ALBERTA LAND STEWARDSHIP ACT

CONSERVATION EASEMENT REGISTRATION REGULATION

Alberta Regulation 129/2010
With amendments up to and including Alberta Regulation 67/2015

Office Consolidation

© Published by Alberta Queen’s Printer

Queen’s Printer Bookstore
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668
E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca
Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta’s statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.
ALBERTA REGULATION 129/2010

Alberta Land Stewardship Act

CONSERVATION EASEMENT
REGISTRATION REGULATION

Table of Contents

1 Definitions
2 Notice
3 Boundary designation
4 Statutory declaration
5 Repeal
6 Expiry

Schedule

Definitions

1 In this Regulation,

(a) “Act” means the Alberta Land Stewardship Act;

(b) “agreement” means an agreement made in accordance with section 29 of the Act;

(c) “conservation easement” means a conservation easement as defined in section 2(d) of the Act;

(d) “Government agency” means

(i) a corporation that is an agent of the Government, or

(ii) a corporation, commission, board or other body whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Government, or any combination of them;

(e) “grantee” means a grantee as defined in section 28(a) of the Act;

(f) “grantor” means a grantor as defined in section 28(b) of the Act;
(g) “notice” means the notice referred to in section 33(2) of the Act;

(h) “qualified organization” means a qualified organization as defined in section 28(c) of the Act;

(i) “Registrar” means the Registrar of 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;

(j) “registration” means registration of an agreement in accordance with section 33 of the Act.

Notice

2(1) Subject to subsection (2), the notice must be in the form set out in Form 1 in the Schedule and must be given to the person entitled to receive it under section 33(2) of the Act by registered mail, courier or personal delivery at least 60 days before the presentation of the agreement to the Registrar for registration.

(2) Where the grantee or grantor of a conservation easement is a person referred to in section 33(2)(a) of the Act, that person is deemed to have been given notice in respect of the conservation easement as required under section 33(2) of the Act.

(3) The notice period prescribed in subsection (1) may be shortened with the written consent of the person entitled to receive the notice under section 33(2) of the Act.

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 in the Schedule must accompany an agreement for registration under section 33 of the Act.

Repeal

5 The *Conservation Easement Registration Regulation* (AR 215/96) is repealed.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be
repassed in its present or an amended form following a review, this Regulation expires on April 30, 2020.

AR 129/2010 s6;67/2015

Schedule

Form 1

Notice Prior to Registration

Notice to (Minister of Municipal Affairs/Special Areas Board/Council of a municipality or Metis settlement/Minister of Infrastructure/Minister of Transportation)

This Notice is to advise you that:

1. We, (qualified organization, name, address, phone number), intend to register an agreement under section 33 of the Alberta Land Stewardship 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 (number of 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 33 of
ALBERTA:  ) the Alberta Land Stewardship Act
) (the “agreement”) affecting the land
) described as (legal description)
) (the “land”) containing
) (number of 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) a local government body as defined in the Alberta
   Land Stewardship Act, the Government or a
   Government Agency, 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;
(b) the protection, conservation and enhancement of natural scenic or aesthetic values;

(c) the protection, conservation and enhancement of agricultural land or land for agricultural purposes;

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

   (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 33(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