



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 86

**An Act to ensure the long-term
preservation and vitality of
agricultural land**

Introduction

**Introduced by
Mr. André Lamontagne
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

The main purpose of this bill is to promote the preservation of agricultural land and to ensure its vitality.

The bill amends the Act respecting the preservation of agricultural land and agricultural activities to establish a mechanism for monitoring certain agricultural land rights and a control regime for certain acquisitions of farm land. It also establishes a regime of monetary administrative penalties. In addition, it raises the amounts of the fines and provides for aggravating factors for the purposes of determining the penalty in the case of penal proceedings.

The bill reviews certain criteria that must be taken into consideration by the Commission de protection du territoire agricole du Québec when analyzing applications for authorization, in addition to adding various criteria that the commission may take into account in the analysis of such applications. The bill provides that a minimum duration is applicable to the decisions of the commission in relation to a farm tourism-related use.

The bill amends various rules relating to the applications of collective scope that a regional county municipality or a community may submit to the commission for the purpose of determining in which cases and under which conditions new uses of land for residential purposes may be introduced in an agricultural zone. It also modifies various rules regarding applications for exclusion. It sets out the content of such applications and specifies, as a condition of admissibility, that the applications must be consistent, in particular, with the RCM land use and development plan, the metropolitan land use and development plan, the interim control measures in force in the territory of the regional county municipality or the community and the government policy directions on land use planning.

The bill makes the imposition of impact reduction measures mandatory where the Government decides to authorize the use of a lot for purposes other than agriculture or to exclude a lot from an agricultural zone. It also grants the Government the power, subject to certain terms, to include a lot in an agricultural zone with the consent of that lot's owner.

The bill amends certain provisions relating to the separation distance requirements and broadens immunity from civil suits due to lights, fumes, vibrations or insects resulting from agricultural activities.

The bill expressly provides for the appointment of inspectors, clarifies the rules applicable to inspections and investigations, and provides for new powers in that respect. It also provides for the rules applicable to the evidence on the basis of which the Administrative Tribunal of Québec renders its decision in the event that an order or decision of the commission is contested.

The bill reviews the cases in which an alienation, a subdivision or the erection of a residence are presumed to be in accordance with the Act respecting the preservation of agricultural land and agricultural activities. It also prohibits the erection, without the authorization of the commission, of an additional residence, of an additional dwelling or of any additional building in which a dwelling is built on the surface of a lot that has acquired residential rights. In addition, it specifies the use that may be made, without the authorization of the commission, on the surface of a lot that has an acquired right for a public utility purpose and provides for the cases and conditions enabling such an acquired right to be extinguished.

The bill grants new regulatory powers by allowing the Government to determine the cases and the conditions where new uses for a purpose other than agriculture may be implemented without the authorization of the commission. It extends the period of validity of permits relating to the removal of topsoil and provides for the power of the commission to cancel such a permit at the request of the holder when the holder has ceased their activities. Furthermore, the bill sets out cases in which a decision of the commission authorizing a use for a purpose other than agriculture, the felling of maple trees, a subdivision, an acquisition or an alienation becomes null.

The bill amends the Act respecting the acquisition of farm land by non-residents to grant the Government the power to lower, by regulation, the threshold of four hectares required to subject the acquisition of farm land by a non-resident to the authorization of the commission. It also establishes the circumstances in which an authorization of the commission is necessary where a person who does not reside in Québec acquires shares in a business corporation one of whose assets is farm land. The bill also reviews certain criteria for analyzing applications for authorization regarding the acquisition of farm land by non-residents and increases the applicable fines. It

also provides for the applicable inspection regime in order to oversee the application of the Act.

The bill introduces an amendment to the Act respecting land use planning and development by exempting certain new hog farms from the mandatory public consultation process. It also raises the threshold of the annual production of phosphoric anhydride required for such a consultation to be held as regards projects for the enlargement of existing hog farms.

With respect to the Act respecting municipal taxation, the bill introduces, among other things, the power for a municipality to impose, by by-law, a tax on any unit of assessment that includes workable but unworked agricultural land as well as cases of exemption. That taxation power is also introduced into various municipalities' constituting Acts.

The bill also amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to grant the Minister the power to enter into, with the authorization of the Government, any agreement to allow the transfer of a lot under the Minister's authority to an organization, trust or foundation whose mission is to ensure the preservation of agricultural lands. The bill also entrusts the Minister with the management of an agricultural innovation park. It allows the Minister to entrust any body the Minister designates with the management and carrying out of the park and sets out the body's obligations. It further provides that the Government determines the lands which will make up the agricultural innovation park.

Lastly, the bill contains consequential, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the acquisition of farm land by non-residents (chapter A-4.1);
- Act respecting land use planning and development (chapter A-19.1);
- Act respecting registry offices (chapter B-9);
- Charter of Ville de Longueuil (chapter C-11.3);
- Act respecting municipal taxation (chapter F-2.1);

- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);
- Act to amend the charter of the City of Laval (1996, chapter 84);
- Act respecting Ville de Varennes (1997, chapter 106);
- Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97);
- Act respecting Ville de Contrecoeur (2002, chapter 95);
- Act respecting Ville de Brownsburg-Chatham, Ville de Lachute and Municipalité de Wentworth-Nord (2004, chapter 46);
- Act respecting Ville de Mont-Saint-Hilaire (2009, chapter 72);
- Act respecting Municipalité de Sainte-Anne-de-Sorel (2016, chapter 37).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2).

REGULATION REPEALED BY THIS BILL:

- Regulation respecting fees of experts and investigators whose services the Commission de protection du territoire agricole du Québec considers expedient to retain (chapter P-41.1, r. 3).

Bill 86

AN ACT TO ENSURE THE LONG-TERM PRESERVATION AND VITALITY OF AGRICULTURAL LAND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

1. Section 1 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) is amended

(1) in the definition of “acquisition”,

(a) by replacing “conveyance resulting from” in paragraph 2 by “acquisition, by agreement or by expropriation, made following the service of a notice of expropriation under”;

(b) by striking out paragraph 4;

(2) in the definition of “farm land”,

(a) by replacing “of not less than four hectares” by “equal to or greater than four hectares or than any other smaller area that the Government may determine by regulation”;

(b) by inserting “, a railway, a public utility right of way or the surface 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” at the end.

2. Section 10 of the Act is amended by replacing “whose principal asset is” by “one of whose assets is”.

3. Section 15 of the Act is amended by replacing “or the raising of livestock” by “, the pasture of animals or the production of maple syrup”.

4. Section 15.1 of the Act is amended by replacing “or the raising of livestock” by “, the pasture of animals or the production of maple syrup”.

5. Section 15.2 of the Act is amended by replacing “or the raising of livestock” by “, the pasture of animals or the production of maple syrup”.

6. Section 15.3 of the Act is amended by replacing “or the raising of livestock” in the first paragraph by “, the pasture of animals or the production of maple syrup”.

7. Section 29 of the Act is amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) hinders, in any way, an inspector or investigator in the performance of their functions, impedes them or misleads them by an act, concealment, omissions or misrepresentations; or”;

(2) by striking out “hinders the application of this Act,” in paragraph 5.

8. Section 31 of the Act is amended by striking out the first paragraph.

9. The Act is amended by inserting the following sections after section 31:

“**31.1.** Every person who commits an offence described in paragraph 1 of section 29 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in the case of a legal person.

“**31.2.** Every person who commits an offence described in paragraph 4 of section 29 is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$5,000 to \$50,000 in the case of a legal person.

“**31.3.** Every person who commits an offence described in paragraph 5 of section 29 is liable to a fine of \$10,000 to \$100,000 in the case of a natural person and \$20,000 to \$200,000 in the case of a legal person.

“**31.4.** The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence.”

10. Section 34 of the Act is amended

(1) by inserting “10.1,” after “8,”;

(2) by replacing “, 18.6” by “to 18.9”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

11. Section 165.4.2 of the Act respecting land use planning and development (chapter A-19.1) is amended, in the second paragraph,

(1) in subparagraph 1,

(a) by inserting “the addition, in the territory of the municipality, of” after “concerns”;

(b) by replacing “in the territory of the municipality” by “using solid manure management with an anticipated annual production of phosphoric anhydride of more than 1,600 kilograms”;

(2) by inserting the following subparagraph after subparagraph 1:

“(1.1) if the application concerns the addition, in the territory of the municipality, of a new hog farm using liquid manure management; and”;

(3) by replacing “3,200” in subparagraph 2 by “4,200”.

