



# Farmland Easement Agreements: Step-by-Step Process to Protect Your Farm

The following steps outline the typical process for working with the Ontario Farmland Trust (OFT) to protect your farm with a Farmland Easement Agreement (FEA).

## 1. Initial Inquiry by Farm Owner

OFT receives a verbal or written expression of interest from a farm owner who wants to protect their land and is seeking support. OFT and the farm owner discuss land protection goals and options.

## 2. Farm Visit & Preliminary Assessment

Property information is gathered and assessed against OFT's Land Protection Strategy & Criteria to determine if the farm will qualify for support from OFT's Farmland Protection Program and enhanced tax benefits through Environment Canada's Ecological Gifts Program. OFT representatives meet with the farm owner on site and walk the property.

## 3. OFT Approval in Principle

The land protection opportunity is reviewed by OFT's Land Committee and approved 'in principle' by the OFT Board of Directors, with a project budget and fundraising plan.

## 4. Letter of Intent from Farm Owner

A non-binding letter of intent is signed by the farm owner, expressing their commitment to working with OFT to protect their land.

## 5. Ecological Evaluation of Farm

An ecological study is conducted if the farm owner is seeking tax benefits through the federal Ecological Gifts Program.

## 6. Draft Farmland Protection Agreement

OFT and the farm owner work together to draft a FEA that outlines farm features to be protected and non-agricultural land uses to be prohibited. Each party engages their own independent advisors (lawyer, accountant) to review and confirm the conditions of the draft agreement.



## 7. Property Appraisal

An independent appraiser is engaged to assess the effect of the FEA on the property's market value. At the end of the easement process OFT will issue the farm owner a charitable donation receipt equal to any reduction in the property value based on this appraisal.

## 8. Property Survey Plan

A surveyor is engaged to document the areas on the farm that are to be protected for agriculture and/or conservation, preparing a registered survey plan that is then referenced in the FEA.

## 9. Long-Term Stewardship Plan

OFT raises funds and develops a plan for maintaining its perpetual responsibilities associated with stewardship of the FEA, such as periodic farm visits and its legal obligation to defend the FEA if ever breached by a future owner or other party.

## 10. Final Farmland Protection Agreement

The farm owner and OFT finalize the FEA, and final approval is granted by the OFT Board of Directors.

## 11. Baseline Documentation Report

A baseline report is prepared, documenting current site conditions; this provides a benchmark for monitoring of the FEA by OFT and verifies any FEA violations that may need to be addressed in the future.

## 12. Agreement Registration & Celebration

The FEA is formally registered on property title with the Land Registry Office. OFT issues a charitable tax receipt to the farm owner for their FEA donation and tax advantages are triggered. Finally, an event is organized on the farm for family, friends and community members to gather and celebrate the permanent protection of the farm!

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