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<b>Approved:</b>	<i>original approved by Christine Houghton, Director, Visitor Services Branch, BC Parks, Ministry of Environment</i>
<b>Effective Date:</b>	28-June-2011
<b>Relationship to Previous Policy:</b>	This policy replaces all previous policy regarding permit cancellation

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## Park Use Permits

### Permit Cancellation

#### Purpose

The purpose of this policy is to clearly state when park use permits and resource use permits issued under the *Park Act* may be cancelled.

#### Scope

This policy applies to park use permits and resource use permits (PUPs) within parks, protected areas, conservancies and recreation areas. Ecological reserve permits and permits for operation of campgrounds and BC Parks' facilities are not addressed by this policy.

#### Definitions

**“cancellation”** means the termination of all rights and privileges granted under a permit prior to the expiration date specified in the permit

**“expiry”** means the termination of a permit which has come to the end of its term

**“park”** for the purpose of this policy means Crown land established or continued as a park, protected area, recreation area, or conservancy under the *Park Act*, the *Protected Areas of British Columbia Act*, or the *Environment and Land Use Act*, and does not include ecological reserves

**“park use permit”** means a licence, issued under the *Park Act*, authorizing an activity or a course of behaviour or conduct, or the occupancy, use, development, exploitation or extraction of a natural resource on or in a park

**“permit fee”** means the fee established by Order in Council pursuant to section 20 and 21 of the *Park Act* and charged by BC Parks for the Permittee's use or occupancy of park lands

**“resource use permit”** means a licence, issued under the *Park Act*, authorizing an activity or a course of behaviour or conduct, or the occupancy, use, development, exploitation, or extraction of a natural resource on or in recreation area

**“review”** means the ongoing administrative evaluation, examination and appraisal of the permit operations and the permit with a view to improving performance and correcting and improving the permit document

**“term”** means a fixed and definite period of time during which a permit is issued or the period of time between the start of the commencement date and the end of the expiration date

“**termination**” means an ending to the permit at or before the end of the anticipated term which may be due to natural expiration, mutual agreement or cancellation by the Province

## **Policy**

### **1.1.1 Permit Cancellation**

Any permit may be cancelled either at the Province’s discretion or by mutual agreement between the Permittee and the Province.

### **1.1.2 Legal Grounds for Cancellation**

A PUP may be cancelled by the Province where it has been determined that there are legal grounds for cancellation, based on provisions and articles in the permit document. Reasons for breaking the legal agreement between the Province and the Permittee will be clearly outlined in the cancellation letter.

### **1.1.3 Reasons for Permit Cancellation**

Permits may be cancelled for any of the following reasons, provided that provisions for such actions are included in the permit document.

#### **Permit Fees, Rental Payments or Other Monies due to the Province are in Arrears**

If the Permittee fails to pay any monies due under their (PUP) or fails to provide a suitable reason and the default continues for seven days after the Province has given written notice by certified or registered mail, cancellation procedures may commence.

All monies previously paid forfeit to the Province and all monies still owing at the time of cancellation, especially for payment of commissions and for use or occupancy of park lands which have not been paid for, are considered a debt to the Province and every effort will be made to recover the monies.

#### **Insolvency**

The insolvency of a Permittee constitutes grounds for cancellation of the permit by written notice where the following provisions are included in the document:

- An order is made, a resolution passed or a petition filed for the liquidation or winding up of the Permittee;
- A receiver is appointed to operate the business of the Permittee;
- The Permittee files a petition in bankruptcy, is adjudged bankrupt, is petitioned into bankruptcy, makes an assignment for the benefit of its creditors, becomes insolvent or takes the benefit or protection of any statute relating to bankruptcy or insolvency; or
- Any of the Permittee’s assets are seized in execution from the permit area.

#### **Unacceptable Acts Performed by the Permittee**

A PUP may be cancelled by written notice if the Permittee performs any act which, in the opinion of BC Parks, affects the good standing or reputation of the park, or adversely affects natural or cultural resources, and any other Permittees or park users.

#### **Failure to Comply with the Terms and Provisions of the Permit**

If the Permittee fails to comply with the terms and provisions of the PUP and if failure is not remedied within a period specified after a written notice to the Permittee, this constitutes grounds for cancellation of the PUP. Some specific situations in which this provision may be applied are:

- Contravention of applicable Acts and regulations;
- Failure to provide service as agreed to under the PUP;

- Failure to use rights granted under the PUP;
- Unapproved transfer, assignment of the PUP or the rights granted under the PUP;
- Natural or cultural resources are damaged, destroyed or removed in violation of the PUP; and
- Structures are damaged, destroyed or are not sound and may pose a danger to park users.

Prior to initiating the cancellation of a permit for failure to comply with the terms and conditions of a permit, the Permittee must be given written notification by registered mail, outlining the specific concerns and provided with a sufficient amount of time to rectify the situation.

#### **The Park or Permit Areas are Closed**

A PUP may be cancelled if the park or permit areas are closed. Some specific situations in which this provision may be imposed are:

- Environmental damage is being caused to the permit area;
- Operations are being conducted by Emergency Services teams (Search and Rescue, police investigations);
- Damage from natural events (landslides, flooding, fire, etc.);
- There are public safety concerns (bear/human conflicts, natural disasters, wildfires);
- An Order-in-Council or Legislation is passed removing the land from BC Parks jurisdiction (in this situation the PUP is automatically terminated and if the Permittee requires continued use of the area, authorization would be the responsibility of the new jurisdiction responsible for the area).

#### **The Permit Area is Damaged or Destroyed**

A PUP may be cancelled if the permit area has been damaged or destroyed. Some specific situations in which this provision may be imposed are:

- A structure is destroyed by fire and rebuilding will not be authorized, and
- Loss of use of the permit area due to flooding or other natural disasters.

#### **Wilful Misrepresentations**

A PUP may be cancelled if the Permittee wilfully misrepresented:

- Information on the application form which led to the granting of the PUP; and
- Information required to be provided under the terms and conditions of the PUP during the term.

#### **Permit is Rendered Invalid through Government Action**

A PUP may be cancelled if the Permittee is no longer able to use their PUP due to a decision made by government, such as:

- Alteration of guide outfitter territories so that they are no longer located within park boundaries, or
- Decision to no longer allow certain recreational activities within a park.

#### **Mutual Agreement**

A PUP may be cancelled if both the Permittee and the Province agree to the terms of cancellation.

**1.1.4 No Reinstatement of a Cancelled Permit**

A cancelled permit cannot be reinstated. If the former Permittee wishes to obtain a new permit a new application must be submitted. All past indebtedness to the Province must be paid before a new application will be considered.

**1.1.5 Fees Due up to Cancellation Date**

All fees are payable for valid permits until such time as the permit is requested to be cancelled by the Permittee, or cancelled at discretion of the Province. Any fees owed to the Province prior to the date that the cancellation process was initiated must be paid.

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**APPROVED AMENDMENTS:**

Effective Date:	Summary of Changes: