

# *The Farm Land Lease-back Regulations*

*being*

Chapter S-17.1 Reg 2 (effective September 20, 1992)  
as amended by Saskatchewan Regulations 102/93 and [74/94](#).

**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 2**  
*The Saskatchewan Farm Security Act*

**Title**

- 1 These regulations may be cited as *The Farm Land Lease-back Regulations*.

**Interpretation**

- 2 In these regulations:

- (a) **“accredited rural appraiser”** means an appraiser who is a member of the Appraisal Institute of Canada and whose qualifications and appraisal procedures are acceptable to the minister or the minister’s designate and to representatives of recognized financial institutions;
- (b) **“Act”** means *The Saskatchewan Farm Security Act*;
- (c) **“animal unit month”** means the amount of forage that is needed to support a 453.59 kilogram cow, with or without calf, for one month;
- (d) **“appraisal”** means the inspection of farm land and the assembling of other data necessary to assess the market value of the farm land;
- (e) **“board”** means the Farm Tenure Arbitration Board;
- (f) **“cultivated land”** means land that:
  - (i) is suitable for the production of cereals or oilseed; and
  - (ii) consists of land that is presently being used for the production of cereals, oilseeds or specialty crops, and may include land that has been sown to tame grasses or legumes for use as forage or pasture;
- (g) **“eligible lender”** means a lender prescribed pursuant to section 6 as a lender who is entitled to financial assistance pursuant to section 27.71 of the Act;
- (h) **“form”** means a form prescribed in the Appendix;
- (i) **“grazing land”** means land that is most suited for the production of grass or forage;
- (j) **“liquid assets”** means:
  - (i) cash;
  - (ii) deposits, securities or other investment certificates; or
  - (iii) other assets that, in the normal course of farming operations, are expected to be converted into cash or consumed in the production of income within one year or within the normal operating cycle if that is longer than one year;
- (k) **“water tax”** means any tax levied pursuant to *The Irrigation Districts Act*, *The South Saskatchewan River Irrigation Act* or *The Water Users Act*.

**Farmer**

**3** For the purposes of paragraph 27.1(b)(i)(C) of the Act, a co-operative is prescribed as a farmer if:

- (a) it is engaged in the business of farming; and
- (b) a majority of members who legally own it are:
  - (i) Canadian citizens or permanent residents as defined in the *Immigration Act* (Canada);
  - (ii) resident persons; and
  - (iii) at least 18 years of age.

18 Sep 92 cS-17.1 Reg 2 s3.

**Lenders**

**4** For the purposes of subclause 27.1(d)(iii) of the Act, the following are prescribed as lenders:

- (a) Credit Union Deposit Guarantee Corporation;
- (b) Saskatchewan Co-operative Credit Society Limited;
- (c) Credit Union Central of Saskatchewan;
- (d) Saskatchewan Co-operative Financial Services Limited;
- (e) Saskatchewan Housing Corporation;
- (f) Her Majesty the Queen in right of Canada.

18 Sep 92 cS-17.1 Reg 2 s4.

**Guide-lines for board**

**5(1)** In conducting a review pursuant to clause 27.3(2)(d) of the Act of a decision of a lender not to offer a lease, the board shall consider, among other things:

- (a) whether the original farmer had sufficient liquid assets to meet his or her obligations and did not use those assets to do so; and
- (b) whether the original farmer had divested funds to purchase goods or services superfluous to the farming operation and thus put himself or herself in a position where debt could not be serviced.

(2) In determining the commercially reasonable rent, terms and conditions pursuant to subsection 27.31(1) of the Act, the board shall consider, among other things, the rent, terms and conditions contained in arms' length commercial leases used in the local market and entered into without the intervention of the board.

(3) In determining the commercially reasonable terms and conditions of a lease pursuant to subsection 27.31(1) of the Act, the board shall consider, among other things, the appropriateness of a term or condition of a lease that provides for termination of the lease, or for acceleration of lease payments, by reason of a default by the farmer on a payment to the lender, other than on a payment pursuant to the lease itself, having regard to the entirety of the credit arrangements of the individual farmer with the lender.

