

The Saskatchewan Farm Security Regulations

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Chapter S-17.1 Reg 1 (effective September 1, 1988) as amended by Saskatchewan Regulations [11/92](#), [85/92](#), [94/93](#), [37/96](#), [75/1999](#), [123/2002](#), [100/2004](#), [37/2006](#), [5/2007](#), [52/2012](#), [33/2015](#), [116/2015](#), [102/2017](#) and [119/2020](#).

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 S-17.1 REG 1
The Saskatchewan Farm Security Act

Title

1 These regulations may be cited as *The Saskatchewan Farm Security Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Saskatchewan Farm Security Act*;
- (b) **“Form”** means the Form prescribed in the Appendix to these regulations;
- (b.1) **“judgment”** means judgment as defined in *The Enforcement of Money Judgments Act*;
- (c) **“land holding”** means land holding as defined in clause 76(e) of the Act;
- (d) **“resident person”** means:
 - (i) a Canadian citizen; or
 - (ii) a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act (Canada)*.

(1.1) For the purposes of subsection 27(1) of the Act, **“terms of the offer”** does not include the name or address of the offeror.

(2) For the purposes of section 47 of the Act, **“agreement to purchase”** includes an agreement that creates or provides for a security interest.

(3) For the purposes of Part VI of the Act, **“any five years”** means any period of five consecutive years.

(4) For the purposes of Part VI of the Act, a land holding includes any interest held by way of a debt or obligation funded other than by:

- (a) a resident person;
- (b) a bank, credit union or other financial institution that is supervised or examined by a governmental authority in Canada; or
- (c) a farm input supplier that has provided inputs to a producer.

(5) For the purposes of section 89 of the Act, **“beneficiaries of the trust”** means persons who are any of the following:

- (a) in relation to the settlor:
 - (i) a spouse;
 - (ii) a child or adult child, including a stepchild, an adopted child or a child with respect to whom the settlor stands in the place of a parent, or the spouse of one of those persons;

- (iii) a parent;
- (iv) a brother or sister; or
- (v) a parent's brother or sister;
- (b) the issue of a person mentioned in subclause (a).

19 Aug 88 cS-17.1 Reg 1 s2; 18 Sep 92
 SR 85/92 s3; 10 Jan 2003 SR 123/2002 s3; 12
 May 2006 SR 37/2006 s3; 6 Jly 2012 SR 52/2012
 s3; 17 Apr 2015 SR 33/2015 s3; 24 Dec 2015 SR
 116/2015 s3; 15 Sep 2017 SR 102/2017 s2.

Prescribed amount of exemptions

- 2.1(1) For the purposes of clause 66(a) of the Act, the prescribed amount is \$7,500.
- (2) For the purposes of clause 66(b.1) of the Act, the prescribed amount is \$2,000.
- (3) For the purposes of clause 66(g) of the Act, the prescribed amount is \$20,000.

6 Jly 2012 SR 52/2012 s4.

Land holdings

3(1) For the purposes of subclause 76(e)(iv) of the Act, any shares in a corporation having a land holding are designated as land holdings.

(1.1) In this section, “share” includes a membership or similar interest in a corporation.

- (2) **Repealed.** 24 Dec 2015 SR 116/2015 s4.
- (3) **Repealed.** 24 Dec 2015 SR 116/2015 s4.
- (4) **Repealed.** 24 Dec 2015 SR 116/2015 s4.

19 Aug 88 cS-17.1 Reg 1 s3; 26 Nov 93 SR 94/93
 s3; 10 Jan 2003 SR 123/2002 s4; 24 Dec 2015 SR
 16/2015 s4.

Exemptions

4(1) Where:

(a) a non-resident person acquires a land holding having an assessed value for municipal taxation purposes at the date of the acquisition of less than \$15,000; and

(b) the land holding mentioned in clause (a) is reassessed after the date of acquisition at a value for municipal taxation purposes in excess of \$15,000;

the non-resident person is exempt from the provisions of clause 77(a) of the Act.

- (2) **Repealed.** 10 Jan 2003 SR 123/2002 s5.

19 Aug 88 cS-17.1 Reg 1 s4; 26 Nov 93 SR 94/93
 s4; 10 Jan 2003 SR 123/2002 s5.

Fees

5(1) Subject to subsections (2) and (3), every applicant to the ownership board shall pay a fee of:

- (a) \$50 for the first 640 acres or four quarter sections, whichever is greater, involved in the application; and
 - (b) \$10 for every additional 160 acres or one quarter section, whichever is greater, involved in the application.
- (2) The maximum fee payable by an applicant pursuant to this section is \$200.
- (3) **Repealed.** 10 Jan 2003 SR 123/2002 s6.

