

Ottawa Forests and Greenspace Advisory Committee

Recommendation to Planning and Environment Committee August 22, 2006 and Agriculture and Rural Affairs Committee August 24, 2006

Subject: **Proposed amendments to Bill 51**

OFGAC recommendation

That the Committees direct staff to incorporate comments supporting the proposed amendments to the Conservation Land Act (see Appendix 1 below) to the Clerk of the Standing Committee considering Amendments to Bill 51.

Background

This is the second information report provided by staff to Committee on proposed Bill 51, the first considered by Planning and Development Committee on January 10, 2006.

Bill 51 is broken up into three parts. Staff has provided information on Part 1: Planning Act Amendments. Staff has not provided information on Part 2: Amendments to other Acts, including information regarding proposed amendments to the Conservation Land Act which includes information on Conservation Easements.

A synopsis of the draft amendments to the Conservation Land Act are listed here as Appendix 1

Conservation Easements are an increasingly important tool to land conservation organizations across Ontario, and one which may be of use to the City as an alternative environmental land protection strategy. There are a number of advantages to supporting the use of conservation easements in certain situations where the land owner may wish to retain the land and use it in such a way that the environmental feature(s) in question would continue to be protected. It is a voluntary agreement which the landowner arranges with the conservation agency and which goes on title, providing future potential purchaser's with the information of any land use restrictions before a purchase is made. The terms of the contract for the easement are agreed upon by the landowner and the agency.

The City of Ottawa has included reference to Conservation Easements in its Greenspace Master Plan as a potential land protection tool, and information pertaining to modification of the Conservation Land Act should be provided to Council as it becomes available.

OFGAC recommends that the City of Ottawa support

- • **the proposed amendments that broaden the scope of the reasons for conservation easements; and**
- • **the requirement for seeking the written approval of the conservation body holding the easement prior to construction or demolition of buildings or structures on land subject to an easement or covenant.**

Appendix 1

Bill 51 would amend the Conservation Land Act as follows:

29. (1) Subsection 3 (2) of the *Conservation Land Act* is repealed and the following substituted:

Conservation easements and covenants

(2) An owner of land may grant an easement to or enter into a covenant with one or more conservation bodies,

- (a) for the conservation, maintenance, restoration or enhancement of all or a portion of the land or the wildlife on the land;
- (b) for the protection of water quality and quantity, including protection of drinking water sources;
- (c) for watershed protection and management;
- (d) for the purposes prescribed by the regulations made under this Act; or
- (e) for access to the land for the purposes referred to in clause (a), (b), (c) or (d).

Easement reserved by conservation body

(2.1) When a conservation body conveys land, it may reserve an easement for a purpose referred to in subsection (2).

Same

(2.2) A reference in any Act or regulation to easements granted under this Act also applies to easements reserved in accordance with subsection (2.1).

(2) Section 3 of the Act is amended by adding the following subsections:

No merger of registered easement

(6.1) If a conservation body that is a party to an easement that is registered as described in subsection (5) becomes the owner of the affected land,

- (a) the easement is suspended but does not merge; and
- (b) if the conservation body afterwards conveys the land, the easement becomes effective again.

Buildings and structures

(6.2) No person shall construct or demolish any building or structure on land that is subject to an easement or covenant under this Act without the written consent, given in advance, of the conservation body or its assignee.