ACT RESPECTING REGISTRY OFFICES

12. The Act respecting registry offices (chapter B-9) is amended by inserting the following section after section 13:

“**14.** To ensure the application of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Land Registrar collects the information that is sent to the registrar under section 79.0.1 of that Act and makes the information available to the Commission de protection du territoire agricole du Québec, according to the terms and conditions agreed on with the latter.”

CHARTER OF VILLE DE LONGUEUIL

13. Section 49 of Schedule C to the Charter of Ville de Longueuil (chapter C-11.3) is amended by adding the following paragraph at the end:

“However, for the purposes of section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Saint-Hubert by section 23 of the Act respecting Ville de Saint-Hubert, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING MUNICIPAL TAXATION

14. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 57.2:

“**57.3.** The roll of a local municipality which adopts a resolution to that effect must identify each unit of assessment that includes workable but unworked agricultural land.

“Workable but unworked agricultural land” means any land that, taking into account the biophysical conditions of the soil and of the environment, is suitable for the cultivation of the soil and plants or for the pasture of animals, without

being the subject of such activities, and that is included in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Workable but unworked agricultural land is not identified on the roll if it

(1) forms part of a unit of assessment included, in whole or in part, in an agricultural operation registered in accordance with section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

(2) forms part of a unit of assessment covered, in whole or in part, by a forest producer's certificate issued under section 130 of the Sustainable Forest Development Act (chapter A-18.1);

(3) constitutes a forest environment in respect of which no forest producer's certificate has been issued;

(4) constitutes a wetland or body of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2);

(5) is the subject of a ban on all agricultural use under an order, regulation or Act;

(6) is the subject of a right of use for a use other than agricultural under the Act respecting the preservation of agricultural land and agricultural activities;

(7) constitutes the site of a building, if the building has a value equal to or greater than \$10,000; or

(8) has an area not exceeding one-half hectare.

In the case of a unit of assessment that includes workable but unworked agricultural land and that is non-taxable, the roll identifies it only if

(1) property taxes must be paid in respect of the unit in accordance with the first paragraph of section 208; or

(2) a sum to stand in lieu of property taxes must be paid in respect of the unit, either by the Government pursuant to the second paragraph of section 210 or by the Crown in right of Canada or one of its mandataries.

The fourth and fifth paragraphs of section 57.1.1 apply, with the necessary modifications, where a resolution is adopted under the first paragraph."

15. Section 174 of the Act is amended by inserting the following paragraph after paragraph 13.2:

“(13.3) with regard to section 57.3, to add a particular unduly omitted or strike out a particular unduly entered and, provided the roll is required to contain such information, to take account of the fact that a unit of assessment becomes or ceases to be subject to that section;”.

16. The Act is amended by inserting the following division after section 244.74:

“DIVISION III.7

“TAX ON WORKABLE BUT UNWORKED AGRICULTURAL LANDS

“244.75. A municipality whose roll identifies workable but unworked agricultural lands in accordance with section 57.3 may, for a fiscal year, impose, by by-law, a tax on any unit of assessment that includes such land. The by-law may provide for cases of exemption from the tax.

“244.76. Subject to Division IV.3 of this chapter, the tax is based on the taxable value of the workable but unworked agricultural land.

“244.77. The rate fixed by the municipality in respect of the tax may not, for a fiscal year, be more than three times the general property tax rate or, if the municipality imposes various general property tax rates under section 244.29, three times the basic general property tax rate for that year.

“244.78. A tax imposed under section 244.75 does not give entitlement to the payment of a sum or amount determined under Division V of this chapter.”

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

17. Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) is amended, in the first paragraph,

(1) by inserting “, organizations, trusts, foundations” after “cooperatives” in subparagraph 5;

(2) by inserting the following subparagraph after subparagraph 6.2:

“(6.3) he may, with the authorization of the Government, enter into any agreement to allow the transfer of a lot under his authority to an organization, trust or foundation whose mission enables the preservation of agricultural lands to be ensured;”.

18. The Act is amended by inserting the following heading before section 23:

“§1.—*General provisions*”.

19. The Act is amended by inserting the following subdivision after section 26:

“§2.—*Special provisions relating to the agricultural innovation park*

“**26.1.** The Minister assumes the direction of an agricultural innovation park whose mission is to protect the farm land that makes up the park and to encourage the implementation, in the park, of models and of innovative practices in agriculture.

For that purpose, the Minister or, where applicable, the body designated by the Minister under the first paragraph of section 26.2 prepares a master plan establishing, among other things, the strategic orientations and objectives and the agricultural innovation park’s priorities for action and making it possible to carry out projects. The master plan must be updated every five years.

“**26.2.** The Minister may, on the conditions the Minister determines, entrust any body the Minister designates with the management and carrying out of the agricultural innovation park.

In that case, the body ensures the implementation of the master plan. The master plan and its five-year updates are approved by the Minister. The body exercises its responsibilities in accordance with the orientations and directives set out for it by the Minister.

“**26.3.** The books and accounts of the body are audited every year by external auditors. The remuneration of the external auditors is borne by the body.

“**26.4.** Within four months after the end of each fiscal year, the body must send the Minister the audit report on its books and accounts, its financial statements and an activity report. The financial statements and activity report must contain all the information required by the Minister.

“**26.5.** Before the beginning of each fiscal year, the body sends its budget estimates for the following fiscal year to the Minister in the manner prescribed by the Minister.

The body also communicates to the Minister any information relating to the agricultural innovation park.

“**26.6.** The Government determines the lands that constitute the agricultural innovation park.”

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

20. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended

(1) in the first paragraph,

(a) by replacing “immovables used for residential purposes;” in subparagraph 1 by “:

(a) immovables used for residential purposes;

(b) greenhouses having a total area of two hectares or more, if they are situated mainly on soils in Classes 1 to 3 of the Canada Land Inventory (CLI); and

(c) plant production buildings other than greenhouses having a total area of 5,000 m² or more, if they are situated mainly on soils in Classes 1 to 3 of the Canada Land Inventory (CLI);”;

(b) in subparagraph 3,

i. by inserting “boundary determination, judicial acquisition of a right of ownership by prescription,” after “superficies,”;

ii. by replacing “, transfer of a right referred to in section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) and transfer of timber limits under the Lands and Forests Act (chapter T-9)” by “and transfer of a right referred to in section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1)”;

iii. by inserting the following subparagraph at the end:

“(d) the exercise of civil forfeiture or administrative forfeiture under the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);”;

(c) by inserting the following subparagraph after subparagraph 3:

“(3.0.1) “farm tourism” means a tourism activity that is complementary to agriculture, carried on on a farm and that brings farm producers together with tourists or excursionists so that they may discover the farming environment, agriculture and agricultural production through the welcome and information their host provides;”;

(d) in subparagraph 7.1,

i. by replacing “allowed by the applicable municipal zoning by-law and by the interim control measures, if any” by “compatible with the land use planning and development plan and, if applicable, with the interim control measures”;

ii. by inserting “of the regional county municipality” at the end;

(2) by replacing “identified by the letters ER, ERFI, ERFT, ERBB, ERBJ or ERO on the forest inventory maps drawn up by the Ministère des Ressources naturelles et de la Faune” in the second paragraph by “that is predominantly sugar maple or red maple identified in the ecoforest inventory of the Ministère des Ressources naturelles et de la Faune”.

21. Section 3 of the Act is amended, in the second paragraph,

(1) by inserting “, acquisition” after “subdivision” in subparagraph *a*;

(2) by inserting the following subparagraph after subparagraph *c*:

“(c.1) to monitor the rights registered in the land register in accordance with Division VI of Chapter II;”.

22. Section 10 of the Act is amended

(1) by striking out the second sentence in the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“It may engage or retain the services of such inspectors as are necessary for the application of this Act or of any other Act whose application it is responsible for overseeing and of the regulations, as well as such investigators as are necessary for investigating any matter relating to those Acts and the regulations.”;

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

“The commission may provide for the remuneration of those experts, investigators and inspectors who are not appointed pursuant to the Public Service Act (chapter F-3.1.1).”

23. The Act is amended by inserting the following sections after section 10:

“10.1. Inspectors and investigators must, on request, provide identification and produce the certificate issued by the commission attesting their capacity.

No judicial proceedings may be brought against inspectors or investigators for an act or omission made in good faith in the exercise of their functions.

“10.2. The commission may enter into an agreement with a municipality or community establishing an inspection program regarding the application of this Act. The agreement shall determine the manner in which the program is to be implemented and financed.”

24. Section 11 of the Act is amended

(1) by inserting “, except for an impact reduction measure referred to in the second paragraph of section 66” at the end of the first paragraph;

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

“Where a decision pertaining to a farm tourism-related use has a condition attached to it regarding the duration of the use, that condition may not be imposed for less than 10 years.”

