

How to Apply for a Release of Section 219 Covenant

What is a Section 219 Covenant?

A Section 219 Covenant is an agreement between a local government or Minister of the Crown and the owner of land, in which the owner's rights to use, build on or subdivide the land are limited for some reason(s).

Interior Health or another agency can request *Land Titles Act* Section 219 covenants for various protective reasons. For example, a covenant may be placed on the land title to protect a useable area for sewerage disposal or to ensure that the owner or potential owner is aware of a possible health impact (e.g. water quality).

There may be times where conditions change and the property owner would like to move, remove or replace the existing covenant. This document will speak to what is required to release a covenant that has been placed on the property in agreement with Interior Health.

What needs to be included with a Covenant Release Request?

- A completed Application for Release of Covenant.
- A copy of the Certificate of Title (confirm covenant registered on title, legal description and registration number).
- Copy of 219 covenant document (and reference plan if applicable).
- Completed Land Title Act Form C (Section 233). *Note:* This needs to be completed by a Notary or lawyer.
- New Covenant for signature (contact your legal advisor), if applicable.
- Fees - \$262.50 for the review of the Application for Release of Covenant; \$40 notary fee (please note fees are non refundable).
- Supporting documentation – see the next section.

Supporting Documentation

Your supporting evidence should show why the covenant is no longer necessary, or why it can be replaced with a new covenant. We will be review the submitted information to ensure that the original intent for placing the covenant on the property can still be met (ensuring sustainable sewerage

disposal or not creating a health hazard) with the changes, so it is critical to include the rationale with your application. An Authorized Person may need to provide this supporting documentation.

What if I'm not sure about the process, what to include in the application or the supporting documentation I might need?

Contact an Environmental Health Officer toll free at 1-855-744-6328 (option 4) or email HBE@interiorhealth.ca. They will assist you in sorting out what information you need to provide and answer any questions you may have.

Important Things to Note

- **The application form must be completed in full before you request a review** by an Environmental Health Officer. If you have any questions prior to submitting the form and supporting documentation, contact an Environmental Health Officer toll free at 1-855-744-6328 (option 4) or email HBE@interiorhealth.ca.
- Tax Assessment Roll # - this will help us to locate information in our database and allow us to file your request for future retrieval. (Example – 20-789-00001.001, available from your Tax Assessment form or the BC Assessment office).
- Named Transferee – we are only able to release a covenant that was placed on your property by either the Ministry of Health or Interior Health. If it was another agency, you will need to make application to that agency.
- Lot Information – legal description as it is shown on the Certificate of Title.
- Owner – current owner of the property.
- Legal Council/Agent and Sewage System Consultant (Authorized Person) – these areas only need to be filled in if you have engaged the services of either Legal Council or an Agent to act on your behalf and/or a Sewerage System Consultant (Authorized Person) to provide further information or supporting documentation.
- Form C is signed by a representative of the Transferee. If it is in agreement with Interior Health, the form is only processed at the end of each month. Only one signed / notarized copy will be provided to the Legal Agent. Additional copies can be notarized by an applicant's legal agent.

How do I submit my completed application?

When you have all of the documentation completed, email the information to HBE@interiorhealth.ca or take it to your local Health Unit who can forward the information to the correct office. If you submit by email you will be contacted to arrange for payment. Payment can be made by:

- Debit
- Visa/MasterCard
- Cheque