

SLM Information Sheet

Assignment (Transfer) of Crown Land Disposition

What is a Crown Land Disposition?

A Crown land disposition issued by Saskatchewan Environment and Resource Management (SERM) authorizes individuals or corporations to use Crown resource land for a specific purpose. It can either be in the form of a lease, permit, easement or licence. Most leases and easements are for a 10 or 21 year term; most licences are for ten years, permits are issued annually.

Can dispositions be assigned to another party?

Generally, yes. Over the term of the disposition, a change in ownership of the cottage or other assets on the leased property may be necessary. When this happens, the existing disposition can be assigned to another party, leaving the conditions and remaining term unaffected. Any permits which are part of the change of ownership (eg. boathouse or dock) should also be identified and assigned at this time. If they are not, the original conditions of the permit including the name of the permit holder remain intact and the person(s) assuming the lease do not have the right to use the, eg., dock.

Are there any restrictions?

Yes. Before a disposition can be assigned, the situation is reviewed to ensure no unusual circumstances exist which could prevent the assignment. Some restrictions include:

- The disposition must be in good standing, meaning that all requirements have been met. This includes confirmation that

the actual use of land is as specified in the lease, all fees and applicable taxes have been paid, and development has been completed without any unauthorized buildings or boundary encroachments.

- If development has not been completed, the disposition will not be transferred. The only exception is to finalize estate proceedings. In this case, the new lessee must agree to complete development by a date determined by SERM.
- Northern outfitter camps must be advertised for sale in the local northern paper. Proof of the advertisement must be provided before an assignment will be approved.
- The rights provided by *The Homesteads Act* must be addressed prior to approval of the assignment. *The Homesteads Act* protects the interests of both spouses, including the rights of a spouse who is not named as a partner on the disposition (non-owning spouse). If the property was used as a family home during marriage, the non-owning spouse must be willing to give up any right to the property before it can be transferred. If the rights provided by *The Homesteads Act* are not applicable, for whatever reason (eg. handled through a divorce settlement), this must also be known before the transfer can occur. The rights of *The Homesteads Act* are addressed through proper completion of the assignment form.
- Dispositions for trapping cabins cannot be assigned. A new disposition will be issued for trapping cabins if the cabin is to be sold.

- Other certain dispositions cannot be transferred, primarily nonstandard dispositions drawn up in the past which do not conform to today's requirements. In these cases, SERM requires conversion to a current disposition before an assignment can be completed.

As someone taking over the disposition (assignee), what do I need to know?

There are some restrictions and options in assigning a disposition. The assignee must be aware of these and understand the differences.

- Only two individuals can be named on a disposition. Commercial leases may be in the name of a corporation only if the name is registered with Corporations Branch, Saskatchewan Justice.
- When two individuals take over a disposition, their type of tenancy must be identified:
 - **Joint tenants:** upon the death of one tenant, the disposition is transferred to the surviving joint tenant by completing the proper documents..
 - **Tenants-in-common:** upon the death of one tenant, their portion of the disposition will be handled according to their will or in accordance with *The Intestate Succession Act*.
- All conditions of the existing disposition become the responsibility of the assignee.



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The assignee should thoroughly review the disposition and examine the condition and location of all buildings on the land. Any problems identified at the time of assignment or in the future will need to be addressed and could include relocation or removal of unauthorized or misplaced buildings.

What are the different types of assignments and the requirements for each one?

For a standard transfer from one party to another:

- Two copies of SERM's *Assignment of Disposition* form.
- The lessee's copy of the disposition agreement in force at the time of assignment. If the disposition cannot be located, an affidavit as to its loss or destruction is required.
- A registration fee for completing the assignment.
- An inspection fee, if required.

For an estate proceeding:

- Two copies of SERM's *Assignment of Disposition* form.
- The lessee's copy of the disposition agreement in force at

the time of the assignment. If the disposition cannot be located, an affidavit as to its loss or destruction is required.

- Notarized copies of Letters of Administration or Letters Probate, and a copy of the will.
- If the estate was not probated, if there are no Letters of Administration or if there is no will, a notarized copy of the death certificate and other declarations will be required, depending on the circumstances of the individual case.
- A registration fee for completing the assignment.
- An inspection fee, if required.

For a transfer to a surviving joint owner:

- Two copies of SERM's *Application for Surviving Joint Tenant* form, which requires a notarized copy of the death certificate.
- A registration fee for completing the assignment.

If a bank or other lending agency wishes to register an encumbrance to hold the disposition as collateral for mortgaging purposes:

- Two copies of SERM's *Assignment of Disposition as Collateral Security* form.

- The lessee's copy of the disposition agreement in force at the time of the assignment. If the disposition cannot be located, an affidavit as to its loss or destruction is required.
- A registration fee for completing the assignment.

For more information, contact your local SERM office or any of the following locations. Visit our web site at www.serm.gov.sk.ca

Shield EcoRegion

Box 5000
LA RONGE SK S0J 1L0
Phone: 306-425-4254
Regional Land Manager
(RLM): 306-425-4253

Parkland EcoRegion

15 Innovation Blvd.
SASKATOON SK S7K 2H6
Phone: 306-933-6242
RLM (Regina): 306-787-2304

West Boreal EcoRegion

Unit 1 - 201, 2nd Street W.
MEADOW LAKE SK S9X 1C7
Phone: 306-236-7540
RLM: 306-236-7551

Grassland EcoRegion

350 Cheadle Street W.
SWIFT CURRENT SK S9H 4G3
Phone: 306-778-8205
RLM (Regina): 306-787-2304

East Boreal EcoRegion

Box 3003, McIntosh Mall
PRINCE ALBERT SK S6V 6G1
Phone: 306-953-2896

Regina Area Office

3211 Albert Street
REGINA SK S4S 5W6
Phone: 306-787-2080