

The Agricultural Leaseholds Act

being

Chapter A-12 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979), as amended by the *Statutes*
of Saskatchewan, 1989-90, c.54; and 2016, c.28.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-12

An Act respecting Agricultural Leaseholds

Short title

- 1 This Act may be cited as *The Agricultural Leaseholds Act*.

Interpretation

- 2 In this Act:

- (a) **“crop”** includes annual field crops of all kinds, sown for the harvesting of grain, seed or fodder;
- (b) **“harvesting of crops”** includes the cutting, swathing, combining, threshing, division into their respective shares as between landlord and tenant, and the removal, delivery and sale of such crops;
- (c) **“landlord”** or **“tenant”** includes their respective assigns or personal representatives;
- (d) **“lease”** means any agreement creating a *bona fide* tenancy between a landlord and tenant, in respect of agricultural land, which provides for payment of the rent reserved, or any part thereof, or for payment in lieu of rent, by the tenant delivering to the landlord or to his order a share of the crop grown or to be grown on such land, or the proceeds of such share.

1969, c.3, s.2; R.S.S. 1978, c.A-12, s.2.

Right of tenant whose lease has expired to re-enter for harvesting purposes

- 3(1) Notwithstanding anything in any Act or law, or in any agreement, but subject to the provisions of this Act, where by reason of:

- (a) unfavourable weather conditions;
- (b) shortage of crop storage accommodation;
- (c) impossibility of sale; or
- (d) any other cause designated by regulation of the Lieutenant Governor in Council;

the harvesting of any crop grown by a tenant during the final year or season of a lease held by him has not been fully completed by the date of termination of the lease, the tenant may thereafter, by himself or his agent duly authorized in writing, re-enter upon the demised land, with necessary assistants, vehicles, animals, implements, equipment and supplies, and without unnecessary delay, and without causing avoidable damage, complete such harvesting.

- (2) Re-entry by the tenant under subsection (1) may only be made upon and following the giving of not less than seven days' prior written notice of his intention to do so to the occupant of the land or, where the land is unoccupied, to the owner thereof.

- (3) Subject to subsection (4), the notice referred to in subsection (2) shall:
- (a) be given not later than the first day of April next following the date of termination of the lease;
 - (b) specify the nature and extent of the work of completion of the harvest which the tenant proposes to carry out;
 - (c) designate the date or approximate date of the proposed reentry, which date shall be not later than the first day of May next following the date of termination of the lease.
- (4) Where the purpose of re-entry is only for removal of a crop which was threshed by the tenant prior to the expiry of the lease the notice may be given at any time prior to the first day of June next following the date of termination of the lease and may specify a date not later than the fifteenth day of June next following the date of such termination as the date of re-entry; and the tenant shall complete the removal of any such crop and withdraw from the demised premises not later than the thirtieth day of June next following such re-entry.
- (5) Where a tenant makes re-entry under subsection (1) for the purpose of completing the harvesting of any crop, other than the removal of the crop from the demised premises:
- (a) the terms of the expired lease shall, as far as they are applicable, be deemed to apply thereto as if the lease had not expired; and
 - (b) the tenant shall complete the harvesting and withdraw from the demised land not later than the fifteenth day of May next following such re-entry.
- (6) Where a tenant gives notice of intention to make re-entry in accordance with the provisions of this Act, the owner as well as the occupant of the land shall afford him every reasonable opportunity to complete the work of harvesting as specified in such notice.

1969, c.3, s.3; R.S.S. 1978, c.A-12, s.3; 1989-90,
c.54, s.4.

Provisions of Act apply notwithstanding eviction of tenant

- 4 The provisions of this Act apply notwithstanding that the tenant may have been evicted from the land.

1969, c.3, s.4; R.S.S. 1978, c.A-12, s.4.

