

Draft Regulations

Draft Regulation

An Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation, appearing below, may be adopted by the Commission de protection du territoire agricole du Québec on the expiry of 45 days following this publication.

The draft Regulation determines the new information and documents that must be provided so that an application for authorization under section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and the declarations under sections 32 and 32.1 of that Act are validly filed with the Commission. It also adds a new application for the verification of real and personal rights affecting property, by prescribing the information and documents that will have to be provided for such an application to be validly filed with the Commission. Lastly, it revokes the sections respecting the declaration required for the purposes of section 41 of the Act.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Pierre Legault, Acting Director, Affaires juridiques et enquêtes, Commission de protection du territoire agricole du Québec, 25, rue Lafayette, 3^e étage, Longueuil (Québec) J4K 5C7.

MARIE-JOSÉE GOUIN,
*President of the Commission de protection
du territoire agricole du Québec*

Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation

An Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1, s. 19.1, pars. 2 and 3)

1. The Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1) is amended by replacing sections 1 and 2 by the following:

“**1.** For the purposes of section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), an application for authorization is filed on the form provided by the Commission de protection du territoire agricole du Québec containing the following information:

A) INFORMATION PROVIDED BY THE APPLICANT

(1) the applicant's name, address, telephone and fax numbers and email address and, if applicable, the mandatary's name, address, telephone and fax numbers and email address;

(2) the name, address, telephone and fax numbers and email address of the owner of the lots covered by the application, where the applicant is not the owner, and, if applicable, the acquirer's name and address;

(3) a description of the project covered by the application and the nature of the authorization required to implement the project;

(4) the designation of each of the lots covered by the application, the range, the cadastre, the municipality in which each of the lots is located, the area covered by the application and the total area of the property;

(5) a demonstration of the lack of available areas suitable for the purposes of the application elsewhere in the territory of the municipality concerned by the application and outside of the agricultural zone, where the application seeks an authorization for a new use other than agricultural;

(6) the current use of the lots covered by the application and the description and use of the buildings and works on each lot;

(7) for lots covered by an application for the alienation of a lot or group of lots as well as for lots kept by the applicant and lots owned by the acquirer, the list thereof, their area, range, cadastre, the municipality in which each lot is located, their use, the type of cultivation, a description of the principal farm buildings, of the housing buildings and their year of construction, the inventory of animals, the production quota and contingent for each of them;

(8) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a list of the uses related to the exploitation applied for and for all the new sites and enlargements of sites applied for, a demonstration that there is no site minimizing the impact on agriculture, the duration of the authorization applied for and, if applicable, the number of the prior decision of the commission;

(9) where the application pertains to the use for a purpose other than agricultural for the purposes of storing fertilizing residual materials, the treatment required, if any, the livestock of the operator of the storage structure and the areas cultivated by the operator, the current use of the storing structure, its size and capacity, an estimate of the volume stored yearly, the destination of the fertilizing residual materials and the duration of the authorization applied for;

(10) where the application pertains to the cutting of maple trees in a sugar bush, the projected type of cut;

(11) the attestation by the applicant or by the applicant's mandatary that the information provided and the documents attached are true;

B) INFORMATION PROVIDED BY THE MUNICIPALITY

(1) the correspondence between the municipality's zoning by-law and the development plan in force, the compliance of the project concerned with the zoning by-law and any interim control measure;

(2) where the project covered by the application does not comply with the zoning by-law or, if applicable, with the interim control measures, an indication as to whether a draft by-law makes the project compliant, and an indication as to whether an opinion has been issued by the regional county municipality or the metropolitan community stating that the proposed amendment would comply with the development plan or interim control measures of that regional county municipality or that metropolitan community;

(3) only if the application is to obtain a use for a purpose other than agricultural, an indication as to whether the subject of that application constitutes a protected immovable that generates distances separating livestock facilities;

(4) where the application is for a new use for residential purposes or for the enlargement of a residential use, the minimum area and the minimum frontage required for that use under the municipal subdivision by-law in force;

(5) the date that the by-law directing the installation of a water or sewer system to serve each of the lots was adopted, where the lots are served by such a system;

(6) a description of the surrounding environment, by making an inventory of all the vacant or non-vacant farm buildings located within a radius of 500 metres from the location referred to in the application, the type of building or livestock, the number of animal units if applicable and, in the absence of a farm building within that 500-m radius, an indication of the distance from the nearest farm building;

(7) the current use of the neighbouring lots;

(8) the date of receipt of the application at the municipality's office; and

(9) the name, telephone number and email address of the municipal officer and the officer's position within the municipality.

