

RIGHTS OF A LAKESHORE OWNER

The lakeshore boundary of a lakeshore lot is generally to the normal high water mark. This is a natural boundary. Any land that is between the high water and the lake itself is called the foreshore. The foreshore is owned by “The Crown” a.k.a. the Provincial government. Since this is public property the lakeshore owner cannot prohibit access by others to the foreshore. To prevent such access is an offense.

To establish the boundaries of your lakeshore property it is best to obtain a copy of the legal survey map from the City, Regional District or Land Registry Office. If you have any doubt at all as to your property’s boundaries, it is best to order a new survey from an accredited surveyor. To establish the high water mark itself, surveyors use visual evidence such as a soil change or a change in the colour of the rocks or vegetation.

Waterfront ownership entitles you to a certain set of rights known as “Riparian Rights”. These rights include the right to apply for accretion. Over time, new land may be gradually and imperceptibly deposited to the foreshore. This causes the high water mark to shift leaving new land between the new high water mark and the existing titled property. You as the lakeshore owner, may apply to the Provincial government to have that new land added to your existing lot. You would have to prove that this new strip of land was created by natural causes (as opposed to adding fill) and you would also have to pay survey and legal expenses. Ultimately, you may decide it is not worth the expense.

There is also the right of lakeshore owner to construct erosion barriers as long as such barriers are above the high water mark. Owners should be careful to obtain the correct approvals before commencing this type of work as such work may have an impact on fish habitat and the like.

The third Riparian Right is that you have the right to access your property from the water at any point on your water frontage. This brings me to another subject. You may not build a dock or create moorage without a licence or lease from The Crown. The right to a dock must be applied for and if granted, you will be obligated to pay a fee for that right to the Provincial government. Your dock licence or lease must be renewed from time to time.

The protection of fish habitat has become a very real issue to waterfront owners. You cannot interfere with any fish habitat. An example of this would be you would not be able to add sand at your beach or dredge the water’s edge.

For more interesting details, go to the Land and Water BC website - www.lwbc.bc.ca.

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