



WHAT IS A CONSERVATION COVENANT?

A conservation covenant is designed to protect the cultural and/or ecological values of a property. It outlines the values to be protected and states the limits of development and land use. It is a voluntary, written agreement between a landholder and two organizations authorized by the provincial government to hold covenants. Conservation covenants are intended to last forever.

Conservation covenants last forever

In the covenant, the landholder promises to protect all or part of the land in specified ways. The covenant is attached to the land title, is registered in the Land Title Office, and binds future owners of the land, not just the current landholder. The covenant provides the organizations that hold the covenant with the means of enforcing it if necessary.



WHY PROTECT THE LAND?

The list of reasons for protecting the land is long. For example, you might wish to place a covenant on your land to protect rare, exceptional, or representative plants, mature forest, open stands of Garry oak or arbutus, wetlands and marshes, wildlife habitat, watershed, areas that provide recreational opportunities, scenery, and/or heritage structures and areas of historic significance. And since covenants are meant to last forever, it's important to consider what might be on your land 100 years from now as well as what's there today.

HOW WILL THE COVENANT AFFECT HOW YOU CAN USE YOUR LAND?

Because the covenant is a voluntary agreement, nothing is forced on the landholder. While a covenant is a tool for the preservation of the natural environment, the landholder retains all rights to the property that are consistent with the terms of the agreement, including the right to live on the land, to control access to the land, and to sell or bequeath it. In other words, the land is still yours.

The land is still yours



WHY DO TWO ORGANIZATIONS HOLD A COVENANT?

There are always two organizations named as co-holders of a covenant. This ensures that should one of them cease to exist, the other will continue to hold the covenant.

Covenants protect both cultural and ecological values

HOW IS THE COVENANT MONITORED?

Once a conservation covenant has been registered, it is monitored annually in consultation with the landholder. This is a very important aspect of the covenant process. It lets the covenanting organizations know if the covenant is being respected.

HOW IS THE COVENANT ENFORCED?

Enforcement is the legal responsibility of the organizations that hold the covenant. If an owner or someone else violates the covenant, one or both of the covenanting organizations can impose fines on the violating party and rely on the remedies set out in the covenant itself to redress the situation.



There are many reasons to preserve your property for future generations.



CAN THE COVENANT BE CHANGED?

The conservation covenant is not intended to be modified or terminated. However, the covenant may be revised on the agreement of both parties — the landholder and the covenanting organizations.

ARE THERE TAX ADVANTAGES ASSOCIATED WITH A COVENANT?

Under certain circumstances covenanting land could result in tax benefits for landholders.



INTERESTED? WHAT CAN YOU DO?

The Conservancy's Covenant Committee helps landholders place covenants on their property. If you're interested in a conservation covenant, contact us. We'll provide you with further information on conservation covenants, including an overview of the costs involved, and we'll also answer any questions you have.

Once you've familiarized yourself with the covenant process and decided to proceed, a baseline inventory of the covenanted area will be completed. This is required for monitoring purposes. It may also be necessary to survey the area to be covenanted.

Together, we will work on the covenant document itself, ensuring that our mutual needs are addressed in the voluntary agreement, which is legal and binding. Before registration, the proposed covenant is subject to the approval of yourself (the landholder) and the Conservancy Board of Directors, as well as the review of lawyers for all parties to the agreement.



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