(4) In determining the commercially reasonable rent, terms and conditions of a lease pursuant to subsection 27.31(1) of the Act, the board shall not consider the amount of financial assistance provided to the lender pursuant to section 7.

(5) In determining the commercially reasonable rent of a lease pursuant to subsection 27.31(1) of the Act, the board shall not direct a farmer and a lender to execute a lease containing a crop-share rent arrangement unless the arrangement is specifically agreed to by the farmer and the lender.

(6) In determining the commercially reasonable rent of a lease pursuant to subsection 27.31(1) of the Act, the board shall ensure that the rent set out in the form of lease provided by the lender or the rent determined by the board is stated as a maximum sum certain unless otherwise specifically agreed to by the farmer and the lender.

18 Sep 92 cS-17.1 Reg 2 s5.

**Eligible lenders**

6(1) Subject to section 14 and subsection (2), the following are prescribed as lenders who are entitled to financial assistance pursuant to section 27.71 of the Act:

- (a) a bank that is governed by the *Bank Act* (Canada);
- (b) a credit union that is incorporated or continued pursuant to *The Credit Union Act, 1985*;
- (c) a trust corporation that holds a valid and subsisting licence issued pursuant to *The Trust and Loan Corporations Act*;
- (d) Credit Union Deposit Guarantee Corporation;
- (e) Saskatchewan Co-operative Credit Society;
- (f) Credit Union Central of Saskatchewan;
- (g) Saskatchewan Co-operative Financial Services Limited.

(2) In order to be eligible to receive financial assistance with respect to a parcel of farm land, a lender mentioned in subsection (1) must:

- (a) submit to the Department of Agriculture and Food a completed registration form in the form supplied by the Minister of Agriculture and Food:
  - (i) not later than November 30, 1993 with respect to farm land that was transferred to the lender prior to January 31, 1993 and is leased to the farmer or original farmer;
  - (ii) within 90 days after the date of the execution of a lease with respect to farm land that is transferred to the lender after January 31, 1993, whether or not the execution of the lease is ordered by the board;

(b) for each year for which the eligible lender is requesting financial assistance, submit to the Department of Agriculture and Food a completed application form in the form supplied by the Department of Agriculture and Food:

(i) with respect to the first year:

(A) within 90 days before the commencement of the applicable period set out in subsection 17(2), or at any later date that the Minister of Agriculture and Food may allow due to special circumstances; or

(B) not later than November 30, 1993 where the applicable period set out in subsection 17(2) commenced on January 1, 1993; and

(ii) with respect to each subsequent calendar year, prior to September 30 in the calendar year in which assistance is being requested, or at any later date that the Minister of Agriculture and Food may allow due to special circumstances;

(c) supply the Minister of Agriculture and Food with any further information that the Minister may require, in any form that the Minister may require.

18 Sep 92 cS-17.1 Reg 2 s6; 10 Dec 93  
SR 102/93 s4; 10 Nov 94 SR 74/94 s3.

**Financial assistance – farm land without reference to improvements**

**7** The amount of financial assistance that is to be provided annually to an eligible lender with respect to a parcel of farm land, where the farm land is subject to a lease and without reference to any improvements on the farm land, is the amount A determined in accordance with the following formula:

$$A = LC - NLR;$$

where:

LC is the lender cost with respect to that parcel, determined in accordance with section 8; and

NLR is the net lease revenue with respect to that parcel, determined in accordance with section 10.

18 Sep 92 cS-17.1 Reg 2 s7.

**Lender cost**

**8** The lender cost with respect to a parcel of farm land is the amount LC determined in accordance with the following formula:

$$LC = P \times MV;$$

where:

P is the annual average chartered bank prime rate determined for the calendar year by taking the average of the weekly Chartered Bank Prime Business Loan rates as published in the *Bank of Canada Review*; and

MV is the market value of the parcel, determined in accordance with section 9.

