

chapter P-41.1

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

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SCHEDULE A

TERRITORY OF THE DESIGNATED AGRICULTURAL REGION
ESTABLISHED PURSUANT TO SECTION 25

REPEAL SCHEDULE

CHAPTER I

INTERPRETATION AND SCOPE

1996, c. 26, s. 2.

1. In this Act, unless the context requires otherwise,

(0.1) “agricultural activities” means the practice of agriculture, including the practice of allowing land to lie fallow, the storage and use, on a farm, of chemical, organic or mineral products and of farm machinery and equipment for agricultural purposes.

Where carried out by a producer on his farm with respect to farm products from his operation or, secondarily, from the operations of other producers, activities relating to the storage, packaging, processing and sale of farm products are considered to be agricultural activities;

(1) “agriculture” means the cultivation of the soil and plants, leaving land uncropped or using it for forestry purposes, or the raising of livestock, and, for these purposes, the making, construction or utilization of works, structures or buildings, except immovables used for residential purposes;

(2) “reserved area” means that part of the territory of a municipality described in a provisional plan in accordance with section 34;

(3) “alienation” means any conveyance or any declaratory act of ownership of property, including sale with a right of redemption, emphyteusis, alienation for rent, declaration of contribution to a partnership, partition, transfer of a right of superficies, transfer of a right contemplated in section 8 of the Mining Act (chapter M-13.1), transfer of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) and transfer of timber limits under the Lands and Forests Act (chapter T-9), except

(a) transmission owing to death;

(b) forced sale within the meaning of the Civil Code, including sale for unpaid taxes, redemption and any conveyance resulting from the Expropriation Act (chapter E-24);

(c) the effect of a taking in payment, to the extent that the creditor becomes the owner of the whole lot or all the lots subject to the hypothec;

(3.1) “certified association” means the certified association within the meaning of the Farm Producers Act (chapter P-28);

(4) “public road” means a public road opened in accordance with the second paragraph of section 4 of the Municipal Powers Act (chapter C-47.1) or a highway managed by the Minister of Transport pursuant to the Act respecting roads (chapter V-9) provided that bordering proprietors have a right of access to that highway;

(5) “community” means the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec;

(6) *(subparagraph repealed)*;

(7) “sugar bush” means a forest stand, covering an area of at least four hectares, suitable for the production of maple syrup;

(7.1) “appropriate available area” means a vacant area of land on which the intended use is allowed by the applicable municipal zoning by-law and by the interim control measures, if any;

(8) “lot” means a parcel of land immatriculated on a cadastral plan, a parcel of land described by metes and bounds in transfer instruments or acts declaratory of ownership or any residual part after separation from the parcels of land described by metes and bounds in transfer instruments and the immatriculated parts;

(9) “subdivide” means to effect a subdivision;

(10) “subdivision” means the parcelling out of a lot by means of a deed of alienation of part of that lot;

(11) “Minister” means the Minister of Agriculture, Fisheries and Food;

(12) “public agency” means a school board or an agency to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or more than half of whose capital stock is derived from the Consolidated Revenue Fund;

(13) “provisional plan” means the plan, accompanied, as the case may be, with a technical description, describing the reserved area in the territory of a municipality in accordance with section 34;

(13.1) “producer” means a person within the meaning of paragraph *j* of section 1 of the Farm Producers Act (chapter P-28);

(14) “designated agricultural region” means the aggregate of the territories of the local municipalities contemplated by a decree passed in virtue of section 22, or contemplated in section 25;

(15) “regulation” means a regulation made by the Government pursuant to this Act;

(16) “topsoil” means soil having the properties that make it suitable for plant growth;

(17) “agricultural zone” means that part of the territory of a local municipality described in the plan and technical description prepared and adopted in accordance with sections 49 and 50.

A forest stand 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 is presumed to be suitable for the production of maple syrup within the meaning of this Act.

For the purposes of this Act, the following are considered to be regional county municipalities:

(1) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis; and

(2) Ville de Montréal, Ville de Québec and Ville de Longueuil.

