

Subject: **CROWN GRANTS – AGREEMENTS RESPECTING THE USE OF LAND**

BACKGROUND

When land owned by the provincial Crown is intended to be sold, a purchaser may be required to enter into an agreement under section 21 of the Public Lands Act and the agreement may be registered under the Land Titles Act.

REGISTRATION PROCEDURE

1. The agreement should contain either or both of the following:
 - a) restrictions on the purposes for which the land may be used, including a requirement that the land be re-transferred to the Crown if the authorized use is discontinued.
 - b) a prohibition on the sale of the land within a specified period without the written consent from the Minister. (1)

For registration purposes, it is only necessary to determine that the agreement is made pursuant to section 21 and this may be stated either in the agreement itself or in the Document Registration Request Form.

2. The agreement should be signed by the Minister responsible for administration of public land under the Public Lands Act, the Deputy Minister, Assistant Deputy Minister, or any employee of the Minister's department who has been authorized in writing to enter into the agreement. (2) If the agreement is not signed by the Minister specified in the Public Lands Act or the Deputy Minister, or Assistant Deputy Minister, it must be accompanied by a letter signed by the Minister or Deputy Minister, or Assistant Deputy Minister authorizing the person who has signed on behalf of the Minister to do so. (3)
3. The endorsement on title should be

"AGREEMENT PURSUANT TO S. 21, PUBLIC LANDS ACT".

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Order – Agreement

The code used for registration at Land Titles is: AGRE

4. **Discharge** - The registration of an agreement may be cancelled by an order or discharge signed by the Minister responsible for administration of public lands under the Public Lands Act (4), the Deputy Minister or by a person authorized in writing to do so.

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Discharge

The code used for registration at Land Titles is: DISC

STATUTE AND CASE REFERENCES

1. s. 21(1), Public Lands Act, R.S.A. 2000, c. P-40
2. see definition of "Minister" in s. 1(m) of the Public Lands Act; s. 36(1), Public Lands Act
3. s. 159(k), Land Titles Act, R.S.A. 2000, c. L-4
4. s. 21(4), Public Lands Act