18 Sep 92 cS-17.1 Reg 2 s8.

**Market value**

9(1) In this section, “**property**” means:

- (a) a parcel of farm land for which a market value is required for the purposes of section 8;
  - (b) improvements for which a market value is required for the purposes of section 15.
- (2) At the time of submitting a completed registration form pursuant to clause 6(2)(a), an eligible lender shall submit to the Minister of Agriculture and Food the lender’s estimate of the value of the property with respect to which financial assistance is being requested.
- (3) The market value of property determined pursuant to this section is to be determined as of the day on which the applicable period set out in subsection 17(2) commences.
- (4) The Minister of Agriculture and Food and the eligible lender will be deemed to have agreed that the value of the property at the commencement of the applicable period set out in subsection 17(2) is the valuation set by the Minister if the eligible lender does not request in writing an appraisal pursuant to subsection (5) within 20 days from the date that the Minister of Agriculture and Food’s valuation of the property:
  - (a) is mailed to the lender’s head office by registered mail; or
  - (b) personally delivered at the lender’s head office.
- (5) If the Minister of Agriculture and Food and the eligible lender are unable to agree on the value of the property, the market value of the property is to be determined by an appraisal carried out by an accredited rural appraiser chosen by agreement between the minister and the eligible lender, and the costs of the appraisal are to be equally shared by the minister and the eligible lender.
- (6) If the Minister of Agriculture and Food and the eligible lender agree on one appraiser, either party or both parties may appeal the value established by the appraiser by having a further appraisal done by another appraiser and bearing the costs of the further appraisal.
- (7) If the Minister of Agriculture and Food and the eligible lender are unable to agree on an appraiser, each party shall have an appraisal carried out by an accredited rural appraiser and shall bear the costs of that appraisal.
- (8) If two appraisals are conducted pursuant to subsections (5) to (7) and the values provided by those appraisals are within 15% of each other, the market value of the property is the average of those two values.
- (9) If three appraisals are conducted pursuant to subsections (5) and (6), the market value of the property is the average of the two closest values produced by the three appraisals.

- (10) If two appraisals are conducted pursuant to subsections (5) to (7) and the values provided by those appraisals are not within 15% of each other:
- (a) the eligible lender and the Minister of Agriculture and Food may have a further appraisal carried out by an accredited rural appraiser chosen by agreement between the eligible lender and the minister;
  - (b) the costs of the further appraisal are to be equally shared by the eligible lender and the minister; and
  - (c) the market value of the property is the average of the two closest values produced by all of the appraisals.
- (11) The market value of the property determined in accordance with this section is fixed for the entire period for which the lender is eligible for financial assistance with respect to that property.

18 Sep 92 cS-17.1 Reg 2 s9; 10 Dec 93  
SR 102/93 s5.

**Net lease revenue**

**10(1)** The net lease revenue with respect to a parcel of farm land is the amount NLR determined in accordance with the following formula:

$$\text{NLR} = \text{DLR} - (\text{PT} + \text{WT});$$

where:

DLR is the deemed lease revenue with respect to the parcel, determined in accordance with section 11 or 12, as the case may require;

PT is the actual property taxes being paid by the eligible lender with respect to the parcel for the calendar year in which the financial assistance is being provided; and

WT is the actual water taxes paid by an eligible lender on a parcel of property where:

- (a) the farmer who leases the property does not pay the water taxes as a term or condition of the lease; and
  - (b) the eligible lender submits to the minister verification of the amount of the water taxes paid by the lender.
- (2) For the purposes of subsection (1), the minister and the eligible lender shall determine:
- (a) whether section 11 or section 12 applies to the parcel; or
  - (b) whether section 11 applies to a portion of the parcel and section 12 applies to the remainder of the parcel.



(3) If the minister and the eligible lender are unable to reach agreement pursuant to subsection (2):

(a) the parties shall forward to the board the information on which their respective positions are based; and

(b) the board shall review the information and determine whether section 11 or section 12 applies to the parcel or whether section 11 applies to a portion of the parcel and section 12 applies to the remainder of the parcel.

