

Saskatchewan Farm Land Ownership Fact Sheet

Legislative Framework

The Saskatchewan Farm Security Act (Act) reflects the continued commitment of the Government of Saskatchewan to restrict the ownership of Saskatchewan farm land by non-Canadian entities.

Land Holding

The Act identifies individuals and entities that cannot maintain any "land holding" in farm land. Land holdings are broadly defined to include not only owning farm land but also any other interest in farm land, such as: leasehold interests; interests under an agreement for purchase and sale; and any interest under any agreement that directly or indirectly results in vesting of title to farm land.

Ownership Restrictions

The Act permits only Canadian citizens, permanent residents, fully Canadian-owned private entities, family-owned trusts, conservation groups and financial institutions to have a land holding in more than 10 acres of farm land. The Act also says that publicly traded companies cannot acquire or maintain a land holding in more than 10 acres of farm land.

Farm Land Security Board

The Farm Land Security Board (Board) is an independent statutory body that monitors farm land transactions to ensure that individuals or corporations that purchase farm land are entitled to do so. The Board is also a statutory decision-maker that determines applications for exemptions to the Act's ownership restrictions.

Statutory Declarations

The Board monitors all sale transactions that involve farm land in the province. The Act gives the Board the authority to demand information to confirm that an individual or corporate entity is entitled to acquire and maintain a land holding in Saskatchewan farm land. This information is provided in the form of a "statutory declaration" that includes specific questions about a person's citizenship/residency status and where financing for the transaction is being obtained to ensure no foreign entity has an interest in land. Where the land interest is acquired by a corporate entity, the corporation must provide information about the ownership structure of the corporation and the status of individual shareholders.

Statutory declarations are a critical piece of the Board's role to regulate farm ownership. Failure to provide a statutory declaration when requested is an offence under the Act.

Application for Exemption

The Board has the authority to consider applications for exemption which, if approved, allow non-eligible individuals or non-Canadian entities to have or acquire a land holding in excess of that allowed under the Act. The Board may issue an exemption that will remain in place for a certain period of time or with respect to a certain amount of land. This is often for projects that are early on in development to ensure the applicant does not continue to maintain a land holding if the project does not move forward.

Board Enforcement Actions

The Board maintains ongoing oversight of land holdings in Saskatchewan. The Act authorizes the Board to employ certain enforcement measures when an individual or corporations acts contrary to the Act's restrictions. These enforcement powers include the power to order an individual or corporation to divest of a land holding, administrative penalties and investigations.

2024 Provincial Auditor Performance Audit

The Provincial Auditor recently reviewed the Board procedures to regulate and enforce the Act's restrictions. The Auditor reviewed various testing scenarios and found no unauthorized foreign ownership. The Auditor provided ten recommendations, many of which were administrative in nature.

Board Procedural Improvements

The Board continues to improve and modify its procedures to ensure it fulfills its legislative mandate. At present, the Board has implemented several key changes in response to the auditor's recommendations.

The Board is now requesting all landowners acquiring land to complete a statutory declaration to confirm their eligibility to own the farm land.