

The Land Contracts (Actions) Regulations

being

Chapter L-3.001 Reg 1 (effective September 1, 2019) as amended by Saskatchewan Regulations [50/2019](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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Chapter L-3.001 Reg 1
The Land Contracts (Actions) Act, 2018

Title

1 These regulations may be cited as *The Land Contracts (Actions) Regulations*.

Definition

2 In these regulations, “**Act**” means *The Land Contracts (Actions) Act, 2018*.

18 Apr 2019 L-3.001 Reg 1 s2.

Form of notice of application re section 6 of the Act

3 A notice of application for leave to commence an action pursuant to section 6 of the Act is to be made substantially in Form A of the Appendix and the information set out in Form B of the Appendix must be served as part of the application.

18 Apr 2019 L-3.001 Reg 1 s3.

Coming into force

4(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Land Contracts (Actions) Act, 2018* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Land Contracts (Actions) Act, 2018* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

18 Apr 2019 L-3.001 Reg 1 s4.

Appendix**Form A**
[Section 3]

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPLICANT _____
(PROPOSED PLAINTIFF)RESPONDENT _____
(PROPOSED DEFENDANT)**NOTICE OF APPLICATION FOR LEAVE TO COMMENCE ACTION****NOTICE TO RESPONDENT(S)**

This application is made against you pursuant to section 6 of *The Land Contracts (Actions) Act, 2018* for leave to commence an action. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where: _____

Date: _____

Time: _____

(Read the Notices at the end of this document and Form B to see what else you can do and when you must do it.)

Remedy claimed or sought:

1. Leave to commence action for: (select applicable)

- foreclosure
- judicial sale
- cancellation of an agreement for the sale of land
- costs
- other: *(describe)*

Grounds for making this application:2. *(select applicable grounds)*

- the Respondent _____ is in default or in breach of the terms of the land contract
- according to the terms of the land contract, as a consequence of the Respondent's default or breach, the Plaintiff claims the remedy(ies) sought
- other grounds: *(describe)*

Material or evidence to be relied on:

3. In support of this application the applicant relies on the following documents:

- (a) Copy of the mortgage or agreement for the sale of land (as appropriate);
- (b) _____, *(describe document)* as reasonable evidence of the value of the land;
- (c) Affidavit of _____, setting out the state of the Respondent's account;
- (d) Form B – Notice to Respondent pursuant to section 3 of *The Land Contracts (Actions) Regulations*;
- (e) Other: _____ .

Applicable Rules:

4. Court of Queen's Bench Rules of Court, including Part 10, Division 5 – *Foreclosure and Cancellation Proceedings* (Rules 10-37 to 10-45)

Applicable Acts and regulations:

5. *The Land Contracts (Actions) Act, 2018 (see sections 5 to 11)*
The Limitation of Civil Rights Act (if applicable)

DATED at _____, Saskatchewan, this _____ day of _____, 2 _____.

 Signature

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm: _____
Name of lawyer in charge of file: _____
Address of legal firm: _____
(set out the street address)
Telephone number: _____
Fax number *(if any)*: _____
E-mail address *(if any)*: _____

or

If the party is self-represented:

Name of party: _____
Address for service: _____
(set out the street address)
Telephone number: _____
Fax number *(if any)*: _____
E-mail address *(if any)*: _____

Form B
[Section 3]

NOTICE TO RESPONDENT

1. This application is the first step in the process for *(check one of the following)*:
 - foreclosure or judicial sale
 - cancellation of an agreement for the sale of land.

2. You may contact the following individual on behalf of the applicant before the hearing date to discuss the application and potential settlement options *(insert name and contact information of an individual employed by the applicant who has authority to deal with the file in question)*:

Contact information:

Name: _____

Address: _____

Telephone number: _____

Email Address: _____

3. You may appear in court in person, or a lawyer may appear on your behalf. You or your lawyer will be given an opportunity to speak in court.

4. After hearing both parties speak and considering any evidence before it, the court may do any of the following:
 - (a) adjourn the matter to a later date to allow you to make appropriate arrangements;
 - (b) grant the application for leave to commence an action, which means that the applicant can begin an action against you for foreclosure or judicial sale or the cancellation of an agreement for the sale of land;
 - (c) dismiss the application for leave to commence an action, which means that the applicant cannot begin an action against you, but this does not prevent the applicant from beginning this process again in the future; or
 - (d) make any other order that the court considers appropriate.

5. If you require information about this process, you can contact the Provincial Mediation Board at:
- Telephone number:** (306) 787-5408
- Toll Free number:** 1-877-787-5408
- Website:** <http://www.saskatchewan.ca/pmb>
- Fax number:** (306) 787-5574
- Toll Free Fax number:** 1-888-867-7776
- Email Address:** pmb@gov.sk.ca
- Address:** 304-1855 Victoria Ave.
Regina, SK, Canada, S4P 3T2
6. In negotiating with the applicant, either directly or indirectly, be aware that the legal costs associated with this application and any legal costs incurred up to the date that the court grants leave to commence an action cannot be recovered by the applicant from you, if you behave reasonably in the court process.

18 Apr 2019 L-3.001 Reg 1; 12 Jly 2019 SR
50/2019 s2.