

Purpose:

Provide landowners with an overview of how restrictive covenants and conditions on title of their property within the University Endowment Lands (UEL) may affect development. Note that this bulletin does not constitute legal advice.

Background:

The UEL [Land Use, Building and Community Administration Bylaw](#) (LUB) was amended (see the [Ministerial Order 292/2024](#)) to implement the new [provincial legislation](#) that supports the development of Small-Scale Multi-Unit Housing (SSMUH), such as multi-units or accessory dwelling units (ADUs) on single-family lots in B.C. This new change to the LUB has generated questions from the UEL property owners on how they could develop their properties. Although the amended bylaw may allow the development of additional units on some properties, there are other conditions that may restrict the development of a property in the UEL. Before adding an ADU or new multi-units (as permitted under the amended bylaw) or proposing any high-density residential development, landowners **must first review the title on their properties to understand what types of covenants and conditions may restrict development on their lots** despite the recent changes to the LUB.

Before Planning to Develop on Your Property:

Many properties within the UEL have restrictive covenants and conditions on land titles. Some restrictive covenants are part of the Crown grant, while other restrictions or conditions found on titles may include common law building schemes, easements, or section 219 covenants under the [Land Title Act](#).

Specific to Crown grants, restrictive covenants vary in their characteristics. Some restrictive covenants are no longer in effect since the update of the LUB, while other restrictive covenants have expired and are no longer enforceable (e.g., covenants that were time-limited to January 1, 1950). A landowner may apply to the Ministry responsible for the Land Act under section 52 of the [Land Act](#) to remove those covenants that are still on the title. Note that some restrictive covenants are not registered on the title but are still active and subject to restrictions and conditions limiting development. Furthermore, some properties are restricted under a common law building scheme that may preclude the development of anything other than a single-family dwelling even if the underlying Crown grant covenant was removed, as those restrictions are distinct and benefit other homeowners under the building scheme. **It is important to consult a legal advisor to understand all the various types of restrictions and limitations affecting a property before considering the development of your property.**

Limitations:

This Bulletin highlights the complex nature of restrictive covenants and limitations on a property in the UEL and the importance of seeking legal advice before applying for any permits to construct anything other than a single-family home on a property. Ministry staff cannot provide legal advice or analyze the impacts of any covenants or restrictions on a property. The information provided in this Bulletin cannot be construed as legal advice nor substitute any legal advice.

If you have any questions on the application process to remove or discharge Crown grant covenants, please seek legal counsel and/or contact servicebc@gov.bc.ca, or by phone at 604-660-2421. If you have any questions about the permitting process for development in the UEL, please contact the UEL Administration Office at UEL@gov.bc.ca.



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