

# Foreign Ownership of Land

## Form Types Information Sheet

### Why you may need to fill out a Foreign Ownership of Land 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.

### Types of Declarations

Using the updated template forms (links provided) helps to facilitate registration and improves turnaround times, particularly for Forms 1, 2 and 3. The new Form 4 template is designed to collect the required information; however, additional information may be required depending on unique circumstances. In all cases, ensure you include the required information to prevent rejection. Depending on the circumstances of ownership and intended use of the land, select the link for the appropriate template form:

#### Canadian Citizens and Permanent Residents holding beneficial interest - [Form 1](#)

**Core Requirement:** [Declaration](#) that the individual(s) acquiring the interest is(are) Canadian Citizens or Permanent Residents within the meaning of the *Immigration and Refugee Protection Act* and are also holding the interest in the land beneficially and not as a trustee.

#### Canadian-controlled corporation or Canadian-controlled entities holding beneficial interest and not claiming an exemption - [Form 2](#)

**Core Requirements:** [Declaration](#) that the corporation/entity is non-foreign (Canadian) controlled or non-foreign (Canadian) beneficially held and is holding the interest in the land beneficially. Proof of Canadian control or beneficial ownership by way of appendices to the Form 2.

#### Non-Canadian individual, or non-Canadian controlled corporations or entities holding beneficial interest, or Canadian corporations or entities claiming and relying on an applicable FOLR exemption - [Form 3](#)

**Core Requirement:** [Declaration](#) that the person, corporation, or entity is foreign or foreign controlled, is holding the interest in the land beneficially or, in the case of a Canadian corporation or entity claiming and relying on an applicable exemption in the [FOLR](#). In either case, proof of a valid and substantiated use under the exemption requirements must be provided.

#### Acting as a trustee (person, corporation or entity) or not holding beneficial interest - [Form 4](#)

**Core Requirements:** Full disclosure of who is acquiring the interest, in what way they are acting, and who or what is ultimately holding the beneficial interest. The following must be clearly communicated:

- If there is a transferee, caveator, or lessee;
- Who or what is the transferee, caveator, or lessee;
- In what way is the transferee, caveator, or lessee acting (i.e., as a trustee for or on behalf of);
- Who or what the transferee, caveator, or lessee is acting as a trustee for or on behalf of (ultimately, who is going to hold the interest in the land beneficially) and either one of the following:
  - a. If the ultimate beneficiary or beneficial owner of the interest is foreign, an applicable exemption in the FOLR must also be claimed, with proof of a valid and substantiated use. OR
  - b. If the ultimate beneficiary or beneficial owner of the interest is non-foreign (Canadian), proof of Canadian control or beneficial ownership by way of appendices to the Form 4 must be provided.

## Definitions

**Controlled land** is defined (in s.2 of the [FOLR](#)) as all land in Alberta excluding:

- a. land of the Crown in right of Alberta;
- b. land within the boundaries of a city, town, new town, village or summer village; and
- c. mines and minerals

Virtually all land within the boundaries of a county or municipal district is therefore controlled land, though some specific parcels are excluded by way of [Order in Council](#) (like Sherwood Park, among others).

**Acquisition of an interest** in controlled land includes:

- transfer
- notice of sale at public auction
- court order vesting an interest in another person or entity
- lease
- caveat claiming any of the following interests:
  - adverse possession
  - agreement for sale
  - assignment of purchaser's interest in an agreement for sale
  - beneficial owner
  - beneficiary under a will, settlement or trust deed
  - equitable owner
  - interim agreement
  - joint venture agreement
  - lease, assignment of lease, or option to lease
  - life estate, life interest, or life lease
  - offer to purchase or option to purchase
  - profit á prendre
  - quit claim
  - right of first refusal
  - trust agreement, declaration of trust, or trust deed
  - unregistered transfer (and the transfer of any of the above caveats)
- A change in the membership or the ownership/beneficial ownership of the shares of a corporation or entity that owns/beneficially owns an interest in controlled land that results in the corporation or entity becoming a foreign controlled corporation or entity.

**Declaration** means a written statement of facts, in the applicable form template, signed by the deponent and declared to be true before a commissioner or notary public.

## Contact us for more information

While Land Titles and Surveys cannot provide legal advice, there are many questions staff can answer.

Please contact the Land Titles Foreign Ownership team at 780-427-6584 (toll free in Alberta at 310-0000) or via email at [sa.folaoffice@gov.ab.ca](mailto:sa.folaoffice@gov.ab.ca)