

A10 - Legal Protection on Land: How to Get the Most Out of Section 219 Covenants

Presentation # 1 title: Encumbering Land with Covenants - The Do's and Don'ts

Presenter:

Lui Carvello – Staples McDannold Stewart

Abstract

Whether it's for development or for conservation, it all comes down to what happens (and can happen) on the land. BC local governments, approving officers and a myriad of designated persons (including conservation organizations) seek to impose, extract and cajoule restrictions (and requirements) on property through the use of Covenants under section 219 of the Land Title Act. Covenants have been used for green building standards, accessibility and design, servicing, amenities, subdivision and use restrictions, heritage matters, conservation, enhancement and so on. This is in addition to common law restrictive covenants and statutory building schemes that developers use, and regulations in provincial legislation and local government bylaws. Such practice is expanding, but is this the way to go and are these tools being used properly? This session is focussed on the practical use (and misuse) and implications of what can be very powerful and restrictive tools; big picture guidance is supplemented with nitty gritty details.

Speaker Biography

Lui Carvello, MCIP is an associate with the law firm of Staples McDannold Stewart. As a registered professional planner (MCIP) and former employee of planning departments in British Columbia, Ontario and England, and economic and land development consulting firms in Toronto and Vancouver, his law practice particularly focuses on matters concerning the development (or non-development) of land. He has advised developers but now advises local governments and conservation agencies across the province. He has previously presented to PIBC, the Association of Regional District Planning Managers, the Urban Development Institute, Continuing Legal Education, and has given several full day seminars on the topic of s.219 Covenants.

Presentation # 2 title: Conservation Covenants - Benefits and Samples from The Land Conservancy of BC

Presenter:

Christina Waddle - The Land Conservancy of BC

Abstract

A conservation covenant is a binding, perpetual, agreement that runs with the land, legislated under Section 219 of the Land Title Act. A conservation covenant provides a set of restrictions over the land that protects the natural values of the land. TLC The Land Conservancy of BC first signed a conservation covenant in 1998, since then we have learned a great deal about how to effectively use this land protection tool as a non-governmental organisation. There can be benefits to landowners to enter into conservation covenant agreements, for example, they may be donated, purchased, or traded for increased development rights or result in income tax benefits under the Ecological Gifts Program. This presentation will focus on the context of the use of conservation covenants by land trusts, the potential benefits and motivations of landowners to enter into covenants and some examples and lessons learned by TLC The Land Conservancy of BC.

Speaker Biography

Christina Waddle, Regional Manager - Vancouver Island/Coast, TLC The Land Conservancy of British Columbia Christina has worked with TLC The Land Conservancy of BC in various roles since 2002. For

the last three years, she has been Regional Manager for the Vancouver Island/Coast region, where one of her responsibilities is the management of over 200 conservation covenants that TLC holds in the region. Christina holds a Bachelor of Science in Environmental Science, from the University of Manitoba, and she is happy to working to protect special places in this beautiful province she now calls home.