

LEASE ASSIGNMENT APPLICATION INSTRUCTIONS

PROVINCIAL PARK COTTAGE SUBDIVISIONS

Revised: 04/26
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Purpose:

To facilitate the legal transfer of park land dispositions including leases and permits to another party when the existing disposition holder wishes to sell the improvements located on the land. Leases and permits can be assigned together or separately as required, however, separate administrative fees apply for each disposition. All requirements of the disposition must be complete before an assignment can be approved.

Who Completes:

The Current Lease Holder (seller)
The Purchaser (buyer)

Completion Notes:

1. Completion of the application does **NOT** approve the assignment. The disposition is not registered from the Current Lease Holder to the Purchaser until approved by the Ministry of Parks, Culture and Sport.
2. The application must be completed in **FULL**; incomplete forms will be returned to the applicant(s).
3. The Purchaser (s) full legal name must be provided. The existing property number must be indicated on each page of the application.
4. A maximum of two individuals can be named per disposition. Recreational dispositions cannot be assigned to a corporation.
5. General correspondence will be directed to the address provided for the Purchaser. Both the Purchaser and Co-Purchaser will receive important legal correspondence.
6. All permits associated with a lease (eg. dock, boat lift or other associated off property installations) must be surrendered by the current lease holder and all improvements removed from park land prior to the assignment being approved. If the purchaser wishes to maintain the existing improvements or acquire a permit for similar improvements, a new application must be submitted to the park office and approved prior to the assignment proceeding.
7. The Current Lease Holder fills out pages 1, 2 & 3 and must declare that all lease requirements have been met. A witness is required for the Current Lease Holder(s) signature. The witness needs to sign before a Justice of the Peace, Notary Public or Commissioner for Oaths (page 3).
8. The Purchaser fills out page 4 & 5 and must be aware of and agree to all lease conditions as these same conditions will now be the responsibility of the Purchaser. A witness is required for the Purchaser(s) signature. The witness needs to sign before a Justice of the Peace, Notary Public or Commissioner for Oaths (page 5).

Permanent or Seasonal Residency:

A permanent resident within a provincial park cottage subdivision is an individual who fulfills one of the following requirements: resides in the provincial park six months or longer during any twelve-month period; or utilizes their dwelling at any point after the September long weekend or prior to May long weekend.

Joint Tenants or Tenants in Common:

When two individuals have an interest in the same park land disposition, it can either be held in joint tenancy or tenancy in common. If tenancy is not indicated on the lease assignment application, tenants in common will apply.

Joint Tenancy – individuals share equal ownership of the property and have the equal, undivided right to keep or dispose of the property. A key element of joint tenancy is the “right of survivorship”. This means that when one joint tenant dies, his or her interest in the property is removed and the surviving joint tenant becomes the sole lessee by completing the proper documentation.

Tenants in common – two lessees own a particular share of the property; if this share is not specified, ownership is assumed to be in equal proportions. When one tenant in common dies, their interest in the property becomes part of their estate and will be dealt with according to their Will. If there is no Will, their interest will be distributed according to *The Intestate Succession Act*.

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Who can Witness:

1. Anyone 18 years of age or older and who is not party to the agreement can witness a signature, as long as an Affidavit of Execution is attached.
2. The Affidavit of Execution must be completed and signed in the presence of a Justice of the Peace, Notary Public or Commissioner for Oaths for Saskatchewan who is not party to the agreement.

The Homesteads Act Forms:

1. *The Homesteads Act* protects a non-owning spouse when the property has been occupied at any time during the marriage as a family home and both names are not shown on the disposition. A person can have more than one family home and the property does not have to be currently occupied by both spouses to be considered a family home.
2. Forms A and B of *The Homesteads Act* are to be completed when the property was used as a family home and there is a non-owning spouse. The non-owning spouse should not sign Form A until advised of their homestead rights by a Judge, Justice of the Peace, Solicitor or Notary Public who is not party to the agreement. Form B is to be completed by the Judge, Justice of the Peace, Solicitor or Notary Public who advised the non-owning spouse of their rights; Ministry of Parks, Culture and Sport or Ministry of Environment employees cannot complete this form.
3. Either Form D or F is to be completed when homestead rights are not applicable. Homestead rights may not be applicable for a number of reasons: the disposition holder has no spouse, the property was never used as a family home, the disposition is in both names, the homestead rights have been handled pursuant to *The Matrimonial Property Act*, or the property is being assigned to the spouse. Form D is to be completed by the Current Lease Holder; Form F is to be completed by a legal representative if the Current Lease Holder is deceased. If there is more than one Current Lease Holder who is not a spouse (eg two brothers), a separate Form must be completed by each partner (photocopy if necessary).
4. The Current Lease Holder must read the entire list of responses and circle the correct response, leaving the incorrect responses untouched.
5. The Affidavit must be completed and signed in the presence of a Justice of the Peace, Notary Public or Commissioner for Oaths for Saskatchewan who is not party to the agreement.
6. The Justice of the Peace, Notary Public or Commissioner for Oaths for Saskatchewan will complete the box on the left hand side of the assignee signature box.

Submit to:

Please forward the completed package to **Support Services**, Ministry of Environment in Regina or Prince Albert.

For: Regina

Southern Support Services
Ministry of Environment
2nd Floor - 3211 Albert Street
REGINA SK S4S 5W6
email: envregistryadmin@gov.sk.ca

For: Lac La Ronge Provincial Park

Northern Support Services
Ministry of Environment
PO Box 3003, McIntosh Mall
PRINCE ALBERT SK S6V 6G1
email: envregistryadmin@gov.sk.ca

Upon Submission (to the Ministry of Environment):

1. Support Services will review the Lease Assignment Application for completeness.
2. The assignment may be registered and finalized once all requirements have been met.
3. Support Services will return the registered documents to the appropriate individual/entity (lessee/lender/lawyer).

