

## Draft Regulations

### Draft Regulation

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14)

### Registration of agricultural operations and the reimbursement of real estate taxes and compensations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation entitled "Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations", the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to provide for the registration of agricultural operations and the reimbursement of real estate taxes and compensations.

For that purpose, it replaces the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 1692-91 dated 11 December 1991 to take into account the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting municipal taxation (1995, c. 64) assented to on 15 December 1995.

It also revises the content of the registration slip in order to take into account the new realities of the biofood sector.

It does not have any direct impact on the public or businesses, in particular on small and medium-sized businesses, since it mainly replaces existing measures and transitory provisions contained in the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting municipal taxation.

Further information may be obtained by contacting Mr. André Abgral, 200, chemin Sainte-Foy, 8<sup>e</sup> étage, Québec (Québec), G1R 4X6, tel.: (418) 643-2420.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Guy Julien, Minister

of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec), G1R 4X6, tel.: (418) 643-2525.

GUY JULIEN,  
*Minister of Agriculture,  
Fisheries and Food*

### Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14, ss. 36.12 and 36.15; 1995, c. 64, ss. 8 and 11)

#### DIVISION I DEFINITIONS

**1.** For the purposes of the Act and of the Regulation, unless the context indicates otherwise,

"agricultural operation" means a business comprising in a single economic and accounting unit the capital and basic factors of production necessary to make an agricultural product intended for sale;

"agricultural product" means any raw or processed product derived from:

- (1) agriculture;
- (2) horticulture;
- (3) apiculture;
- (4) aviculture;
- (5) maple syrup production;
- (6) aquaculture;
- (7) the wooded portion of an agricultural operation;
- (8) the raising of fur-bearing animals, the raising of horses or the raising of animals fit for human consumption; or

(9) activities related to the breeding of animals intended for human consumption.

“gross revenue” means the receipts produced by the sale of an agricultural product and crop insurance and farm income stabilization insurance compensations.

Any immovable mainly used or intended for residential, industrial, commercial, leisure, recreational or sports purposes is not comprised in the definition of “agricultural operation”.

That exception does not cover an immovable mainly used or intended either for the purpose of processing an agricultural product from an agricultural operation or for the purpose of packaging or marketing such an agricultural product in the raw or processed on the premises of the agricultural operation.

## DIVISION II REGISTRATION OF AGRICULTURAL OPERATIONS

**2.** In order for an agricultural operation to qualify for registration, a person applying for registration must prove that the agricultural operation has produced during the preceding calendar year a gross annual revenue equal to or greater than the minimum value of agricultural production necessary to qualify as a producer under the Farm Producers Act (R.S.Q., c. P-28).

For the purposes of the preceding paragraph, the gross revenue from the sale of wood is taken into account for only half of the minimum amount necessary to qualify for registration.

The gross revenue of an agricultural operation shall be considered equal to the minimum value referred to in the first paragraph:

(1) where the agricultural operation is registered for the first time or was registered for the first time during one of the two calendar years preceding the year during which an application for registration is made;

(2) where development work has been done or undertaken with a view to producing the minimum gross revenue necessary for registration in the future, taking into account the special features of the production;

(3) where a new animal production has been undertaken with a view to producing such revenue in the future, taking into account the special features of the production;

(4) where production is temporarily limited owing to exceptional natural causes.

**3.** A person applying for the registration of an agricultural operation shall use and complete the registration slip put at his disposal by the Minister.

**4.** The registration slip shall contain the following information:

(1) the legal name or firm name of the agricultural operation, its legal status, the name, date of birth and social insurance number of the operator or the date on which the operation was established, its registration number awarded under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), its mailing address and the address where the majority of the operation’s activities take place;

(2) the full name of each partner, shareholder or member, his sex, date of birth and social insurance number and his share or interest in the partnership or legal person;

(3) the total area of the agricultural operation, the usable area and the unusable area, the area of each parcel of land used for plant production, the type of each production and whether the agricultural operation is the owner, lessor or lessee of those areas;

(4) the animal species produced, the number of animals of each species, the agricultural practices applied to such species and, in respect of heavy calves, hogs, horses and poultry, whether the agricultural operation owns the animals;

(5) the special agricultural practises used in the agricultural operation in respect of, *inter alia*, the management, fertilization, condition of watercourses, manure and tilling of soil; and

(6) the annual gross revenue of the agricultural operation and details on its source.

The registration slip shall be signed by the applicant or by an authorized person and shall contain an attestation that the information provided is true and authorization to the Minister of Agriculture, Fisheries and Food to make available or to obtain from various agencies under the authority of the Minister any documents or information relating to the management of the agricultural operation.

**5.** Registration granted by the Minister is valid for a period not exceeding 3 years.

Registration is no longer valid if it is not renewed on the expiry date appearing on the registration card issued

by the Minister, if the agricultural operation ceases its activities during the term of the registration or if it no longer meets the conditions for registration.

**6.** In the days following registration, the Minister shall issue a registration card in the name of the agricultural operation.

**7.** The Minister may require any information or document that he considers necessary when an application for registration of an agricultural operation is made. The same applies where the information or document is necessary to prove that the agricultural operation meets the conditions to remain registered.

**8.** The Minister may revoke the registration of an agricultural operation that has ceased its activities or that no longer meets the conditions for registration.