18 Sep 92 cS-17.1 Reg 2 s10.

**Deemed lease revenue – cultivated lands**

**11** The deemed lease revenue with respect to a parcel of farm land that is cultivated land is the amount DLR determined in accordance with the following formula:

$$DLR = 1/3 ( WY \times CA \times SI ) \times WP;$$

where:

WY is the 15-year moving combined average yield per acre for wheat for the Saskatchewan Crop Insurance Corporation soil class and risk area, as determined by the Saskatchewan Crop Insurance Corporation from annual production records;

CA is the number of cultivated acres in the parcel;

SI is the 10-year moving average seeding intensity for the risk area, measured as seeded acres as a percentage of total cultivated acres, as determined by the Saskatchewan Crop Insurance Corporation from annual records kept by the corporation;

WP is the price of Canadian Wheat Board No. 2 Canada Western Red Spring wheat, including all initial, interim and final payments, at Chamberlain, Saskatchewan, for the crop year that ends on July 31 in the calendar year for which financial assistance is being given.

18 Sep 92 cS-17.1 Reg 2 s11; 10 Dec 93  
SR 102/93 s6.

**Deemed lease revenue – grazing lands**

**12** The deemed lease revenue with respect to a parcel of farm land that is grazing land is the amount DLR determined in accordance with the following formula:

$$DLR = LR \times N;$$

where:

LR is the annual lease revenue per acre with respect to the parcel, determined in accordance with section 13; and

N is the number of acres in the parcel.

18 Sep 92 cS-17.1 Reg 2 s12.

**Lease revenue per acre**

**13** The lease revenue per acre of grazing land is the amount LR determined in accordance with the following formula:

$$LR = CLR \times AUM;$$

where:

CLR is the average commercial lease rate for Saskatchewan expressed in dollars per animal unit month and set annually by Order in Council after consultation with recognized financial institutions not later than December 31 in the year for which the financial assistance is being paid; and

AUM is the number of animal unit months per 160 acres.

18 Sep 92 cS-17.1 Reg 2 s13; 10 Dec 93  
SR 102/93 s7; 10 Nov 94 SR 74/94 s4.

**Eligibility for financial assistance – improvements**

**14(1)** An eligible lender may apply for financial assistance with respect to improvements to farm land where:

- (a) the rent payable pursuant to the lease of that farm land was set by the board; and
- (b) the rent set by the board is less than the rent offered by the eligible lender.

**(2)** The rent set out in a lease is deemed to be sufficient to cover the lender's costs, and an eligible lender is not eligible for financial assistance with respect to improvements, where:

- (a) the lease was entered into without the involvement of the board; or
- (b) the board has determined that the rent offered by the eligible lender is commercially reasonable.

18 Sep 92 cS-17.1 Reg 2 s14.

**Financial assistance - improvements**

**15** The amount of financial assistance that is to be provided annually to an eligible lender with respect to improvements to a parcel of farm land is the amount A determined in accordance with the following formula:

$$A = (MV \times P) - R;$$

where:

MV is the market value of the improvements, determined in accordance with section 9;

P is the annual average chartered bank prime rate determined for the calendar year by taking the average of the weekly Chartered Bank Prime Business Loan rates as published in the *Bank of Canada Review*;

R is the rent for the improvements that is stated in the lease.

18 Sep 92 cS-17.1 Reg 2 s15.

**Annual calculation of financial assistance**

**16(1)** The amount of financial assistance to be provided to an eligible lender is to be calculated on a calendar year basis for the appropriate period determined in accordance with section 17.

(2) Where the day on which the period mentioned in subsection (1) begins is a day other than January 1 in a calendar year, the amount of financial assistance to be provided to an eligible lender in that calendar year is the amount FA determined in accordance with the following formula:

$$FA = (A_1 + A_2) \times \frac{N}{365} ;$$

where:

$A_1$  is the amount A determined pursuant to section 7;

$A_2$  is the amount A determined pursuant to section 15; and

N is the number of days in that calendar year for which the eligible lender is entitled to receive financial assistance.

