



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 46

**An Act to amend the Act respecting the
acquisition of farm land by
non-residents**

Introduction

**Introduced by
Mr. François Gendron
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

This bill amends the Act respecting the acquisition of farm land by non-residents as regards the conditions for being considered a resident in Québec and the requirements imposed on non-residents who intend to acquire farm land and settle in Québec. It will now be required to live in Québec for 36 out of the 48 months that precede or follow, as the case may be, an acquisition of farm land and, if the person is not a Canadian citizen, to acquire Canadian citizenship within those 48 months.

It provides new criteria for examining applications for authorization to acquire farm land filed by persons who do not intend to settle in Québec.

Lastly, it limits the total area of farm land that the Commission de protection du territoire agricole du Québec may authorize to be acquired in a year by persons who do not intend to settle in Québec.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the acquisition of farm land by non-residents (chapter A-4.1).

Bill 46

AN ACT TO AMEND THE ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ACQUISITION OF FARM LAND BY
NON-RESIDENTS

1. Section 2 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) is replaced by the following section:

“2. For the purposes of this Act, a natural person is resident in Québec if the person is a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) and has lived in Québec for not less than 1,095 days during the 48 months immediately preceding the date of acquisition of farm land.”

2. Section 3 of the Act is amended by replacing “three hundred and sixty-six” and “twenty-four” in the introductory clause by “1,095” and “48”, respectively.

3. Sections 15 and 16 of the Act are replaced by the following sections:

“15. The commission, taking into consideration the biophysical conditions of the soil and of the environment, shall determine whether the farm land that is the subject of an application is suitable for the cultivation of the soil or the raising of livestock.

“15.1. An authorization is to be granted in all cases where the land concerned is not suitable for the cultivation of the soil or the raising of livestock.

“15.2. An authorization to acquire farm land suitable for the cultivation of the soil or the raising of livestock is to be granted to any natural person who intends to settle in Québec on the condition that the person live in Québec for not less than 1,095 days during the 48 months following the date of acquisition and that on the expiry of such time the person be a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27).

“15.3. Except for areas of land in respect of which an authorization is granted to natural persons who intend to settle in Québec, no more than 1,000 hectares of farm land suitable for the cultivation of the soil or the raising

of livestock may be added in a year to the cumulative area of such farm land already acquired as a result of any past authorization granted to any other person.

An application filed by a legal person or by a natural person who does not intend to settle in Québec that would ultimately bring the total area added in the year beyond the 1,000-hectare limit may nevertheless be examined by the commission.

“16. In examining an application, the commission shall take into consideration

- (1) the intended use, in particular the applicant’s intention to cultivate the soil or raise livestock on the farm land that is the subject of the application;
- (2) the impact of the acquisition on the price of farm land in the region;
- (3) the effects of the acquisition or projected use on the economic development of the region;
- (4) the development of agricultural products and the development of underutilized farm land; and
- (5) the impact on land occupancy.

“16.1. A natural person referred to in section 15.2 may prove to the commission that the prescribed conditions have been fulfilled and request a certificate attesting that the person is resident in Québec. Such a certificate confirms the acquisition for all legal purposes.”

TRANSITIONAL AND FINAL PROVISIONS

4. Despite the new section 16, enacted by section 3, when examining an application that was pending on (*insert the date of coming into force of this Act*), the Commission de protection du territoire agricole du Québec is to apply the criteria set out in the third paragraph of the former section 15.

5. This Act comes into force on (*insert the date of assent to this Act*).