

The Conservation Easements Regulations

being

Chapter C-27.01 Reg 1 (effective January 31, 1997) as amended
by Saskatchewan Regulation cL-5.1 Reg 3 and 24/2002.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-27.01 REG 1
The Conservation Easements Act

Title

1 These regulations may be cited as *The Conservation Easements Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Conservation Easements Act*.

31 Jan 97 cC-27.01 Reg 1 s2.

Notice of intent

3(1) For the purposes of subsection 8(1) of the Act, Form A of the Appendix is prescribed as the form for a notice of intent.

(2) A notice of intent shall be served personally or by registered mail.

31 Jan 97 cC-27.01 Reg 1 s3.

Conservation easement notice

4 For the purposes of subsection 7(2) of the Act, Form B of the Appendix is prescribed as the form for a conservation easement notice.

31 Jan 97 cC-27.01 Reg 1 s4; 22 Mar 2002 SR
24/2002 s5.

Conservation easement

5 A conservation easement is to contain the following information:

- (a) the name and mailing address of the grantor and the holder;
- (b) the legal land description of the conservation easement by descriptive plan or by plan of survey;
- (c) a sketch of the land to which the conservation easement relates;
- (d) the period for which the conservation easement is to exist;
- (e) the purpose for which the conservation easement is granted;
- (f) where land use practices are permitted, restricted or prohibited on the land to which the easement relates, a description of those practices;
- (g) the conservation, restoration or enhancement practices that may be undertaken by the holder;
- (h) the control over third-party access to the land to which the conservation easement relates;
- (i) the allocation of liability between the holder and grantor for personal injury and property damage occurring on the land to which the conservation easement relates;

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- (j) the responsibility for costs related to the conservation easement;
- (k) where the conservation easement may be assigned, the provisions respecting assignment.

31 Jan 97 cC-27.01 Reg 1 s5. 6 Jly 2001 cL-5.1
Reg 3 s7.

Assignment

6(1) For the purposes of clause 3(2)(b) of the Act, a conservation easement may be assigned by submitting to the Registrar of Titles an application for an assignment of the interest, accompanied by an Assignment by Holder in Form C of the Appendix.

(2) On registration of an Assignment by Holder, the assignee becomes the holder for all purposes and has all the rights of a holder granted by the Act and the conservation easement agreement and is subject to all the liabilities imposed on the holder by the Act and the conservation easement agreement.

(3) Where a holder makes an assignment, a copy of the Assignment by Holder is to be provided to the department.

31 Jan 97 cC-27.01 Reg 1 s6; 22 Mar 2002 SR
24/2002 s6.

Election by Crown

7 Where the Crown elects to assume the obligations of a holder and accept the rights and privileges respecting the conservation easement pursuant to subsection 10(2) of the Act, the Crown shall apply to the Registrar of Titles to register an assignment of the interest to the Crown.

31 Jan 97 cC-27.01 Reg 1 s7; 22 Mar 2002 SR
24/2002 s7.

Notice of discharge

8 For the purposes of subsection 10(4) of the Act, Form D of the Appendix is prescribed as the form for a notice of discharge.

31 Jan 97 cC-27.01 Reg 1 s8; 22 Mar 2002 SR
24/2002 s8.

Attestation of forms

9(1) Forms B to D of the Appendix are to be attested to in the manner set out in *The Land Titles Act, 2000* for the attestation of instruments.

(2) For the purposes of subsection (1):

(a) an affidavit of attestation of an instrument by an individual may be in Form E of the Appendix; and

(b) an affidavit of attestation of an instrument by a corporate officer may be in Form F of the Appendix.

31 Jan 97 cC-27.01 Reg 1 s9; 22 Mar 2002 SR
24/2002 s9.

Registration in the land titles registry

10 Where an application based on a document made pursuant to the Act or these regulations is submitted to the Registrar of Titles for registration in the land titles registry, the Registrar shall deal with the application in accordance with *The Land Titles Act, 2000* and the regulations made pursuant to that Act.

22 Mar 2002 SR 24/2002 s10.

Appendix

FORM A
[Section 3]

Notice of Intent

TO: _____
(*This notice is to be served on all persons with interests registered against the title respecting the lands against which the conservation easement notice is proposed to be registered and on the municipality in which the land affected by the conservation easement is located.*)

IMPORTANT NOTICE

The proposed holder of a conservation easement, _____, and the proposed grantor, _____, have entered into a conservation easement agreement respecting the following lands that are owned by the proposed grantor:

(*legal land description by registered against or by plan of survey*)

The proposed holder and the proposed grantor intend to submit a conservation easement notice to the _____ Land Titles Registry for registration against the title to the above lands pursuant to *The Conservation Easements Act*.

The attached conservation easement agreement sets out the details of the conservation easement.

DATED this _____ day of _____, 19 _____.

(*Proposed Holder*)

(*Address for Service*)

IF YOU OBJECT TO THE REGISTRATION OF THE CONSERVATION EASEMENT NOTICE, YOU MAY APPLY, WITHIN 60 DAYS OF BEING SERVED WITH THIS NOTICE OF INTENT, TO THE COURT OF QUEEN'S BENCH IN THE JUDICIAL CENTRE WHERE THE LAND IS LOCATED FOR AN ORDER THAT THE CONSERVATION EASEMENT NOTICE NOT BE REGISTERED OR SUBMITTED FOR REGISTRATION.

