

# Guidelines for the Preparation of Applications for Crown Lands

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These Guidelines are subject to change without notice. Please consult <https://www.gov.nl.ca/crownlands/> for the most up-to-date information regarding the application process for Crown Lands.

For more additional information, please call or email the Crown Lands Inquiries Line:

**1-833-891-3249 crownlandsinfo@gov.nl.ca**

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# 1. General Information

## 1.1 Introduction

The Department of Fisheries, Forestry and Agriculture (FFA) administers development on Crown lands in accordance with the **Lands Act**. FFA is responsible for managing and allocating the surface rights of the province's Crown lands in a responsible manner for the social and economic benefit of the residents of Newfoundland and Labrador. The Crown Lands Division processes over 2,000 applications per year.

The Guidelines for the Preparation of Applications for Crown Lands has been developed to explain the process and requirements for applying for Crown Lands.

**\*These Guidelines do not apply to Renewal or Notice of Consent of Assignment to lease/licence applications.**

This document provides information on the following topics:

- Definition of Crown Lands;
- Application and submission process;
- Requirements of a development plan;
- Requirements of supporting documentation; and
- Explanation of fees.

## 1.2 What are Crown Lands?

Crown Lands are all or any part of land under the administration and control of the Minister of Fisheries, Forestry and Agriculture as defined in the **Lands Act** including freshwater submerged areas.

Of the 40.57 million hectares of land in Newfoundland and Labrador, it is estimated that over 80 per cent are Crown lands.

The Province owns other land across Newfoundland and Labrador, including highways, roads, schools, housing developments, and provincial buildings; however, land that is managed and administered by other Provincial Government departments and is not considered Crown lands and is not covered by these Guidelines.

### 1.3 Allocating Crown Lands

The **Lands Act** contains sections which allow Crown Lands to be allocated in the following ways:

- **Lease** - Section 3: The Crown retains ownership of the land and the lease period is typically for a longer term. Applicants approved for a lease pay an annual fee to the Crown. An example of a Crown lands lease would be an agricultural lease.
- **Grant** – Section 4: Crown lands are sold at market value and the Crown does not retain ownership. An example of a Grant would be the granting of land to an applicant for a residence or a commercial subdivision development.
- **Easement** – Section 5: The Crown retains ownership of the land and the easement period is typically for a longer term (e.g. 50 years). Applicants approved for an Easement would pay an annual fee to the Crown. An example of a Crown Lands Easement would be the provision of an easement to utility companies to erect power lines.
- **License to Occupy** – Section 6: The Crown retains ownership of the land and the License to Occupy period is typically for a short term (e.g. five years). Licensees pay an annual fee to the Crown. An example of a License to Occupy would be an application to construct and occupy a recreational remote cottage on Crown lands.
- **Free Grant** – Section 9: Crown lands can be acquired for free when used for the purpose of a school or an undertaking by a city or a municipality which is in the public interest other than economic development. An example of a Free Grant would be for a town hall for an incorporated municipality.
- **Quitclaim** - A deed that conveys the Crown's complete interest or claim in certain real property but that neither warrants nor professes that the title is valid. A quitclaim transfers any interest the Crown may have, if any, to another party, but does not guarantee that no other interest in the lands exist by someone else.
- **Section 36 Grant** – This section of the Lands Act may identify an individual as eligible for a Crown grant where certain conditions that demonstrate adverse possession are met. For instance, if a person or their predecessors can demonstrate open, notorious, exclusive and continuous use of a property under certain conditions for the 10 year period immediately prior to January 1, 1977, they may be eligible for a Crown grant or quitclaim under Section 36 of the Lands Act.
- **Shoreline Reservation** - a legislated 15-metre area around all fresh and marine waterbodies and water courses must remain publicly accessible. Only certain types of applications and uses can be permitted within a shoreline reservation.
- **Transfer of Administration and Control** – Section 53-55: Crown lands may be transferred to the Federal Government or another Provincial Government department. An example of such a Transfer would be Crown Lands acquired by the Federal Government for a government wharf.

