**Application for Transfer of Disposition**

**to Personal Representative**

Operations Division

# IN THE MATTER of the Disposition referred to as Choose an item. Click or tap here to enter text. (the “Disposition”) at Click or tap here to enter text., Alberta.

# Click or tap here to enter text. (the”Deceased”)[[1]](#footnote-1), now deceased, is a registered holder of the Disposition.

# The Deceased Choose an item..

1. I have attached the original or a notarized copy of the Choose an item. authorizing the personal representative[[2]](#footnote-2) to administer the estate of the Deceased.
2. The name and address of the personal representative(s) is/are:

Click or tap here to enter text. Choose an item. Click or tap here to enter text.

Click or tap here to enter text. Click or tap here to enter text.

Click or tap here to enter text. Click or tap here to enter text.

1. I request the director to amend the records at Alberta Environment and Parks, Provincial Approval Section, to show the personal representative of the Deceased as the owner of the Deceased’s interests.
2. I am (one of) the Choose an item..

*Date*

*Signature*

Click or tap here to enter text.

*Print Name*

**INFORMATION FOR PERSONAL REPRESENTATIVES**

**AGRICULTURAL DISPOSITIONS**

As the Personal Representative of a disposition holder, who is deceased, you have taken over responsibility for the holder’s interest in the disposition. There may be other holders involved in the disposition whom you will have to consider. There may also be associated approvals (eg. cultivation permit) that you will also have to address.

The agricultural disposition may be a grazing lease (GRL), grazing licence (FGL), or a farm development lease (FDL).

*What’s next?*

If the deceased held an interest in a grazing lease, you must find someone to take over the deceased holder’s interest within two years of the date of death of the lessee[[3]](#footnote-3). The process of disposing any interest in an agricultural disposition is known as “assignment” and you must receive Alberta Environment and Park’s (the “department”) consent to the sale of the deceased’s interest to another person or corporation.

You may decide that you do not want to assign the disposition interest. In this case, you can request approval to surrender the disposition to the department. Send an email to [AgricultureAssignUnit-Mailbox@gov.ab.ca](mailto:AgricultureAssignUnit-Mailbox@gov.ab.ca) to request the Application to Surrender Agricultural Disposition form.

In the meantime, as Personal Representative, you must:

* Continue to pay the deceased’s contribution to rent (or 100% of the rent if the deceased was the sole disposition holder)
* Continue to pay the deceased’s contribution to annual property taxes
* Comply with all of the terms and conditions of the disposition, including filing the annual stock return in the case of a grazing lease[[4]](#footnote-4)
* Participate in the replacement of the disposition if it expires, including paying the fee associated with the replacement and any outstanding charges
* Properly sign the replacement agreement and return it to the department as directed[[5]](#footnote-5) (as soon as possible if you want to then assign it)
* If the deceased was the contact for recreational access to lands under grazing lease or farm development lease, update the contact information by resubmitting the Agricultural Lease Contact Information form[[6]](#footnote-6), which may also be obtained by sending an email to the above email address.

*What happens if the disposition has expired or is about to expire?*

If the term of the disposition has expired or will expire soon, and you intend to assign the interest in the disposition, you need to replace the disposition so that you, as personal representative, have a disposition term to sell. The department ensures that the replacement disposition is in place first, then we consider the assignment request.

Starting the Assignment Process:

If you do decide that it is in the interest of the deceased’s estate to assign the disposition, you have to find someone who is qualified to take over your interest in the disposition.

The *Public Lands Administration Regulation (PLAR)* directs the department to follow certain rules regarding the assignment of agricultural dispositions. To meet the eligibility requirements, set out in PLAR, to hold an agricultural disposition, the person or corporation who wishes to buy a disposition interest (the “assignee”) must at least:

* If an individual, be at least 18 years old and a Canadian citizen or permanent resident
* If an individual and a Government of Alberta employee, obtain the permission of that person’s deputy minister to engage in the transaction
* (GRL and FGL only) If a corporation, be authorized to do business in Alberta, Canadian controlled, and the majority of shareholders are resident Albertans
* (FDL) If a corporation, be authorized to do business in Alberta

*You have found an assignee that meets the eligibility requirements. Now what?*

*PLAR* has many technical requirements that you as the assignor, the buyer as assignee, and the department as approver must follow. You must also determine if there are associated activities, such as a cultivation or grazing permit, road access, or water rights that should also be addressed.

It is advisable to obtain legal assistance so that your application and supporting documents are as complete and accurate as possible from the outset. Once you have selected a lawyer to assist you, have him or her contact our office by sending an email to [AgricultureAssignUnit-Mailbox@gov.ab.ca](mailto:AgricultureAssignUnit-Mailbox@gov.ab.ca) including the identification name and number of the disposition that is or will be assigned. We will provide your lawyer with materials to help him or her help you.

You can help your lawyer by gathering together for his or her review a copy of the disposition, any amendments, and all associated dispositions, licences, permits, authorizations, approvals, or similar documents that have been issued by the department concerning your business operation. It will be up to you to determine if you want to address all of the matters at one time (as in, you are selling the farming operation as a whole) or assign the key disposition first, with the others to follow at a later date.

1. The name of the deceased must be consistent with the registered disposition holder. If there is a discrepancy, confirmation of identity must be provided. [↑](#footnote-ref-1)
2. “personal representative” means an executor or an administrator or judicial trustee of the estate of a deceased person and includes a personal representative named in the will whether or not a grant is issued, as per the *Estate Administration Act* (Alberta). [↑](#footnote-ref-2)
3. S. 111(1) *Public Lands Act* [↑](#footnote-ref-3)
4. S. 54 *Public Lands Administration Regulation* [↑](#footnote-ref-4)
5. S. 39(3) *Public Lands Act* [↑](#footnote-ref-5)
6. S. 4 *Recreational Access Regulation* [↑](#footnote-ref-6)