

Regulations and other Acts

Gouvernement du Québec

O.C. 1458-2018, 19 December 2018

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

Commission de protection du territoire agricole du Québec

— Authorization for the alienation or use of a lot without the authorization

Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

WHEREAS, under subparagraph 6.3 of the first paragraph of section 80 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Government may, by regulation, determine the cases and circumstances in which all or part of a lot may be alienated in favour of producers without the authorization of the Commission de protection du territoire agricole du Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 80 of the Act, the Government may, by regulation, identify the municipal and public service purposes to which section 41 of the Act applies;

WHEREAS, under subparagraph 12 of the first paragraph of section 80 of the Act, the Government may, by regulation, determine any other measure necessary for the application and proper administration of the Act;

WHEREAS, under the second paragraph of section 80 of the Act, the Government may, by regulation, determine the cases and circumstances in which are allowed, without the authorization of the Commission de protection du territoire agricole du Québec, a use ancillary to an agricultural operation or an equestrian centre, a farm tourism-related use, a secondary use in a residence or a multigenerational dwelling in a residence or land improvements promoting the practice of agriculture;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec was published in Part 2

of the *Gazette officielle du Québec* of 4 July 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

An Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, s. 80)

CHAPTER I

ALIENATION OF A LOT WITHOUT THE AUTHORIZATION OF THE COMMISSION

1. A person may, without the authorization of the commission, alienate a lot or a part of a lot where

(1) the alienation is made in favour of a producer who owns the lot or a part of a lot contiguous to the lot or part of lot alienated;

(2) the seller remains the owner of one or several lots or parts of lots of a contiguous residual area of at least 40 hectares;

(3) the alienation makes the buyer owner of one or several lots or parts of a lot of an area contiguous to the residual area of which the seller remained the owner of at least 40 hectares;

(4) the alienation does not reduce the area of a sugar bush.

For the purposes of subparagraphs 2 and 3 of the first paragraph, a lot or part of a lot is contiguous to another lot or part of lot even where it is separated from the lot or part of lot by a public road, a railway, a public utility right of way or the area of a lot in respect of which there exists a right recognized under Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

CHAPTER II

USE OF A LOT WITHOUT THE AUTHORIZATION OF THE COMMISSION

DIVISION I

USE FOR MUNICIPAL OR PUBLIC UTILITY PURPOSES

2. For the purposes of sections 41 and 56 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), in addition to the cases referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1), the use of a lot for municipal or public utility purposes is allowed, without the authorization of the commission, in the circumstances provided for in the following cases:

(1) the installation and use of a dry hydrant, tank or body of water to ensure a municipal fire safety service;

(2) work for stabilizing a bank or shore to ensure the conservation of the integrity of a public road including a no-access servitude;

(3) use and maintenance of a ditch for drainage purposes;

(4) dismantling, replacement, repair or maintenance of a section of 2 kilometres or less of a pipe or an electric power line;

(5) installation of an electric power line or a natural gas distribution pipe on a lot contiguous to an immovable to be served;

(6) encroachment necessary outside the right of way of a public road during work referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1) or during work for the replacement of a bridge or culvert.

3. The installation and use of a dry hydrant, tank or body of water to ensure a municipal fire safety service is allowed provided that the maximum area occupied by all the works on a same lot or on a contiguous lot that are

situated outside the right of way of a public road including a no-access servitude, including the inlet duct and access road, does not exceed 1,000 m².

4. Work for stabilizing a bank or shore to ensure the conservation of the integrity of a public road including a no-access servitude are allowed where it is performed within a 15-metre strip outside the right of way of the public road.

5. The use and maintenance of a ditch for drainage purposes are allowed provided that the route is not modified and the circulation areas are restored.

6. The dismantling, replacement, repair or maintenance of a section of 2 kilometres or less of an underground pipe or electric power line is allowed in the following circumstances:

(1) the work is carried out within the right of way of the pipe or line; where encroachment outside the right of way is required, the total width of the encroachment must not exceed 15 metres;

(2) the work is supervised by an agrologist;

(3) the work does not hinder the agricultural drainage capacity of the lot and adjacent lots;

(4) the layer of topsoil removed at the beginning of the work is set aside to be reused during restoration;

(5) the top part of the pipe or, where applicable, of the electric power line is buried at least at the same depth as it was before the work;

(6) the pipe or, where applicable, the electric power line is covered at the end of the work by a layer of inert soil on which a layer of topsoil is uniformly spread and the ground of the site and its access roads is then cleaned, in-depth decompacted, levelled and rehabilitated to be cultivated.