18 Sep 92 cS-17.1 Reg 2 s16.

**Duration of financial assistance**

**17(1)** In this section, unless the context requires otherwise, “**year**” means any continuous period of 365 days.

(2) Subject to subsections (3) and (4), where financial assistance is to be provided pursuant to section 27.71 of the Act, it is to be provided for the following periods:

(a) where a farmer and an eligible lender have entered into a lease pursuant to sections 27.1 to 27.9 of the Act, and:

(i) the farm land is transferred voluntarily where no notice of intention has been served pursuant to subsection 12(1) of the Act, for the period beginning two years after the first day on which the original lease pursuant to sections 27.1 to 27.9 began and continuing until the expiry of the statutory lease period described in subsections 27.2(11) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(ii) the farm land is transferred voluntarily after a notice of intention has been served pursuant to section 12(1) of the Act, for the period beginning two years after the day of service of the notice and continuing until the expiry of the statutory lease period described in subsections 27.2(11) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(iii) the farm land is transferred pursuant to a final order of foreclosure or there is a cancellation of an agreement for sale, for the period beginning two years after the day of service of the notice of intention pursuant to subsection 12(1) and continuing until the expiry of the statutory lease period described in subsections 27.2(11) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(b) where, in compliance with subsection 27.61(1) of the Act, an eligible lender and farmer enter into a lease pursuant to sections 27.1 to 27.9, and:

(i) 1992 is the first year of a one-year lease-back arrangement between the eligible lender and a mortgagor mentioned in 27.61(1) of the Act who is a farmer, for the period beginning on the day that is the later of January 1, 1994 and two years after the day on which the 1992 growing season lease began and continuing until the expiry of the statutory lease period described in subsections 27.61(2) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(ii) 1992 is the second or subsequent year of a lease-back arrangement between the eligible lender and a mortgagor mentioned in subsection 27.61(1) of the Act who is a farmer, for the period beginning on the day that is the later of January 1, 1993 and the expiry date of the lease-back arrangement and continuing until the expiry of the statutory lease period described in subsections 27.61(2) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(iii) 1992 is the first year of a multi-year lease-back arrangement between the eligible lender and a mortgagor mentioned in subsection 27.61(1) of the Act who is a farmer, for the period beginning on the day that is the later of January 1, 1994 and two years after the day on which the multi-year lease-back arrangement began and continuing until the expiry of the statutory lease period described in subsections 27.61(2) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(c) where a notice has been served on a mortgagor by an eligible lender pursuant to subsection 12(1) of the Act but:

(i) no cancellation of an agreement for sale between the eligible lender and the mortgagor; and

(ii) no transfer of the farm land from the mortgagor to the lender;

has occurred prior to the coming into force of subsection 27.61(4) of the Act, for the period beginning on the day that is the later of January 1, 1993 and two years after the date of service of the notice and continuing until the expiry of the statutory lease period described in subsections 27.61(4) and 27.2(13) of the Act or until the lease is terminated, whichever comes first.

(d) where, between January 8, 1992 and the coming into force of subsection 27.61(5) of the Act:

(i) farm land is transferred from a mortgagor to the eligible lender by final order of foreclosure; or

(ii) there is a cancellation of an agreement for sale between a eligible lender and a mortgagor; and

the eligible lender has not leased, sold or agreed in writing to lease or sell the farm land prior to the coming into force of subsection 27.61(5) of the Act, for the period beginning on the day that is the later of January 1, 1993 and two years from the date of service of the notice of intent pursuant to subsection 12(1) of the Act and continuing until the expiry of the statutory lease period described in subsections 27.61(6) and 27.2(13) of the Act or until the lease is terminated, whichever comes first;

(e) where, between January 8, 1992 and the coming into force of subsection 27.61(5) of the Act, farm land is transferred from a mortgagor to the eligible lender by voluntary transfer or quit claim and the eligible lender has not leased, sold or agreed in writing to lease or sell the farm land prior to the coming into force of subsection 27.61(5) of the Act:

