

ENFORCEMENT OF COVENANTS NOT INITIATED BY THE CSRD

Preamble

Where an agency of the Crown or similar organization requires that a Section 215 or other similar restrictive covenant is to be registered and run with the land within the jurisdiction of the CSRD, there is often a save harmless reference to the CSRD and less frequently a "Grantor" reference. The CSRD rarely sees and never signs this type of provincially initiated restrictive covenant.

Naming the CSRD as a Grantor does not obligate the CSRD to take enforcement action but will allow the CSRD to do so if it so chooses.

The purpose of the restrictive covenant is usually to protect a Provincial interest. On occasion, the agency having an interest in the restrictive covenant will refuse to enforce the terms of the covenant resulting in frustrated members of the public requesting that the CSRD take the enforcement role.

Policy

Where the CSRD has been named within another agency's restrictive covenant for protective or Grantor purposes, the CSRD will decline to enforce the restrictive covenant having given consideration to the lack of initial input into the covenant, the cost of enforcement action, and the lack of expertise in matters of provincial interest.

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