The Religious Societies Land Act

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Chapter R-19 of The Revised Statutes of Saskatchewan, 1978 (effective February 26, 1979) as amended by the Statutes of Saskatchewan, 1983, c.61; 2000, L-5.1; and 2014, c.19.

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 R-19
An Act respecting the holding of Lands in Trust for Religious Societies and Congregations

Short title
1 This Act may be cited as The Religious Societies Land Act.

Interpretation
2 In this Act:
   (a) “annual or special meeting” means any annual or special meeting called according to the constitution or practice of the church with which the religious society is connected or, if the religious society is not connected with a church, according to the constitution or practice of the society and, in either case, in the absence of provisions in the constitution or practice regarding the calling of such meetings, called by notice thereof read by the minister or other presiding officer once a week for two weeks prior to the day of the proposed meeting during a meeting of the religious society;
   (b) “religious society” means a church, congregation or other religious organization of persons professing or adhering to a religion or religious faith.

Land holding by religious society
2.1 Subject to this Act, a religious society may, in the name of trustees, take, hold, possess and be the registered owner of title for a parcel of land for the site of a church, chapel, meeting house, burial ground, residence or glebe for the minister or for the support of public worship and the propagation of knowledge about the religious society or for other like religious congregational purposes and may defend actions or suits for the protection of that property and other property belonging to the religious society contained in it.

Appointment of trustees
2.2 A religious society may at any annual or special meeting appoint trustees for the purpose of holding land in accordance with this Act by adopting a resolution designating the trustees as “Trustees of (name of religious society), a religious society, in the (city, town, village, rural municipality or municipal district) of (name of municipality), in the Province of Saskatchewan” and listing the names and addresses of the trustees.
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Change of name or trustees
2.3 A religious society may by a majority vote of the members present at an annual or special meeting adopt a resolution changing or amending its name or removing any trustee and appointing another in his place.

1983, c.61, s.3.

Effect of change of trustee
2.4 A trustee appointed pursuant to section 2.3, together with the trustees originally named in the conveyance, transfer or title who are still trustees, have all of the estate and powers exercisable by the original trustees.

1983, c.61, s.3; 2000, c.L-5.1, s.460.

Transfer registered within one year
3 The trustees shall, within one year after the execution of the transfer, submit the transfer to the Land Titles Registry for registration.

2000, c.L-5.1, s.461.

Debts secured by mortgage
4 When a debt has been contracted for building, repairing, extending or improving a church, chapel, meeting house or residence for the minister on land held by trustees under this Act, or for the purchase of the land on which the church, chapel, meeting house or residence has been or is intended to be erected, the trustees or a majority of them may, from time to time, secure payment of the debt or any part thereof, with or without interest, by mortgage upon the land, church, chapel, meeting house or residence, or may borrow money to pay the debt or any part thereof and may secure repayment of the loan with or without interest by a like mortgage.

R.S.S. 1978, c.R-19, s.4.

Power to lease land
5(1) Subject to subsections (2) and (3), the trustees may lease for a term not exceeding twenty-one years land held by them under this Act, or any part thereof, at such rent and upon such terms as the trustees or a majority of them may deem reasonable.

(2) The trustees shall not lease any land that at the time of the making of the lease is necessary for the purpose of erecting a church, chapel, meeting house or residence for the minister, or for burial ground for the religious society for whose use the land is held.

(3) The trustees shall not lease the land held by them or any part thereof for a term exceeding three years without the consent of the religious society for whose use the land is held, which consent shall be signified by resolution passed by the votes of a majority of those persons who, by the constitution of the religious society or by the practice of the church with which it is connected, are entitled to vote in respect of church business, present at a meeting of the religious society duly called for the purpose of considering the proposed lease.

R.S.S. 1978, c.R-19, s.5; 1983, c.61, s.4.
Renewal of lease

6 In a lease made under section 5 the trustees may covenant or agree for the renewal thereof, at the expiration of any or every term of twenty-one years, for a further term of twenty-one years or any less period at such rent and on such terms as may by the trustees for the time being be agreed upon with the lessee, his executors, administrators or assigns, or may covenant or agree for the payment to the lessee, his executors, administrators or assigns of the value of any buildings or other improvements that may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of the rent or the value of the improvements may also be provided for in the original or any subsequent lease.