6 Mar 92 SR 11/92 s3; 29 Oct 99 SR 75/1999 s3;
10 Jan 2003 SR 123/2002 s6.

Exemptions

6(1) The following are exempt from Part VI of the Act:

- (a) the Saskatchewan Wildlife Federation and its land holdings, to a maximum of 104,000 acres;
 - (b) land holdings that are acquired pursuant to a Framework Agreement as defined in *The Treaty Land Entitlement Implementation Act*;
 - (c) land holdings that are acquired by a conservation group after May 1, 2006 and before May 1, 2026, to a maximum of 100,000 acres, if:
 - (i) prior to acquiring the land holding, the conservation group has a long term conservation plan that has been approved by the Minister of Environment;
 - (ii) the conservation group files annual compliance reports with the Minister of Environment in an approved form; and
 - (iii) the acquisition of the land holding in a rural municipality will not result in cumulative land holdings by all conservation groups in the rural municipality, including land holdings acquired before May 1, 2006, exceeding 3% of the total land area in that rural municipality;
 - (d) the Canada Pension Plan Investment Board established pursuant to the *Canada Pension Plan Investment Board Act* and its subsidiaries, or the successors of any of them, and their land holdings, to a maximum of the land holdings acquired by the Canada Pension Plan Investment Board and its subsidiaries on or before the coming into force of this clause.
- (2) If a land holding of a conservation group pursuant to clause (1)(c) is a conservation easement or a lease, the total acres of that land holding shall not be considered for the purposes of determining:
- (a) the maximum 100,000 acres pursuant to clause (1)(c); or
 - (b) the cumulative land holdings pursuant to subclause (1)(c)(iii).

(3) Subject to subsection (2) all land holdings of the Saskatchewan Wildlife Federation acquired pursuant to clause (1)(a), including land holdings acquired before May 1, 2006, shall be considered for the purposes of determining the cumulative land holdings pursuant to subclause (1)(c)(iii).

12 May 2006 SR 37/2006 s4; 16 Feb 2007 SR
5/2007 s2; 17 Apr 2015 SR 33/2015 s4; 24 Dec
2015 SR 116/2015 s5.

Notice pursuant to subsection 12(1) of Act

7(1) A notice pursuant to subsection 12(1) of the Act shall contain:

- (a) in the case of an application with respect to a mortgage on farm land:
 - (i) the name of the judicial centre where the application pursuant to section 11 of the Act is proposed to be made;
 - (ii) the mortgagee's name and address;
 - (iii) the mortgagor's name and address;
 - (iv) the property description of the farm land that is subject to the mortgage in connection with which the application pursuant to section 11 of the Act is to be made;
 - (v) with respect to the mortgage:
 - (A) the date of execution;
 - (B) the amount of the mortgage;
 - (C) the mortgage balance outstanding;
 - (D) the interest rate;
 - (E) the instalments payable;
 - (F) the arrears on the principal;
 - (G) the arrears of interest;
 - (H) the total arrears;
 - (I) the amount and dates of all instalments paid during the three years immediately preceding the date of the notice;
 - (J) the mortgage renewal date; and
 - (vi) a copy of the mortgage;
- (b) in the case of an application with respect to a judgment against farm land:
 - (i) the name of the judicial centre where the application pursuant to section 21 of the Act is proposed to be made;
 - (ii) the name of the judgment debtor;
 - (iii) the name of the judgment creditor;

- (iv) the property description of the farm land that is subject to the judgment in connection with which an application pursuant to section 21 of the Act is to be made;
 - (v) with respect to the judgment:
 - (A) the date it was issued; and
 - (B) the amount of the debt to be collected pursuant to it; and
 - (vi) a copy of the judgment.
- (2) A notice pursuant to subsection 12(1) of the Act that is served on the board is to be accompanied by a fee of \$250.
- (3) Where more than two notices pursuant to subsection 12(1) of the Act are served on the board at the same time respecting the same mortgagor, the maximum fee to be charged for all of those notices is \$500.

19 Aug 88 cS-17.1 Reg 1 s7; 28 Jun 96 SR 37/96
s2; 6 Jly 2012 SR 52/2012 s5.

Statutory declaration pursuant to subsection 90(1) of Act

7.01 A statutory declaration pursuant to subsection 90(1) of the Act must contain the following:

- (a) the name and address of the person who is acquiring or proposing to acquire a land holding;
- (b) a statement that the person mentioned in clause (a) is or is not a resident person;
- (c) the legal description of the farm-land parcels being acquired;
- (d) the source of any funding used to acquire the farm land;
- (e) a statement that the person mentioned in clause (a) obtained independent legal advice regarding the provisions of Part VI of the Act.

