



Province of Alberta

ALBERTA LAND STEWARDSHIP ACT

**CONSERVATION EASEMENT
REGISTRATION REGULATION**

Alberta Regulation 129/2010

Extract

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ALBERTA REGULATION 129/2010

Alberta Land Stewardship Act

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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, 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)
 PROVINCE OF)
 ALBERTA:)
)

IN THE MATTER of the registration of
 an agreement pursuant to section 33 of
 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 _____)
 this _____ day of _____,)
 20____.)
 _____)

A Commissioner for Oaths

 (Signature)

 Signatory's name and position
 with the qualified organization