

DEFINITIONS RELATING TO THE ADMINISTRATION OF AGRICULTURAL CROWN LAND LEASES AND PERMITS

I. Objective

To provide farmers with the definitions used in the administration of agricultural Crown land leases and permits.

This policy replaces Policy 501-2: Definitions in Support of Agricultural Crown Land Leases.

II. Authority

The Crown Lands Act
The Agricultural Crown Lands Leases and Permits Regulation

III. Description

These are terms used in the administration of agricultural Crown land leases and permits.

IV. Background

These terms are not clearly defined by the Act or Regulation.

V. Types of Lease or Permits

Legacy Lease or Permit

A legacy lease or permit means a forage lease or renewable hay permit or renewable grazing permit originally in effect prior to October 1, 2019. Legacy forage leases or permits maintain legacy status through family transfer. As such, eligibility for renewals associated with a legacy lease or permit will continue when transferred to family.

Note: A lease or renewable permit issued via auction since October 1, 2019 is not a legacy disposition.

VI. Land Use

Alternate Land Use

Alternate land use – in the sole and absolute discretion of the Director of Agricultural Crown Lands, Agriculture and Resource Development; means any use for a purpose other than:

- (a) Perennial or Annual Forage production, in the case of a Forage Lease or Permit; and
- (b) Annual Crop production, in the case of a Cropping Lease or Permit.

While not an exhaustive list, some examples of potential “alternate land use” include:

- ecological reserve, provincial park, provincial forest
- lands set aside for research purposes
- Wildlife Management Area or other resource management requirement
- recreational development
- energy projects

Public Work

Public work – in the sole and absolute discretion of the Director of Agricultural Crown Lands, Agriculture and Resource Development, means any work constructed, maintained or otherwise related to a public purpose or a public benefit including, without limitation, a “public work” as defined by *The Public Works Act*.

While not an exhaustive list, some examples of a “public work” include:

- roads and highways including, without limitation, a highway or road as defined by *The Highways and Transportation Act*
- drainage works and water storage projects
- waste disposal grounds
- any public infrastructure; including rights of way (RoW)

Higher and Better Use

Higher and better use – in the sole and absolute discretion of the Director of Agricultural Crown Lands, Agriculture and Resource Development, means any use that supports the Canadian Uniform Standards of Professional Appraisal Practice where the reasonably probable use of a property, that is physically possible, legally permissible, financially feasible and maximally productive, and that results in the highest value and/or the marketability of the property.

While not an exhaustive list, some examples of “higher and better use” include:

- commercial, industrial or resource development
- cottage lot development
- transitioning a forage disposition to a cropping disposition

EFFECTIVE 03 DECEMBER 2020 UNTIL RESCINDED OR AMENDED

Original signed by

HONOURABLE BLAINE PEDERSEN
MINISTER OF AGRICULTURE AND RESOURCE
DEVELOPMENT