

BACKGROUND

In order to protect and enhance the environment, the Minister of Environment (Minister) may enter into an agreement with the registered owner of land to restrict the purpose for which the land may be used by the registered owner and successors in title of the registered owner. These agreements may be registered at the Land Titles Office (1) and run with the land and may be enforced whether they are positive or negative in nature notwithstanding that the Minister does not have any interest in any land that would be accommodated or benefited by the agreement.

REGISTRATION PROCEDURE

1. The agreement should contain some restrictions limiting the purpose for which the land may be used. For registration purpose, it is only necessary to determine that the agreement is made pursuant to section 21(1) and this must be stated in the document. Although both parties will normally execute the document, for registration purposes it is only essential to have the signature of the owner of the parcel against which the agreement is to be registered. Attestation requirements must be complied with. The title is endorsed with the following particulars:

"AGREEMENT PURSUANT TO SECTION 21(1) OF THE ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT"

2. Dower requirements must be complied with (see procedure under [DOW-1](#)).

3. **Fees** - [Tariff item 11\(6\)](#) is charged for the registration of the agreement and [Tariff item 13](#) is charged for each endorsement after the first.

4. **Amendment of Agreement** - An agreement amending an existing agreement and executed by the registered owner and the Minister can be registered. (2) The usual requirements for the registration of agreements itself must be complied with (e.g. attestation, dower, etc.).

5. **Discharge of Agreement** - As there is no prescribed form, any document releasing or discharging the agreement which is signed by the Minister can be accepted for registration.

6. **Expiry of Agreement** - An owner of land affected by an agreement may request that the Registrar cancel the registration of the agreement where the interest created by it has expired. (3) The Registrar must be satisfied that the interest has expired through an express provision in the instrument. This requirement may be met by a provision

which states that the interest will expire on a specific date or following a specific period of time after the date of execution of the instrument. The written request signed by the owner of the land or the Minister is registered as a discharge. Normal attestation requirements do not apply.

STATUTE AND CASE REFERENCES

Statute references are to the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12

1. s. 23(1)(a)
2. s. 23(4)
3. s. 23(5)