Application to Provincial Mediation Board

- 5 In the event of disagreement between a tenant who gives notice of intention to make re-entry as provided in this Act and the owner or occupant of the land as to the exercise of the powers conferred by subsection (1) of section 3, either one or more of the tenant, owner or occupant may apply to the Provincial Mediation Board established under *The Provincial Mediation Board Act* for a hearing, and upon such application the Board, after such notice to the other party or parties as it deems fit, may hear the matter in dispute and make such order as it deems just.

1969, c.3, s.5; R.S.S. 1978, c.A-12, s.5.

Board may extend the time for completion of harvest

6 Without limiting the general powers conferred by section 5, the Provincial Mediation Board, on an application under that section or upon application by a tenant at any time either before or after the time limited by this Act for completion of the harvesting has expired and notwithstanding that the tenant may have failed to give notice of intention to make re-entry on the land for completion of harvesting within the time as provided in this Act, may, after directing such notice to be served on the owner or occupant of the land as it deems fit:

- (a) extend the time as fixed by this Act for completion of the harvesting by the tenant for such period as it deems just in the circumstances;
- (b) direct that the landlord or the occupant, or any person appointed by the Board, shall perform the work of completing the harvest and in such case shall include in the order directions with respect to the disposal of and accounting for the crop or the proceeds thereof.

1969, c.3, s.6; R.S.S. 1978, c.A-12, s.6.

Liability of owner or occupant who fails to observe terms of Board's order

7 Where on an application under section 5 or 6 the Provincial Mediation Board orders that the tenant or his agent be permitted to enter the land and to exercise the rights conferred by subsection (1) of section 3 and the owner or occupant of the land hinders or prevents the tenant or his agent from so doing, the owner or occupant, as the case may be, is guilty of an offence and liable on summary conviction to the penalties provided by section 20 of *The Provincial Mediation Board Act*; and in case of a conviction the convicting judge or justice of the peace shall order the person convicted to allow the tenant or his agent to enter upon the land along with all necessary assistants, vehicles, animals, implements, equipment and supplies and to exercise the rights conferred by subsection (1) of section 3.

1969, c.3, s.7; R.S.S. 1978, c.A-12, s.7; 2016, c28, s.3.

Order of Board where tenant fails to exercise his rights

8 Where in any case the crop grown by a tenant is not fully harvested prior to the termination of the lease and the tenant either failed to give notice of intention to make re-entry on the land for completion of such harvesting within the time as provided in this Act or, having given such notice, failed to complete the harvesting within the time as limited by this Act or by any order made under clause (a) of section 6, the owner or occupant may apply *ex parte* to the Provincial Mediation Board for an order and the Board may make an order for the completion of the harvesting by the applicant or by any appointee of the Board upon such terms as the Board deems just, including directions with respect to the disposal of and accounting for the crop or the proceeds of the sale thereof.

1969, c.3, s.8; R.S.S. 1978, c.A-12, s.8.

Board's order final

9 Every order of the Provincial Mediation Board under this Act is final and is not subject to appeal and no such order shall be questioned or reviewed, restrained or set aside by prohibition, injunction, *certiorari*, or any other process or proceeding in any court.

1969, c.3, s.9; R.S.S. 1978, c.A-12, s.9.

Penalty

10 Where the crop grown by a tenant has not been fully harvested prior to the termination of his lease, any person who, within the time as provided in this Act or in any order made by the Board under clause (a) of section 6 giving the tenant the right to complete the harvesting, wilfully causes or permits the crop or any part thereof to be damaged or destroyed, in addition to any other liability for such damage or destruction, is guilty of an offence and liable on summary conviction to a fine not exceeding \$250 and in default of payment to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

1969, c.3, s.10; R.S.S. 1978, c.A-12, s.10.

Regulations

11 For the purpose of carrying out the provisions of this Act according to their true intent or of meeting cases which may arise and for which no provision is made therein, the Lieutenant Governor in Council may make such regulations as he may consider necessary or advisable.

1969, c.3, s.11; R.S.S. 1978, c.A-12, s.11;
1989-90, c.54, s.6.