When a municipality listed in subparagraph 2 of the third paragraph is considered to be a regional county municipality, its territory is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act

1978, c. 10, s. 1; 1978, c. 15, s. 140; 1979, c. 77, s. 21; 1982, c. 40, s. 1; 1983, c. 55, s. 161; 1985, c. 26, s. 1; 1987, c. 64, s. 338; 1988, c. 84, s. 700; 1989, c. 7, s. 1; 1990, c. 85, s. 123; 1992, c. 54, s. 73; 1992, c. 57, s. 676; 1996, c. 2, s. 792; 1996, c. 26, s. 3; 1999, c. 40, s. 235; 2000, c. 8, s. 242; 2000, c. 56, s. 186; 2003, c. 8, s. 6; 2005, c. 6, s. 224; 2006, c. 3, s. 35; 2010, c. 10, s. 136; 2016, c. 35, s. 23.



The reference pursuant to section 97 of chapter 23 of the statutes of 1987 in respect of the Lands and Forests Act (chapter T-9) could not be effected in this section because all timber limits leased on the domain of the State were cancelled on 1 April 1987. (1986, c. 108, s. 213; 1999, c. 40, s. 140).

1.1. The object of the agricultural land preservation regime established by this Act is to secure a lasting territorial basis for the practice of agriculture, and to promote, in keeping with the concept of sustainable development, the preservation and development of agricultural activities and enterprises in the agricultural zones established by the regime.

1996, c. 26, s. 4.

2. This Act applies to the Government and to the departments and agencies of the Government.

1978, c. 10, s. 2.

CHAPTER II

PRESERVATION OF AGRICULTURAL LAND

1996, c. 26, s. 5.

DIVISION I

COMMISSION DE PROTECTION DU TERRITOIRE AGRICOLE DU QUÉBEC

1996, c. 26, s. 6.

3. A body, hereinafter called “the commission”, is established under the name of “Commission de protection du territoire agricole du Québec”.

It is the function of the commission to secure the preservation of the agricultural land of Québec. For that purpose, it is commissioned

(a) to decide on applications for authorization submitted to it pursuant to the Act in respect of the use, subdivision or alienation of a lot and applications for the inclusion or exclusion of a lot in or from an agricultural zone;

(b) to issue the operating permits required for the removal of topsoil, in accordance with Division V;

(c) to describe, in cooperation with the local municipality, the agricultural zone in the territory of that local municipality;

(d) to issue a notice in any other case where a matter must be referred to it pursuant to the Act;

(e) to supervise the administration of this Act.

The commission may sue and be sued before the courts for purposes of the carrying out this Act.

The commission shall give its opinion or advice to the Minister on every matter he refers to it, and may make recommendations to him in respect of any matter relating to the preservation of agricultural land.

1978, c. 10, s. 3; 1982, c. 40, s. 2; 1996, c. 2, s. 793.

4. The commission is composed of not more than 16 members, including a president and five vice-presidents, appointed by the Government for a term of not more than five years. Once determined, their terms of office shall not be reduced.

The Government shall fix the salary or, as the case may be, the additional salary, allowances or fees of each member of the commission.

A member may, with the permission of the president, continue the examination of an application referred to him and make a decision notwithstanding the expiry of his term.

The president and the vice-presidents of the commission shall exercise their functions on a full time basis.

1978, c. 10, s. 4; 1982, c. 40, s. 3; 1985, c. 26, s. 2; 1996, c. 26, s. 7; 1997, c. 43, s. 472.

5. The commission has its head office at the place determined by the Government; a notice of the establishment or of any change of the head office shall be published in the *Gazette officielle du Québec*.

It may have offices and hold its sittings anywhere in Québec.

1978, c. 10, s. 5; 1982, c. 40, s. 4.

6. Three members are a quorum of the commission. In case of a tie-vote, the president has a casting vote.

If the president is absent or unable to act, he is replaced by the vice-president designated therefor by the Government.

