

Subject: **FOREIGN OWNERSHIP OF LAND**

BACKGROUND

The Foreign Ownership of Land Regulations, Alberta Regulation 160/79 ("Regulations") were passed pursuant to the Agricultural and Recreational Land Ownership Act (Alberta) R.S.A. 1980, c. A-9, and section 33 of the Citizenship Act (Canada) and came into effect on June 1, 1979. The legislation restricts the foreign acquisition of interest in non-urban land in Alberta by the establishment of a scheme of controlled and uncontrolled land. Anyone acquiring certain interests in controlled land is required to complete a statutory declaration in one of the prescribed forms ([FORM A.1](#), [FORM A.2](#), [FORM A.3](#) or [FORM A.4](#)) which provides the information necessary to administer the regulations. Pursuant to section 28(1) of the Land Titles Act, R.S.A. 2000, c. L-4 the Registrar is to ensure that the statutory declaration is provided before certain interests in controlled land are registered. All transactions requiring a statutory declaration are to be "Reviewed", dated and initialled by the Land Titles Examiner in the case of FORM 1 Canadian Citizens, and by the Foreign Ownership of Land Administration representative in all other cases before registration may occur.

REGISTRATION PROCEDURE

1. **Definition of Controlled Land** - In section 1 of the Act, controlled land is defined as land in Alberta but does not include
 - a) land of the Crown in right of Alberta (this does *not* include land held by the Public Trustee),
 - b) land within the boundaries of a city, town, village or summer village, and
 - c) mines and minerals.

2. **Determination of Controlled Land** - If there is any doubt whether a transaction involves controlled land, the location of the land should be checked in the Surveys section. This will usually necessitate checking the plan of subdivision for subdivided lands, the county or municipal district maps or the city, town, village or summer village boundary maps. If the land is within the boundaries of a city, town, new town, village or summer village or if it falls within the other exemptions, it is not controlled and a statutory declaration is not required.

3. **Requirements for Statutory Declaration** - To comply with section 28(1) of the Land Titles Act, a statutory declaration in one of the prescribed forms ([FORM A.1](#), [FORM A.2](#), [FORM A.3](#) or [FORM A.4](#)) must accompany the following documents submitted for registration:
 - transfer
 - notice of sale at public auction (tax recovery)
 - court order vesting an interest in another person

- lease
- caveat claiming any of the following interests:
 - agreement for sale
 - assignment of purchaser's interest in an agreement for sale
 - interim agreement
 - offer to purchase
 - option to purchase
 - right of first refusal
 - unregistered transfer
 - lease or assignment of lease
 - life estate
 - trust agreement
 - beneficiary under a will, settlement or trust deed
- transfer of any of the above caveats.

If any of the above documents is presented for registration without the necessary declaration, it is to be rejected and a statutory declaration is to be requested. If a document is submitted for registration with the required declaration but is being rejected for some other deficiency, the declaration is to be reviewed prior to its return to the registrant. Any deficiencies pertaining to the declaration or other requirements will be noted by the Land Titles Examiner in the case of FORM 1 Canadian Citizens, and by the Foreign Ownership of Land Administration representative in all other cases at that time. An intervening purchaser does not have to complete a statutory declaration.

4. **Exclusions from Regulations** - Pursuant to section 14(1) of the Regulations, the following have been *excluded* from the operation of the Regulations:

- a) persons or class of persons
 - a Crown corporation (federal or provincial)
 - a corporation formed under letters patent under the Great Seal of Canada (e.g., Canadian National Railways)
 - a municipal corporation
 - a board of trustees of a school district or school division
 - a board of directors of an irrigation district
 - a board of trustees of a drainage district, hospital district or a nursing home district
 - a planning commission
 - a regional services commission established pursuant to section 602.02 of the Municipal Government Act
- b) transactions or class of transactions
 - notifications and transfers under the Public Lands Act, R.S.A. 2000, c. P-40 for a sale of public land where an agreement restricting the purposes for which the land may be sold or prohibiting the sale of the land for a specified period has been entered into under section 21(1) of the Public Lands Act

- notifications relating to a sale of public land under the administration of the Minister of Infrastructure pursuant to section 3 of Schedule 14 of the Government Organization Act, R.S.A. 2000, c. G-10
- caveats, *except* those outlined in number 3 above
- transmissions on death
- c) interests or class of interests in controlled land
 - interests in a lease granted pursuant to the National Parks Act (Canada)
- d) uses or class of uses of controlled land
 - easements and rights of way
 - transactions involving not more than 8 hectares (approximately 20 acres) if the land is acquired for a purpose for which a right of entry order under the Surface Rights Act, R.S.A. 2000, c. S-24 may be granted (well site, access road, pumping station, etc.) This will include most surface leases. This exemption may be determined by:
 - (i) specifying the number of hectares/acres involved or that it is for less than 8 hectares or 20 acres or by attaching a site plan, and
 - (ii) stating the purpose of the operation. The above information may be specified in the document, in the Document Registration Request form or in an accompanying letter.
- e) part of the land within the boundaries of the Hamlet of Sherwood Park

<ul style="list-style-type: none"> - Section 13-52-23-W4 - Section 14-52-23-W4 - Section 15-52-23-W4 - Section 16-52-23-W4 - Section 21-52-23-W4 - Section 22-52-23-W4 - Section 23-52-23-W4 - Section 24-52-23-W4 - Section 25-52-23-W4 - Section 26-52-23-W4 - Section 27-52-23-W4 - East Half 28-52-23-W4 - Section 29-52-23-W4 - Section 30-52-23-W4 - Section 31-52-23-W4 - Section 32-52-23-W4 - East Half 33-52-23-W4 - Section 34-52-23-W4 - Section 35-52-23-W4 - Section 36-52-23-W4 	<ul style="list-style-type: none"> - Section 1-53-23-W4 - Section 2-53-23-W4 - Section 3-53-23-W4 - Section 4-53-23-W4 - Section 5-53-23-W4 - Section 6-53-23-W4 - Section 8-53-23-W4 - Section 10-53-23-W4 - Section 11-53-23-W4 - Section 12-53-23-W4 - Section 13-53-23-W4 - Section 14-53-23-W4
--	---
- f) any transaction authorized by Order-In-Council

If any document fits within any of the above categories of exemptions, it may be registered without a statutory declaration or the necessity of referring it to the Foreign Ownership representative. However, if there is any doubt whether the transaction is exempt, the documents are to be referred to the Foreign Ownership representative.

5. **Retention of Statutory Declaration** - When a statutory declaration is submitted with the documents presented for registration, both the declaration and the documents are reviewed by the Land Titles Examiner in the case of FORM 1 Canadian Citizens, and by the Foreign Ownership representative in all other cases. However all transactions involving FORM 1 declarations for Canadian Citizens and Permanent Residents, where there is an intervening purchaser involved, must be reviewed by the Foreign Ownership representative. Subsequent to approval, the completed statutory declaration is retained by the Foreign Ownership of Land Administration.