

Draft Regulations

Draft Regulation

An Act respecting the lands in the domain of the State (chapter T-8.1)

Sale, lease and granting of immovable rights on lands in the domain of the State — 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 Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce a new rent for certain telecommunication leases located on lands in the domain of the State, especially for those granted to municipalities, non-profit organizations or when telecommunication equipment is intended for purposes other than cellular telephones.

The draft Regulation also introduces an exception to the increase already provided for in the Regulation for the installation of additional telecommunication equipment.

It restricts the obligation for lessees to sign a new lease when a third person or another corporation affiliated with the lessee adds or removes telecommunication equipment on the principal lessee's land or equipment should such change have an impact on the rent.

The draft Regulation adds the obligation to publish the result of the indexing of the prices, rents, fees and royalties prescribed in the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7). Lastly, it updates those amounts on the basis of the calculation already provided for in the Regulation.

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses. The proposed change concerning the addition or removal of equipment relaxes the administrative burden for holders of telecommunication leases that acquire additional equipment.

Further information on the draft Regulation may be obtained by contacting Sonia Grenon, Director, Politiques et intégrité du territoire, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E-318, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 2496; fax: 418 644-2774; email: sonia.grenon@mern.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Mario Gosselin, Associate Deputy Minister for the Territory, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E-330, Québec (Québec) G1H 6R1.

PIERRE ARCAND,
*Minister of Energy and
Natural Resources*

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

An Act respecting the lands in the domain of the State (chapter T-8.1, s. 71, 1st par., subpar. 3, and 2nd par.)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) is amended in section 3 by adding the following paragraph at the end:

“The Minister is to publish the result of the indexing in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.”

2. Section 35.4 is amended

(1) by replacing “lessee’s equipment;” in subparagraph 3 of the second paragraph by “lessee’s equipment. However, that amount is not added where a third person or a corporation affiliated with the lessee is a municipality or a non-profit organization or where the telecommunication equipment of a third person or corporation affiliated with the lessee is intended for purposes other than cellular telephones;”;

(2) by adding the following paragraph at the end:

“Where land is leased to a municipality, to a non-profit organization or where the telecommunication equipment is intended for purposes other than cellular telephones, the annual rent is that indicated in section 12.1 of Schedule I. The rent is adjusted in accordance with subparagraphs 3 and 4 of the second paragraph.”

3. Section 35.5 is replaced by the following:

“**35.5.** If, during the lease, another third person or corporation affiliated with the lessee adds or removes telecommunication equipment on the land or the lessee’s equipment, the lessee must first notify the Minister. The annual rent is adjusted in accordance with the provisions of section 35.4.

If the addition or removal of equipment entails a change in the amount of the annual rent stipulated in the lease, a new lease must be entered into between the Minister and the lessee.”

4. Schedule I is amended

(1) by replacing “\$1,000” by “\$1,018” and “\$328” by “\$334” in the first paragraph of section 2, wherever those amounts appear;

(2) by replacing “\$761” in the second paragraph of section 2 by “\$774”;

(3) by replacing “\$0.8159” by “\$0.8307” and “\$283” by “\$288” in section 5;

(4) by replacing “\$435” by “\$443” in section 6;

(5) by replacing “\$283” by “\$288” and “\$108” by “\$110” in section 7;

(6) by replacing “\$0.0652” by “\$0.0664”, “\$283” by “\$288” and “\$87” by “\$89” in section 8;

(7) by replacing “\$108” by “\$110” in section 9;

(8) by replacing “\$108” by “\$110” and “\$163” by “\$166” in section 10;

(9) by replacing “\$283” by “\$288” in section 11;

(10) by replacing “\$0.0098” by “\$0.0100” in section 12;

(11) by inserting the following after section 12:

“**12.1.** The annual rent referred to in the fourth paragraph of section 35.4 is \$1,528.”;

(12) by replacing “\$55” by “\$56” in section 13;

(13) by replacing “\$0.0328” by “\$0.0334” and “\$328” by “\$334” in section 16;

(14) by replacing the grid in section 18 by the following:

“

Reference rents per zone	Zone 1	Zone 2	Zone 3
Nearby Zone	\$7,127	\$5,090	\$3,054
Remote Zone	\$3,564	\$2,546	\$1,528

”

5. This Regulation comes into force on 1 January 2018.

103088