1978, c. 10, s. 6; 1985, c. 26, s. 3.

7. One member may examine and decide any matter within the competence of the commission, except in a case where the commission must give its advice.

1978, c. 10, s. 7; 1985, c. 26, s. 4; 1989, c. 7, s. 3; 1997, c. 43, s. 473.

8. Any member of the commission who has any interest in an undertaking shall, under pain of forfeiture of office, disclose it in writing to the president and abstain from participating in any decision involving the undertaking in which he has an interest.

1978, c. 10, s. 8.

9. The members of the personnel of the commission are governed by the Public Service Act (chapter F-3.1.1).

1978, c. 10, s. 9; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1996, c. 26, s. 8.

10. The commission may engage or retain the services of such experts as it considers necessary. Their remuneration is fixed by regulation.

It may engage or retain the services of such investigators as are necessary for the application of this Act or any other Act entrusted to its administration, and it shall provide for the remuneration of those persons that are not appointed pursuant to the Public Service Act (chapter F-3.1.1), in accordance with the scales established by regulation.

1978, c. 10, s. 10; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242.

11. Where the commission decides on an application, it may attach to it such conditions as it considers appropriate.

1978, c. 10, s. 11; 1997, c. 43, s. 474.

12. In the exercise of its jurisdiction, the commission shall give proper consideration to the fact that it is in the general interest to preserve agricultural land and agricultural activities. It shall also give proper consideration to regional characteristics.

The commission may consider all facts that come to its attention.

1978, c. 10, s. 12; 1989, c. 7, s. 4; 1996, c. 26, s. 9.

13. Every department, municipality, community and public agency must furnish the commission with such information as it may require for the carrying out of its functions. The commission may also consult or receive the observations of any person it considers interested by an application submitted to it.

1978, c. 10, s. 13; 1996, c. 2, s. 794; 1997, c. 43, s. 475.

13.1. For the purposes of this chapter and Division I of Chapter III, the certified association has the required interest to intervene in respect of an application.

1996, c. 26, s. 10.

14. Where the commission becomes aware that a person is contravening any provision of this Act or the conditions of an authorization or permit, it may issue an order enjoining that person, for such time as it determines,

- (1) to effect no subdivision or work on the lot contemplated;
- (2) to cease the contravention alleged;
- (3) to demolish the works already executed;
- (4) to restore the lot contemplated to its former condition.

That order is notified to the person contemplated in accordance with the Code of Civil Procedure (chapter C-25.01) and a copy thereof is addressed to the local municipality in whose territory the contravention is committed.

1978, c. 10, s. 14; 1996, c. 2, s. 825; 1996, c. 26, s. 11; I.N. 2016-01-01 (NCCP).

14.1. Except in the case of an act performed in contravention of section 27 or 70, the commission is not authorized to make any order unless it has first notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allowed the person at least 10 days to present observations.

In addition, the commission shall give the other interested persons the opportunity to present observations.

The commission shall meet the person concerned or any interested person at his request.

1985, c. 26, s. 5; 1997, c. 43, s. 476.

15. The commission shall keep the decrees establishing the designated agricultural regions and agricultural zones, the plans and technical descriptions, the advice it gives under this Act and the orders and decisions made by it or by the Government, by virtue of this Act or any other Act entrusted to its administration.

All declarations, applications for authorization, interventions, submissions and any documents respecting the records of the commission must be addressed to the commission, and are filed in the record on the date of receipt.

Every person may consult the documents filed at the offices of the commission, and may obtain copy of them on payment of the costs determined by regulation.

A hard copy of a document stored in electronic form and a copy of any document kept by the commission is authentic and has the same value as the original if it is certified true by the president or any other person authorized for that purpose by the commission.

An attestation issued by any person authorized for that purpose by the commission, in the absence of any evidence to the contrary, is proof that a lot is subject to this Act from the date indicated in the attestation.

1978, c. 10, s. 15; 1982, c. 40, s. 5; 1989, c. 7, s. 5; 1996, c. 26, s. 12; 1997, c. 43, s. 477.