25. Section 14 of the Act is amended, in the first paragraph,

(1) by replacing “for such time as it determines” by “within the time it determines or for a specified period of time” in the introductory clause;

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

“(5) to not file a new application for authorization;

“(6) to demonstrate that he is complying with the order.”

26. Section 14.1 of the Act is amended by inserting “in urgent circumstances, if there is a danger of irreparable damage being caused to agricultural land or” after “Except” in the first paragraph.

27. Section 16 of the Act is amended by replacing “done” by “performed or omitted”.

28. The Act is amended by inserting the following sections after section 18.6:

“18.7. Inspectors may, at any reasonable time, enter on a lot situated in an agricultural zone or enter any building or vehicle located on that lot to examine that lot, building or vehicle, hereinafter called “the premises”, and carry out an inspection of them. Inspectors may, in such cases

(1) collect soil samples, conduct tests and perform analyses;

(2) carry out any necessary excavation to assess the state of the premises;

(3) install measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

- (4) take photographs or make recordings of the premises;
- (5) access a facility, including a secure facility, found on the premises;
- (6) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act that is contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data;
- (7) require the provision of any information relating to the application of this Act or of the regulations, and the communication of any relevant documents for examination, recording or reproduction; and
- (8) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in subparagraphs 1 to 7.

No judicial proceedings may be brought against a person referred to in subparagraph 8 of the first paragraph for an act performed or omitted in good faith in the exercise of his functions.

For the purposes of the first paragraph, inspectors may enter a dwelling house only with the authorization of the occupant.

“18.8. The owner of a lot being inspected and any person found there must lend assistance to the inspectors in performing their duties.

The obligation set out in the first paragraph also applies to persons accompanying inspectors under subparagraph 8 of the first paragraph of section 18.7.

“18.9. Inspectors may, by a request delivered by any means that allows proof of receipt at a specific time, require any person or partnership to communicate, within the time and according to the conditions they specify, any information or documents relating to the application of this Act or the regulations.”

29. Section 19 of the Act is amended

- (1) by striking out the last sentence of the first paragraph;
- (2) by striking out the second, third, fourth and fifth paragraphs.

30. Section 21.1 of the Act is amended by adding the following paragraph at the end:

“The Tribunal renders its decision on the basis of the evidence contained in the file transmitted to it by the commission and after giving the parties the opportunity to be heard.”

31. Section 27 of the Act is amended

(1) by replacing “, nor fell maple trees there, except for the purposes of selection or thinning within the framework of forest management” by “than maple syrup production”;

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

“The felling of maple trees without the authorization of the commission is prohibited, except for the purposes of selection or thinning within the framework of forest management or for the construction of a sugar shack.”

32. Section 30 of the Act is amended, in the first paragraph,

(1) by replacing “to section 28 or 29” by “of section 28 or 29 as well as an acquisition made in contravention of section 79.0.6”;

(2) by replacing “or alienation” by “, alienation or acquisition”.

33. The Act is amended by inserting the following section before section 58:

“**57.1.** For the purposes of this subdivision and of subdivisions 3.1 and 4 of Division IV of this Act, a resolution granting authorization under section 145.34 or section 145.38 of the Act respecting land use planning and development (chapter A-19.1) is considered to be a zoning by-law.”

34. Section 58 of the Act is amended

(1) by striking out “local municipality in whose territory the lot is situated, and forward a copy of the application to the” in the first paragraph;

(2) in the second paragraph,

(a) by striking out “regional county”;

(b) by inserting “wishing to have a lot included in an agricultural zone or” after “public services”;

(c) by striking out “local municipality in whose territory the lot is situated, and forward a copy of the application to the”;

(3) by striking out the third paragraph.

35. Section 58.1 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentences: “Upon receipt of the application, the commission shall notify the local municipality and the certified association of the date of such receipt. It shall make a copy of the application available to them.”;

(2) by replacing “the application, transmit it to the commission furnishing all the information required by the commission” in the second paragraph by “the notice of the commission provided for in the first paragraph, send the commission all the information it requires”;

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

“The certified association may, within 45 days of receiving the notice of the commission provided for in the first paragraph, make a recommendation to the commission regarding the application.”

36. Section 58.2 of the Act is amended

(1) by inserting “of the local municipality” after “The recommendation”;

(2) by inserting “the regional characteristics and” after “consideration”;

(3) by striking out “, that could meet the applicant’s needs”.

37. Section 58.4 of the Act is amended

(1) by striking out “or third” in the first paragraph;

(2) by inserting “and the regional characteristics” at the end of the second paragraph.

38. Section 58.5 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“An application is admissible if the commission has received a statement as to whether the application is consistent with the zoning by-law of the local municipality, or, if applicable, with the interim control measures.”;

(2) by replacing “An application” in the introductory clause of the second paragraph by “If the commission has received a statement indicating that the application is inconsistent, the application”;

(3) in the third paragraph,

(a) by striking out “also”;

(b) by inserting “, unless it concerns the erection of a residence for a producer or for the producer’s child, employee, shareholder or partner” at the end.

39. The Act is amended by inserting the following section before section 59:

“58.7. For the purposes of the fourth paragraph of section 59, the first paragraph of section 61.1, paragraph 1 of section 61.2, subparagraph 1 of the first paragraph of section 61.3, subparagraph 5 of the second paragraph of section 62 and the first paragraph of section 65.1, the Government establishes groups of regional county municipalities taking into consideration the government policy directions referred to in subparagraph 1 of the first paragraph of section 1.2 of the Act respecting land use planning and development (chapter A-19.1). The Government determines which regional county municipalities are included in those groups as well as the provisions that are applicable to them.

The Government may only modify the groups or the municipalities included in them when changes are made to the government policy directions or when new policy directions are taken.

Before establishing the groups of municipalities and designating which municipalities are to be included in those groups, the Government shall publish in the *Gazette officielle du Québec* a notice indicating, among other things, its intention, the time period at the expiry of which the decree may be made and the fact that any interested person may, during that time period, send comments to the person designated within the notice.

The decree referred to in the first paragraph comes into force on the date indicated in the decree. It shall be published in the *Gazette officielle du Québec*.

For the purposes of this section, “regional county municipality” also designates cities and agglomerations exercising certain powers of a regional county municipality.”

40. Section 59 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

“In the territory of a municipality included in any of the groups identified in the decree made under section 58.7, the application must also concern:

(1) lots presenting significant constraints for the practice of agricultural activities situated outside a dynamic agricultural land use sector identified in the RCM land use and development plan, in the metropolitan land use and development plan or in a draft amendment or revision of such a plan; or

(2) lots adjacent to a public road and served by public water and sanitary sewer services.”;

(2) by adding the following sentence at the end of the fourth paragraph: “If this is not a first application, the application must be submitted together with a report on the building permits issued under all previous decisions of collective scope.”;

(3) by replacing the fifth paragraph by the following paragraphs:

“An application of collective scope is admissible if the commission has received a statement indicating that the application is consistent with the RCM land use and development plan, the metropolitan land use and development plan and, if applicable, with the interim control measures in force in the territory of the regional county municipality or the community.

The application is also admissible upon receipt of a statement from the Minister of Municipal Affairs, Regions and Land Occupancy indicating that the application is consistent with the government policy directions relating to a draft amendment to the RCM land use and development plan or to the metropolitan land use and development plan.”

41. Section 59.2 of the Act is amended by inserting “, in particular with regard to the residential occupancy in the territory of the regional county municipality or the community” after “agricultural zone”.

42. Section 59.3 of the Act is amended

(1) by replacing “the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a period of six months or until the date of any decision it may make within that time” by “the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a maximum period of 36 months”;

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

“The commission may resume the examination of the individual application before the expiry of that period from the date of coming into force of the authorizations granted in the decision of collective scope or as soon as the examination of the application of collective scope is ended.”

43. The Act is amended by inserting the following sections after section 59.3:

“59.4. Where the commission renders a decision of collective scope in respect of the territory of a regional county municipality or community for which such a decision has already been rendered, it may, in addition to disposing of the application submitted to it, render a decision that restates, in whole or in part, the content of any previous decision of collective scope applicable to that territory. That decision shall then prevail over all or part of the previous decisions whose content was restated in the new decision.

The provisions of section 62.6 shall then apply to such a decision.

“59.5. No new application of collective scope in respect of the territory of a regional county municipality or a community may be submitted to the commission, except if the commission grants permission to do so, where the application is based on a provision of the third or fourth paragraphs of section 59 for which the commission has already rendered a decision prior to the revision of the RCM land use and development plan or of the metropolitan land use and development plan following that decision.

Section 18.6 applies, with the necessary modifications, to an application for permission made under the first paragraph.”

