

What is an Ontario Heritage Trust conservation easement agreement?

An Ontario Heritage Trust heritage conservation easement is a contract or covenant voluntarily entered into by the owner of a heritage property and the Ontario Heritage Trust. The primary purpose is to protect and conserve the property's heritage resources. Both the owner and the Trust have duties and rights under this agreement. The easement encourages an owner to continue to use and enjoy a property while ensuring that decisions made regarding the stewardship and management of that property are made in accordance with sound conservation principles and practice.

An easement creates a partnership between the property owner and the Trust, and can be used to protect natural heritage sites, heritage buildings, archaeological findings and cultural landscapes. It is known as an easement because it grants the approval body the right of access onto the property to monitor compliance and remediate under the agreement, if necessary.



Wynarden, Brampton

Some of the standard components of an Ontario Heritage Trust heritage conservation easement are:

- The heritage features to be conserved are clearly defined.
- The owner may use the property for any use consistent with the easement.
- The easement agreement gives the Trust the right of access for the purposes of inspection and, if necessary, remedial action.
- The owner must obtain written permission from the Trust in order to alter the heritage features or to undertake activities that would directly or indirectly affect the character, construction, materials, fabric or context of the heritage features.
- The owner may not demolish the heritage features, or any buildings or structures on the property, without the written approval of the Trust.
- If an owner defaults on his or her easement obligations, the Trust has legal remedies to ensure that the heritage features are conserved.
- The owner must maintain the property in good condition.
- The owner and the Trust are required to notify each other of any changes of address.
- The owner is required to carry appropriate insurance on the property.
- The easement agreement is registered on title and held in perpetuity.
- All other legal interests registered on the property are postponed in favour of the heritage conservation easement agreement.

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