

TRANSFER OF AGRICULTURAL LEASES AND PERMITS

I. Objective

To provide farmers with the conditions related to the ability to transfer agricultural leases and permits on agricultural Crown lands.

This policy replaces the previous version (October 1, 2019, and includes the following changes:

- *the application of transfers, including transfers of business interests, solely to family members; and*
- *the indexing of the transfer fee against the Consumer Price Index to begin in 2035.*

II. Authority

The Crown Lands Act

The Agricultural Crown Lands Leases and Permits Regulation

III. Description

The remainder of the term of an agricultural lease or permit, or the business interests relative to an agricultural lease or permit, can be transferred to an immediate family member, and there is a fee associated with the application to transfer.

A transfer includes the addition or removal of a name on an agricultural lease or permit.

IV. Background

The regulations stipulate that:

- Transfers of the remainder of the term of an agricultural lease or permit, or the business interests relative to an agricultural lease or permit, can be made to an immediate family member.
- An immediate family member includes the spouse, common-law partner, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, niece or nephew of a person, including a person's corresponding in-laws and step-relations.
- Each individual involved in a transfer must be eligible.
- There is a fee of \$200 to apply for a transfer, and this fee is indexed against the Consumer Price Index (beginning in 2035).

V. Transfers

A. Types of Transfers

Transfer of an agricultural lease or permit (deletion and addition).

For a family transfer, this involves the assignment of a lease or permit from one individual to an immediate family member, or in the event of a partnership or corporation comprised of immediate family members this involves the transfer of a lease or permit from one family member to an immediate family member.

Name addition or deletion on an existing lease or permit

- For an individual lease or permit, this would involve the addition or deletion of an immediate family member (e.g. spouse).
- For a partnership or a forage cooperative with individual names listed on the lease or permit, this would involve the addition of a family member of an existing lease or

permit holder, or the deletion of one or more individuals with whom the partnership or forage cooperative has ceased a business relationship.

- For a corporation or forage cooperative with a business name listed on the lease or permit, this would involve the change in business name. Please note that any transfer of interests associated by any member/shareholder must be solely to a family member.

B. Eligibility

To transfer an agricultural lease or permit, all parties must be eligible. The declaration of eligibility must be completed by all affected parties (additions and deletions).

C. Fee

A \$200 non-refundable fee must accompany a request to transfer the lease or permit. The fee is associated with administrative costs related to generation of a new lease or permit agreement. As such, if there are multiple changes (e.g. deletion of a name and addition of another) to be made at one time, a single fee of \$200 for the transfer will apply. Please note that starting in 2035, this fee value is to be indexed with the Consumer Price Index of the previous December in relation to the Consumer Price Index of December 2020, and may be adjusted over time.

VI. Exceptions

Change in authorized member

For a community (band or Hutterite colony or similar organization) held lease or permit, this involves the assignment of a lease or permit from one authorized member to another authorized member of the community without the need to issue a new lease or permit.

Shareholder/member name addition or deletion

For a corporation or forage cooperative with a business name listed on the lease or permit, this involves the change in shareholders or members of the organization without the need to issue a new lease or permit. Please note that the transfer of the interests of any shareholder or member may only be to a family member.

EFFECTIVE 03 DECEMBER 2020 UNTIL RESCINDED OR AMENDED

Original signed by

HONOURABLE BLAINE PEDERSEN
MINISTER OF AGRICULTURE AND
RESOURCE DEVELOPMENT