

# Foreign Ownership of Land Exemption List

This resource provides information about selecting an applicable exemption under the [Foreign Ownership of Land Regulations](#) (FOLR).

Legal advice should be sought when considering applying under an exemption.

Note that this list is a guide and is subject to change. Please be aware that different or additional information may be required based on specific circumstances of a submission under s.25 of [FOLR](#).

| Brief Description   | Authorization  | Submission Requirements   |
|---|----------------|---|
| <b>Foreign Ownership of Land Administration reviewed exemptions</b>   |                |   |
| A foreign individual or foreign-controlled corporation may acquire an interest in controlled land due to the death of an individual (cannot be used before death).        | s.4(2) of FOLR | One of the following must be an exhibit to the applicable foreign ownership statutory declaration: <ul style="list-style-type: none"><li>• A copy of the letter probate and will.</li><li>• Letters of administration.</li><li>• A court order.</li></ul>   |
| A foreign individual or foreign-controlled corporation may acquire an interest in controlled land of up to two parcels of controlled land totaling no more than 20 acres. | s.5(1) of FOLR | An additional statutory declaration to the applicable foreign ownership declaration must be provided and include the following information: <ul style="list-style-type: none"><li>• The legal description, municipality and acreage of the subject property.</li><li>• A list of any other interests held by the beneficial owner in controlled land in Alberta, beneficial or otherwise and any corporations associated with the beneficial owner as determined under <a href="#">section 256</a> of the <a href="#">Income Tax Act</a> (Canada), (if individual, full first, middle, and last name must be provided).</li><li>• The above-mentioned list must include legal descriptions, municipality, and sizes (in acres).</li><li>• If there are no other interest(s) in controlled land in Alberta held beneficial or otherwise by the individual or corporation, the additional statutory declaration must specifically confirm this.</li></ul> <p>There are limitations to the exemption, please see s.5(3) of the FOLR.</p> |

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| A foreign individual or foreign-controlled corporation may register a Lease of controlled land so long as its term does not exceed 20 years (nor can it have renewal provisions which may extend its term beyond 20 years), and the Lease is registered in the pending registration queue at Land Titles within 60 days of it being made.                             | s.6 of FOLR                              | A copy of the fully executed lease must be an exhibit to the applicable foreign ownership statutory declaration. If the lease has a statement along the lines of “This Lease is made effective X date”, but is signed by both parties before this date, the 60-day period to register at Land Titles will begin to run from the listed effective date. If the Lease has a statement along the lines of “this Lease is made effective X date:”, but is signed by both parties after this date, the 60 day period to register at Land Titles will begin to run from the date the Lease is signed by both parties. If there is no such statement, it is assumed that the Lease becomes effective the date that both parties have signed the Lease. |
| A foreign individual or foreign-controlled corporation may register an option to purchase controlled land if it is exercisable within 1 year and not afterwards, AND the option specifies that the foreign <b>individual</b> or foreign-controlled corporation/entity must cease to be ineligible under the Foreign Ownership of Land Regulations within that period. | s.7 of FOLR                              | A copy of the relevant agreement (lease, option, etc.) must be an exhibit to the applicable foreign ownership statutory declaration.  |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land if a right of entry order has been granted under <a href="#">The Surface Rights Act</a> .  | s.8(1)(a) of FOLR and subject to s.8(2). | A copy of the relevant right of entry order which has been granted under <a href="#">The Surface Rights Act</a> must be an exhibit to the applicable foreign ownership statutory declaration.   |
| A foreign individual or foreign controlled corporation may register an interest in controlled land for a purpose for which a right of entry order under <a href="#">The Surface Rights Act</a> may be granted. Applicants should refer to Section 12,13,13.1, or 13.2 of <a href="#">The Surface Rights Act</a>   | s.8(1)(b) of FOLR and subject to s.8(2). | Consent from the owners and occupants (as those terms are defined in <a href="#">The Surface Rights Act</a> ) along with evidence of the purpose must be included as an exhibit to the applicable foreign ownership statutory declaration.  |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for the purpose of <u>establishing<sup>1</sup> an industrial, processing, manufacturing, commercial or transportation</u>  | s.8(1)(c) of FOLR and subject to s.8(2). | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership statutory declaration detailing:</p> <ul style="list-style-type: none"> <li>• Who or what is acquiring the interest in the land.</li> </ul>   |