44. Section 60.1 of the Act is amended by inserting “before rendering a decision that is unfavourable or to which conditions are attached” at the end of the first paragraph.

45. Section 61.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “community, census agglomeration or census metropolitan area as defined by Statistics Canada” by “regional county municipality included in any of the groups identified in the decree made under section 58.7 or on a lot situated in the territory of a community”;

(b) by striking out “, that is suitable for the purposes for which the application is made”;

(2) by replacing “are appropriate available areas” in the second paragraph by “is an appropriate available area”.

46. Section 61.1.1 of the Act is amended by striking out “concerning a destructured tract of land”.

47. Section 61.2 of the Act is replaced by the following sections:

“61.2. An application for authorization whose object is to introduce a new use for institutional, commercial or industrial purposes or to implement several new residential uses is considered to be an application for exclusion in any of the following cases:

(1) it concerns the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7 and the lot is contiguous to the boundaries of an agricultural zone; or

(2) it concerns a lot contiguous to the boundaries of an urbanization perimeter.

“61.3. The commission must satisfy itself that the authorization of an application whose object is to introduce a new use for institutional, commercial or industrial purposes, or to implement several new residential uses, would not, should it be granted, cause the boundaries of the agricultural zone to be changed or an urbanization perimeter to be extended in any of the following cases:

(1) the application concerns the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7 and the lot is situated close to the boundaries of an agricultural zone; or

(2) the application concerns a lot situated close to the boundaries of an urbanization perimeter.

If the commission is not so satisfied, the application is considered to be an application for exclusion.

“61.4. Sections 61.2 and 61.3 do not apply to the construction of public roads, private access roads, walkways, bicycle paths, conduits, railways, power transmission or communication lines, aerated ponds, water retention basins, noise barrier walls, erosion protection works or flood protection works, the implementation or expansion of a farm tourism-related use or the enlargement or conversion of an area for which a right is recognized under Chapter VII.

“61.5. Where an application is considered to be an application for exclusion under section 61.2 or 61.3, the commission may not authorize a use for a purpose other than agriculture for the purposes for which the application is made.”

48. Section 62 of the Act is amended

(1) in the second paragraph,

(a) by replacing “census agglomeration or a census metropolitan area as defined by Statistics Canada or a lot situated in the territory of a community” in subparagraph 5 by “regional county municipality included in any of the groups identified in the decree made under section 58.7 or a lot situated in the territory of a community”;

(b) by replacing subparagraph 7 by the following subparagraph:

“(7) the impact, on agriculture, of the preservation of certain resources, including water and soil, in the territory of the local municipality and in the region;”;

(c) by replacing “economic development of the region” and “by a municipality, community, public body or agency providing public utility services” in subparagraph 9 by “sustainable development of the territory” and “to the commission”, respectively;

(d) by replacing “viability” and “justified by the low population density of the region” in subparagraph 10 by “vitality” and “such vitality is low, upon proof submitted to the commission”, respectively;

(e) by adding the following subparagraphs at the end:

“(12) the impact of a farm tourism-related use on the viability of the farming operation through the enhancement of its agricultural products or the development of the agricultural sector;

“(13) the dynamism of the agricultural land;

“(14) the content of a statement indicating that the application is inconsistent with the RCM land use planning and development plan and with the provisions of the complementary document or with the metropolitan land use and development plan or with the interim control measures.”;

(2) in the third paragraph,

(a) by replacing subparagraph 1 by the following subparagraph:

“(1) a statement indicating that the application is inconsistent with the zoning by-law or with the interim control by-law of the local municipality received after the 45-day time limit provided for in section 58.3;”;

(b) by adding the following subparagraphs at the end:

“(3) the past conduct, as regards the preservation of agricultural land or the protection of the environment, of the applicant or of a person related to the applicant or, if the applicant is a legal person or a partnership, of one of its directors, officers, shareholders, members or representatives or of a legal person or partnership related to them;

“(4) the fact that the applicant proposes to include a lot in the agricultural zone.”;

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

“The Government may, by regulation, define “related person”, “related legal person” or “related partnership”.”

49. The Act is amended by inserting the following section after section 62.1:

“62.2. Where an application concerns the construction of a residence for a producer or for the producer’s child, employee, shareholder or partner, the commission must, before considering the criteria set out in section 62, take into consideration

(1) the profitability and viability of the agricultural operation;

(2) the principal occupation of the occupant for whom the residence will be built, in the case of a residence for a producer or for the producer's child, shareholder or partner; and

(3) the labour needs of the agricultural operation, in the case of a dwelling for an employee assigned to the operation's agricultural activities.”

50. The Act is amended by inserting the following sections after section 64:

“64.1. A decision of the commission authorizing a use for a purpose other than agriculture or authorizing the felling of maple trees becomes null five years after having been rendered if, within that time, the use so authorized has not begun.

The use is deemed never to have begun where the lot or part of the lot concerned by the authorization has been left uncropped for more than five years, except if the authorized use involves leaving the lot uncropped.

A decision of the commission authorizing a subdivision, acquisition or alienation becomes null five years after having been rendered if, within that time, the application for registration of the act confirming that subdivision, alienation or acquisition has not been filed with the Land Registry Office.

When rendering its decision, the commission may modify the time limit where circumstances warrant it.

This section does not apply to a decision of the commission rendered following an application of collective scope made under section 59 or following an application concerning a public utility use filed by a municipality, a community, a department, a public agency or an agency providing public utility services.

“64.2. The commission may, on request, annul a decision it has rendered before the expiry of the five-year time limit provided for in the first, second and third paragraphs of section 64.1. Where it annuls a decision, the commission must take into consideration sections 12 and 62.

The commission must give the applicant and any interested person the opportunity to present observations.

The commission must, before rendering a decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant at least 10 days to present observations.

The commission shall render a substantiated decision and send it to the applicant, the owner of the immovable concerned and to any other interested person.

This section does not apply to a decision of the commission rendered following an application of collective scope submitted to it under section 59, nor to an application concerning a public utility use filed by a municipality, a community, a department, a public agency or an agency providing public utility services.”

51. Section 65 of the Act is amended

(1) by replacing the third paragraph by the following paragraph:

“Upon receipt of the application, the commission shall notify the local municipality concerned or, if applicable, the local municipalities concerned as well as the certified association of the date of such receipt. It shall make a copy of the application available to them.”;

(2) in the fifth paragraph,

(a) by replacing “the copy of the application, transmit” by “the notice of the commission provided for in the first paragraph, send”;

(b) by replacing “the commission all the information required by the commission” by “the latter all the information it has required”;

(3) by inserting the following paragraph after the fifth paragraph:

“The certified association may, within 45 days of receiving the notice of the commission provided for in the first paragraph, make a recommendation to the commission regarding the application.”

52. The Act is amended by inserting the following sections after section 65.0.1:

“65.0.2. Where the commission receives applications for inclusion and exclusion relating to the same project, it may, on its own initiative or on request, group together the applications so they are processed as a single file.

In the case where it receives such applications, if the commission does not authorize the application for exclusion, it may not authorize the application for inclusion.

“65.0.3. An application for exclusion is admissible if the commission has received a statement indicating that the application is consistent with the RCM land use and development plan, with the metropolitan land use and development plan and, if applicable, with the interim control measures in force in the territory of the regional county municipality or the community.

The application is also admissible upon receipt of a statement from the Minister of Municipal Affairs, Regions and Land Occupancy indicating that the application is consistent with the government policy directions relating to a draft amendment to the RCM land use and development plan or to the metropolitan land use and development plan which seeks to make the object of the application possible within the use concerned.

Is also admissible an application whose object is covered by a second draft by-law for the RCM land use and development plan or for the revised metropolitan land use and development plan that was adopted.

In every other case, the application for exclusion is inadmissible.”

53. Section 65.1 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Where an application for exclusion concerns a lot situated in the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7, the applicant must demonstrate that there is no appropriate available area elsewhere in the territory of the regional county municipality outside the agricultural zone.

In every other case, the applicant must demonstrate that there is no appropriate available area elsewhere in the territory of the local municipality outside the agricultural zone.

Such a demonstration may be made in a different territory if the commission has received a statement indicating that the RCM land use and development plan or the metropolitan land use and development plan is consistent with the government policy direction in which the different scale selected has been deemed appropriate in relation to the object of the application.

The commission may reject an application on the sole ground that an appropriate area is available.”

54. Section 66 of the Act is amended

- (1) by replacing “may” in the second paragraph by “must”;
- (2) by striking out the third paragraph.