16. The members of the commission and its personnel shall not be prosecuted for official acts done by them in good faith in the performance of their duties.

1978, c. 10, s. 16.

17. Except in respect of a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, on an application, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.

1978, c. 10, s. 17; 1979, c. 37, s. 43; 1985, c. 26, s. 6; 1997, c. 43, s. 478; I.N. 2016-01-01 (NCCP).

18. *(Repealed).*

1978, c. 10, s. 18; 1982, c. 40, s. 6; 1985, c. 26, s. 7; 1986, c. 95, s. 267; 1989, c. 7, s. 6.

18.1. *(Repealed).*

1985, c. 26, s. 7; 1989, c. 7, s. 6.

18.2. *(Repealed).*

1985, c. 26, s. 7; 1989, c. 7, s. 6.

18.3. *(Repealed).*

1985, c. 26, s. 7; 1989, c. 7, s. 6.

18.4. *(Repealed).*

1985, c. 26, s. 7; 1986, c. 95, s. 268; 1989, c. 7, s. 6.

18.5. Any decision or order in which there are errors in writing or calculation or any other error of form may be corrected at any time by the commission of its own initiative or upon request; the same applies to any decision which, through obvious inadvertence, grants more than was applied for or fails to rule on a part of the application.

1985, c. 26, s. 7.

18.6. The commission may, on its own initiative or on an application, review or cancel any decision or order it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec

(a) where a new fact is discovered which, had it been known in due time, might have justified a different decision;

(b) where an applicant or interested person was unable, for reasons deemed satisfactory, to present observations;

(c) where a substantial or procedural defect is likely to invalidate the decision or order.

1997, c. 43, s. 479.

19. The commission may make such investigations as are necessary for the exercise of its functions and for that purpose, the members of the commission are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment. Its investigators enjoy the immunity conferred by that Act.

An investigator may, at any reasonable time, inspect a lot that is subject to this Act and conduct an investigation thereon.

An investigator may have access to the books, registers, accounts, records or other documents relating to his investigation of any owner or operator of a lot that is subject to this Act and require communication thereof for examination, reproduction or the drawing of extracts.

Any person having the custody, possession or control of those books, registers, accounts, records or other documents relating to his investigation must give communication of them to the investigator, allow him to make copies of or take extracts from them and facilitate his examination of them.

An investigator shall, on request, identify himself and produce a certificate of his capacity issued by the commission.

1978, c. 10, s. 19; 1986, c. 95, s. 269; 1992, c. 61, s. 481.

19.1. At a meeting called by the president, a majority of the members of the commission may adopt, by by-law,

(1) rules of procedure applicable to the examination of matters submitted to the commission;

(2) rules relating to the presentation and processing of an application or declaration made under this Act and of the documents or information required for the application or declaration;

(3) the forms to be used for the administration of any provision of this Act.

1985, c. 26, s. 8; 1996, c. 26, s. 13; 1997, c. 43, s. 480.

19.2. *(Repealed).*

1985, c. 26, s. 8; 1996, c. 26, s. 14.

19.3. The commission shall periodically publish a compilation of its decisions.

1985, c. 26, s. 8.

20. Not later than 30 June each year, the commission must transmit to the Minister a report of its activities for the preceding year.

That report must also contain such information as may be prescribed by the Minister.

The Minister shall table that report before the National Assembly within thirty days of receiving it if he receives it during a session; otherwise, he shall table it within thirty days after the opening of the next session or, as the case may be, after resumption.

1978, c. 10, s. 20.

21. The Commission must also furnish the Minister with any information or report he may require on its activities.

1978, c. 10, s. 21.

DIVISION II

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

1985, c. 26, s. 9; 1996, c. 26, s. 15; 1997, c. 43, s. 481.

21.0.1. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.2. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.3. *(Replaced).*

1989, c. 7, s. 7; 1996, c. 26, s. 16; 1997, c. 43, s. 481.