Trustees have powers of landlords

7 The trustees holding land under this Act that has been leased under the powers contained in sections 5 and 6 may take all proceedings for the recovery of rent or arrears of rent that landlords are by law entitled to take.

R.S.S. 1978, c.R-19, s.7.

Sale of land

8(1) When land held by trustees for the use of a religious society is no longer required and it is deemed advantageous to sell the land, the trustees may give public notice of an intended sale, specifying the premises to be sold, the terms of payment and the time of sale; and, after publication of the notice not less than once in each week for four successive weeks in a newspaper published in or near the place where the land is situated, may sell the land at public auction according to notice.

(2) The trustees shall not be obliged to complete or carry a sale into effect if in their judgment an adequate price is not offered for the land. In such case the trustees may at a subsequent time sell the land either at public auction or private sale, but a less sum shall not be accepted at private sale than was offered at public sale.

R.S.S. 1978, c.R-19, s.8; 1983, c.61, s.5.

9 Repealed. 1983, c.61, s.6.

Approval of land sale

10 A sale or agreement to sell land held for use by a religious society shall be approved by special resolution of the religious society passed by a majority of not less than two-thirds of the votes cast by the members of the religious society who voted in respect of that resolution, and the trustees shall give at least 15 days’ notice specifying the intention to propose the resolution as a special resolution and the nature of it.

1983, c.61, s.7.
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Registration in Land Titles Registry
11(1) A transfer of title, executed by trustees under the authority of this Act, may be registered in the Land Titles Registry.

(2) An application to register a transfer of title pursuant to subsection (1) must be accompanied by a certified true copy of the special resolution of the religious society mentioned in section 10, indicating:

(a) that the resolution has been passed by a majority of not less than two-thirds of the votes cast by the members of the religious society who voted with respect to that resolution; and

(b) that the trustees gave at least 15 days’ notice specifying the intention to propose the resolution as a special resolution and the nature of the resolution.

Annual statement
12 Trustees selling or leasing land under the authority of this Act shall, in the month of January in each year, at a meeting of the religious society duly called according to the constitution thereof or according to the practice of the church with which it is connected, have ready and open for the inspection of the religious society and of any and every member thereof a statement showing all rents that accrued during the preceding year and all sums of money in their hands for the use and benefit of the religious society that were in any manner derived from the land under their control or subject to their management or from the proceeds of the sale thereof, and also showing the manner in which they have expended or dealt with the money or any part thereof.

Certified copy of resolution proof
13 A copy of any resolution passed pursuant to this Act, certified as a true copy by the minister or other presiding officer of the religious society or by the secretary of a religious society or other officer in whose custody the minute book of the religious society is kept, is prima facie proof, and shall be accepted by the Registrar of Titles as conclusive proof, of the facts and matters therein stated.

Transfer of title to land on incorporation of society or congregation
14(1) Where a religious society for whose use land is held by trustees becomes incorporated, the trustees for the time being, or a majority of them, may transfer the title or titles to the parcel or parcels of land to the corporation.

(2) A transfer of title executed by the trustees pursuant to subsection (1) may be registered in the Land Titles Registry without further order or proceedings.

(3) On registration of the transfer pursuant to subsection (2), the title to the parcel of land becomes and is vested in the corporation for its use.
Uniting of religious societies

15(1) Where a religious society for whose use land is held by trustees unites with another religious society of the same or another denomination, the trustees for the time being may transfer the title for the parcel of land, or any part thereof, to the trustees of that religious society or of the united religious society, but before a transfer is executed under this section the sanction of the religious society pursuant to section 10 shall be obtained.

(2) Upon the execution of a transfer under subsection (1), the title transferred is deemed to be for land transferred under section 2.1 to the trustees named in the transfer as transferees.

(3) No transfer pursuant to this section is effective until it is registered in the Land Titles Registry.

1983, c.61, s.11; 2000, c.L-5.1, s.465.