55. The Act is amended by inserting the following section after section 66:

“66.0.1. Except for the purposes provided for in section 66, the Government may, with the consent of the owner and after obtaining the advice of the commission and of the regional county municipality, authorize the inclusion of a lot in an agricultural zone on such conditions as it may determine.”

56. Section 66.1 of the Act is amended by adding the following sentence at the end: “The Minister may, for that same purpose, enter into agreements allowing the transfer of a lot over which the Minister has authority to an organization, a social or private trust, or a foundation whose mission is to ensure the preservation of farm land.”

57. Section 67 of the Act is amended by replacing “24” in the third paragraph by “36”.

58. Section 75 of the Act is amended by replacing “two” by “three”.

59. The Act is amended by inserting the following section after section 77:

“77.1. The commission may revoke the permit of any holder who informs the commission that he has definitively ceased his operations before the date of expiry of his permit if that holder demonstrated that he has restored the premises to their former condition as agricultural land, in accordance with the obligation the commission imposed on him under section 74.

The commission may, in such circumstances, order the remittance of the security to the holder in accordance with the regulation.

Sections 78 and 79 apply, with the necessary modifications, where the commission intends to refuse the revocation of the permit or where it renders a decision refusing such a revocation.”

60. The Act is amended by inserting the following division after section 79:

“DIVISION VI

“MONITORING AND CONTROL OF CERTAIN AGRICULTURAL LAND RIGHTS

“§1.—*Monitoring certain rights registered in the land register*

“79.0.1. For the purpose of seeing to the application of this Act and the regulations, the commission shall monitor the rights, determined by government regulation, registered in the land register and pertaining to lots situated in agricultural zones.

To that end, a person who applies for the registration in the land register of a right referred to in the first paragraph must provide the information determined by government regulation using the form prescribed by the commission, either when presenting the application for registration of the right in the land register or, within 30 days following registration of the right, on the commission’s website.

The regulation determines which information must be provided, the classes of persons responsible for obtaining, verifying or ensuring the accuracy of the information, and all terms relating to the information. The information may vary depending on the nature of the right for which registration is required.

In order to enable the Land Registrar to make the prescribed form available in the land register, the commission shall provide the Land Registrar with an up-to-date list of the lots situated in an agricultural zone and inform the Land Registrar of any modification to the list.

“79.0.2. The commission shall send the Minister, to enable him to develop any plan, project or program aimed at ensuring the preservation and development of agriculture, the information contained in the forms it receives, including personal information necessary for that purpose.

The information thus collected may, in the case of anonymized land registration information, be disseminated by the Minister on the department’s website.

“§2. — Control of certain acquisitions of farm land

“79.0.3. For the purposes of this subdivision,

(1) “acquisition” means the act of becoming the owner of property by conveyance of ownership, including sale with a right of redemption, emphyteusis, alienation for rent, forced sale within the meaning of article 1758 of the Civil Code and sale for unpaid taxes, except by

(a) transmission owing to death;

(b) any acquisition, by agreement or by expropriation, made following the service of a notice of expropriation under the Act respecting expropriation (chapter E-25); or

(c) transfer of a right referred to in section 8 of the Mining Act (chapter M-13.1) or section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1); and

(2) “farm land” means land situated in an agricultural zone established under this Act, having an area equal to or greater than four hectares or any smaller area that the Government may determine by regulation and consisting of a single lot or several lots that are contiguous or that would be contiguous were they not separated 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.

The definition set out in subparagraph 1 of the first paragraph also applies to sections 3, 30 and 64.2.

“79.0.4. The prohibitions provided for in this subdivision do not apply where the acquirer is a community, a department, a municipality, a public agency or the Government.

The Government may, by regulation, exempt other organizations dedicated to the preservation or development of the territory and of agricultural activities from the application of this subdivision.

“79.0.5. For the purposes of subparagraph 2 of the first paragraph of section 79.0.6, the Government establishes groups of regional county municipalities taking into consideration the government policy directions referred to in subparagraph 1 of the first paragraph of section 1.2 of the Act respecting land use planning and development (chapter A-19.1). The Government determines which regional county municipalities are included in those groups.

The second, third, fourth and fifth paragraphs of section 58.7 apply, with the necessary modifications.

“79.0.6. Except in the cases and according to the conditions that the Government may determine by regulation, it is prohibited to directly or indirectly acquire farm land without the authorization of the commission if

(1) the acquirer is an investment fund, as defined by government regulation;

(2) the acquirer is a legal person that is not an agricultural operation registered in accordance with section 36.0.1 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and the farm land is situated in the territory of a metropolitan community or a regional county municipality included in any of the groups identified in the decree made under section 79.0.5 and is 1,000 metres or less from an urbanization perimeter;

(3) the acquisition results in bringing the total area of the farm lands, regardless of their contiguity, of which the acquirer or a person related to the acquirer is the owner, to an area that is greater than the total or annual area determined by government regulation.

The cases, conditions and areas provided for by regulation may, in particular, vary depending on whether or not the acquirer is a farmer. The regulation may also define “farmer” or “person related to the acquirer”.

“79.0.7. The prohibitions provided for in the first paragraph of section 79.0.6 also apply to any lot situated in a designated agricultural region or in a reserved area established under Division III of this Act.

“79.0.8. Anyone wishing to obtain an authorization under this subdivision must present an application to the commission, together with all the documents and information the commission requires by regulation and, if applicable, with the payment of the fees prescribed for the presentation of the application.

“79.0.9. The commission must give the applicant and any interested person the opportunity to present observations.

It may also require from those persons the information and documents the commission considers relevant to the examination of the application.

It must, before rendering a decision that is unfavourable, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant at least 10 days to present observations.

“79.0.10. In examining an application for acquisition, the commission must 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 biophysical conditions of the soil and of the environment;
- (3) the suitability of the land for the cultivation of the soil, the pasture of animals or the production of maple syrup;
- (4) the impact of the acquisition on the price of farm land in the region;
- (5) the effects of the acquisition or of the projected use on the economic development of the region;
- (6) the enhancement of agricultural products and the development of underutilized farm land;
- (7) the concentration of ownership of farm land; and
- (8) the impact on land occupancy.

The commission may, in addition, take into consideration the criteria set out in section 62.

“79.0.11. The commission shall render a substantiated decision and shall send it to the applicant, to the owner of the immovable concerned and to any other interested person.”

61. Section 79.2.1 of the Act is amended

- (1) by striking out the last sentence of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“However, in the case of a destructured tract of land projected in the RCM land use planning and development plan or the metropolitan land use and development plan, of a residence erected under section 40, or of a residence for a producer or for the producer’s child, employee, shareholder or partner erected following an authorization of the commission under section 62, a municipality may not refuse to issue a building permit on the sole ground that that condition is not complied with.”;

(3) by replacing “first” in the second paragraph by “second”;

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

“Residences erected between 21 June 2001 and (*insert the date that precedes the date of coming into force of this Act*) should not be taken into account in the application of these requirements in respect of breeding units that were existent at the time of their installation.”

62. Section 79.2.2 of the Act is amended by inserting “or a residence erected for a producer or for the producer’s child, employee, shareholder or partner following an authorization of the commission under section 62,” after “2001,”.

63. Section 79.2.3.1 of the Act is amended, in the introductory clause,

(1) by inserting “or by derogating from a standard originating from the exercise of a power provided for in subparagraphs 3, 4.1 or 5 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) or in subparagraph *c* of subparagraph 18 of the second paragraph of that section” after “under separation distance requirements”;

(2) by replacing “the separation distance requirements” by “those requirements and standards”.

64. Section 79.2.5 of the Act is amended

(1) by inserting “or it is the subject of a demonstration, by the operator, that it was in operation on 21 June 2001” at the end of subparagraph 1 of the first paragraph;

(2) by adding the following subparagraph at the end of the second paragraph:

“(4) any standard originating from the exercise of powers provided for in subparagraph *c* of subparagraph 18 of the second paragraph of section 113 of that Act.”;

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

“Where a breeding unit is the subject of a demonstration under subparagraph 1 of the first paragraph, the demonstration must also pertain to the maximum number of livestock units for each category or group of animals raised or kept in the breeding unit in the 12 months preceding 21 June 2001.”

65. Section 79.2.6 of the Act is amended by adding the following paragraph at the end:

“Where a breeding unit is the subject of a demonstration, the municipality determines, according to the proof submitted by the operator of the unit, whether the breeding unit was in operation on 21 June 2001 and the maximum number of livestock units for each category or group of animals raised or kept in that unit.”

66. Section 79.17 of the Act is amended

(1) by inserting “, lights, fumes, vibrations, insects” after “noise” in the introductory clause;

(2) by replacing paragraph 1 by the following paragraph:

“(1) as regards odours, in accordance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and, as regards the other matters, in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2);”.

