

Restrictive Covenants 101

For EPRA AGM November 18, 2021

Presented by: Bob Engbloom, Q.C.



What is a Restrictive Covenant?

- **Restrictive Covenants** or **RCs** exist on the titles of many homes in Elbow Park
 - RCs exist in many old and new neighbourhoods in cities all over North America, including Britannia, Briar Hill, Scarborough, Mayfair
- RCs stay on the title as the property is bought and sold and are **legally binding on the property owner.**
- RCs contain restrictions on the type of development that is permitted on your property.
- Examples of restrictions that are common in Elbow Park include:
 - Minimum setbacks from the street
 - Limiting the number of garages on a property
 - Limiting the number of residences on a property

Do I have a Restrictive Covenant on Title?

- **Check the title** of your property! It will indicate "**caveat**" or "**restrictive covenant**".
- If you don't have a copy of your title, google "Spin2" or go to:
<https://alta.registries.gov.ab.ca/spinii/logon.aspx>
- Follow prompts on Spin2 and purchase a copy of title for \$10, which can be sent to you via email.

AA alta.registries.gov.ab.ca

Spin2 Spatial Information System

Location: Government of Alberta > Service Alberta > Spin2 Home

Currently Registering:
Land Titles Documents received on August 26, 2021.
Survey Plans/Documents received on September 27, 2021.

If your documents contain any Foreign Ownership declarations, they are likely to require an additional 1-3 business days processing time.

Welcome To SPIN2
Alberta Land Titles and Surveys Spatial Information System

Search here for land titles data products, registered survey plans, township images, survey control markers, soil capability information and other land information services.

- Please see the [FAQ](#) for additional information.
- The [Help](#) tab includes information pertaining to the application function you are using.

SPIN2 Hours of Availability:
Monday to Friday - 7:00 a.m. to 9:00 p.m.
Saturday - 7:00 a.m. to 11:00 p.m.
Sunday - 12:00 p.m. to 11:00 p.m.

Account Login

Logon Name Password Reset? [Click Here...](#)

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Review Your Title & Read the Restrictive Covenant

- Title will indicate if there is a “Caveat” or “Restrictive Covenant”. You may have more than 1.
- Each Caveat or RC has a **Registration Number**.
- Use the Registration Number to purchase a copy of the RC or Caveat from Spin2.
- Review the restrictions in the Caveat or Restrictive Covenant.

Note: Because Elbow Park was developed over many decades, there isn't one RC that applies across the whole neighborhood, there are many different RCs. If you have an RC on title it might apply to 10 of the neighboring properties, or as many as 120.

I have an RC on my title, what is the effect?

1. You should ensure any development you do on your property is **compliant**.
2. City does not abide by them - a development permit does not mean compliance with the RC.
3. An RC can only be removed or modified by an order of the Court which requires all owners subject to the RC to be notified.
4. You have the right to enforce the restrictive covenant **against any other property with the same restrictive covenant**.

Note: You do not need to be an immediate neighbour or even live on the same street to enforce a restrictive covenant. You simply have to have the same restrictive covenant registered on your title.

If RCs are ignored or violated, they can become ineffective. Therefore compliance and enforcement is important.

What does EPRA do?

- Development Committee receives each Development Permit (DP) application in Elbow Park.
- Development Committee reviews each DP to ensure it is compliant with any RCs that may be on the title and requests amendments to ensure compliance.
- Development Committee notifies immediate neighbours of review meetings.
- Caveat Sub-Committee educates and acts as a resource for neighbours interested in enforcing RCs.
- Caveat Sub-Committee liaises with community associations throughout Calgary engaged in RC awareness and enforcement. **RC enforcement occurs throughout the City in neighborhoods w/RCs.**

Take-Aways

1. Know the restrictions on your title, if any.
2. Pay attention to notices you receive from EPRA and attend development committee review meetings.
3. If you receive a notice regarding RC removal on a neighbour's property, consider carefully as it affects your own property rights.
4. If you are thinking of building a house, ensure your design is compliant.

If you have any questions, or want to get more involved, please contact:
caveats@elbowpark.com

Example of RC/caveat can be found at:

<https://elbowpark.com/resources/Documents/Mt.%20Royal%202%20-%20Caveat.pdf>