## 2. Eligibility

Applicants for Crown Lands must be one of the following:

- a. An individual, at least 19 years of age;
- b. An organization registered at the Newfoundland and Labrador Registry of Companies or incorporated under the laws of Canada; or
- c. Government – Municipal, Federal or Ministers of the Government of Newfoundland and Labrador.

An application from an organization, as identified in b. above, must include current business registration information, which proves that the organization is in good standing.

## 3. How to Apply

### 3.1 Submitting an Application

Applications for Crown Lands **can be made fully online through the Crown Lands Website** and will be reviewed on a first-come, first-served basis, and **only applications which are completed in full will be accepted**. If multiple requests for the same Crown lands are received at the same time, a public draw process may be initiated. An application may be refused if the proposed activity is not considered to be in the best interests of the Province or if at any time during the review process information is received that would make the requested area unsuitable for the requested purpose. Furthermore, applications from Crown lands may be amended by the Division through the application process and may result in areas of a different size, orientation or tenure type than initially applied for being considered.

Applications for Crown lands can be submitted online. For more information on submitting an application, please visit <https://www.gov.nl.ca/crownlands>

#### Step 1: Application Submission

Applications for Crown lands can be entered online by the person who is applying or by someone they have assigned as a designate for them.

To start the application process, please visit <https://www.gov.nl.ca/crownlands/> and select APPLY FOR CROWN LANDS.

In order to make your first application you will need to create a new online account. A valid email address is required to create the account. You will also need to create a secure password that is 8-12 characters, has at least one upper and one lower case letter, at least one number and at least one special character.

If you forget your password you will be able to re-set it by accessing the personal email account you used. **The Department is unable to reset passwords for you.**

Once you are logged in, click on the box that says START A NEW APPLICATION.

From this page you will also be able select and continue completing any applications you may have started but had not yet submitted.

Once you click to START A NEW APPLICATION, you will be asked a series of questions to better understand your request. Answer the questions presented and click NEXT to proceed.

As noted, you will be asked a few introductory questions to understand the type of application you wish to make and as a result of your answers, you will be provided information on what you will need before you start your application. Read through this list and collect the required information. You may need to save documents to attach later on in the process. Select NEXT to continue. After this point, any information entered will be saved to your profile in case you wish to complete the application at another time.

Continue answering the questions presented and clicking NEXT to continue.

Please note that ALL applications will require a map to be attached (see additional information under Supporting Documentation in this document). You will be required to pay the application fee through the new website portal before your application can be submitted.

If you have questions regarding your application or how to complete the application, please contact the Crown Lands Inquiries Line at 1-833-891-3249 or [crownlandsinfo@gov.nl.ca](mailto:crownlandsinfo@gov.nl.ca). Messages will be returned.

## **Step 2: Application Review**

Once you have paid the application fee and submitted the application, Crown Lands officials will review the application to confirm the following:

1. The application has been completed fully;
2. Appropriate documents have been uploaded, including the applicants map.
3. If the application is found to be incomplete, the applicant or designate will be notified of the missing information via email or mail and the applicant will be asked to return the required documents within 30 days to return information. Information not returned within this time period may result in an application being cancelled and a new application and payment will be required.
4. Upon verification that the application is complete, the application shall be accepted and an official file will be created.

Should further information be required during the assessment of the application, the applicant or designate will be contacted using the contact information provided in the application.

## 4. Supporting Documentation

Supporting documentation will be indicated as you complete your application online and can be attached directly into the portal. Please note that file sizes for each attachment cannot exceed 10 MB and the following extension types can be accepted: csv, doc, docx, dfx, dwg, gif, img, jpg, jpeg, kml, pdf, png, tiff, xlsx, xls, msg.

