

Restrictive covenants are charges registered on title to land that restrict the use of the land in some way. Charges can be positive or negative in nature and are registered on title through development processes such as bylaw amendment applications or subdivision approval processes. Restrictive covenants run with the land and remain in effect when property is sold or inherited. Over time there may be reasons that warrant the release or modification of a restrictive covenant. Requests for release or modification where the Regional District is named as a covenantee require staff review and consent via authorized signatories and/or resolution by the Board of Directors.

How and where to apply:

Complete a Release or Modification application form. These are available from the RDEK offices at:

- 19 - 24 Avenue South, Cranbrook BC
- 1164 Windermere Loop Road, Invermere BC.

The application form is also available online at www.rdek.bc.ca and can be submitted to either office or emailed to planningdept@rdek.bc.ca.

Once the completed application form is submitted, staff will review and email you a request for payment for a non-refundable fee payable to the Regional District of East Kootenay

Staff Administered:

- \$100 – Amendment or modification
- \$150 – Release

Board Approval Required:

- \$250 - Board Resolution only
- \$350 – Board Resolution & Mailing of Notices
- \$1500 – Board Resolution & Public Hearing

In addition to the above fees, costs associated with the services of a notary public or lawyer and registering or discharging the restrictive covenant at the Land Title and Survey Authority (LTSA) will be the responsibility of the Applicant(s).

Include the following with the completed application form:

1. All required supporting information including: full copy of covenant to be released/modified, rationale for the requested action, authorized signatures of all covenantors names on the covenant.
2. Supporting reports or documentation may be required depending on the nature of the charge, e.g. if the covenant is geotechnical or related to flood hazard on the property then a report in support of the request may be required prior to consideration of the request. Consultation with staff on the requirements for supporting documentation is recommended.
3. A Title Search Print dated no more than 30 days before you file your application. These are available from the Land Title Office at www.ltsa.ca. If requested, a Title Search can be obtained by the RDEK for a document fee of \$17.50.

What happens to your application:

Requests for release or modification are reviewed by staff and must receive the appropriate authorized signatures on behalf of the RDEK. The process for making the requested change(s) will be dependent on what process or agency initiated registration of the covenant. In some cases, a covenant may have been initiated by the Ministry of Transportation and Infrastructure (MOTI) or the Agricultural Land Commission (ALC) and the RDEK has been named as a second covenantee. In these cases, the authorization from the RDEK is required, however the principal covenantee may need to authorize or agree to the discharge or modification first. RDEK staff will be able to assist you in determining the order of authorizations required. Consent of all covenantees to the restrictive covenant must also be granted prior to RDEK approval.

In addition to the consent of all covenantees, additional requirements or public consultation may be required prior to consideration of RDEK approval. For example, if the restrictive covenant is geotechnical or related to flood hazard on the property a report from a qualified professional must document any new conditions for continued safe use of the property, or if the restrictive covenant was registered as a result of a process that involved public consultation, such as a public hearing on a rezoning amendment, a new round of public consultation may be required in order to proceed. RDEK staff will also be able to assist you with determining what additional requirements, reports or consultation are required as part of the process.



Restrictive Covenant Release or Modification Application

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s): _____	Agent: _____
Address: _____	Address: _____
Phone: _____ Email: _____	Phone: _____ Email: _____

SECTION 2 – DECLARATION AND AUTHORIZATION

I / we declare that the information in this application is, to the best of my / our knowledge, true and correct.

Signature of Applicant(s): _____ Date: _____

If the application is submitted by an Agent, the owner(s) must sign the following statement or provide separate written authorization:

I / we consent to this application filed by the person or company whose name appears as the agent above.

Signature of Owner(s): _____ Date: _____

SECTION 3 – LAND UNDER APPLICATION

Legal description of land subject to the covenant:

Lot _____ Block _____ Plan _____ District Lot _____

Extended legal description: _____

Street Address: _____

Parcel Identifier Number (PID): _____

Personal Information requested on this form is collected under the authority of section 26 of the Freedom of Information and Protection of Privacy Act (FOIPPA) and will be used by the RDEK for the purpose of processing the application. Disclosure of personal information by the RDEK is subject to the requirements of FOIPPA. For questions about the collection, use or disclosure of your personal information in the RDEK, contact the Corporate Officer of the RDEK at 19 – 24th Ave S., Cranbrook BC, V1C 3H8 or 250-489-2791