The dismantling, replacement, repair or maintenance of an aerial electric power line is allowed in the circumstances provided for in subparagraphs 1 to 3.

The duration of the work must not exceed 12 months.

7. The installation of an electric power line or a natural gas distribution pipe is allowed where the electric power line or the natural gas distribution pipe is installed on a lot contiguous to the immovable served and at less than 1 metre from an access road to the immovable served,

a ditch or the boundaries of a field, or on a contiguous lot that belongs to the same person as the lot on which the immovable served is situated.

The circumstances provided for in section 6 apply, with the necessary modifications, to work allowed under the first paragraph except that in the case of an underground electric power line or a natural gas distribution pipe, the upper portion of the pipe or line must be buried at a minimum depth of 1.6 metres.

8. An encroachment of a total maximum width of 15 metres outside the right of way of a public road is allowed during work referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1), in the following circumstances:

(1) the encroachment is necessary for carrying out the work, in particular for clearing or filling or the deviation of a watercourse, the construction of a detour road or the removal of topsoil to avoid its compaction or contamination;

(2) the work does not hinder the agricultural drainage capacity of the lot and adjacent lots;

(3) the topsoil layer is removed at the beginning of the work and is set aside to be reused during restoration;

(4) the ground of the site and its access roads is cleaned, in-depth decompacted, levelled, covered with a uniform layer of topsoil and rehabilitated to be cultivated;

(5) the duration of the encroachment must not exceed 12 months.

9. In the case of work for the replacement of a bridge or a culvert, an encroachment not exceeding 2,500 m² is allowed outside of the structure of the bridge or culvert on the conditions provided for in section 8.

10. A use allowed under this Division includes the transportation, to the location where the work is to be carried out, of the persons and material necessary for the carrying out of the work.

DIVISION II

USE FOR PURPOSES OTHER THAN MUNICIPAL OR PUBLIC UTILITY PURPOSES

11. For the purposes of section 26 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the following uses are allowed, without the authorization of the commission, in the cases and circumstances provided for in this Division:

(1) a use ancillary to an acericultural operation or an equestrian centre;

(2) a farm tourism-related use;

(3) a secondary use in a residence or a multigenerational dwelling in a residence;

(4) land improvements promoting the practice of agriculture.

§I. *Use ancillary to an acericultural operation or an equestrian centre*

12. Horse riding, horse-riding lessons and the development and use of trails for those purposes are allowed where they are ancillary to the activities of an equestrian centre operated by a producer.

13. The ancillary use by a producer, as a rest area, of a portion of a sugar shack of the producer's acericultural operation is allowed from January to May in the following circumstances:

(1) the rest area is part of the production building and is smaller than the production area;

(2) the rest area is separate from the production area;

(3) in the case of an acericultural operation that has less than 5,000 tapholes, its area does not exceed 20 m² and has no division, except for the space reserved for the toilet;

(4) in the case of an acericultural operation that has between 5,000 and 19,999 tapholes, its total floor area does not exceed 40 m²;

(5) in the case of an acericultural operation that has 20,000 tapholes or more, its total floor area does not exceed 80 m².

§II. *Farm tourism-related use*

14. The following farm tourism activities carried out by a producer on the producer's agricultural operation are allowed:

(1) meal service at the farm;

(2) the development and use of spaces for the parking of the clients' autonomous recreational vehicles;

(3) guided visits at the farm.

15. Meal service at the farm is allowed in the following circumstances:

(1) dishes offered on the menu are mainly composed of products of the farm;

(2) the space reserved for the service includes a maximum of 20 seats;

(3) the use of the immovable for farm tourism will not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours.

16. The development and use of spaces for the parking of the clients' autonomous recreational vehicles are allowed in the following circumstances:

(1) the development and use is for a maximum of 5 spaces occupying a maximum area of 1,000 m² situated at less than 100 metres from the producer's residence;

(2) a vehicle may park for a maximum of 24 hours;

(3) the spaces offer no additional services, such as electricity, running water, sewer or rest or play areas.