67. Section 79.18 of the Act is amended by inserting “, lights, fumes, vibrations, insects” after “noise” in paragraph 1.

68. Section 79.19 of the Act is amended

(1) by inserting “, lights, fumes, vibrations, insects” after “noise” in the introductory clause;

(2) by replacing paragraph 1 by the following paragraph:

“(1) as regards odours, in accordance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and, as regards the other matters, in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2);”.

69. Section 80 of the Act is amended

- (1) by striking out subparagraph 9 of the first paragraph;
- (2) in the second paragraph,
 - (a) by replacing “farm product processing on a farm” in subparagraph 2 by “the storage, packaging, processing and sale of farm products on a farm”;
 - (b) by adding the following subparagraphs at the end:

“(5) the change of a main use for a purpose other than agriculture on a maximum area of one hectare that benefits from an acquired right recognized under Chapter VII;

“(6) a use for the purpose of enhancing or restoring a natural setting or a use for extensive recreational purposes in a territory established under the Natural Heritage Conservation Act (chapter C-61.01) and where the cultivation of the soil, the pasture of animals and the production of maple syrup are prohibited; and

“(7) filming or the production of video content that does not require permanent infrastructure.”;
- (3) by striking out the third paragraph.

70. Section 82 of the Act is amended by replacing “sections 26 to 29, 55 and 70” by “any of sections 26 to 29, 55, 70 and 79.0.6”.

71. Section 85 of the Act is amended, in the first paragraph,

- (1) by replacing “two” by “three”;
- (2) by replacing “from a judge of the Superior Court an order enjoining that person to comply with it” by “homologation of the order by the Superior Court”.

72. The Act is amended by inserting the following division after section 86:

“DIVISION I.1

“MONETARY ADMINISTRATIVE PENALTIES

“§1.—*Imposition of penalties*

“36.1. A monetary administrative penalty may be imposed on anyone who

- (1) fails to comply with any of sections 26 to 29, 70 and 79.0.6;

- (2) omits to provide information or a document required under section 60; or
- (3) fails to comply with a condition of an authorization or permit.

A monetary administrative penalty may also be imposed in any of the following cases:

(1) where a person referred to in the second paragraph of section 79.0.1 fails to send the information required under that paragraph or under the third paragraph of that section; or

(2) where information determined in a regulation under the second or third paragraph of section 79.0.1 is inaccurate, false or misleading.

“86.2. The amount of a monetary administrative penalty is set by regulation. The amount may vary on the basis of any criterion determined by the Government.

The amount of a monetary administrative penalty may not exceed

(1) \$5,000 in the case of a natural person; or

(2) \$10,000 in all other cases.

“86.3. No monetary administrative penalty may be imposed on a person or partnership for failure to comply with a provision of this Act or of the regulations if a statement of offence has already been served on the person or partnership for contravention of the same provision on the same day and based on the same facts.

“86.4. No accumulation of monetary administrative penalties may be imposed on the same person or partnership for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

“86.5. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

In particular, continued use, day after day, for a purpose other than agriculture or the removal of topsoil in contravention of an authorization or of a condition specified in the permit, or the exercise of those activities without holding an authorization or a permit, constitutes a new failure for anyone who does so.

“86.6. Before a monetary administrative penalty is imposed, a notice of non-compliance must be notified to the person or partnership in default informing the person or partnership of the failure in question and of the possibility of presenting observations in writing and, if applicable, producing any documents to complete the record. The notice shall urge the person or partnership to take the necessary measures to remedy the failure. The notice must mention that the failure may give rise to a monetary administrative penalty, an order or penal proceedings.

“86.7. The imposition of a monetary administrative penalty is prescribed by two years from the date on which the failure to comply is ascertained.

In the absence of evidence to the contrary, the date of the report ascertaining the failure to comply constitutes conclusive proof of the date on which the failure to comply was committed.

“86.8. A monetary administrative penalty is imposed, by an employee designated by the commission, by the notification of a notice of claim stating

- (1) the amount of the claim;
- (2) the reasons why the amount is owing;
- (3) the time from which the amount bears interest;
- (4) the right to obtain a review of the decision to impose the monetary administrative penalty and the time limit for exercising that right; and
- (5) the information on the procedure for payment and recovery of the amount owing.

The amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

“§2.—*Review and proceeding*

“86.9. Anyone on whom a monetary administrative penalty is imposed may apply, in writing, to the commission for review of the decision to impose the penalty within 30 days after the notification of the notice of claim. The application for review suspends the execution of the decision. However, the interest shall be accrued from the date provided for in subparagraph 3 of the second paragraph of section 86.8, subject to the application of the third paragraph of section 86.11.

A member of the commission is responsible for the review of the decision.

“86.10. Applications for review must be processed promptly. After having given the applicant an opportunity to present observations and, if applicable, produce documents to complete the applicant’s record, the member of the commission responsible for the review renders a decision on the basis of the record, unless the member considers it necessary to proceed in some other manner.

“86.11. The review decision confirms, quashes or amends the decision under review. It must be written in clear, concise terms and give reasons.

The review decision is notified to the applicant and states the applicant’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to present observations or produce documents, the interest provided for in the second paragraph of section 86.8 on the amount owing ceases to accrue until the decision is rendered.

“86.12. A review decision that confirms or amends the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec in accordance with section 21.1.

Such a proceeding suspends the execution of the decision. However, interest nevertheless accrues.

When rendering its decision, the Tribunal may rule in respect of the interest accrued.

“§3.—*Recovery*

“86.13. If a partnership or legal person has defaulted on payment of a monetary administrative penalty, its directors, members or officers are solidarily liable, with the partnership or legal person, for payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

“86.14. The debtor of a monetary administrative penalty and the commission may enter into an agreement with regard to payment of an administrative penalty.

The agreement, or the payment of the amount owing, does not constitute an acknowledgement of the facts giving rise to the administrative penalty for the purposes of penal proceedings or any other administrative penalty under this Act.

“86.15. If the debtor fails to pay the entire amount owing or to adhere to the agreement entered into under section 86.14, the commission may issue a recovery certificate as of the date on which the decision imposing the penalty becomes final.

The certificate may, however, be issued before the expiry of the time referred to in the first paragraph if the commission is of the opinion that the debtor is attempting to evade payment.

The certificate states the debtor’s name and address and the amount owing.

“86.16. When the Minister of Revenue allocates, once a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of the amount mentioned in the certificate, the allocation interrupts the prescription provided for in the Civil Code with regard to the recovery of that amount.

“86.17. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

“86.18. The debtor is bound to pay the recovery charges in the cases and on the conditions determined by government regulation.

“§4. — Register

“86.19. The commission keeps a register of the information related to monetary administrative penalties imposed under this Act. The register specifies

- (1) the date the penalty was imposed;
- (2) the date and nature of the failure for which the penalty was imposed and the provisions under which it was imposed;
- (3) the name of the municipality in whose territory the failure occurred;
- (4) if the penalty concerns a legal person, its name and the address of its head office or the address of one of its establishments or the business establishment of one of its agents;
- (5) if the penalty concerns a partnership, its name and address;
- (6) if the penalty concerns a natural person, the person’s name, the name of the municipality in whose territory the person resides and, if the failure occurred in the ordinary course of business of the person’s enterprise, the name and address of the enterprise;

- (7) the amount of the penalty imposed;
- (8) if applicable, the date of receipt of an application for review and the date and conclusions of the review decision;
- (9) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the commission is made aware of the information;
- (10) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the commission is made aware of the information; and
- (11) any other information the commission considers of public interest."

73. Section 87 of the Act is repealed.

74. Section 89 of the Act is amended

- (1) by inserting "or a partnership" after "Where a legal person";
- (2) by inserting "partner," after "officer,";
- (3) by inserting "or of that partnership" after "that legal person";
- (4) by replacing "penalty provided in sections 90 and 90.1 for natural persons" by "same penalty as that provided for the offence that the legal person or the partnership has prescribed, authorized or consented to".

75. The Act is amended by inserting the following section after section 89:

"89.1. Except in the cases where another penalty is prescribed, anyone who contravenes a provision of this Act or the regulations commits an offence and is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and of \$2,000 to \$20,000 in any other case."

76. Section 90 of the Act is amended

- (1) by replacing "Every person who" and "is guilty of" in the introductory clause by "Anyone who" and "commits", respectively;
- (2) by replacing "\$5,000" in paragraph 1 by "\$10,000".

77. The Act is amended by inserting the following section after section 90:

“90.0.1. Anyone who commits an offence referred to in section 90 in respect of an area of land of less than one hectare, in section 26 other than by removing earth, sand or gravel, or in any of sections 28, 29 and 79.0.6 is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and of \$10,000 to \$100,000 in all other cases.”

