

Conservation Easement Registration Regulation (Download Version)

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Related Act

Ministry Responsible Environment

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(Consolidated up to 144/2006)

ALBERTA REGULATION 215/96

Environmental Protection and Enhancement Act

CONSERVATION EASEMENT REGISTRATION REGULATION

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Interpretation

1 In this Regulation,

- (a) “Act” means the Environmental Protection and Enhancement Act;
- (b) “agreement” means an agreement made in accordance with section 22 of the Act;
- (c) “conservation easement” means a conservation easement as defined in section 22(1)(b) of the Act;
- (d) “grantee” means a grantee as defined in section 22(1)(c) of the Act;
- (e) “grantor” means a grantor as defined in section 22(1)(d) of the Act;
- (f) “qualified organization” means a qualified organization as defined under section 22(1)(e) of the Act;

(g) “Registrar” means the Registrar of Land Titles under the Land Titles Act or the Registrar of the Metis Settlements Land Registry under the Metis Settlements Act, as the case may be;

(h) “registration” means registration of an agreement in accordance with section 23 of the Act.

AR 215/96 s1;251/2001

Notice

2(1) Subject to subsections (2) and (3), the notice must be in the form set out in Form 1 of the Schedule and must be given to the person entitled to receive it under section 23(2) of the Act so that it is received at least 60 days prior to the presentation of the agreement to the Registrar for registration.

(2) A notice under subsection (1) is not considered to have been received unless the receipt has been confirmed in writing.

(3) For the purpose of section 23(2)(c) of the Act, where the grantee or grantor of the conservation easement is the local authority of the municipality in which the land that is the subject of the conservation easement is located, the local authority is deemed to have been given notice as required under section 23(2) of the Act.

(4) The notice period prescribed in subsection (1) may be shortened with the consent of the person entitled to receive the notice under section 23(2) of the Act.

AR 215/96 s2;251/2001

Boundary designation

3 The boundaries of the conservation easement must be described to the satisfaction of the Registrar.

Statutory declaration

4 A statutory declaration in the form set out in Form 2 of the Schedule must accompany an agreement for registration under section 23 of the Act.

AR 215/96 s4;251/2001

Expiry

5 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on September 1, 2011.

AR 215/96 s5;172/2001;144/2006

Schedule

Form 1

Notice Prior to Registration

Notice to (Minister of Municipal Affairs/Special Areas Board/Local Authority of a Municipality)

This Notice is to advise you that:

1. We, (qualified organization, name, address, phone number) intend to register an agreement under section 23 of the Environmental Protection and Enhancement Act creating a conservation easement, not sooner than 60 days after the date you receive this notice.

2. The conservation easement will affect the land described as (legal description or municipal address, if applicable) containing (acres or hectares) located in (improvement district, special area or municipality).

3. The name and phone number of the registered owner of the affected land are:

4. The purpose of the conservation easement is to:

5. A summary of the terms of the agreement creating the conservation easement relating to the use of the land includes:

Dated this day of , 20 .

(Signature)

Signatory's name and position

with the qualified organization

Form 2

Declaration by Grantee

CANADA) IN THE MATTER of the registration of
PROVINCE OF) an agreement pursuant to section 23 of
ALBERTA) the Environmental Protection and
TO WIT:) Enhancement Act (the “agreement”)
affecting the land described as (legal
description) (the “land”) containing
(acres or hectares) located in
(improvement district, special area or
municipality)

I, _____, officer of (qualified organization) of (full address including street,
municipality and country),

SOLEMNLy DECLARE THAT:

1. (qualified organization) of (mailing address of qualified organization)
is

(a) the Government, a Government Agency or a local authority as
defined in the Environmental Protection and Enhancement Act, or

(b) a body corporate that

(i) has as one of its objects the acquisition and holding of
interests in land for purposes that are substantially the same as any of the purposes listed in clause
2,

(ii) has in its constating instrument a requirement that, on or in
contemplation of the winding-up of the body corporate, all conservation easements that the body
corporate holds are to be transferred to another qualified organization, and

(iii) is a registered charity within the meaning of the Income Tax
Act (Canada).

2. The conservation easement to be registered by way of the agreement in
respect of all or part of the land is for one or more of the following purposes:

(a) the protection, conservation and enhancement of the environment
including, without limitation, the protection, conservation and enhancement of biological
diversity;

(b) the protection, conservation and enhancement of natural scenic or
aesthetic values;

(c) providing for any or all of the following uses of the land that are
consistent with purposes set out in clause (a) or (b):

- (i) recreational use;
- (ii) open space use;
- (iii) environmental education use;
- (iv) use for research and scientific studies of natural ecosystems.

3. Notice referred to in section 23(2) of the Act has been given to the persons entitled to receive the notice in accordance with the Conservation Easement Registration Regulation.

AND I MAKE THIS SOLEMN DECLARATION conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me)

(print name))

at the of)

in the Province of)

(Signature)

this day of)

20 .)

)

A Commissioner for Oaths

Signatory's name and position
with the qualified organization