


**POLICY TITLE      Lease and Permit Holder Bans**

**BRANCH**                      Land Use and Ecosystems Resilience  
**DIVISION**                    Agriculture Production and Resilience  
**Policy Number**              ACL 23-08  
**Effective Date**              January 1, 2024, until rescinded or amended  
**ADM/Director**              Patti Rothenburger/Andrea McLean

**Approved By**

April 2, 2024 - Original signed by 

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Brenda DeSerranno, Deputy Minister-MB Agriculture

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**Policy Objective:**

To define actions or conditions of a lease and permit holder that result in the holder being **banned**<sup>1</sup>. And, to specify restrictions placed on current or former lease and permit holders under a ban.

**Relevant Legislation, Regulation, and Agreements:**

Section 18.1 of the Agricultural Crown Lands Leases and Permits Regulation, M.R. 99/2023 outlines holder actions that lead to banning, banning periods, and how banning affects acquisition and management of leases and permits. Sections 8.2(4)(b) and 8.4(2)(b) limit activities of lease holders related to legacy lease nominations. Important restrictions imposed on banned clients include:

- Prohibiting participation in a lease or permit auction,
- Refusing to accept applications from a lease or permit holder for the purposes of nomination, transfer, or name additions and deletions.
- Refusing to approve a recipient for transfer, nomination, or name addition.

Section 18.1 also lists reasons the director may ban a lease or permit holder including:

- Not actively farming land
- Not actively engaged in farming
- Not sustainably farming land
- Providing false or misleading information
- Failing to provide information to the Director
- Not making payments.

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<sup>1</sup> See Definitions Policy ACL 23-09

## **Agricultural Crown Lands**

### **Policy**

- 1) As it relates to the Agricultural Crown Lands Leases and Permits Regulation and this policy, a lease or permit holder that is banned is not considered to be in good standing.
- 2) In the case of a holder subject to a ban at the time of the holder's death
  - a) the holder's estate may apply to transfer the deceased holder's lease agreement, if issued before October 1, 2019, to an eligible family member;
  - b) in the case of a partnership, the interest of the deceased in the lease can be passed to the surviving partner(s) via name deletion;
  - c) the holder's estate may apply to nominate an eligible nominee if the lease was issued before October 1, 2019; and
  - d) the holder's estate may apply to transfer the lease to an eligible person or entity if the lease was issued on or after October 1, 2019.
- 3) Provision of false information in the application process, or at any point in the establishment or demonstration of eligibility, is considered fraud. In addition to any law or penalty that may apply, there may be additional penalties applied in relation to the ACL program, including cancellation of existing leases or permits, and being banned for five years.
- 4) A ban of two years will be put in place for clients who are cancelled for non-payment.
- 5) Cancellations or other penalties applied in relation to fraud are not appealable.
- 6) A holder subject to a ban can have their name deleted from a partnership lease or permit regardless of the remaining holders' ban status.
- 7) Eligibility Policy ACL 23-03 section 8 applies to banning.