

Saskatchewan Farm Ownership Exemption Information Package

Farm Land Security Board
302 – 3085 Albert Street
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The Saskatchewan Farm Security Act includes Farm Ownership provisions that have been in place since 1974. The objective of this legislation is to discourage foreign ownership and operation of Saskatchewan farm land. The mechanism of the *Act* is the restriction of acreage which can be owned or leased by non-residents of Canada and non-Canadian corporations or other entities. Canadian citizens living outside the country are considered Canadian residents for the purposes of the farm ownership legislation.

In general terms the *Act* limits non-residents who reside outside of Canada to 10 acres of owned or leased farm land. Entities with any shareholdings owned or memberships held by non-residents of Canada are limited to 10 acres and are defined as Non-Canadian-Owned Entities.

A ‘**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)*.

Important features of the *Act* allow non-residents to acquire farm land under certain circumstances:

- Canadian residents can transfer their land to close relatives living outside the country.
- Those non-residents who do not qualify as family members may acquire land by bequest and hold it for five years.
- The Farm Land Security Board which administers the *Act* can provide Exemptions to the *Act* upon application.

Application forms can be obtained from either the Farm Land Security Board’s web site or by contacting the Board at:

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The following information provides insight into the Farm Land Security Board’s approaches to residency and to the provision of Exemptions to the restrictions of *The Saskatchewan Farm Security Act*.

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Farm Ownership Exemption Approaches Applied by the Farm Land Security Board:

Purchaser Intending to Reside

The ownership provisions of *The Saskatchewan Farm Security Act* restrict the amount of land non-residents can own. The *Act* encourages new residents in the province as opposed to absentee investors.

Frequently, non-residents acquiring land in anticipation of moving to Saskatchewan are not able to become resident immediately or within a very short time. If a plausible plan is in place to reside within a reasonable period of time, Exemptions are granted to coincide with the applicants' plans to become a resident. Such circumstances include the orderly sale of farming interests in another country, the completion of an existing employment arrangement, or the establishment of younger family members on the acquired property.

Most successful applicants under this category have achieved significant progress with the [Saskatchewan Immigrant Nominee Program \(SINP\)](#).

Commercial Development

Many commercial undertakings require farm land to develop industrial plants, grain terminals and mining operations. These undertakings are generally not land extensive and are routinely provided Exemptions. *The Saskatchewan Farm Security Act* does not include "land used primarily for the purpose of extracting, processing, storing or transporting minerals" as "farm land". Where agricultural use can continue, however, an Exemption would be required to allow acquisition of farm land holdings in excess of the acreage allowed by the *Act*.

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Intensive Farming Operations

Many intensive farming enterprises are organized as limited partnerships or corporations that involve both resident and non-resident investors. Typically these operations require a relatively small acreage to site the buildings and facilities associated with the enterprise but in excess of the 10 acres afforded by *The Saskatchewan Farm Security Act*. The Board has granted Exemptions to these types of organizations on the basis of the economic development they generate.

Hog, poultry and greenhouse operations generally require 160 acres or less to encompass facilities. In a few cases additional lands may be justified for isolation of the facilities for specialized breeding and genetics operations. Feed grain sources and lands required for manure disposal can usually be secured from local resident producers on a contractual basis.

Other enterprises, such as a beef cattle feedlot or an exotic livestock operation, may require a larger land area to house their facilities.

Those planning such developments are encouraged to contact the Farm Land Security Board. Alternate financial structures or multiple site developments may require special accommodation by the Board.

The Board recognizes the unique role intensive farming operations can play in economic development. It is prepared to consider the catalytic impacts of such enterprises and apply special flexibility when it is required.

Farm Ownership Exemption Approaches Applied by the Farm Land Security Board:

Research and Charitable Organizations

The Board has provided Exemptions for acquisitions by research and charitable organizations. Total acreage is not significant beside the benefits which accrue to the province. Research organizations have included both commercial and educational institutions.

Inheritance/ Estate Planning

To facilitate estate planning involving transfers of farm land to non-resident beneficiaries, Exemption requests are considered. Exemptions granted for this purpose generally correspond with the five year period allowed for divestment in the *Act*.

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