(i) where no notice of intent pursuant to subsection 12(1) of the Act was served, for the period beginning two years from the day on which the farm land is transferred and continuing until the expiry of the statutory lease period described in subsections 27.61(6) and 27.2(13) of the Act or until the lease is terminated, whichever comes first; and

(ii) where a notice of intent pursuant to subsection 12(1) of the Act was served, for the period beginning on the later of January 1, 1993 and two years from the date of service of the notice and continuing until the expiry of the statutory lease period described in subsections 27.61(6) and 27.2(13) of the Act or until the lease is terminated, whichever comes first.

(3) No financial assistance shall be provided with respect to any period:

(a) prior to the day when a valid signed lease pursuant to sections 27.1 to 27.9 of the Act begins; or

(b) after the expiry of a farmer's rights pursuant to sections 27.1 to 27.9 of the Act and after:

(i) the final determination of any review pursuant to the Act with respect to those rights; or

(ii) the expiry of any period allowed by the Act for making an application for a review mentioned in subclause (i).

(4) No financial assistance shall be provided with respect to any land or improvements on land to which sections 27.1 to 27.8 of the Act do not apply.

(4.1) Where a parcel of land is registered pursuant to these regulations, and pursuant to section 27.9 of the Act, sections 27.1 to 27.8 of the Act only apply to a portion of that parcel, financial assistance pursuant to these regulations is payable only with respect to that portion.

(5) Notwithstanding subsections (2) and (3), where a lease is terminated by reason of a default in payment of rent or a breach of a term or condition of the lease during the period for which the lender is eligible to receive financial assistance, the lender is eligible to continue to receive financial assistance until the earlier of:

- (a) the day on which the farm land is sold or leased to a third party; or
- (b) the later of:
  - (i) the end of the calendar year in which the default in payment of rent or breach of a term or condition of the lease occurred; or
  - (ii) the expiry of a period of at least four months following the termination of the lease.

18 Sep 92 cS-17.1 Reg 2 s17; 10 Dec 93  
SR 102/93 s8; 10 Nov 94 SR 74/94 s5.

**Payment of financial assistance**

**18(1)** For each calendar year for which financial assistance is to be provided, payment of the amount to which an eligible lender is entitled will be made in one instalment not later than January 31 of the following year.

(2) If payment of financial assistance to which an eligible lender is entitled is not made on or before the day mentioned in subsection (1), interest on the amount of financial assistance to which the eligible lender is entitled will be paid at the rate of P% per annum, where P is the average of the Chartered Bank Business Loan Rate as published in the *Bank of Canada Review* for the period for which the payment is late.

18 Sep 92 cS-17.1 Reg 2 s18.

**Section 27.9 exemptions modified**

**19** For the purposes of section 27.9 of the Act, where two or more family units are engaged together in the business of farming and two or more members of those family units own farm land individually as well as through shares in an agricultural corporation:

- (a) the limits set out in subsections 27.9(2) and (3) of the Act for individuals apply to each family unit; and
- (b) no farm land held by an agricultural corporation shall be included for the purpose of applying the limits mentioned in clause (a).

18 Sep 92 cS-17.1 Reg 2 s19.

**Forms prescribed**

**20** The forms set out in the Appendix to these regulations are prescribed for the following purposes:

- (a) Form A is the notice of offer of farm land for lease that is required for the purposes of clause 27.2(1)(a) of the Act;
- (b) Form B is the notice that a lease of farm land will not be offered that is required for the purposes of clauses 27.2(1)(b) and (c) of the Act;
- (c) Form C is the waiver of lease rights on judicial sale that is required for the purposes of clause 27.2(8)(a) of the Act;
- (d) Form D is the certificate of independent legal advice that is required for the purposes of clause 27.2(8)(b) of the Act;
- (e) Form E is the notice of termination that is required for the purposes of clauses 27.2(14)(c), (d), (e) and (f) of the Act;
- (f) Form F is the certificate of eligibility that is required for the purposes of subsection 27.21(10) of the Act.