17. Guided visits at the farm are allowed where they do not require the use of a space, building, vehicle or equipment other than those usually used as part of the farm operation, except a parking space occupying a maximum area of 1,000 m² and that is situated less than 100 metres from the producer's residence and temporary sanitary facilities.

§III. Secondary use in a residence or a multigenerational dwelling in a residence

18. The following secondary uses are allowed in a residence:

(1) the use of a space for commercial purposes or the exercise of a profession;

(2) the operation of a bed and breakfast establishment;

(3) the use of a multigenerational dwelling in a residence.

19. The use of a space for commercial purposes or the exercise of a profession in a residence is allowed in the following circumstances:

(1) the user lives in the residence;

(2) the activity is performed entirely in a space of the residence reserved for that purpose and does not involve the use of outdoor space;

(3) the space used occupies 40% or less of the total area of the floor of the residence;

(4) the activity does not involve the accommodation of clients;

(5) the use of the immovable for that purpose will not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours more stringent than the requirement for a dwelling.

Where a number of commercial or professional activities are performed in the residence, the maximum space used provided for in subparagraph 3 of the first paragraph applies to all of those activities.

20. The use of a residence as a bed and breakfast establishment is allowed provided that the use does not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours more stringent than the requirement for a dwelling.

A "bed and breakfast establishment" means an establishment that offers, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including only breakfast served on the premises.

21. The use of a multigenerational dwelling in a residence is allowed in the following circumstances:

(1) it has the same civic address as the principal dwelling;

(2) it shares the same access to the electricity supply, water supply and wastewater disposal system with the principal dwelling;

(3) it is linked to the principal dwelling so as to communicate from the inside.

§IV. Land improvements promoting the practice of agriculture

22. Filling, clearing and raising work is allowed in an agricultural zone, without the authorization of the commission, where it is carried out for a producer and promotes the practice of agriculture, in the following circumstances:

(1) the work covers a maximum area of 2 hectares;

(2) the work is recommended and supervised by an agronomist;

(3) the layer of topsoil must be removed at the beginning of the work and be set aside to be reused during restoration.

The work must be carried out and the site must be completely restored not later than 6 months after the beginning of the work.

The work may be carried out without the authorization of the commission only once per lot.

23. Filling may be carried out only where its purpose is to eliminate a land depression to improve cultivation conditions or to allow better drainage.

Filling materials must be free of any matter likely to affect cultivation of the soil.

24. Clearing work may be carried out only where its purpose is to eliminate a land raising to improve cultivation conditions.

25. Raising work may be carried out where its purpose is to improve cultivation conditions or allow a better drainage and provided that the raising does not exceed 50 centimetres.

The raising materials must be free of any matter likely to affect cultivation of the soil.

CHAPTER III OTHER MEASURES

26. The commission may, after having consulted the regional county municipality concerned, draw up a new plan of the agricultural zone in its territory that reproduces in a more precise manner the boundaries of the agricultural zone determined by the agricultural zone plan approved by the Government under section 50 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

To draw up the plan, the commission refers to the plan approved by the Government under section 50 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and the technical description accompanying it. It also takes into account clarifications made to the cadastre in Québec under the Act to promote the reform of the cadastre in Québec (chapter R-3.1).

The commission sends to the local municipality concerned and to the registrar, for publicity purposes, a certified true copy of the new plan to replace the former plan.

CHAPTER IV FINAL

27. 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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Gouvernement du Québec

O.C. 1474-2018, 19 December 2018

An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23)

Certain transitional measures for the carrying out of the Act

Regulation respecting certain transitional measures for the carrying out of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions

WHEREAS the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23) was assented to on 13 June 2018;

WHEREAS the first paragraph of section 810 of the Act provides that the Government may, by a regulation made before 13 June 2020, enact any other transitional measure necessary for the carrying out of the Act;

WHEREAS the second paragraph of section 810 of the Act provides that such a regulation is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and that, despite section 17 of that Act, the Government may set the date of coming into force of the regulation on any day later than the date of assent to the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions;

WHEREAS it is expedient to make the Regulation respecting certain transitional measures for the carrying out of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation respecting certain transitional measures for the carrying out of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif