



## What is a Section 219 covenant?

### A guide to the review, approval and registration process

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Section 219 of the *Land Title Act* (or 'a section 219 covenant') authorizes the government, a Crown Corporation or Agency, local government and other entities designated by the provincial government to enter into restrictive covenants with property owners to impose obligations or restrictions with respect to the use of the land or the buildings located on the land.

**Section 219 covenants are often entered into to address land use issues that arise during the rezoning process.**

The purpose of this document is to provide property owners with information regarding the approval and registration process in an effort to help the property owner avoid unnecessary time delay and expense.

**A Section 219 covenant is a contract between a land owner and the Regional District of Bulkley-Nechako.**

The drafting of the covenant documents, and the associated costs, are the applicant's responsibility. A sample covenant, which contains the RDBN's preferred wording is attached to this document. The sample covenant will require change to make it applicable to the specific property and situation being dealt with. This work is typically undertaken by a solicitor working on behalf of the applicant.

The applicant's solicitor is encouraged to contact Planning Department staff to obtain feedback on the wording of the covenant prior to submission of a final document for consideration by the RDBN.

### Geotechnical Hazard

A Section 219 Covenant restricting the use of the land in accordance with a qualified professional's report may be required if a property is subject to a geotechnical hazard.

Clear, legible plans and diagrams may be attached to a Section 219 Covenant if necessary.

### Priority Agreements

Section 219 Covenants often contain one or more priority agreements, by which the holder of a charge on title, typically a mortgage, agrees to subordinate its charge to the Section 219 Covenant. This prevents the Section 219 Covenant from being purged from title in the event of a foreclosure.

The back page of this document outlines the typical Section 219 covenant process in more detail.



## Need More Information?

Come visit the Planning Department!

We are located at the RDBN Office at 37 3rd Avenue, Burns Lake, BC.

Call us at: (250) 692-3195 or toll free in BC 1-800-320-3339 Fax: (250) 692-3305

### Covenant Review, Approval and Registration Process

Applicant's solicitor drafts Section 219 Covenant documents and provides a draft to Planning Department staff for review. Documents are amended as necessary.

At least two copies of the document, signed by the property owner and charge holder if necessary, and witnessed, are provided to the Planning Department for approval.

If acceptable the Section 219 Covenants are signed by the RDBN and witnessed. One copy of the document is kept by the Planning Department and the remaining copies are returned to the applicant's solicitor.

The applicant's solicitor submits the Section 219 covenant documents to the Land title Office for registration. It is noted that registration of the documents on title does not immediately occur. Initially the documents are received and registration is pending. Typically in a few days the documents are accepted by the Land Title Office and registration is complete. However, the documents may be rejected for technical or other reasons.

Once registration is complete the applicant or applicant's solicitor informs the Planning Department that registration is complete and provided a copy of a title search for the subject property showing the charge on title.

The associated rezoning or building permit process proceeds as appropriate.