Appendix



Saskatchewan Justice

FORM A

NOTICE OF OFFER OF FARM LAND FOR LEASE

TO: \_\_\_\_\_

TAKE NOTICE:

1. That you are hereby offered a lease of the following farm land:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for the rent and on the terms and conditions set out in the form of lease attached to this notice.

- 2. That subject to sections 27.1 to 27.9 of *The Saskatchewan Farm Security Act*, you are entitled to lease all or part of the farm land set out above.
- 3. That you have 30 days from the receipt of this notice to take one of the following steps:
  - (a) sign the form of lease attached to this notice and return it to the lender, thereby entering into a lease of that farm land for the rent and on the terms and conditions set out in that form of lease;
  - (b) notify the lender in writing:
    - (i) that you intend to lease all or part of the farm land offered for lease but that you do not agree with the rent or terms and conditions of the lease attached to this notice;
    - (ii) of the basis for that disagreement; and
    - (iii) that you intend to apply to the Farm Tenure Arbitration Board to have the board determine the commercially reasonable rent or terms and conditions of the lease;
  - (c) notify the lender in writing that you do not intend to exercise your right to lease the farm land.
- 4. That failure to take one of the steps set out in section 3 within 30 days of receipt of this notice will result in the loss of your right to be offered the farm land for lease.
- 5. That an application to the Farm Tenure Arbitration Board to determine the commercially reasonable rent, terms and conditions of a lease must be made within 45 days of receipt of this notice, and that you must provide the lender with a copy of the application within 7 days after the application is made to the Board.

<p>Farm Tenure Arbitration Board          Regina 787-2100          Toll Free 1-800-667-4434</p>
---

\_\_\_\_\_  
Officer of lender





FORM B

### NOTICE THAT LEASE OF FARM LAND WILL NOT BE OFFERED

TO: \_\_\_\_\_

TAKE NOTICE:

1. That you will *not* be offered a lease of the following property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for the following reason(s):

- you have dealt with the lender in a dishonest manner;
- the original farmer dealt with the lender in a dishonest manner;
- the above-noted farm land has deteriorated through the absence, neglect or wilful act of the original farmer;
- the above-noted farm land has been abandoned;
- the original farmer had the ability to meet his or her obligations pursuant to the mortgage but did not do so;
- you are not a "farmer" within the meaning of clause 27.1(b) of *The Saskatchewan Farm Security Act*;
- you do not meet the qualifications set out in clauses 27.21(1)(a) to (c) or 27.21(2)(a) to (d) of *The Saskatchewan Farm Security Act*;
- the above-noted farm land exceeds the limits set out in subsection 27.9(2) or (3) of *The Saskatchewan Farm Security Act*.

- 2. That you have 30 days from the receipt of this notice to apply to the Farm Tenure Arbitration Board for a review of the lender's decision not to offer you a lease of the above-noted farm land for the reason(s) set out above, and that you must provide the lender with a copy of the application within 7 days after the application is made to the board.
- 3. That failure to make an application to the Farm Tenure Arbitration Board for a review of the decision of the lender not to offer you a lease within 30 days of receiving this notice will result in the termination of your rights with respect to a lease of the above-noted farm land under *The Saskatchewan Farm Security Act*.

<p><b>Farm Tenure Arbitration Board</b>  Regina 787-2100  Toll Free 1-800-667-4434</p>
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\_\_\_\_\_  
Officer of lender



Saskatchewan  
Justice

FORM C

### WAIVER OF LEASE RIGHTS ON JUDICIAL SALE

[Clause 27.2(8)(a) of *The Saskatchewan Farm Security Act*]

I, \_\_\_\_\_, pursuant to clause 27.2(8)(a) of *The Saskatchewan Farm Security Act*, do hereby permanently waive and revoke all right or entitlement to a lease of the following farm land pursuant to subsection 27.2 of *The Saskatchewan Farm Security Act*.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
Signature