21.0.4. *(Replaced).*

1989, c. 7, s. 7; 1990, c. 14, s. 1; 1997, c. 43, s. 481.

21.0.5. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.6. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.7. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.8. *(Replaced).*

1989, c. 7, s. 7; 1997, c. 43, s. 481.

21.0.9. *(Replaced).*

1989, c. 7, s. 7; 1996, c. 26, s. 17; 1997, c. 43, s. 481.

21.0.10. *(Replaced).*

1989, c. 7, s. 7; 1996, c. 26, s. 18; 1997, c. 43, s. 481.

21.0.11. *(Replaced).*

1989, c. 7, s. 7; 1996, c. 2, s. 795; 1997, c. 43, s. 481.

21.1. Any interested person may contest a decision or order of the commission before the Administrative Tribunal of Québec within 30 days of notification of the decision or order.

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1989, c. 7, s. 8; 1997, c. 43, s. 481.

21.2. The contestation suspends the execution of a decision, except where the Tribunal allows provisional execution.

The contestation does not suspend the execution of an order except as regards the conclusions of an order which require restoration of a site.

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1995, c. 42, s. 59; 1997, c. 43, s. 481.

21.3. The contestation of a decision suspends, by operation of law, any additional application for the same conclusions until the decision of the Tribunal is made.

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1989, c. 7, s. 9; 1997, c. 43, s. 481.

21.4. The Tribunal shall not, unless there has been a significant error of law or fact in the contested decision, reevaluate the assessment of the application made by the commission on the basis of criteria the commission was required to take into account.

Where the Tribunal ascertains, upon examination of the motion and the contested decision, that, by reason of such an error of law or fact, the commission did not assess the application on the basis of those criteria, the Tribunal may return the matter to the commission for reconsideration.

1985, c. 26, s. 9; 1989, c. 7, s. 10; 1997, c. 43, s. 481.

21.5. A copy of the decision of the Tribunal shall be transmitted to the parties as well as to every interested person, the local municipality and the regional county municipality in which the lot to which the decision applies is situated.

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1989, c. 7, s. 11; 1997, c. 43, s. 481.

21.6. *(Replaced).*

1985, c. 26, s. 9; 1997, c. 43, s. 481.

21.7. *(Replaced).*

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1989, c. 7, s. 12; 1997, c. 43, s. 481.

21.8. *(Replaced).*

1985, c. 26, s. 9; 1988, c. 21, s. 66, s. 122; 1997, c. 43, s. 481.

21.9. *(Replaced).*

1985, c. 26, s. 9; 1988, c. 21, s. 66; 1997, c. 43, s. 481.

DIVISION III

DESIGNATED AGRICULTURAL REGION

§ 1. — *Designated agricultural region decree*

22. The Government may, by decree, identify any part of the territory of Québec as a designated agricultural region.

1978, c. 10, s. 22.

23. A decree passed in virtue of section 22 comes into force on the day fixed therein and a notice of its passing shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the designated agricultural region.

The notice shall indicate the object and effects of the decree and the date of its coming into force; it shall include a list of the local municipalities contemplated in the designated agricultural region decree; it may be accompanied with a summary plan of the territory concerned.

1978, c. 10, s. 23; 1996, c. 2, s. 825.

24. Two certified true copies of the notice and of the summary plan contemplated in section 23 shall be filed with the commission and a certified true copy of the notice and the summary plan shall be forwarded to the registry office for registration purposes.

Similarly, a certified true copy shall be forwarded to every local municipalities the territory of which is affected by the decree.

The clerk or the secretary-treasurer shall post up a copy of the notice and of the summary plan at his office or, as the case may be, at the place reserved for the posting up of municipal public notices.

1978, c. 10, s. 24; 1996, c. 2, s. 825; 2000, c. 42, s. 198.

25. This Act has the effect of a designated agricultural region decree in respect of the territory of the local municipalities listed in Schedule A, as from 9 November 1978.

1978, c. 10, s. 25; 1996, c. 2, s. 825.