FORM B
[Section 4]

Conservation Easement Notice

TO THE REGISTRAR OF TITLES:

PART A

A. GRANTOR

1. The grantor, _____, submits this conservation easement notice for registration pursuant to *The Conservation Easements Act* respecting a conservation easement agreement between the grantor and _____, the holder, respecting the following lands:

(legal land description by descriptive plan or by plan of survey)

- 2. The grantor is the registered owner of an estate in fee simple of the above lands.
- 3. The conservation easement is granted for one of the purposes mentioned in section 4 of *The Conservation Easements Act*.

DATED this _____ day of _____, 19 ____ .

(Witness)
(Affidavit of Attestation required)

(Grantor)

(Address for Service in Saskatchewan)

PART B**B. HOLDER**

1. The holder is eligible to hold a conservation easement pursuant to section 6 of *The Conservation Easements Act*.
2. Pursuant to *The Conservation Easements Act* and the regulations, the holder served a notice of intent to register a conservation easement notice in Form A on:
 - (a) all persons with interests registered against the title respecting the lands against which the conservation easement notice is proposed to be registered, namely:

Name	Instrument No. of Interest
 - (b) the municipality in which the land affected by the conservation easement is located, namely:
_____ .
3. The 60-day period for objection mentioned in subsection 8(2) of *The Conservation Easements Act* has elapsed and no person has made an application to the Court of Queen's Bench for an order that the conservation easement notice not be registered or submitted for registration.
4. A conservation easement between _____ , as grantor, and _____ , as holder, has been agreed to that:
 - (a) grants rights and privileges to the holder respecting land that relate to the purpose for which the conservation easement is granted; and
 - (b) imposes obligations, either positive or negative, on the grantor or holder respecting that land that relate to the purpose for which the conservation easement is granted.
5. The conservation easement is granted for one of the purposes mentioned in section 4 of *The Conservation Easements Act*.

DATED this _____ day of _____ , 19 _____ .

(Witness)

(Affidavit of Attestation required)

(Holder)

(Address for Service in Saskatchewan)

FORM C
[Section 6]

Assignment by Holder

TO THE REGISTRAR OF TITLES:

The holder, _____, of a conservation easement pursuant to a conservation easement agreement and a conservation easement notice registered in the Land Titles Registry as interest number _____, assigns the conservation easement agreement to _____, whose address for service in Saskatchewan is:

together with all rights granted by *The Land Titles Act, 2000* and *The Conservation Easements Act* to the holder and subject to all obligations imposed by those Acts on the holder.

DATED this _____ day of _____, 19 _____.

(Witness)
(Affidavit of Attestation required)

(Holder)

(Address for Service in Saskatchewan)
31 Jan 97 cC-27.01 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s8.

FORM D
[Section 8]

Notice of Discharge

TO THE REGISTRAR OF TITLES:

TAKE NOTICE THAT the conservation easement registered as interest number _____ is wholly and completely discharged.

(legal land description by descriptive plan or by plan of survey)

DATED this _____ day of _____, 19 _____.

(Witness)
(Affidavit of Attestation required)

(Registered Owner of Land)

(Witness)
(Affidavit of Attestation required)

(Holder of Conservation Easement)

31 Jan 97 cC-27.01 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s8.

FORM E
[Clause 9(2)(a)]

Affidavit of Attestation of an Instrument by an Individual

Province of Saskatchewan,

To Wit:

I, _____, of _____,
(name) (insert address)

make oath and say:

1. That I was personally present and did see _____
named in the within (or annexed) instrument, who is personally known to me to be
the person named therein, duly sign and execute the same for the purposes named
therein;
2. That the same was executed at the _____ in
the _____, and that I am the subscribing witness thereto;
3. That I, _____, know
the said _____, who is, in my belief, eighteen years of age or more.

Sworn before me at the _____)
 _____)
 of _____ in the _____)
 _____)
 of _____ this _____) _____
 (Signature)
 day of _____, 19 _____)
 _____)
 _____)

FORM F
[Clause 9(2)(b)]

Affidavit of Attestation of an Instrument by a Corporate Officer

Province of Saskatchewan,

To Wit:

I, _____, of _____,
(name) *(insert address)*

make oath and say:

1. That I was personally present and did see _____
named in the within (or annexed) instrument, who is personally known to me to be
the person named therein, duly sign and execute the same for the purposes named
therein;
2. That the same was executed at the _____ in
the _____, and that I am the subscribing witness thereto;
3. That I, _____, know
the said _____, who is, in my belief, eighteen years of age or more.
4. That _____ is the _____
(name) *(position title)*
of _____ and is authorized by the corporation to
(name of corporation)
execute the within (or annexed) instrument.

Sworn before me at the _____)
 _____)
 of _____ in the _____)
 _____)
 of _____ this _____) _____
 _____)
 _____)
 day of _____, 19 _____)
 _____)
 _____)

(Signature)