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| <u>facility</u> <sup>2</sup> up to a maximum size of 80 acres per facility.  |   | <ul style="list-style-type: none"> <li>on the signed, original, letter or statutory declaration itself; and</li> <li>What facility is being established, including whether a form of the facility already exists and what steps are being taken to establish the facility.</li> </ul> <p>Where the information is provided in an accompanying document, that document must be signed by the ineligible person, or a person eligible to sign on behalf of the ineligible person or foreign-controlled corporation.</p>   |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for the purpose of <u>constructing</u> <sup>3</sup> a pipeline, a processing plant, an installation, manufacturing plant, marketing plant, or refinery.   | s.8(1)(d)(i) of FOLR; and subject to s.8(2).  | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership statutory declaration detailing:</p> <ul style="list-style-type: none"> <li>Who or what is acquiring the interest in the land.</li> <li>Where the land is (legal land descriptions, municipality, size (in acres) on the signed, original, letter or statutory declaration itself; and</li> <li>What is being constructed, including construction commencement and completion dates. Where part of the project has already been constructed, details as to additional construction must be provided.</li> </ul> <p>Where the information is provided in an accompanying document, that document must be signed by the ineligible person, or a person eligible to sign on behalf of the ineligible person or foreign-controlled corporation.</p> |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for the purpose of <u>constructing</u> <sup>3</sup> a transmission line, power plant or an electric distribution system as defined in the <a href="#">Hydro and Electric Energy Act (Alberta)</a> . | s.8(1)(d)(ii) of FOLR; and subject to s.8(2). | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership statutory declaration detailing:</p> <ul style="list-style-type: none"> <li>Who or what is acquiring the interest in the land.</li> <li>on the signed, original, letter or statutory declaration itself; and</li> <li>What is being constructed, including construction commencement and completion dates. Where part of the project has already been constructed, details as to additional construction must be provided.</li> </ul> <p>Where the information is provided in an accompanying document, that document must be signed by the ineligible person, or a person eligible to sign on behalf of the ineligible person or foreign-controlled corporation.</p>   |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for the purpose of extracting sand, gravel, clay, or marl up to a maximum size of   | s.8(1)(e) of FOLR; and subject to s.8(2).     | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership declaration detailing:</p> <ul style="list-style-type: none"> <li>Who or what is acquiring the interest in the land.</li> </ul>   |

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| 160 acres per project or development.   |   | <ul style="list-style-type: none"> <li>• ) on the signed, original, letter or statutory declaration itself; and</li> <li>• A description of what the land is going to be used for.</li> </ul> <p>Where the information is provided in an accompanying document, that document must be signed by the ineligible person, or a person eligible to sign on behalf of the ineligible person or foreign-controlled corporation</p>  |
| <p>A foreign individual or foreign-controlled corporation may register an interest in controlled land for the purpose of establishing:</p> <p>(A): a single residence up to a maximum size of 20 acres; or</p> <p>(B): carrying out a residential development up to a maximum size of 80 acres (more commonly used).</p>  | s.8(1)(f) of                              | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership statutory declaration detailing:</p> <ul style="list-style-type: none"> <li>• Who or what is acquiring the interest in the land.</li> <li>• on the signed, original, letter or statutory declaration itself; and</li> <li>• How the use of the land will fit with the outlined exemption criteria. This includes: <ul style="list-style-type: none"> <li>- Evidence that the land is located in an area in which the establishment of a residence or subdivision for the purposes of residential development is or will likely be permitted; and, in the case of (B), “carrying out a residential development”:</li> <li>- Anticipated commencement and complete date for establishing the single residence or residential development.</li> </ul> </li> </ul> <p>Where the information is provided in an accompanying document, that document must be signed by the ineligible person, or a person eligible to sign on behalf of the ineligible person or foreign-controlled corporation</p> |
| <p>A foreign individual or foreign-controlled corporation may register an interest in controlled land pursuant to <a href="#">Section 30 of The Water, Gas, Electric and Telephone Companies Act (Alberta)</a>.</p> <p>Note: <a href="#">The Water, Gas, Electric and Telephone Companies Act (Alberta)</a> has been replaced with The Water, Gas, Electric companies Act (Alberta)</p> | s.8(1)(g) of FOLR; and subject to s.8(2). | <p>A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership statutory declaration detailing:</p> <ul style="list-style-type: none"> <li>• Who or what is acquiring the interest in the land.</li> <li>• Where the land is (legal land descriptions, municipality, size (in acres) on the signed, original, letter or statutory declaration itself.</li> <li>• How the use of the land will fit with the outlined exemption criteria.</li> <li>• A copy of the approval granted under <a href="#">Section 30 of The Water, Gas, Electric Companies Act (Alberta)</a></li> </ul>  |
| Allows a foreign state to acquire controlled land for diplomatic or consular purposes.  | s.8(1)(h) of FOLR; and subject to s.8(2). | A signed, original, letter or additional statutory declaration must be affixed to the applicable foreign ownership declaration detailing:   |

