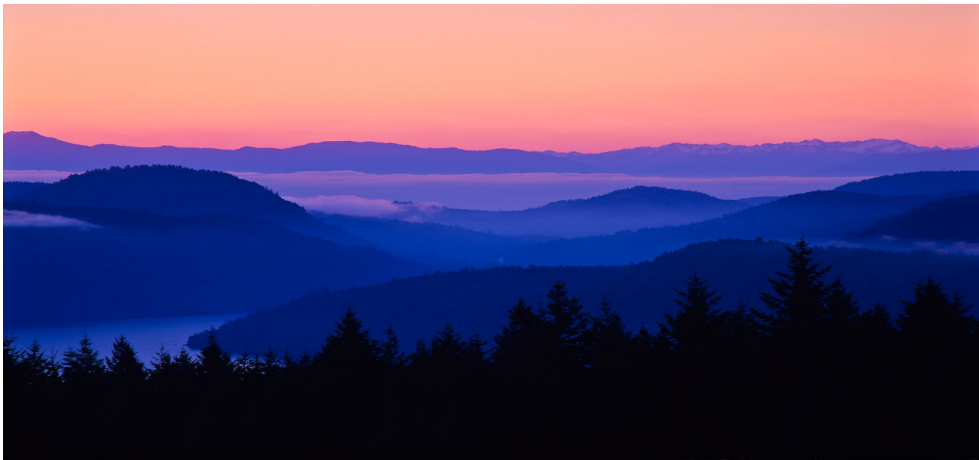


# Natural Legacies:

## *Your Educational Guide to Conservation in BC*



### Protecting Nature on Private Land - Leases and Licenses

#### *What is a lease?*

A lease is a written legal agreement. The lessor (landowner) grants the lessee (conservation organization) the right to enter and manage the property for specified purposes, in exchange for a fee. The terms and conditions are decided on and agreed to by both parties.

#### *What is a license?*

A license is similar to a lease, except that the lease implies more exclusive use of a property whereas a license relates to a specific use of a property.

#### *What's the difference between leases and licenses?*

*“Under common law, a license is in the nature of a right or privilege to enter upon and use the grantor's land in a certain manner or for a specified purpose. It is a personal right between the licensor and licensee and does not create any estate or interest in the property. In the common law provinces, a lease generally confers an interest in the real property, binding on the property owner and on other persons.”  
(Canada Revenue Agency)<sup>1</sup>*

### LEASES AND LICENSES



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<sup>1</sup> <http://www.cra-arc.gc.ca/E/pub/gl/p-062/p-062-e.html>

### *When are leases and licenses a good conservation tool?*

From a landowner's perspective, a lease or license is a good choice if:

- You want to retain ownership of the land, but have outside assistance in stewarding its conservation values;
- You do not want an agreement that will be binding on future owners;
- You have a good relationship with the local conservation organization.

### *Considerations:*

- Leases and licenses are usually renewable, but are not binding on future owners of the land (unless registered on land title).
- Leases can be registered with the Land Titles Office, making the terms binding on future landowners for the term of the lease.
- The lease or license fee may be a nominal amount (e.g., \$10 a year) or some greater sum as mutually agreed to.

### *Legal Considerations:*

These agreements are simple and legal advice is not usually required, unless the agreement is complex.

### *Resources:*

Penn, B. 1996. Stewardship Options for Private Landowners in British Columbia. BC Ministry of Environment, Lands and Parks. [http://stewardshipcentrebc.ca/PDF\\_docs/StewardshipSeries/StewardshipOptions.pdf](http://stewardshipcentrebc.ca/PDF_docs/StewardshipSeries/StewardshipOptions.pdf) or available from <http://www.stewardshipcentrebc.ca/portfolio/stewardship-options/>. *An overview of the options for land stewardship and conservation in BC.*