The revocation takes effect from the date on which the agricultural operation has ceased its activities or has ceased to meet the conditions for registration.

### **DIVISION III**

#### **REIMBURSEMENT OF REAL ESTATE TAXES AND COMPENSATIONS**

**9.** In order to qualify for the reimbursement of real estate taxes and compensations, a person applying for reimbursement shall prove that the agricultural operation has produced a minimum gross revenue of \$10 000 during the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made.

A registered agricultural operation is exempt from producing the minimum gross revenue referred to in the first paragraph:

(1) where the agricultural operation is registered for the first time during the municipal fiscal year for which an application for reimbursement is made or where it was registered for the first time during one of the two municipal fiscal years preceding the municipal fiscal year for which an application for reimbursement is made;

(2) where development work has been done or undertaken, excluding work carried out on the wooded portion of the agricultural operation, with a view to producing a gross revenue of \$10 000 in the future, taking into account the special features of the production;

(3) where a new animal production has been undertaken with a view to producing a gross revenue of \$10 000 in the future, taking into account the special features of the production;

(4) where the production is temporarily limited owing to exceptional natural causes.

**10.** For the purposes of subparagraphs 2 and 3 of the first paragraph of section 36.4 of the Act, the amount per hectare of land situated in the agricultural zone and forming part of the agricultural operation is \$800.

**11.** A person who applies for the reimbursement of real estate taxes and compensations shall use and complete the form put at his disposal by the Minister.

**12.** The form of an application for reimbursement shall contain the following information:

(1) the applicant's identity;

(2) a statement of the gross revenue of the agricultural operation for the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made;

(3) the total area of the agricultural operation situated in an agricultural zone;

(4) identification of the immovables leased by the agricultural operation and their value entered on the assessment roll;

(5) the amount of the real estate taxes and compensations for which the application is made; and

(6) the reimbursement applied for.

The form of an application for reimbursement shall contain an attestation by the applicant that the information provided is true and that he has not claimed financial assistance from another department or public body with respect to the real estate taxes and compensations that are the subject of the application for reimbursement. It shall also contain an authorization to the Minister to consult his appraisal record with the municipality or with the appraiser. The form shall be signed by the applicant or by a person authorized by him.

**13.** The applicant shall attach to his application for reimbursement the originals, paid or unpaid, of the real estate tax and compensation accounts for which an application for reimbursement is made, detailed proof of the gross revenue, proof of payment of the annual assessment exigible under the Farm Producers Act and, where applicable, a copy of the leases binding on the agricultural operation.

**14.** This Regulation replaces the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 1692-91 dated 11 December 1991 as amended.

**15.** The provisions of this Regulation respecting the reimbursement of real estate taxes and compensations are applicable

(1) to the fiscal year beginning on 1 January 1997 and to subsequent fiscal years, for municipal taxes; and

(2) to the fiscal year beginning on 1 July 1996 and to subsequent fiscal years, for school taxes.

The other provisions of this Regulation are applicable on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

### Selection of foreign nationals — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the selection of foreign nationals, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft regulation introduces an amendment mainly regarding the sponsoring of fiancés of foreign nationals in the family class by reducing from 10 to 3 years the duration of an undertaking given in respect of a fiancé. It also contains two technical concordance provisions.

To that end, the draft regulation provides that the period of undertaking in respect of a fiancé is reduced to 3 years from the date of the marriage. A transitional measure specifies that this reduction applies to an undertaking given before the coming into force of the Regulation.

The main impact of the draft regulation is to extend to fiancés getting married a measure that had been introduced in respect of spouses in 1994.

Further information may be obtained by contacting Mr. Yvan Turcotte, Director of Immigration Policies

and Programs, 800, place Victoria, 14<sup>e</sup> étage, C.P. 216, Montréal (Québec), H4Z 1E3; tel.: (514) 873-1631; fax: (514) 864-2796.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec), H2Y 2E9.

ANDRÉ BOISCLAIR,  
*Minister of Relations with the  
Citizens and Immigration*

## Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2, s. 3.3, 1<sup>st</sup> par., subpar. c.3)

**1.** The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), amended by the Regulations made by Orders in Council 409-82 dated 24 February 1982 (Suppl., p. 898), 771-82 dated 31 March 1982 (Suppl., p. 899), 2057-84 dated 19 September 1984, 1080-86 dated 16 July 1986, 646-88 dated 4 May 1988, 1504-88 dated 4 October 1988, 229-89 dated 22 February 1989, 922-89 dated 14 June 1989, 1968-89 dated 20 December 1989, 1784-91 dated 18 December 1991, 425-92 dated 25 March 1992, 1109-92 dated 29 July 1992, 1725-92 dated 2 December 1992, 189-93 dated 17 February 1993, 1041-93 dated 21 July 1993, 1238-94 dated 17 August 1994, 1323-95 dated 4 October 1995, 563-96 dated 15 May 1996 and 828-96 dated 3 July 1996, is further amended, in section 23, by adding the words “in the case of a fiancé described in paragraph *e* of that section, that period is reduced to 3 years from the date of the marriage;” at the end of clause *ii* of subparagraph *a* of the first paragraph.

**2.** Any undertaking given on behalf of a fiancé before (*enter the date of coming into force of this Regulation*) ceases to have effect 3 years after the date of the marriage with the sponsor or, if the marriage dates back more than 3 years, on (*enter the date of coming into force of this Regulation*).

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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