78. Section 90.1 of the Act is replaced by the following section:

“90.1. Anyone who

- (1) fails to send a declaration under section 32 or 32.1;
- (2) sends a document containing a false declaration or inaccurate, false or misleading information;
- (3) hinders an inspector or investigator in the performance of their functions, impedes them or misleads them by an act, concealment, omissions or misrepresentations;
- (4) does not comply with any condition specified in the permit referred to in section 70; or
- (5) contravenes a provision of a regulation under section 74 by omitting to furnish security,

commits an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and of \$5,000 to \$50,000 in all other cases.”

79. The Act is amended by inserting the following sections after section 90.1:

“90.2. Anyone who

- (1) does not comply with an order of the commission or refuses to comply with one of its decisions;
- (2) exercises an activity referred to in section 70 without a permit or after a permit has been suspended or cancelled; or
- (3) fails to restore the land to its former condition in accordance with section 74,

commits an offence and is liable to a fine of \$10,000 to \$100,000 in the case of a natural person and of \$20,000 to \$200,000 in all other cases.

“90.3. Subject to paragraph 2 of section 90, the minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence.

“90.4. In determining the amount of the fine, except the amounts provided for in section 90, the court must take into account, in particular,

- (1) the seriousness of the harm to the agricultural land;
- (2) the impossibility of restoring the lot to its former condition;
- (3) whether a contaminant has been released into the soil;
- (4) whether the immovable concerned is a protected immovable according to the RCM land use and development plan;
- (5) the duration of the offence;
- (6) the repetitive nature of the offence;
- (7) the number of hectares concerned;
- (8) whether the offender acted intentionally or was reckless or negligent; and
- (9) the benefits and revenues the person or partnership that committed the offence has derived from the commission of the offence.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.”

80. Section 91 of the Act is amended by replacing “one year” in the first paragraph by “three years”.

81. Section 96 of the Act is amended by striking out the third paragraph.

82. Section 99 of the Act is repealed.

83. Section 100.1 of the Act is amended

- (1) in the fourth paragraph,
 - (a) by replacing “alienation, subdivision or use for any purpose other than agriculture” in the introductory clause by “an alienation, a subdivision or the erection of a residence”;
 - (b) by replacing “in respect of a construction, or” in subparagraph *b* by “following the erection of a residence.”;
 - (c) by striking out subparagraph *c*;
- (2) by replacing “contest” in the eighth paragraph by “a review”.

84. The Act is amended by inserting the following section after section 101.1:

“101.2. Despite section 101, no person may add or erect an additional dwelling, an additional residence or any other additional building in which a dwelling is built on the surface of a lot for which a right to residential use under section 101 exists, except in the cases and according to the conditions determined in a regulation under section 80 or if the commission authorizes it.”

85. The Act is amended by inserting the following section after section 104:

“104.1. Where a lot has been acquired or utilized for a public utility purpose or where a lot was the subject of an authorization for its use or its acquisition for such a purpose in accordance with section 104, the lot may be used only for a public utility purpose under that section.

The right to a use for a public utility purpose is extinguished by the alienation of the lot to a person other than the Government, one of its ministers, a public body or a person empowered to expropriate.

Any use for a purpose other than a public utility purpose must be the subject of an authorization of the commission.”

86. The Act is amended by inserting the following sections after section 105.3:

“105.4. Until the coming into force of the first decree made under section 58.7 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 39 of this Act,

(1) the fourth paragraph of section 59 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 40 of this Act, applies to the municipalities included in groups D to F listed in Schedule B to this Act;

(2) the first paragraph of section 61.1 of the Act respecting the preservation of agricultural land and agricultural activities, as amended by section 45 of this Act, applies to the municipalities included in groups A to D listed in Schedule B to this Act;

(3) paragraph 1 of section 61.2 of the Act respecting the preservation of agricultural land and agricultural activities and subparagraph 1 of the first paragraph of section 61.3 of the Act, enacted by section 47 of this Act, apply to the municipalities included in groups A to D listed in Schedule B to this Act;

(4) subparagraph 5 of the second paragraph of section 62 of the Act respecting the preservation of agricultural land and agricultural activities, as amended by section 48 of this Act, applies to the municipalities included in groups A to D listed in Schedule B to this Act; and

(5) the first paragraph of section 65.1 of the Act respecting the preservation of agricultural land and agricultural activities, as amended by section 53 of this Act, applies to the municipalities included in groups A to E listed in Schedule B to this Act.

“105.5. Until the coming into force of the first decree made under section 79.0.5 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 60 of this Act, subparagraph 2 of the first paragraph of section 79.0.6, enacted by section 60 of this Act, applies to the municipalities included in groups A to D listed in Schedule B to this Act.”

87. The Act is amended by adding the following schedule at the end:

“SCHEDULE B
(Sections 105.4 and 105.5)

GROUPS OF REGIONAL COUNTY MUNICIPALITIES

GROUP A: REGIONAL COUNTY MUNICIPALITIES (MRC) AND EQUIVALENT TERRITORIES THAT ARE PART OF A METROPOLITAN COMMUNITY

Communauté métropolitaine de Montréal	Communauté métropolitaine de Québec
Agglomération de Longueuil	Agglomération de Québec
Agglomération de Montréal	MRC de La Côte-de-Beaupré
MRC de Beauharnois-Salaberry	MRC de La Jacques-Cartier
MRC de Deux-Montagnes	MRC de L'Île-d'Orléans
MRC de L'Assomption	Ville de Lévis
MRC de La Vallée-du-Richelieu	
MRC de Marguerite-D'Youville	
MRC de Roussillon	
MRC de Rouville	
MRC de Thérèse-De Blainville	
MRC de Vaudreuil-Soulanges	
MRC des Moulins	
Ville de Laval	
Ville de Mirabel	

GROUP B: CITIES EXERCISING CERTAIN REGIONAL COUNTY MUNICIPALITY (MRC) POWERS WITHIN A CENSUS METROPOLITAN AREA

Ville de Gatineau	Ville de Sherbrooke
Ville de Saguenay	Ville de Trois-Rivières

GROUP C: REGIONAL COUNTY MUNICIPALITIES (MRC) IN THE AREAS SURROUNDING THE METROPOLITAN COMMUNITIES OF MONTRÉAL, QUÉBEC AND VILLE DE GATINEAU

Areas surrounding the Communauté métropolitaine de Montréal	Areas surrounding the Communauté métropolitaine de Québec	Areas surrounding Ville de Gatineau
MRC d'Argenteuil	MRC de Bellechasse	MRC des Collines-de-l'Outaouais
MRC de D'Autray	MRC de La Nouvelle-Beauce	
MRC de Joliette	MRC de Lotbinière	
MRC de La Rivière-du-Nord	MRC de Portneuf	
MRC de Matawinie		
MRC de Montcalm		
MRC de Pierre-De Saurel		
MRC des Jardins-de-Napierville		
MRC des Laurentides		
MRC des Maskoutains		
MRC des Pays-d'en-Haut		
MRC du Haut-Richelieu		
MRC du Haut-Saint-Laurent		

**GROUP D: REGIONAL COUNTY MUNICIPALITIES (MRC)
AND EQUIVALENT TERRITORIES WHOSE URBAN CENTRE'S
POPULATION IS OVER 20 000**

MRC d'Arthabaska	MRC de Memphrémagog
MRC de Beauce-Sartigan	MRC de Rimouski-Neigette
MRC de Brome-Missisquoi	MRC de Rivière-du-Loup
MRC de Drummond	MRC de Sept-Rivières
MRC de La Haute-Yamaska	MRC des Appalaches
MRC de La Vallée-de-l'Or	Ville de Rouyn-Noranda
MRC de Lac-Saint-Jean-Est	Ville de Shawinigan
MRC de Manicouagan	

**GROUP E: REGIONAL COUNTY MUNICIPALITIES (MRC)
AND EQUIVALENT TERRITORIES EXPERIENCING
DEMOGRAPHIC GROWTH WHOSE URBAN CENTRE'S
POPULATION IS LESS THAN 20 000**

Communauté maritime des Îles-de-la-Madeleine	MRC de Maskinongé
MRC d'Avignon	MRC de Mékinac
MRC d'Acton	MRC de Nicolet-Yamaska
MRC d'Antoine-Labelle	MRC de Papineau
MRC de Beauce-Centre	MRC des Chenaux
MRC de Bécancour	MRC des Etchemins
MRC de Charlevoix	MRC des Sources
MRC de Coaticook	MRC du Fjord-du-Saguenay
MRC de L'Érable	MRC du Granit
MRC de La Côte-de-Gaspé	MRC du Val-Saint-François
MRC de La Vallée-de-la-Gatineau	MRC du Haut-Saint-François

**GROUP F: REGIONAL COUNTY MUNICIPALITIES (MRC)
AND EQUIVALENT TERRITORIES EXPERIENCING
DEMOGRAPHIC DECLINE WHOSE URBAN CENTRE’S
POPULATION IS LESS THAN 20 000**

Agglomération de La Tuque	MRC de La Mitis
MRC d’Abitibi	MRC de Maria-Chapdelaine
MRC d’Abitibi-Ouest	MRC de Minganie
MRC de Bonaventure	MRC de Montmagny
MRC de Caniapiscau	MRC de Pontiac
MRC de Charlevoix-Est	MRC de Témiscamingue
MRC de Kamouraska	MRC de Témiscouata
MRC de L’Islet	MRC des Basques
MRC de La Haute-Côte-Nord	MRC du Domaine-du-Roy
MRC de La Haute-Gaspésie	MRC du Golf-du-Saint-Laurent
MRC de La Matanie	MRC du Rocher-Percé
MRC de La Matapédia	

”.

