

Conservation Land Act

R.S.O. 1990, CHAPTER C.28

Consolidation Period: From May 14, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 12, Sched. L, s. 3.

Definitions

1. In this Act,

“areas of natural and scientific interest” means areas of land and water containing natural landscapes or features that have been identified by the Ministry of Natural Resources as having values related to protection, natural heritage appreciation, scientific study or education; (“zones d’intérêt naturel et scientifique”)

“conservation authority land” means land owned by a conservation authority; (“terre relevant d’un office de protection de la nature”)

“conservation land” includes wetland, areas of natural and scientific interest, land within the Niagara Escarpment Planning Area, conservation authority land and such other land owned by non-profit organizations that through their management contribute to provincial conservation and heritage program objectives; (“terre protégée”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“Niagara Escarpment Planning Area” means the geographic area contained within the Niagara Escarpment Plan; (“zone de planification de l’escarpement du Niagara”)

“wetland” means land,

(a) that is seasonally or permanently covered by shallow water, or

(b) in respect of which the water table is close to or at the surface,

so that the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. (“terre marécageuse”) R.S.O. 1990, c. C.28, s. 1; 2009, c. 12, Sched. L, s. 3.

Establishment of programs

2. (1) The Minister may establish programs to recognize, encourage and support the stewardship of conservation land. R.S.O. 1990, c. C.28, s. 2 (1); 1994, c. 27, s. 128 (1).

Grants

(2) A program established under subsection (1) shall provide for the payment of grants in respect of such classes of conservation land as the Minister considers appropriate subject to such conditions precedent or subsequent as the Minister considers necessary. R.S.O. 1990, c. C.28, s. 2 (2).

Definitions

3. (1) In this section,

“conservation body” means,

(a) the Crown in right of Canada or in right of Ontario,

(b) an agency, board or commission of the Crown in right of Canada or in right of Ontario

that has the power to hold an interest in land,

(c) a band as defined in the Indian Act (Canada),

(d) the council of a municipality,

(e) a conservation authority,

(f) a corporation incorporated under Part III of the Corporations Act or Part II of the Canada Corporations Act that is a charity registered under the Income Tax Act (Canada),

(g) a trustee of a charitable foundation that is a charity registered under the Income Tax Act (Canada), or

(h) any person or body prescribed by the regulations; (“organisme de protection de la nature”)

“owner” means the person registered on title in the proper land registry office as the owner of land. (“propriétaire”) 1994, c. 27, s. 128 (2); 2000, c. 26, Sched. L, s. 2 (1); 2004, c. 16, Sched. D, Table.

Conservation easements and covenants

(2) An owner of land may grant an easement to or enter into a covenant with one or more conservation bodies,

- (a) for the conservation, maintenance, restoration or enhancement of all or a portion of the land or the wildlife on the land;
- (b) for the protection of water quality and quantity, including protection of drinking water sources;
- (c) for watershed protection and management;
- (d) for the conservation, preservation or protection of the land for agricultural purposes;
- (e) for the purposes prescribed by the regulations made under this Act; or
- (f) for access to the land for the purposes referred to in clause (a), (b), (c), (d) or (e).

2006, c. 23, s. 35 (3).

Easement reserved by conservation body

(2.1) When a conservation body conveys land, it may reserve an easement for a purpose referred to in subsection (2). 2006, c. 23, s. 30 (1).

Same

(2.2) A reference in any Act or regulation to easements granted under this Act also applies to easements reserved in accordance with subsection (2.1). 2006, c. 23, s. 30 (1).

Assignment

(3) The easement or covenant may be assigned by a conservation body to another conservation body. 1994, c. 27, s. 128 (2).

Validity

(4) The easement or covenant is valid whether or not the conservation body or assignee owns appurtenant land or land capable of being accommodated or benefited by the easement or covenant and regardless of whether the easement or covenant is positive or negative in nature. 1994, c. 27, s. 128 (2).

Term

(4.1) The easement or covenant is valid for the term specified in it. 2005, c. 30, s. 4 (2).

Amendment

(4.2) The owner of the land affected by the easement or covenant shall not amend the easement or covenant without the consent of the Minister. 2005, c. 30, s. 4 (2).

Release

(4.3) The conservation body or assignee shall not release the easement or covenant without the consent of the Minister. 2005, c. 30, s. 4 (2).

Notice to Crown

(4.4) No person shall commence a proceeding to amend or release the easement or covenant without giving notice to the Minister. 2005, c. 30, s. 4 (2).

Registration

(5) The easement or covenant may be registered against the land affected in the proper land registry office and, once registered, it runs with the land against which it is registered. 1994, c. 27, s. 128 (2).

Enforcement

(6) The conservation body or assignee may enforce the easement or covenant against the owner of the land and, if it is registered, against any subsequent owner of the land against which it is registered. 1994, c. 27, s. 128 (2).

No merger of registered easement

(6.1) If a conservation body that is a party to an easement that is registered as described in subsection (5) becomes the owner of the affected land,

- (a) the easement is suspended but does not merge; and
- (b) if the conservation body afterwards conveys the land, the easement becomes effective again. 2006, c. 23, s. 30 (2).

Mandatory assignment

(7) If a conservation body ceases to be a conservation body, it shall be deemed to have assigned every easement and covenant to which it is a party to the Minister. 1994, c. 27, s. 128 (2).

Effect of deemed assignment

(8) The Minister may register notice of the deemed assignment against the land affected in the proper land registry office and may assign the easements and covenants, or any of them, or hold them as if he or she were a conservation body. 1994, c. 27, s. 128 (2).

Rights preserved

(9) Subject to subsections (4.2), (4.3) and (4.4), nothing in this section limits a right or remedy that a person may have under any other Act, at common law or in equity in respect of an easement or covenant, if the right or remedy is not inconsistent with this section. 1994, c. 27, s. 128 (2); 2005, c. 30, s. 4 (3).

Deeming provision

(10) A covenant under this section, whether positive or negative in nature, shall be deemed to be a restrictive covenant. 1994, c. 27, s. 128 (2).

Regulations

(11) The Minister may make regulations,

- (a) prescribing persons or bodies for the purpose of clause (h) of the definition of “conservation body” in subsection (1);
- (b) respecting those records, information, reports and returns with respect to easements and covenants that a conservation body holds under this section that the conservation body must keep, must open for inspection or must submit to the Minister or other person designated in the regulations;
- (c) prescribing purposes for the purpose of clause (2) (e);
- (d) providing for and respecting one or more registries of easements and covenants under this Act. 2000, c. 26, Sched. L, s. 2 (2); 2006, c. 23, ss. 30 (3), 35 (4).

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