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|--|---|--|
|  |   | <ul style="list-style-type: none"> <li>• Who or what is acquiring the interest in the land.</li> <li>• on the signed, original, letter or statutory declaration itself; and</li> <li>• A description of the purpose for which the land is to be used.</li> <li>• Approval/confirmation from the Government of Canada</li> </ul>  |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land as an Executor of an Estate until the estate is wound up, which may result in a further application relying on Section 4(2).                                  | s.8(1)(i) of FOLR; and subject to s.8(2). | <p>One of the following must be an exhibit to the applicable foreign ownership declaration, and it must confirm that the ineligible person or foreign-controlled corporation is the designated Executor or Administrator of the Estate.</p> <ul style="list-style-type: none"> <li>• A copy of the letter probate and will.</li> <li>• Letters of administration.</li> <li>• A court order.</li> </ul> |
| Allows for an order of a court charging an interest in controlled land for the benefit of a spouse, adult interdependent partner, or child of the owner to be registered.  | s.8(1)(j) of FOLR; and subject to s.8(2). | A copy of the court order must be an exhibit to the applicable foreign ownership declaration.  |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for a burial plot subject to <a href="#">The Cemeteries Act</a>   | s.8(1)(k) of FOLR; and subject to s.8(2). | Proof that the single lot or plot is located in a cemetery licensed under <a href="#">The Cemeteries Act</a> must accompany the applicable foreign ownership declaration.  |
| A foreign-controlled corporation may transfer land to another foreign-controlled corporation that is associated with it, as determined under section 256 of the <i>Income Tax Act</i>  | s.12 of FOLR                              | Proof of the affiliation of the two foreign-controlled corporations including shareholder information or other corporate documentation establishing the association (i.e., a parent company or subsidiary relationship) must accompany the applicable foreign ownership declaration.   |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land for a mortgage.   | s.17 of FOLR                              | A copy of the relevant mortgage documents and evidence of the foreclosure (i.e. quit claim, court order, etc.) must form an exhibit to the applicable foreign ownership declaration.   |
| A foreign individual or foreign-controlled corporation may register an interest in controlled if the Government of Canada is satisfied or is deemed to be satisfied that it is likely to be of benefit to Canada under the <b><i>Investment Canada Act</i></b> . | s.35 of <a href="#">Citizenship Act</a> ; | A copy of the proof that the Government of Canada has made this determination must form an exhibit to the applicable foreign ownership declaration.  |

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|---|--------------------------|---|
| <b>Cabinet Approved Exemptions</b>  |                          |   |
| A foreign individual or foreign-controlled corporation may register an interest in controlled land subsequent to receiving approval from the Lieutenant Governor in Council for the proposed acquisition of the interest. | s.14 of FOLR;<br>Cabinet | <a href="#">Business or Development FOLR OC Exemption Application</a><br><br><a href="#">Estate-Family FOLR OC Exemption Application Form</a> |

## Definitions

<sup>1</sup> Establishment: the action of establishing something or being established or further establishing.

<sup>2</sup> Industrial, processing, manufacturing, commercial or transportation facility as set out section 8(1)(c):

- An industrial facility is “any nongovernmental or non-residential facility that is used for activities such as agriculture, forestry, fishing, mining, manufacturing, transportation, communications or providing services including electric, gas and sanitary services”.
- A processing facility is “an establishment that prepares, treats, or converts tangible personal property into finished goods or another form of tangible personal property. The term includes a business engaged in processing agricultural, aquacultural, or maricultural products and specifically includes meat, poultry, and any other variety of food processing operations. It does not include an establishment in which retail sales of tangible personal property are made to retail customers”.
- A manufacturing facility is the “buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change”.
- A commercial facility is “any building constructed for the purposes of commercial or industrial activity and not primarily intended for use by the general public, including office complexes, industrial buildings, warehouses, factories, and storage facilities”.
- A transportation facility is “any property that enhances the effectiveness of transportation and is functionally related to a transportation system”.

<sup>3</sup> Constructing: the building of something.