



D.

LAND

ACQUISITION

STRATEGIES

Table D.1 - Summary of Potential Land Acquisition and Securement Strategies

Techniques	Description	Advantages/ Disadvantages	Legislative Basis	Who/How Administration	Type of lands
<p>Purchase includes “First Right of Refusal” Local Area Levies and Local Improvement Charges</p>	<p>Purchase of land at fair market value.</p>	<p>Municipal or other group directly acquires land. Permanent protection and public access. Options exist to recover costs through levies or charges on benefitting owners.</p>	<p>Municipal Act (right of municipality to acquire and dispose of own land) and right of municipality to levy local improvement charge on benefitting land.</p>	<p>Municipal government Land Trusts Non-Profit Groups (e.g. Nature Conservancy) Community Co-operative Partnerships</p>	<p>Any greenspace, particularly those requiring environmental protection.</p>
<p>Land Exchange (Equivalent to Outright Purchase)</p>	<p>Lands or interest in land can be traded to achieve mutual interests, and net differences in values can then be settled.</p>	<p>Same cost as purchase; permanent protection; public access possible. Must be equitable for both parties.</p>	<p>Municipal Act (right of municipality to acquire and dispose of own land).</p>	<p>Municipal most common – public ownership.</p>	<p>Any land or land use greenspace or other type of use including housing.</p>
<p>Donation/ Bequest, Including a Life Estate</p>	<p>Land or interests in land donated during an individual’s lifetime or by private corporation or as a bequest as part of an estate. The donor may opt to retain use of land until death.</p>	<p>Low cost/ permanent protection and public access. Tax benefits for donor. Lands must meet Federal Tax rules for donation in order to qualify for tax exemptions.</p>	<p>Municipal Act Income Tax Act</p>	<p>All of the above Both public and private ownership.</p>	<p>Any greenspace or other type of lands including housing.</p>
<p>Parkland Dedication</p>	<p>Lands dedicated to municipality for parkland purposes as a result of subdivision development. Usually relates to recreation land but may be used to acquire natural areas.</p>	<p>Provides parkland in growing communities: Can be converted to cash for more flexibility. Planning Act limits amount of land that can be required at no charge.</p>	<p>Planning Act</p>	<p>Municipal ownership</p>	<p>Any greenspace, but usually active parkland.</p>

Table D.1 - Summary of Potential Land Acquisition and Securement Strategies

Techniques	Description	Advantages/ Disadvantages	Legislative Basis	Who/How Administration	Type of lands
Traditional Land Use and Other Regulatory Controls	Use of land use planning (Official Plan/Zoning/Subdivision Watershed and Sub-watershed Plans) and other regulatory controls. Land Ownership does not change.	Intent for the land is provided in the Official Plan. Permanent protection can be achieved. May not be popular and does not provide for public access. May trigger requests for financial compensation or purchase.	Planning Act Conservation Authorities Act Fisheries Act Aggregate Resources Act	Municipal, Province, Conservation Authorities. Usually private ownership or public ownership other than the City.	Any greenspace if designation or zoning is not successfully challenged.
Sale with Restrictions (Including acquisition and resale)	Land can be sold with restrictions in place to control future uses.	Generates revenue while maintaining greenspace; permanent protection; public access can be negotiated. Restricted land more difficult to sell, limited market and reduced value.	Municipal Act Conservation Land Act	Municipal/Provincial Government	Greenspaces requiring environmental protection where public access may not be as critical.
Land Trust	Non-profit organizations dedicated to conserving open space, natural areas, etc.	High profile grass-roots organization. Provides permanent protection and public education. Limits public access. Needs high profile and independence to get funds.		Generally non-profit, incorporated community organization or a chapter within an existing organization.	Usually land needing environmental protection or recreational trails.

Table D.1 - Summary of Potential Land Acquisition and Securement Strategies

Techniques	Description	Advantages/ Disadvantages	Legislative Basis	Who/How Administration	Type of lands
Corporate Landowner Agreement/ Condominium Agreement	Similar to Land Trust Conservation land can be owned by a shareholder's corporation or condominium devoted to the protection and management of the lands.	An alternative to government ownership and management; no cost; flexible; management costs borne by those directly benefiting. Protection not guaranteed. Little used; no guarantee of public access, needs a willing corporate entity.	Corporations Act Condominium Act	Private landowners, would not involve public ownership.	Any greenspaces.
Conservation Easement	An agreement that restricts uses for conservation purposes, and when registered on title they bind both current and future landowners.	Low cost; may be more acceptable to landowner; can provide permanent protection. Cost of easements may be as great as purchase; public access may be limited; requires ongoing monitoring; not extensively used in Ontario.	Ontario Heritage Act; Ministry of Government Services Act Ontario Conservation Land Act	Only government agencies and registered charities including land trusts. Private ownership	Usually land needing environmental protection as well as heritage buildings.
Restrictive Covenant	A condition on title that restricts the landowner's use of land or assigns certain rights or access to an adjacent landowner. Applicable where a government wishes to control land use without ownership.	Low cost; can provide permanent protection. Can only be used under certain conditions; unlikely to be able to specify long-term management obligation. Public access not likely.	Common Law	Any government or conservation authority. Private ownership	Usually land needing environmental protection.

Table D.1 - Summary of Potential Land Acquisition and Securement Strategies

Techniques	Description	Advantages/ Disadvantages	Legislative Basis	Who/How Administration	Type of lands
Lease /License	A lease gives exclusive rights to use land for a specified term and cost. Licenses give permission to use a property for a purpose but not exclusive rights – is not binding.	Public access can be negotiated Agreement must be renewed periodically; may not protect land in perpetuity.		Legal lease or license agreement between parties. Private or public ownership.	Any land
Incentives/ Assistance i.e. Tax Rebates/ Credits/ Management Agreements/ Funding Assistance	Tax or management incentives to encourage retention/restoration of natural areas. Usually linked to land use restrictions e.g. Provincial policy and zoning.	Lower cost and non-confrontational; willing landowner agreement. Difficult to monitor compliance; does not provide public access or permanent protection. Lost tax revenue.	Woodlands Improvement Act; Games and Fish Act; Conservation Authorities Act; Conservation Land Act	Ministry of Natural Resources; Conservation Authorities Private ownership	Usually land needing environmental protection.
Stewardship Support/ Education	Private land owner care and protection of land. Can be linked to incentives.	Voluntary. Least costly; non-threatening; builds rapport. Not permanent. No public access or protection.	N/A	Private although all levels of government publicize and provide support.	Usually land needing environmental protection.

Source: City of Ottawa. Department of Planning and Growth Management. *Greenspace Master Plan - Strategies for Ottawa's Urban Greenspaces*. City of Ottawa, 2006. Print