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

88. Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Laval by section 5 of the Act to amend the charter of the City of Laval (1996, chapter 84), amended by section 5 of chapter 51 of the statutes of 2010, is again amended by adding the following sentences at the end of the first paragraph: “However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the tax. In addition, where the land is also subject to a tax imposed under section 244.75 of the Act, the amount of that tax must be subtracted from the amount of the tax applicable under this paragraph.”

ACT RESPECTING VILLE DE VARENNES

89. Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Varennes by section 23 of the Act respecting Ville de Varennes (1997, chapter 106), is amended by adding the following sentences at the end of the first paragraph: “However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of the land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING VILLE DE SAINT-BASILE-LE-GRAND

90. Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Saint-Basile-le-Grand by section 23 of the Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97), is amended by adding the following sentences at the end of the first paragraph: “However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of the land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING VILLE DE CONTRECOEUR

91. Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Contrecoeur by section 23 of the Act respecting Ville de Contrecoeur (2002, chapter 95), is amended by adding the following sentences at the end of the first paragraph: “However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of the land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING VILLE DE BROWNSBURG-CHATHAM, VILLE DE LACHUTE AND MUNICIPALITÉ DE WENTWORTH-NORD

92. Section 24 of the Act respecting Ville de Brownsburg-Chatham, Ville de Lachute and Municipalité de Wentworth-Nord (2004, chapter 46) is amended by adding the following paragraph at the end:

“However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of the land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING VILLE DE MONT-SAINT-HILAIRE

93. Section 8 of the Act respecting Ville de Mont-Saint-Hilaire (2009, chapter 72) is amended by inserting the following after the second paragraph:

“However, a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1) may not be taken into account in establishing the surtax. In addition, the amount of such a tax applicable in respect of the land must be deducted from the amount of the surtax applicable to that same land.”

ACT RESPECTING MUNICIPALITÉ DE SAINTE-ANNE-DE-SOREL

94. Section 6 of the Act respecting Municipalité de Sainte-Anne-de-Sorel (2016, chapter 37) is amended by adding the following paragraph at the end:

“However, where the land is also subject to a tax imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1), the amount of that tax must be deducted from the amount of the tax applicable under the first paragraph.”

REGULATION RESPECTING AN APPLICATION FOR AUTHORIZATION AND THE INFORMATION AND DOCUMENTS REQUIRED FOR THE APPLICATION

95. Section 2 of the Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2) is amended by replacing “or the raising of livestock” in subparagraph vii of paragraph *b*, by “, the pasture of animals or the production of maple syrup”.

REGULATION RESPECTING FEES OF EXPERTS AND INVESTIGATORS WHOSE SERVICES THE COMMISSION DE PROTECTION DU TERRITOIRE AGRICOLE DU QUÉBEC CONSIDERS EXPEDIENT TO RETAIN

96. The Regulation respecting fees of experts and investigators whose services the Commission de protection du territoire agricole du Québec considers expedient to retain (chapter P-41.1, r. 3) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

97. The provisions of sections 15, 15.1 and 15.2 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) and of section 2 of the Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2), as amended, respectively, by sections 3, 4, 5 and 95 of this Act, do not apply to applications that on (*insert the date of assent to this Act*) are pending before the commission.

98. The provisions of section 165.4.2 of the Act respecting land use planning and development (chapter A-19.1), as amended by section 11 of this Act, do not apply to permit or certificate applications that on (*insert the date of assent to this Act*) are pending before a municipality.

99. The municipal body responsible for assessment is required to cause the required entries to be made in respect of any property assessment roll in force on 1 January 2026, in accordance with a resolution adopted under the first paragraph of section 57.3 of the Act respecting municipal taxation (chapter F-2.1), as enacted by section 14 of this Act, and despite the fifth paragraph of section 57.3 of the Act respecting municipal taxation.

100. Until the first decree is made under section 26.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14), enacted by section 19 of this Act, the lots and parts of a lot identified in decree number 1565-2022 dated 17 August 2022 constitute the agricultural innovation park.

101. The provisions of subparagraphs *b* and *c* of subparagraph 1 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by subparagraph *a* of paragraph 1 of section 20 of this Act, do not apply to a holder of a building permit validly issued before (*insert the date of introduction of this bill*).

102. The provisions of subparagraph 7.1 of the first paragraph of section 1 and of sections 58.1, 58.2, 58.4, 60.1, 61.1, 61.2 to 61.5, 62.2, 65, 65.0.2, 65.0.3 and 65.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended, respectively, by subparagraph *d* of subparagraph 1 of section 20 and by sections 35, 36, 37, 44, 45, 47, 49, 51, 52 and 53 of this Act, do not apply to applications that on (*insert the date of assent to this Act*) are pending before the commission.

103. The provisions of the second paragraph of section 11 and of sections 59.3 and 62 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended, respectively, by paragraph 2 of section 24 and by sections 42 and 48 of this Act, apply to applications that on (*insert the date of assent to this Act*) are pending before the commission provided the commission has not given the indication of its preliminary intent referred to in section 60.1 of the Act respecting the preservation of agricultural land and agricultural activities.

104. Section 64.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 50 of this Act, applies to any decision rendered before (*insert the date of assent to this Act*) but the five-year time limit is calculated from that date.

105. The provisions of section 67 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by section 57 of this Act, apply to all decisions of the Government or of the commission ordering the exclusion or inclusion of a lot rendered in the 24 months preceding (*insert the date of assent to this Act*).

106. The period of validity of a permit in force referred to in section 70 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and issued by the commission before (*insert the date of assent to this Act*) is extended by one year.

107. Until a regulation is made by the Government under subparagraph 1 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 60 of this Act, investment funds within the meaning of section 5 of the Securities Act (chapter V-1.1) are subject to the acquisition prohibition.

The first paragraph applies from (*insert the date of introduction of this bill*).

108. Despite the fourth paragraph of section 100.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by section 83 of this Act, any use other than residential in respect of which the Act respecting the preservation of agricultural land and agricultural activities does not prescribe an obligation to produce a declaration is deemed to be consistent with that Act if before (*insert the date of assent to this Act*) more than five years have elapsed from the date of the first municipal tax account sent in respect of a construction or from the date on which work, other than construction work, ends.

109. The provisions of section 101.2 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 84 of this Act, do not apply to a person who, between 21 June 2001 and (*insert the date of introduction of this bill*), was issued a permit for the addition of an additional dwelling, an additional residence or an additional building in which a dwelling is built on the basis of a notice of compliance issued by the commission under section 32 of the Act respecting the preservation of agricultural land and agricultural activities.

110. The provisions of subparagraph *a* of paragraph 1 of section 20, of section 60 insofar as it enacts section 79.0.3 and subparagraphs 1 and 2 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of section 84, of section 86 insofar as it enacts section 105.5 of the Act respecting the preservation of agricultural land and agricultural activities and of section 87 of this Act have effect as of (*insert the date of introduction of this bill*).

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

(1) section 12, paragraph 2 of section 21 and section 60 insofar as it enacts sections 79.0.1 and 79.0.2 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), which come into force on the date of coming into force of the first regulation made under section 79.0.1 of the Act respecting the preservation of agricultural land and agricultural activities;

(2) section 60 insofar as it enacts subparagraph 3 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities, which comes into force on the date of coming into force of the first regulation made under that subparagraph 3; and

(3) section 72, which comes into force on the date of coming into force of the first regulation made under the first paragraph of section 86.2 of the Act respecting the preservation of agricultural land and agricultural activities.