2. The following documents must accompany any application made under section 58 of the Act:

(1) a dated and signed scale plan, indicating the scale used, the cardinal points, the number of the lots concerned, their area and the measurements of the sides of each of the sites in question, the distances from the lot lines and public road, the location and use of the buildings erected on the lots in question, their area and their location on each of the lots belonging to the owner of the lots in question that are contiguous or deemed to be contiguous by effect of the Act to each of the lots in question;

(2) in addition to the information required in the plan to be provided under paragraph 1, where the application is for a use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, the plan must indicate the location and area of the access road, work areas and extraction areas or embankment areas, the redeveloped areas covered with topsoil and intact areas in the case of an application for the continuation of the work;

(3) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a rehabilitation plan or program prepared by an agrologist and, depending on the nature of the proposed work, a description of the project indicating the agronomical problems to be solved or the objective pursued, a topographical plan produced by an agrologist, a land surveyor, an engineer or any other professional having the required qualifications, including the level of the natural land and the final profile, the level of the adjacent pieces of land over a 20-m strip around the boundaries of the site concerned, the position of the groundwater body and the date of observation, as well as a stratigraphy showing the result of the soil surveys, and a description of the layer of topsoil in place, accompanied by a soil analysis by an accredited laboratory;

(4) where the application is for the continuation of resource exploitation work or for the enlargement of a site that has already been granted authorization by the commission, a document showing the volumes of topsoil heaped with the calculation method, the thickness of topsoil put back into place on the restored areas with the sampling plan, an expert's report by an agrologist stating that the conditions of the previous authorization have been complied with, if it was a requirement for the previous decision;

(5) where the application is for the implementation and operation of commercial and municipal wells, a map showing the location of the various sites of research for a site with less impact on agricultural activities, as well as a hydrogeological report stating the effect of the catchment on the use of agricultural land and livestock comprised in the area of influence;

(6) where the application is for the cutting of maple trees in a sugar bush, a forest prescription signed by a forest engineer, specifying the number of initial cuts per hectare and the number of residual cuts, in the case of partial cutting, and a forest diagnosis indicating the number of cuts per hectare and a forest impact study signed by a forest engineer, in the case of total cutting;

(7) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(8) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).”.

2. Sections 4 and 5 are replaced by the following:

“4. For the purposes of sections 32 and 32.1 of the Act, a declaration must be filed on a form provided by the commission and contain the following information:

(1) the name, address, telephone and fax numbers and email address of the declarant, and, if applicable, the name, address, telephone and fax numbers and email address of the mandatary and the owner;

(2) the designation of each of the lots covered by the declaration, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the declaration of exercise of a right;

(3) the right relied upon by the declarant and the facts in support of that right;

(4) the declarant's attestation that the information provided and documents attached are true; and

(5) the information provided by the municipal officer relating to the number and date of the application for a construction permit, the type of proposed construction and its dimensions, and the name, telephone and fax numbers, email address of the municipal officer, and the officer's position within the municipality.