Saskatchewan  
Justice

FORM D

**CERTIFICATE OF INDEPENDENT LEGAL ADVICE**

[Clause 27.2(8)(b) 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 my employer, partner or clerk, prepared the above/attached waiver and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
Signature



### NOTICE OF TERMINATION

TO: \_\_\_\_\_

TAKE NOTICE:

1. That your lease of the following farm land:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and all rights and obligations with respect to the lease of that farm land pursuant to sections 27.1 to 27.9 of *The Saskatchewan Farm Security Act* are terminated on receipt of this notice for the following reason(s):

- you have failed to make payments pursuant to the terms of the lease;
- you have breached a term or condition of the lease;
- you have failed to comply with an order of the Farm Tenure Arbitration Board or the Court of Queen's Bench for Saskatchewan;
- you are no longer a "resident person" as defined in *The Saskatchewan Farm Security Act*.

2. That you have 15 days from the receipt of this notice to apply to the Farm Tenure Arbitration Board for a determination of whether the lease was properly terminated for the reason(s) set out above, and that you must provide the lender with a copy of the application within 7 days after the application is made to the Board.

3. That failure to make an application to the Farm Tenure Arbitration Board for a determination of whether the lease was properly terminated within 15 days of the receipt of the notice will result in the termination of your rights with respect to a lease of the above-noted farm land under *The Saskatchewan Farm Security Act*.

\_\_\_\_\_  
Officer of lender

**Farm Tenure Arbitration Board**  
Regina 787-2100  
Toll Free 1-800-667-4434



Saskatchewan  
Justice

FORM F

**CERTIFICATE OF ELIGIBILITY**  
**[Subsection 27.21(9) of *The Saskatchewan Farm Security Act*]**

I HEREBY CERTIFY THAT:

I, \_\_\_\_\_, of \_\_\_\_\_,  
 officer of assignee agricultural corporation/assignee of the lease or/right to lease farm land pursuant to sections 27.1  
 to 27.9 of *The Saskatchewan Farm Security Act* from \_\_\_\_\_,  
 of \_\_\_\_\_, do meet and fulfil the qualifications for an assignee set  
(assignor)  
 out in subsection 27.21(1) or (2) of *The Saskatchewan Farm Security Act* in that I am:

- (a) the spouse of the original farmer, and:
  - (i) a Canadian citizen or a permanent resident as defined in the *Immigration Act* (Canada);
  - (ii) a resident person; and
  - (iii) at least 18 years of age; or
- (b) a son or daughter of the original farmer or the spouse of the son or daughter of the original farmer, and:
  - (i) I am, or will be, actively farming the farm land during the period of a lease entered into pursuant to sections 27.1 to 27.9 of *The Saskatchewan Farm Security Act*;
  - (ii) I am a Canadian citizen or a permanent resident as defined in the *Immigration Act* (Canada);
  - (iii) I am a resident person; and
  - (iv) I am at least 18 years of age; or
- (c) an officer acting on behalf of an agricultural corporation in which the majority of issued voting shares are legally or beneficially owned by any of the persons described in clause (a) or (b); or
- (d) where the assignor is a farmer that is an agricultural corporation, an individual who:
  - (i) is a beneficial or legal owner of issued voting shares in that agricultural corporation;
  - (ii) is or will be actively farming the farm land during the period of a lease entered into pursuant to sections 27.1 to 27.9;
  - (iii) is a Canadian citizen or is a permanent resident as defined in the *Immigration Act* (Canada);
  - (iv) is at least 18 years of age.

Sworn (or solemnly affirmed) before me at

\_\_\_\_\_, Saskatchewan.  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_ .

\_\_\_\_\_  
 A Commissioner for Oaths, etc.  
 (or as the case may be)

\_\_\_\_\_  
 Signature of Assignee/Officer of Assignee Agricultural Corporation

Farm Tenure Arbitration Board Regina 787-2100 Toll Free 1-800-667-4434
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