

THE **30** years **Crivener**

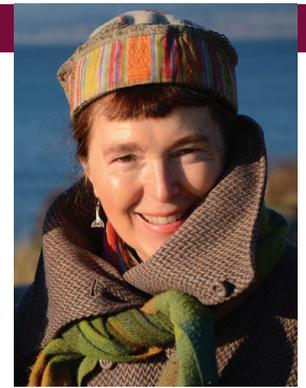


Rob Cutler, Vice President of Business Innovation and Chief Product Officer with LTSA



THEME:
BC Notaries
WHAT WE DO AND OUR PROFESSIONAL FRIENDS

Helpful New Resource for Retiring Farmers or Landowners with No Heirs



Natasha van Bentum

Imagine you are a second- or third-generation farmer in British Columbia wanting or needing to retire. Over the decades, you've put your heart and soul into the land, farming as sustainably as possible.

You either have no heirs or your children are not interested in (or able to) carry on the tradition. Your heartfelt desire is to ensure the land continues to be farmed for future generations.

While this is happening, the real estate value of your land has skyrocketed beyond the reach of the people to whom you'd like to sell the land— aspiring young farmers. There are many of them in British Columbia . . . most have huge challenges in obtaining farm and foodland.

At the same time, suburban or urban development edges closer and closer to your land or big Bay Street investment companies want to buy up farmland to be managed as an agribusiness.

Fortunately, there is an option available to landowners to contribute to land access and security . . . a land trust. In its many forms, a land trust is a type of land-holding organization that effectively removes land from the speculative real estate market, returns it to the “commons” as a community resource, and ensures community oversight of its ongoing use and management.

Until recently, farmers and retiring landowners who wished to put their land into trust typically had to wade through layers of government regulations from multiple

agencies and bodies. Navigating those legalities has been a barrier to the donation of land.

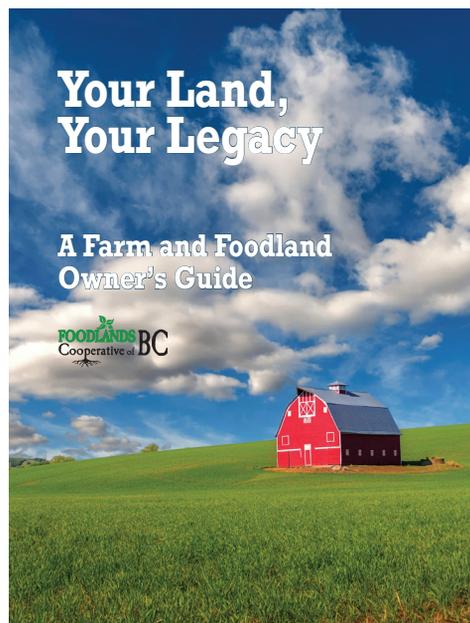
New Resource Available

Three years ago, the Foodlands Cooperative of BC (“Foodlands”) identified the significant lack of information and guidance for farm and foodland owners who desired to protect their land for the future. There was a clear need for clarity around the various options, processes, and costs of having land transferred to a land trust, either via donation or through other transfer mechanisms.

The culmination of a 2-year research project, Foodlands’ new resource, *“Your Land, Your Legacy – A Farm and Foodland Owner’s Guide,”* has just been published, thanks to funding from the Law Foundation of BC, Real Estate Foundation of BC, and the Investment Agriculture Foundation of BC.

Written by Ava Reeve, Manager of Foodlands’ Legal Literacy Project, the Guide is expressly designed for BC owners of farm and food-provisioning lands who wish to create a legacy by preserving their land for generations.

The goal of this lawyer-reviewed Guide—is to pass knowledge to the general public to help alleviate many of the challenges of planning farm and foodland trusts and lead to greater community access for sustainable farming forever. It is a free resource for individuals seeking to put their farmland and food-provisioning land into trust. You will find answers to your questions about covenants, donations, life estates, transfer tools, an overview of their tax implications, and much more.



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The Foodlands Cooperative of BC is a community-service cooperative founded in 2017 with the mission to secure land in trust and promote the protection and stewardship of food-provisioning lands across BC. It works with landholders, farmers, local communities, and leaders in the agricultural and land-trust sectors to develop and support diverse models of community-managed foodlands and build healthy local food systems. ▲

Natasha van Bentum, CFRE (Ret.), is a long-time outreach and legacy advisor to environmental organizations, conservation groups, and land trusts. Her project Give Green Canada, publishes "Green Legacies: A Donor's Guide for BC."

Editor's note: This is a follow-up to Natasha's article "Obstacles and Opportunities: BC Farming for a Green and Healthy Future" in the Winter 2019 issue of *The Scrivener*, Vol. 28, No. 4.

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