- 12.2.4 They fail to meet conditions under an Agreement for Sale or Lease.

Eviction is not considered a solution to the problem of squatting; however, it is a legal option and will be used when absolutely necessary.

Information/Resources

Authorized Private Appraisers

Rae Wigan
Redwood Realty
4150 Fourth Avenue
Whitehorse, Yukon Y1A 1J2
(403) 668-3500/4227

Jim Yamada (Canadian Residential Appraiser)
Yamada J. H. Appraisals
8 Liard Road
Whitehorse, Yukon (403) 667-6774

Land surveys

Regional Surveyor, Legal Surveys
Surveys and Mapping Branch
Energy, Mines and Resources Canada
Room 208, 204 Range Road
Whitehorse, Yukon Y1A 3V1
(403) 668-2636

Land claims

Land Claims Secretariat
Executive Council Office
Government of Yukon
Box 2703
Whitehorse, Yukon Y1A 2C6
(403) 667-5717
Toll free 1-667-5955 (local 5717)

Legislation

Federal:
Regional Manager, Land Resources
Northern Affairs Program
Department of Indian and Northern Affairs
200 Range Road
Whitehorse, Yukon Y1A 3V1
(403) 667-3170

Territorial:
Inquiry Centre
Public Affairs Bureau
Government of Yukon
Box 2703
Whitehorse, Yukon Y1A 2C6
(403) 667-5811
Toll free 1-667-5955 (local 5811)

Maps

Canada Map Office, Geology Branch
Department of Indian and Northern Affairs
200 Range Road
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(403) 667-3100

Property Assessment

Director, Property Assessments
Department of Community and Transportation Services
Government of Yukon
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Squatter Policy Coordinator

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