

The Manitoba Farm Industry Board and The Farm Lands Ownership Act



The Farm Lands Ownership Act

Manitoba, like several Canadian provinces, has legislation aimed at keeping farm land for use by present and future generations of Canadians. The Farm Lands Ownership Act was passed by the Manitoba Legislature in 1983 and came into force in 1984. The act is administered and enforced by the Manitoba Farm Industry Board.

By limiting foreign interests in Manitoba farm land, the act supports two major goals.

They are:

- to give Canadians opportunities to obtain farm land in Manitoba for agricultural purposes
- to support the development of strong rural communities in Manitoba

Frequently Asked Questions (FAQs)

Who is affected by the act?

The act affects:

- non-Canadian individuals
- organizations completely, or partly, owned or controlled by non-Canadians
- publicly traded companies and other organizations whose ownership is open to non-Canadians

The above individuals/organizations must apply to the Manitoba Farm Industry Board for an exemption to obtain an interest in more than 40 acres of farm land in Manitoba.

The act does not affect:

- Canadian citizens and permanent residents of Canada
- companies and other organizations completely owned and controlled by Canadian citizens or permanent residents of Canada
- Manitoba governments and/or their agencies
- legitimate creditors

What about existing land ownership?

Land owned before September 26, 1984, may continue to be held by **the same person**, regardless of citizenship or residency.

If a change in circumstances means that a person is no longer exempt from the act, the land must be sold to no more than 40 acres, or an exemption obtained, **within three years of the change**.

Retired farmers and their spouses may retain ownership of all lands they owned while they were farming, regardless of their circumstances.

What if I want to transfer farm land?

It is the responsibility of both the transferor and transferee to ensure they are eligible to own farm land in Manitoba before the transfer of farm land.

- If the potential transferee is not eligible, an exemption is needed.

The Manitoba Farm Industry Board

What is the Manitoba Farm Industry Board?

Effective March 1, 2014, The Manitoba Farm Industry Board was established. It administers and enforces *The Farm Lands Ownership Act*. The board has the authority to exempt (excuse) individuals, corporations, farm land and interest in farm land from any conditions of the legislation.

The board considers factors like the public interest, the possible benefits to Manitoba and the specific circumstances of the applicant when reviewing an application for exemption.

All orders issued by the board, other than those concerning exemptions, may be appealed to the Court of King's Bench.

Some Definitions

Farm Land

Farm land means real property - located outside a city, town or village - that is used, or is reasonably capable of being used, for agriculture.

Farmer

Farmer is a person who receives a significant portion of income either directly or indirectly from the occupation of farming and spends significant time actively engaged in farming.

Qualified Immigrant

This is a person who satisfies the board that he/she intends to become a Canadian citizen or permanent resident of Canada within two years.

Retired Farmer

This is a person who has farmed for at least 10 years and is retired from farming in Canada.

Interest in Farm Land

An interest in farm land includes: an option to purchase; an agreement to purchase; a mortgage; an encumbrance; a lease; a power of attorney; or any other right, title, or interest that would give the landholder possession or control of farm land. It does not include a builder's lien, or a judgement from a court, registered against the land.

How to apply for an exemption

You can get an application by contacting the board office or by visiting the website at manitoba.ca/agriculture/land-management/foreign-ownership.html

Send your application, with a cheque payable to the Minister of Finance, to:

Manitoba Agriculture – Manitoba Farm Industry Board

812-401 York Avenue Winnipeg MB Canada R3C 0P8

Phone 204-945-3856 or toll free in Manitoba 1-800-282-8069

Fax 204-945-1489 | Email agboards@gov.mb.ca

