

 DISTRICT OF Sooke	Policy Title: Licence of Occupation Policy	Policy No: CO-029
	Authority: Council	Classification: 0340-40
	Date Adopted: July 28, 2025	Motion No: IC-2025-96
Historical Changes: February 9, 2026 - Policy updated to remove the blanket prohibition and permit consideration of longer-term Licences of Occupation at Council’s discretion.		

1. BACKGROUND

1.1. The District of Sooke considers licence of occupation agreements for the non-exclusive use of public lands from time to time in order to provide additional services or in response to requests from external entities.

2. PURPOSE

2.1. The Policy provides guidelines and procedures for Council to consider licence of occupation agreements on District-owned lands in order to provide services that increase the quality of life for the community.

3. DEFINITIONS

3.1. In this Policy, unless the context otherwise requires:

Council	means the Council of the District of Sooke
Community organization	is a: a. an organization incorporated under the <i>Societies Act of BC</i> ; b. an organization representing and providing a <i>community service</i> within boundaries of the District of Sooke; and c. an organization providing the opportunity for public use and/or participation in its services.
Community service	is the supply of a commodity or service that benefits any or all residents of the District.
District	means the District of Sooke

4. POLICY

4.1. The District has the responsibility to hold public lands in trust.

4.2. The District may determine the need for a *community service* to be provided on public lands and request proposals from *community organizations* to offer the service under a non-exclusive licence of occupation agreement.

- 4.3. The District will consider requests from *community organizations* for non-exclusive use of public lands.
- 4.4. Any request for a Licence of Occupation other than from a *community organization* will be considered a private applicant. Requests from private applicants must show in their application why a Licence of Occupation is more appropriate for their proposed use than a sale of land.
- 4.5. When considering requests for non-exclusive use of public lands, the District will consider applicable land use regulations, park classifications, impact on surrounding neighbourhood, parking, utilities and other matters deemed pertinent to the site.
- 4.6. *Community organizations* must demonstrate a mandate to provide social, recreation, cultural or environmental benefits or essential services to the community for a licence of occupation agreement to be considered.
- 4.7. The District should not incur costs associated with a licence agreement to occupy public lands.
- 4.8. Public lands shall not be permanently altered by a licensee.
- 4.9. Licensees must comply with the provisions set forth by Council in a licence of occupation agreement.
- 4.10. The term of a licence of occupation agreement for a *community organization* will be a maximum of three (3) years with one additional three (3) year extension term exercisable upon receipt of the District's consent. Council will decide the appropriate term for a private applicant as part of considering the application.
- 4.11. Licence fees shall be ten dollars (\$10.00) per year, payable in advance for the full term of the agreement.

5. PROCEDURE

- 5.1. Where the District identifies public lands on which *community services* are requested to be delivered by a *community organization*:
 - 5.1.1. the District will undertake a public expression of interest process to invite *community organizations* to propose use of public lands for provision of *community services*;
 - 5.1.2. the District will identify evaluation criteria for selecting from the expressions of interest;
 - 5.1.3. the District will select a *community organization* to enter into a licence of occupation agreement;
- 5.2. When a *community organization* requests use of public lands to the District:
 - 5.2.1. the District will confirm the *community organization* meets the definitions in this policy;

- 5.2.2.the District will consider applicable land use regulations, park classifications, impact on surrounding neighbourhood, parking, utilities and other matters deemed pertinent to the site;
- 5.3. When an applicant other than a community organization requests use of public lands:
 - 5.3.1.The District will consider the request and the reasons behind it in conjunction with applicable land use regulations and classifications, impact on surrounding neighbourhood, parking, utilities and other matters deemed pertinent to the site;
- 5.4. A licence of occupation may, without limitation on other terms and conditions that the District may consider appropriate, include the following terms and requirements:
 - 5.4.1.*Community organizations* must submit a Board-approved annual report to the District outlining financial and operating information.
 - 5.4.2.*Community organizations* shall meet with a District liaison at least once per year to review the annual operation plan.
 - 5.4.3.*Community organizations* must maintain insurance policies in a form and substance and with an insurer satisfactory to the District which includes a general liability insurance policy with an inclusive limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence for death, bodily injury and property damage. The District must be named as additional insured on this insurance policy.
 - 5.4.4.*Community organizations* must obtain approval from the Director of Development Services Prior to commencing any improvements.
 - 5.4.5.At the expiry or termination of a licence agreement, any improvements shall be removed at the cost of the licensee or, subject to District approval, transferred to the District.

REFERENCES

Policy Owner:	Operations
Related Policies:	