All applications for Crown lands will require an applicant's map and must be attached to your application. Additional supporting documentation may be required depending on the type of application being submitted and may include:

- Business Development Plan – Required if the application is for an outfitting purpose or commercial grant of 30 hectares or more. The Business Development Plan shall contain a detailed site plan and phasing schedule, where appropriate;
- Detailed Site Plan – Required if the application is for a commercial purpose. The Detailed Site Plan requires the dimensions and purpose of all features as well as the identification of access locations;
- [5-Year Farm Development Plan](#) – This must be included with applications for the agricultural use of Crown lands, intended for personal, non-commercial purposes (i.e., agricultural products that are not for sale or profit)
- [Commercial Farm Business Plan](#) – Applications for the agricultural use of Crown lands for commercial purposes (i.e., involving the sale of or profit from agricultural products) must include both the [5-Year Farm Development Plan](#) and the [Commercial Farm Business Plan](#).
- Letters of Probate or Letters of Administration – Required if the application is being submitted on behalf of an Estate;
- Letter of Guardianship/Power of Attorney – Required if the applicant has legally provided another individual the authority to make decisions on his/her behalf;
- Proof of Ownership – Required if the application involves privately claimed lands such as an extension to private property;
- Transfer Documentation – Proof of how the lands were acquired, i.e. Deeds, Wills, Gift, etc.
- Sawmill Licence – Required if the application is for a commercial or domestic sawmill;
- Commercial trapping or fishing licence and proof of sales – Required if the application is for a Commercial Resource-Based Cabin.
  - For trappers:
    - Copies of receipts for a minimum of \$500/year in pelt sales for the three (3) years immediately prior to application date; or
    - Copies of receipts for a minimum of \$1,000 for the trapping season immediately prior to application date.

Should additional documentation be required, the applicant will be contacted during the application review. All supporting documentation is required to be submitted as individual attachments when submitting an Application for Crown Lands by email.

## 5. Fees

Applicable fees and rental rates for Crown lands can be found on the FLR website at: <https://www.gov.nl.ca/crownlands/fees>. Rental rates may be revised at specified times as indicated in the Easement, Lease and Licence to Occupy documents.

Application fees for Crown lands are non-refundable and will be paid online during the application process using either a Visa or MasterCard (debit or credit) or Interac Online.

Please Note: In areas where Corner Brook Pulp and Paper Limited have timber rights, Corner Brook Pulp and Paper Limited may also require applicants to pay a fee. The amount of the fee and the time within which it must be paid will be determined by Corner Brook Pulp and Paper Limited.

## 6. Inquiries

Inquiries related to the completion and submission of Crown Lands Applications may be directed to:

Crown Lands Inquiries

Phone: 1-833-891-3249

Email: [CrownLandsInfo@gov.nl.ca](mailto:CrownLandsInfo@gov.nl.ca)

## 7. Third Party Disclosure

As part of the processing of an application, the Department of Fisheries, Forestry and Agriculture may make referrals to other Government departments or agencies who may have an interest or concern related to the land being applied for. Care will be taken to protect your personal information. In the event that the Applicant's application for land use is approved and official documents are issued, the applicant's name will be visible on public land use viewers including, but not limited to, the Public Land Inquiry Map and the Provincial Land Use Atlas. Further inquiries related to how your personal information will be collected, used and disclosed may be directed to Crown Lands Inquiries at 1-833-891-3249.



## Appendix A – Support to Complete the Application

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The Crown Lands Application Portal is designed to walk applicants or their designates through the application process in a step by step and easy to understand manner.

If you have questions when completing the application process, please contact the Crown Lands Inquiries Line at 1-833-891-3249 or [crownlandsinfo@gov.nl.ca](mailto:crownlandsinfo@gov.nl.ca). At times, callers may have to hold or will be prompted to leave a message. All messages will be returned.

Applicants who do not have a computer are invited to visit their local Newfoundland and Labrador Provincial Library to avail of computer workstations and support to log on and access the system. A list of library locations is available on their website at <https://nlpl.ca/>.

## Appendix B – Definitions\*

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**Accepted:** A Crown Lands Application is considered accepted once the Application has been submitted and verified as completed in full by a Crown Lands official, including all required information, the Applicant map and a copy of the receipt for payment of the Application (Online or Central Cashier's Office receipt).

**Applicant:** A person, organization or government that is submitting a Crown Lands Application for the purpose of obtaining a Crown Lands Title.

**Applicant's Map:** A map identifying the exact location of the land being applied for. The map should include GPS coordinates, if possible, the dimensions of the land being applied for and other descriptive characteristics such as proximity to landmarks including adjacent properties, waterbodies and road distance to a highway or nearest street. Care should be taken to ensure all information is clearly legible. The Public Land Inquiry Map should be used as a resource tool to create the Applicant map.

**Co-Applicant:** An additional person also included in an Application, who assumes equal responsibility, in the submission of a Crown Lands Application.

**Crown Lands:** All or any part of land under the administration and control of the Minister of Fisheries and Land Resources as defined in the **Lands Act**, including freshwater submerged areas.

**Crown Lands Division:** A division of the Department of Fisheries and Land Resources responsible for managing and allocating the province's Crown Lands resource in an environmentally responsible manner to meet the social and economic development needs of the public and private sectors.

**Crown Lands Office:** An office responsible for the administration of Crown Lands.

**Crown Lands Official:** An official responsible for the administration of Crown Lands.

**Depth:** The horizontal distance between the front and rear property lines of a lot, measured along a line midway between the side property lines.

**Designate:** A person appointed to speak on applicants behalf. The designate will receive all information related to the application.

**Easement – Section 5:** An easement is the right of one landowner over the land of another owner for a special purpose, other than general use and occupation, for an unlimited period of time. It does not mean one party has exclusive use of the land; multiple easements could be given for the same land as long as each use does not interfere with another. An example of a Crown Lands Easement would be the provision of an easement to a utility company to erect power lines. In these situations, the Crown retains ownership of the land and the easement period is typically for a longer term (e.g. 50 years). Applicants approved for an easement pay an annual fee to the Crown.

**First Come-First Served:** Processing of complete applications according to the order in which they are received.

**FLR:** The Department of Fisheries, Forestry and Agriculture.

**Frontage:** The full length of a property line on the front (road) side of the property.

**Improvements:** Examples of improvements that may support establishment of a claim are: constructing buildings, living on or occupying the land, fencing, clearing, cultivating, and the grazing of animals. Actual use and occupation of the fenced portion must be shown, such as the pasturing of cattle.

**Minister:** The Minister responsible for the administration of Crown Lands. Some duties assigned to the Minister are delegated to other staff within the Division.

**Open, Notorious, Exclusive and Continuous Possession (ONCE):**

Open - acts of possession on the land which are visible to others and sufficient to alert the true owner of a claim to his/her land

Notorious - well known, generally known or talked of

Continuous - uninterrupted, not occasional

Exclusive - to the exclusion of all other persons

**Received:** A Crown Lands Application is considered received when it is verified as complete, according to the date and time stamp of the email inbox when it is submitted via email, and according to the date and time stamped on the Application by a Crown Lands Official when it is submitted by mail or in-person. Should an incomplete Application be submitted by email, mail, or in-person, it will be returned to the Applicant to be completed and resubmitted. The new

submission date and time of the verified as complete Application will stand as the received date and time stamp.

**Shoreline Reservation:** Under the Lands Act, a 15-metre area around all fresh and marine waterbodies and water courses must remain publicly accessible.

**Submerged Crown Land:** Lands covered by water including parts of the coastline.

**Tenure:** Type of title being applied for.

**Title:** A person's right of ownership or possession of lands.

**Waterbody:** Fresh or salt water including: ocean, lake, pond, gully, river, stream and seasonal drainage.

**Water Lot:** This refers to land that is partially or completely covered by water.

**Waterfront Lot:** This is a parcel of land that has open access along part of its boundary to a water body separated only by the public shoreline reservation.

**\*See also section 1.3 for additional definitions.**