§ 2. — *Effects of the decree*

26. Except in the cases and circumstances determined in a regulation under section 80, no person may, in a designated agricultural region, use a lot for any purpose other than agriculture without the authorization of the commission.

1978, c. 10, s. 26; 1996, c. 26, s. 19.

27. No person may, except with the authorization of the commission, use a sugar bush situated in a designated agricultural region for any other purpose, nor fell maple trees there, except for the purposes of selection or thinning within the framework of forest management.

1978, c. 10, s. 27.

28. Except in the cases and circumstances determined in a regulation under section 80, no person may, without the authorization of the commission, effect a subdivision in a designated agricultural region.

Notwithstanding the first paragraph, a person may, without the authorization of the commission, alienate a residual part of a lot if he does not retain a right of alienation on another residual part of the same lot that is contiguous or would be contiguous if it were not separated from the former residual part by a public road, 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.

1978, c. 10, s. 28; 1985, c. 26, s. 10; 1996, c. 26, s. 20.

29. Except in the cases and circumstances determined in a regulation under section 80, no person may, in a designated agricultural region, except with the authorization of the commission, effect the alienation of a lot while retaining a right of alienation on a contiguous lot or on a lot that would otherwise be contiguous if it were not separated from the first by a public road, a railway, a public utility right of way, or the surface of a lot in respect of which there exists a right recognized in virtue of Chapter VII.

The surface of a lot in respect of which a right is recognized in virtue of Chapter VII is not deemed contiguous.

1978, c. 10, s. 29; 1982, c. 40, s. 7; 1996, c. 26, s. 21.

29.1. *(Repealed).*

1985, c. 26, s. 11; 1989, c. 7, s. 13.

29.2. Notwithstanding sections 28 and 29, a person may, without the authorization of the commission, alienate an area of not less than one hundred hectares if the contiguous residual area, or the residual area that would be contiguous according to sections 28 and 29, comprising one or several lots or parts of lots forms an area of not less than one hundred hectares.

1989, c. 7, s. 14.

30. Subdivision or alienation made in contravention to section 28 or 29 may be annulled unless the subdivision or alienation was subsequently authorized by the commission.

Any interested person, including the Attorney General, the commission or the local municipality in whose territory the lot is situated may apply to the Superior Court to have such nullity declared.

Where the application is not filed by the commission, the commission must be impleaded.

1978, c. 10, s. 30; 1985, c. 26, s. 13; 1996, c. 2, s. 796; 1996, c. 26, s. 22; I.N. 2016-01-01 (NCCP).

31. In a designated agricultural region, the owner of a vacant lot or lot in respect of which rights are not recognized in virtue of Chapter VII may, without the authorization of the commission, if his land title is registered before the date of the coming into force of a decree affecting the lot and contemplated in section 22 or 25, erect thereon one residence, provided that he files, before 1 July 1987, a statement of intention to that effect, erects it before 1 July 1988 and uses for that purpose an area not exceeding one half-hectare.

Where, on the same date, a person is the owner of several contiguous lots which are vacant or in respect of which rights are not recognized in virtue of Chapter VII and are situated in the territory of the same local municipality, he may, on the same conditions, erect one residence on those lots and use for that purpose an area not exceeding one-half hectare.

Where, on the same date, a person is the owner of several lots or a group of non-contiguous lots which are vacant or in respect of which rights are not recognized in virtue of Chapter VII, he shall not, on the same conditions, erect more than one residence in the territory of the same local municipality.

Where a residence is erected in accordance with this section, the right of use for residential purposes conferred subsists after the time limits prescribed above and is not extinguished by total or partial destruction of the residence.

This section does not exempt the lot or the contiguous lots on which the owner may build a residence from the application of sections 28 to 30.

From 2 August 1989, the right of use for residential purposes conferred by this section, and which was legally exercised before 1 July 1988, shall be extinguished by leaving uncropped for more than one year the area to which the right applies.

