

Subject: **ENVIRONMENTAL RESERVE EASEMENT**

Date Issued **2002 01 01**

## BACKGROUND

If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality. The easement runs with the land on any disposition of it, constitutes an interest in land in the municipality and may be enforced by the municipality. (1)

## REGISTRATION PROCEDURE

1. The parties to an environmental reserve easement agreement must be as grantor, the registered owner of a parcel of land, and as grantee, the municipality. 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.
2. The agreement must state that the land subject to the easement remain in a natural state as if it were owned by the municipality. (2)
3. **Legal Description Requirements**
  - a) The environmental reserve easement may be granted in respect of an entire parcel (e.g. section, quarter-section, lot or block).
  - b) The environmental reserve easement may be granted in respect of only a portion of the parcel in which case the portion must be described by:
    - (i) reference to a registered plan of survey, which should be checked to ensure that it affects the parcel described in the title, or
    - (ii) a metes and bounds description which has been approved by the Surveys section. A sketch may be attached to illustrate an acceptable metes and bounds description but cannot be used in lieu of such a description.
4. Dower requirements must be complied with (see procedure under [DOW-1](#)).
5. **Fees** - [Tariff item 11\(6\)](#) is charged for the registration of an environmental reserve easement and [Tariff item 13](#) is charged for each endorsement after the first. If description approval is required, [Tariff item 9](#) is charged.
6. **Discharge of environmental reserve easement or caveat protecting the same** - an environmental reserve easement or caveat protecting the same **cannot** be discharged except when a plan is cancelled by a by-law, then the environmental reserve easements are also cancelled. (3)

## **STATUTES AND CASE REFERENCES**

Statute references are to the Municipal Government Act, R.S.A. 2000, c. M-26, unless otherwise indicated.

1. s. 664(3)
2. s. 664(3)(b)
3. s. 658(3.1), 664(6) and (9)