24 Dec 2015 SR 116/2015 s6.

Fees for voluntary mediation

7.1 The following fees are prescribed for mediation services provided pursuant to section 42.1:

- (a) \$375 for the first seven hours or less with respect to a matter; and
- (b) \$45 for each hour in excess of seven hours with respect to the same matter.

18 Sep 92 SR 85/92 s4.

Forms

8 The form required for:

- (a) a mediation certificate pursuant to section 12 of the Act is Form A;
- (b) an acknowledgment of guarantee pursuant to section 31 of the Act is Form B;

FORM B
ACKNOWLEDGMENT OF GUARANTEE
[Section 31]

CERTIFICATE OF LAWYER OR NOTARY PUBLIC

I HEREBY CERTIFY THAT:

- 1 _____ of _____ in the province of _____,
the guarantor in the guarantee dated _____ made between _____ and
_____, which this certificate is attached to or noted upon,
appeared in person before me and acknowledged that he/she had executed the
guarantee;
- 2 I satisfied myself by examination of the guarantor that he/she is aware of the contents
of the guarantee and understands it;
- 3 I have not prepared any documents on behalf of the creditor, _____,
relating to the transaction and I am not otherwise interested in the transaction;
- 4 I acknowledge that the guarantor signed the following "Statement of Guarantor"
in my presence.

Given at _____ this _____ day of _____, 19____,
under my hand and seal of office.

(SEAL REQUIRED WHERE NOTARY
PUBLIC SIGNS CERTIFICATE)

A LAWYER OR A NOTARY
PUBLIC IN AND FOR

STATEMENT OF GUARANTOR

I am the person named in the certificate.

Signature of Guarantor

FORM C
PART I
NOTICE OF INTENTION TO TAKE POSSESSION
(Section 48)

To: _____

Take notice:

- 1 That on account of your failure to make the payment due under the security agreement, particulars of which are set out in paragraph 6, I intend to take possession of the implement (or implements) that are collateral under the security agreement.
 - 2 That if you object to my taking possession of the implement (or implements) and apply for a hearing by a judge of the Court of Queen's Bench (the court), I am prohibited by *The Saskatchewan Farm Security Act* from taking possession of the implement until authorized to do so by the court.
 - 3 That an application for a hearing by the court shall be made by serving Part II of this notice, completed and executed by you within 30 days after the date on which this notice is served on or received by you, on the local registrar at the judicial centre that is nearest the place where you reside, or, if you do not reside in the province, at the judicial centre that is nearest to the place where the secured party resides or carries on business.
 - 4 That unless you apply for a hearing by the court I may, after the expiration of 40 days from the date on which this notice is served on you, take possession of the implement.
 - 5 That if I take possession of the implement after the period of time mentioned in paragraph 4 without a hearing by the court you may apply for a hearing by the court in the manner mentioned in paragraph 3 within 30 days after the date on which a notice of possession is served on or received by you.
- 6(a) date of execution of security agreement by farmer _____
- (b) total amount owing under the security agreement as at _____ :
- | | |
|---|----------|
| Principal | \$ _____ |
| Interest | _____ |
| Costs and other charges | _____ |
| Total indebtedness under the security agreement | \$ _____ |
- (c) arrears owing under the security agreement as at _____ :
- | | |
|-------------------------|----------|
| Principal | \$ _____ |
| Interest | _____ |
| Costs and other charges | _____ |
| Total arrears | \$ _____ |
- (d) interest rate: _____

Further take notice that I intend to take possession of the following implement (or implements) referred to in the security agreement: _____

(insert a description of implements under the security agreement and if all implements so state)

Further take notice that my address for service of a notice of hearing is _____

Dated at _____ in the Province of Saskatchewan this ____ day
of _____, 19_____ .

(Secured Party or its authorized agent)

4 Dec 2020 SR 119/2020 s13.

PART II

APPLICATION FOR HEARING

[Section 50]

To the Local Registrar of the Court of Queen's Bench at the Judicial Centre of _____

You are hereby requested to fix a time and place for a hearing by the court with respect to the notice of intention set out above.

At the time the security agreement was executed by me I resided at _____ .

I now reside at _____ .

Dated at _____ in the Province of Saskatchewan this ____ day of _____, 19 ____ .

(Farmer)

Name of secured party _____

Mailing address of secured party _____

FORM D

NOTICE OF POSSESSION OF IMPLEMENT,
AFTER COURT ORDER
[Section 57]

To: _____

Take notice that pursuant to an order of a judge of the Court of Queen's Bench at the judicial centre of _____, a copy of which order is hereby enclosed, I have taken possession of the following implement (or implements): _____

(insert description of implements under the security agreement and if all implements so state)

Dated at _____ in the Province of Saskatchewan this ____ day of _____, 19_____ .

(Secured Party or its authorized agent)

19 Aug 88 cS-17.1 Reg 1; 4 Dec 2020 SR
119/2020 s13.

FORM E

PART I

NOTICE OF POSSESSION OF IMPLEMENT, IN ANY OTHER CASE
[Section 57]

To: _____

Take notice:

- 1 That a notice of intention to take possession of the implement (or implements) hereinafter mentioned was served on you personally (or received by you by registered mail) on the _____ day of _____, 19_____.
- 2 That a period of 40 days has elapsed since the day on which the notice of intention mentioned in paragraph 1 was served on you.
- 3 That as no notice of an application by you for a hearing by the court has been served on me during that period of 40 days, I hereby take possession of the following implement (or implements) and I will remove them forthwith: _____

(insert description of implements under security agreement and if all implements so state)

- 4 That if you object to my taking possession of the implement (or implements) and apply for a hearing by the court within a period of 30 days after the date on which a notice of possession is served on or received by you, *The Saskatchewan Farm Security Act* prohibits me from disposing of the implement (or implements) until authorized to do so by the court.

- 5 That in order to take advantage of the protection of *The Saskatchewan Farm Security Act*, you must make an application for a hearing by the court within 30 days after the date on which this notice is served on you in the case of personal service thereof, or on which the notice is received by you if it is served by registered mail, by serving Part II of this notice, completed and executed by you, on the local registrar at the judicial centre that is nearest the place where you reside or, if you do not reside in the province, at the judicial centre that is nearest to the place where the secured party resides or carries on business.
- 6 That unless you apply for a hearing I may, after the expiration of a period of 40 days after the date on which this notice is served on you or received by you, dispose of the implement (or implements).
- 7 That particulars of your indebtedness to me are as follows:
- (a) date of execution of security agreement by farmer _____
- (b) total amount owing under the security agreement as at _____ :
- | | |
|---|----------|
| Principal | \$ _____ |
| Interest | _____ |
| Costs and other charges | _____ |
| Total indebtedness under the security agreement | \$ _____ |
- (c) arrears owing under the security agreement as at _____ :
- | | |
|-------------------------|----------|
| Principal | \$ _____ |
| Interest | _____ |
| Costs and other charges | _____ |
| Total arrears | \$ _____ |
- (d) interest rate: _____
- 8 That my address for service of a notice of hearing is _____ .

 Dated at _____ in the Province of Saskatchewan this _____ day
 of _____, 19_____ .

 (Secured Party or its authorized agent)

PART II

APPLICATION FOR HEARING AFTER NOTICE OF POSSESSION

[Section 58]

To the Local Registrar
of the Court of Queen's
Bench at the Judicial
Centre of _____

You are hereby requested to fix a time and place for a hearing by the court with respect to the notice of possession set out above.

At the time the security agreement was executed by me I resided at _____ .

I now reside at _____ .

Dated at _____ in the Province of Saskatchewan this _____ day
of _____ , 19 _____ .

(Farmer)

9 Aug 88 cS-17.1 Reg 1.

FORM F

[Section 90 of the Act]

Farm Land Security Board

Disclosure Statement

Repealed. 24 Dec 2015 SR 116/2015 s8.



WAIVER OF EXEMPTION PROTECTION FOR SPECIFIC CHATTELS
[Clause 68(3)(a) of *The Saskatchewan Farm Security Act*]

I, _____,

pursuant to clause 68(3)(a) of *The Saskatchewan Farm Security Act*, permanently waive and revoke all right or entitlement to my exemption protection under subsection 68(1) of *The Saskatchewan Farm Security Act* with respect to the following specific chattel(s):

for the purpose of using the above noted chattel(s) to secure the following specific debt,

_____ together with interest and costs, until such
(stated as a principal sum)

time as the above noted specific debt has been fully paid.

Dated this _____ day of _____, 20 _____.

(Signature)



CERTIFICATE OF INDEPENDENT LEGAL ADVICE
 [Subclause 68(3)(b)(ii) of *The Saskatchewan Farm Security Act*]

I, _____ ,
 being a solicitor legally entitled to practise law in _____ ,
 certify that I have explained the purpose and effect of the above/attached waiver
 to _____ ,
 the person named in the above/attached waiver, separate and apart from the lender or
 any employee or agent of the lender and that _____
 understands the purpose and effect of the waiver.

I further certify that I have not, nor has anyone at my place of employment or practice,
 prepared the above/attached waiver and I am not, nor is anyone at my place of
 employment or practice, otherwise interested in the transaction involved.

Dated this _____ day of _____, 20 _____ .

 (Signature)

18 Sep 92 SR 85/92 s6; 5 Nov 2004 SR 100/2004
 s4.