



Groundwater Licensing Required by March 1, 2022

On February 29, 2016 the [Water Sustainability Act](#) (WSA) was brought into force. The WSA made a number of changes on the way water is managed in British Columbia. The most significant change impacting strata corporations is the requirement to obtain a water license for groundwater use by March 1, 2022.

The WSA defines “groundwater” as meaning “water naturally occurring below the surface of the ground”. If your strata corporation uses water from a well, it is a groundwater user.

A water license secures your water rights and grants you the legal authority to use the groundwater.

A license is not required, however, when ground water is used for a “domestic purpose”, defined as meaning: “the use of water for household purposes by the occupants of, subject to the regulations, one or more private dwellings, other than multi-family apartment buildings, including, without limitation, hotels and strata titled or cooperative buildings, located on a single parcel, including, without limitation, the following uses:

- (a) drinking water, food preparation and sanitation;
- (b) fire prevention;
- (c) providing water to animals or poultry kept
 - (i) for household use, or
 - (ii) as pets;

(d) irrigation of a garden not exceeding 1000 m² that is adjoining and occupied with a dwelling.” (emphasis added)

For a comprehensive overview of the WSA click [here](#).

For further information on domestic use of water under the WSA [click here](#).

What does this mean for strata corporations?

Based on the preceding definition, it appears that:

If the well is situated on a single parcel of land (such as a strata lot in a bare land strata corporation) and it supplies water for household purposes to a single family dwelling occupied as a private residence, then a licence is not required. It is recommended, however, that the well be registered in the provincial wells data base to create a record of your water use for consideration when the province is reviewing other licence applications.

But if your strata corporation consists of multi-family strata-titled buildings that have a common shared water supply system, such as a well, it will require a license for groundwater use (whether for “domestic purposes” or otherwise).

For information on registering your well click [here](#).

Why is it important to apply for a licence by March 1, 2022?

Strata corporations that were using groundwater on or before February 29, 2016 (an “existing user”) and now require a license must apply for it by March 1, 2022 to secure their groundwater rights and to avoid committing an offence under the WSA. If the strata corporation continues to use the water without having applied, they may be subject to fines and penalties, and may be ordered to cease using the water.

Provided the strata corporation applies by the deadline, the government will consider when the strata corporation first used the water to establish its first-in-time, first-in-right (FITFIR) priority date. This gives the strata corporation water use precedence over new users when they apply and during times of water scarcity.

What if our strata misses the application deadline?

If the application is made after March 1, 2022, the strata corporation will be considered a “new user”.

A new user (*which term applies when groundwater use began after March 1, 2016*) is required to apply for and obtain a licence before the water can lawfully be diverted, used or stored.

Failure to apply for a required license by March 1, 2022 means:

- Your water rights may not be secured;
- Your application could be refused if there is not enough water;
- Your priority date will not be your date of first use but likely the application date.

How much does a licence cost?

If the strata corporation is an existing user and it applies by March 1, 2022, the one-time application fee (minimum \$250) is waived. The application fee exemption does not apply to new users.

Note: There may be additional water fees and annual rental fees based on water use purpose and volume. As well, while existing or new users are required to apply for a water licence, water fees and rentals are generally not payable for First Nations water use on Reserve or Treaty lands or by exempt persons or entities under the Nisga’a Final Agreement.

How does a strata corporation apply for license?

To learn how to apply for a licence watch the [Video: How to Apply for a Groundwater Licence](#) created by Front Counter BC with the Ministry of Forests, Lands, Natural Resource Operations and Rural Developments.

As well, to save time during the application process the [Licensing Groundwater in BC - Brochure](#) provides a comprehensive list of items you will need to know about your well and water usage prior to applying.

Should you need help with your water licence application please contact [Front Counter BC](#) at 1-877-855-3222 or by email at FrontCounterBC@gov.bc.ca.

What if we have questions?

You may find the answers to your questions in the [Licensing Groundwater in BC - Questions and Answers](#). However, if you still have questions after reading the Q & As, please contact [Front Counter BC](#).