
Foreign Ownership of Land

Appendices instruction sheet

Why Appendices may need to be completed to supplement a Foreign Ownership of Land declaration or form

The [Foreign Ownership of Land Regulations](#) (FOLR) and the [Land Titles Act](#) require disclosure where there is an acquisition of an interest in controlled land. Canadians, Canadian corporations or entities, foreign individuals and foreign corporations or entities, are all subject to this requirement. In the case of corporations or other non-human entities, Appendices must be completed to display the full and complete chain of ownership or beneficial ownership in order to substantiate non-foreign control or beneficial ownership.

Types of Appendices

Standard and prescribed Appendix

Core Requirement: Disclosing the complete chain of ownership, reflective of all shareholdings, in the Appendix. Note that this must be reflective of all shares (i.e., all voting and all non-voting) and any corporate shareholders must also be broken down in subsequent Appendices.

Non-standard Appendices

The standard and prescribed Appendix is not perfectly suited to disclose the requisite information to substantiate non-foreign (Canadian) control or non-foreign (Canadian) beneficial ownership of a particular corporation, partnership, nonprofit/not-for-profit entity, society, fund, trust, real estate investment trust (REIT), pension plan or pension fund.

Core Requirements for a public corporation whose shares are traded on a stock exchange in Canada (definitions under s.2 of the [Foreign Ownership of Land Regulations](#)):

- Disclosure of both its directors and disclosure of shareholders are required. Any corporate/non-human shareholders must also be broken down in subsequent Appendices.
- Refer to the alternate Appendix named “Public Corporations with traded shares” to be used.

Core Requirements for a partnership (definitions under s.2 and s.19 of the [Foreign Ownership of Land Regulations](#)):

- Disclosure of all partners is required. Any corporate/non-human partners must also be broken down in subsequent Appendices.
- Refer to the alternate Appendix named “Partnerships” to be used.

Core Requirements for a society/not-for-profit/nonprofit (definitions under s.2 and s.13 of the [Foreign Ownership of Land Regulations](#)):

- Disclosure of the directors and a statement concerning the membership base is required.
- Refer to the alternate Appendix named “Societies/Not-for-Profits/Nonprofits” to be used.

Core Requirements for a Trust (i.e., Family Trust) that is not Trust company (requirements listed below utilizing s.25 of the [Foreign Ownership of Land Regulations](#)):

- Disclosure of the trustees and beneficiaries and statement agreeing to comply with Foreign Ownership of Land Regulations.
- Refer to the alternate Appendix named “Trusts” to be used for trusts (i.e., Family Trust) that is not a Trust company.

Core Requirements for a corporation without any shares issued that is NOT a society/not-for-profit/nonprofit (requirements listed below utilizing s.25 of the [Foreign Ownership of Land Regulations](#)):

- If there are no shares issued as of the date of the declaration and if a governing body (i.e., directors) effectively control the corporation, we will require explicit disclosure of the following items in an additional statutory declaration or affidavit (not in an Appendix designed to disclose shares) as follows:
 - There are no shares yet issued in (*insert name of corp.*).
 - The directors of (*name of corp.*) are: *List all Directors full name, address, and citizenship(s).*
 - The directors of (*name of corp.*) effectively control the corporation and will comply with the Foreign Ownership of Land Regulations.

Core Requirements for a trust company that is not a REIT (requirements listed below utilizing s.25 of the [Foreign Ownership of Land Regulations](#)):

- Provide ONE of the following **by way of additional statutory declaration**, made by a lawyer or an executive:
 - A full list of beneficiaries/unit holders in the trust or trust company along with disclosure of their status as a Canadian citizen, permanent resident, or foreign citizen.
 - A statement explicitly indicating that the majority of beneficiaries/unit holders in the trust or trust company are Canadian citizens or permanent residents.
 - A trust declaration wherein it is a specific requirement that all beneficiaries/unit holders be Canadian citizens or permanent residents.

Core Requirements for a Real Estate Investment Trust (REIT) (requirements listed below utilizing s.25 of the [Foreign Ownership of Land Regulations](#)):

- Provide ONE of the following **by way of additional statutory declaration**, made by a lawyer or Trustee or Manager:
 - A full list of investors/unit holders in the REIT along with disclosure of their status as a Canadian citizen, permanent resident, or foreign citizen.
 - A statement explicitly indicating that the majority of beneficiaries/unit holders in the REIT are Canadian citizens or permanent residents.
 - An additional declaration or contract of trust wherein it is a specific requirement that the majority of investors/unit holders in the REIT are Canadian citizens or permanent residents.
 - A copy of the trust documents **may also** be required.

Core Requirements for a fund, pension fund, or pension plan (requirements listed below utilizing s.25 of the [Foreign Ownership of Land Regulations](#)):

- Provide each of the following **by way of additional statutory declaration**, made by a lawyer or member of the governing body of the fund, pension fund, or pension plan:
 - Name of enabling legislation establishing the fund or plan.
 - A statement explicitly indicating that the majority of members/beneficiaries/unit holders in the fund, pension fund, or pension plan are Canadian citizens or permanent residents.
 - Copy of the fund or plan documents and, if applicable, the certificate of registration.