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Private land not protected 5

Re: Premier's positive spin can't shake concerns about Tsilhqot'in title decision, Vaughn Palmer column, July 19

Aboriginals have not yet claimed private land on which non- aboriginals live. However, given the recent Supreme Court of Canada decision, what is to prevent such claims? The Supreme Court decided that "aboriginal title extends to tracts of land that were regularly used for hunting, fishing or otherwise exploiting resources and over which the group exercised effective control at the time of assertion of European sovereignty" (the mid- 1800s). That definition undoubtedly includes all land in the Lower Mainland. The Crown was the original transferor of all land now held privately. However, the court decided the Crown may only override aboriginal title for reasons that are "compelling and substantial." Does all private land ownership in the Lower Mainland meet this test? Might this question be determined on a case- by- case basis? Might it take at least 10 years of litigation to determine each case? The Court decided "if the Crown begins a project without consent prior to aboriginal title being established, it may be required to cancel the project upon establishment of the title." Accordingly, is it prudent that all private land titles and contracts of purchase and sale of land in the Lower Mainland be expressly made "subject to any existing or future claim of aboriginal title"?

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