5. For the purposes of section 100.1 of the Act, a declaration filed under section 32 or 32.1 of the Act by means of the form provided by the commission and duly completed must be accompanied by the following documents:

(1) a copy of the land title for each lot in question and, in the case of a declaration made under section 32.1 of the Act, a copy of the deed or proposed deed of alienation, and a copy of any prior title, if a part of the area of the right recognized under Chapter VII of the Act was for the first time subdivided, alienated or retained on the occasion of a subdivision or alienation. Each of the copies of such titles must bear the date and number of publication in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road, as well as the location of the building to be erected. In the case of a declaration made under section 32.1 of the Act or where the building is to be erected or replaced on an area of recognized rights referred to in sections 101 and 103 of the Act, the plan must identify precisely the area of recognized rights referred to in section 101 of the Act and the

location of the uses for purposes other than agricultural and the distances between them and the lot lines and the public road. Such plan must also illustrate the area over which the declarant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) in the case of the replacement of a burned-out or destroyed residence, erected under section 31 of the Act, or a building used for purposes other than agricultural before the date of application of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction;

(5) where the declarant relies upon the personal right provided for in section 40 of the Act to erect a residence, the name, profession and quality of the occupant of the residence, the principal characteristics of the farm operation such as its total area, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, specifying which areas are leased by the declarant and which are owned by the declarant, and a copy of the financial documents for the last fiscal year;

(6) where the declaration covers an area of recognized rights provided for in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the declaration;

(7) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).”

3. The following is inserted after section 5:

“**5.1.** In addition to the declarations referred to in sections 32 and 32.1 of the Act, a person may apply to the commission for a verification of the existence of a real right or a personal right affecting the person’s property. Such application must be filed on a form provided by the commission and contain the following information:

(1) the applicant’s name, address, telephone and fax numbers and email address and, if applicable, the name, address, telephone and fax numbers and email address of the mandatary and the owner;

(2) the designation of each of the lots covered by the application, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the verification of rights;

(3) the type of use concerned, the right relied upon by the applicant and the facts in support of that right;

(4) the attestation of the person or the person’s mandatary that the information and documents provided are true.

5.2. An application for the verification of rights, filed by means of the duly completed form provided by the commission, must be accompanied by the following documents:

(1) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road. The plan must also identify the area of recognized rights referred to in section 101 of the Act and illustrate the area over which the applicant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) if the right to verify is the right referred to in sections 101 and 103 of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction, the construction permit, the property assessment roll of the year of the Order in Council, of the year 2001 and of the current year, as well as any other relevant document;

(5) if the right to verify is the right referred to in section 104 of the Act, a description of the public service projected by the public authority and any other document including the Order in Council of the Government, the municipal by-law allowing to establish the origin of the right relied on;

(6) if the right to verify is the right referred to in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the application for verification;

(7) if the right to verify is the right covered by the personal rights provided for in sections 31 and 31.1 of the Act, a copy of the relevant permits, the property assessment roll of the year following the construction and of the current year;

(8) where the recognition applied for is for the personal right provided for in section 40 of the Act, the name, profession and quality of the occupant of the residence, a description of the farm operation including the total area owned and the leased area, if applicable, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, and a copy of the financial documents for the last fiscal year;

(9) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).”.

4. Sections 7 and 8 are revoked.

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

102489

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Method for assessing the annual royalty and method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation modifies the method for assessing the annual royalty to be paid by the holder of a timber supply guarantee and on the basis of which the timber market board sets the rate applicable.

The draft Regulation generally will reduce, as of the 2016-2017 harvest year, the amount of the annual royalty to be paid by holders of timber supply guarantees.

Further information on the draft Regulation may be obtained by contacting Jean-Pierre Adam, Bureau de mise en marché des bois, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-204, Québec (Québec) G1H 6R1; telephone: 418 627-8640, extension 4375; fax: 418 528-1278; email: jean-pierre.adam@bmmb.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Ronald Brizard, Associate Deputy Minister for Forests, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1.

LAURENT LESSARD,
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee

Sustainable Forest Development Act
(chapter A-18.1, s. 126)

1. The Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6) is amended in section 1:

(1) by inserting the following after paragraph 1:

“(1.1) “merchantable timber” means all logs or parts of logs greater than 9 cm in diameter;”;

(2) by inserting the following after paragraph 2:

“(2.1) “special development plan” means a special development plan within the meaning of section 60 of the Sustainable Forest Development Act (chapter A-18.1);”;

(3) by replacing paragraph 3 by the following: