

Natural Legacies:

Your Educational Guide to Conservation in BC



Information for Landowners

What is a Conservation Covenant?

A covenant is a promise by a landowner to do—or not do—something in relation to their land. Conservation covenants allow a landowner to ensure that the special ecological or heritage values of their land are maintained in perpetuity.

A conservation covenant is a voluntary legal agreement between a landowner and covenant holder to protect land for ecological, cultural, heritage, or other specified purposes. The agreement specifies conditions and actions that must or must not take place. The completed conservation covenant is registered against title to the land in the Land Title Office and is binding on future property owners.

INFORMATION FOR LANDOWNERS



Natural Legacies is a project of the Land Trust Alliance of BC with the financial support of:
The Real Estate Foundation of BC
The Vancouver Foundation
The Law Foundation of BC
The Victoria Foundation
The Province of BC
Environment Canada
TIDES Canada

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A conservation covenant is different than a Restrictive Covenant under the B.C. *Land Title Act*. A restrictive covenant is used to prevent something happening on that land, such as the removal of trees or other vegetation, but cannot impose positive obligations on others. For more information see 'Restrictive Covenants'.

When are conservation covenants a good conservation tool?

From a landowner's perspective, a conservation covenant is a good choice if:

- You want to retain ownership of the land, but assure it's conservation values are protected even if you sell the land;
- You want flexible options that:
 - Can be tailored to address specific ecological or other features of the land
 - Can protect all of the property or just a part
 - Can make provision for the use of buildings as well as the land
 - Can be modified in the future if all parties agree to this

If the intent is to transfer full ownership of the property to a conservation organization, the covenant could make provision for the landowner and heirs to live on the property during their lifetimes;

Considerations:

- The conservation covenant is a long-term commitment that is designed to be hard to change. Landowners should be very certain that this is their preferred approach prior to making the commitment;
- The conservation covenant may lower the sale value of the property in question, because its future use is limited by the terms of the covenant;
- There are costs to the landowner setting up the covenant, including obtaining professional advice

If you are considering options for the long term protection of ecological values on your land, talk to your local land trust organization. They can help you understand the various options and discuss what might work best for your needs and desires.

What is included in a conservation covenant?

Typically, a conservation covenant will include the following:

- Information about the property:
 - A legal description of the land and buildings
 - Baseline documentation on the site and its condition
- Terms and conditions for use:
 - Restrictions on the use and disposal of the land
 - Provisions for management of the covenanted land and buildings (this may also be provided in a separate management agreement)
 - Owner's rights and obligations
- Financial and legal obligations of all parties, e.g.:
 - Mortgages
 - Liability
 - An acknowledgement that the landowner has sought independent legal and tax advice before entering into the covenant
- Monitoring and enforcement:
 - A provision to allow the covenant holder access for the purpose of monitoring the covenanted land and

- buildings (a statutory right of way)
- Information on enforcement and dispute resolution
- Future considerations:
 - Information pertaining to heirs and future owners
 - Information in the event that the covenant holder dies (for an individual) or is dissolved (for an organization)

Useful Resources:

LTABC information sheet *'Steps To Putting A Conservation Covenant On Your Land'*

Land Trust Alliance of B.C. 2007. People Protecting Places. Revised 2016. Available from <http://ltabc.ca/resources/ltabc-publications/76-people-protecting-places>, *Includes numerous examples of conservation covenants in B.C.*