1978, c. 10, s. 31; 1982, c. 40, s. 8; 1986, c. 102, s. 1; 1989, c. 7, s. 15; 1996, c. 2, s. 797; 1996, c. 26, s. 23; 1999, c. 40, s. 235.

31.1. Notwithstanding section 26, a person may, without the authorization of the commission, erect one residence on one lot or on several contiguous lots, or on lots that would be contiguous according to sections 28 and 29, if the lots are vacant, not subject to rights recognized under Chapter VII and owned by the person, provided the area of the lot or contiguous lots is or forms an area of not less than 100 hectares. The person may use for that purpose an area not exceeding one-half hectare.

In order to do so, the person shall, beforehand, file at the record office of the commission a statement accompanied with the land title and a plan describing the area on which the residence will be erected.

The erection of a residence under this section does not entail that the lot or part of lot on which the residence is erected is exempt from the application of sections 28 to 30.

1989, c. 7, s. 16; 1996, c. 26, s. 24.

32. In the cases and circumstances determined in a regulation under section 80, a person applying for the issue of a building permit for a lot situated in an agricultural zone without an authorization from the commission must send to the commission a declaration setting forth the right entitling that person to build without authorization.

No local municipality, regional county municipality or community may issue a building permit for a lot situated in an agricultural zone unless the commission has issued an authorization or a notice of compliance with this Act or the three-month period prescribed by section 100.1 has elapsed.

The notice of compliance may be issued on the sole basis of information obtained, without prior notice, by a member or employee of the commission.

1978, c. 10, s. 32; 1996, c. 2, s. 798; 1996, c. 26, s. 25; 1997, c. 43, s. 482.

32.1. In the cases and circumstances determined in a regulation under section 80, a person who subdivides or alienates an area of land in respect of which a right is recognized under Chapter VII, or who retains such an area following a subdivision or alienation, must send a declaration to the commission setting forth the right entitling him to proceed without the authorization of the commission.

1996, c. 26, s. 26.

33. *(Repealed).*

1978, c. 10, s. 33; 1979, c. 81, s. 20; 1985, c. 26, s. 14; 1994, c. 13, s. 15; 1996, c. 26, s. 27.

§ 3. — *Filing of provisional plan*

34. The Minister shall prepare a provisional plan identifying the reserved area in respect of every local municipal territory situated in a designated agricultural region.

The provisional plan describes the reserved area and, as the case may be, is accompanied with a technical description of its boundaries. Boundaries may be indicated by using the boundaries of lots bearing a separate number, the cadastral boundaries, metes and bounds or other natural or artificial geographical boundaries.

1978, c. 10, s. 34; 1996, c. 2, s. 799.

35. The Minister shall file the provisional plan and, as the case may be, a technical description with the commission, send two copies thereof to each of the local municipalities concerned and publish a notice to that effect in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the municipality.

That notice indicates the date on which the provisional plan was filed and the names of the local municipalities concerned; furthermore, it mentions that the plan may be consulted at the office of each of those local municipalities and at the office of the commission and that any person may make written submissions to the local municipality concerned, forwarding a copy of them to the commission.

A copy of the provisional plan shall also be forwarded to the registry office for registration purposes.

1978, c. 10, s. 35; 1996, c. 2, s. 800; 2000, c. 42, s. 199.

36. The Minister may amend the provisional plan by filing with the commission an additional plan and technical description modifying the reserved area in respect of one or more local municipal territories comprised in the designated agricultural region.

Notice of it shall be given in accordance with section 35 after two copies have been sent to each of the local municipalities concerned and a copy has been sent to the registry office for registration purposes.

1978, c. 10, s. 36; 1996, c. 2, s. 801; 2000, c. 42, s. 200.

37. The Minister shall table the provisional plan in the National Assembly as Sessional Papers, Nos 440, 441 and 442, accompanied with the related technical description as established under the second paragraph of section 34, in respect of the designated agricultural region described in Schedule A.

He may subsequently amend that plan by tabling in the National Assembly, before the Act is passed, additional plans and technical descriptions modifying the reserved area in respect of one or more local municipal territories comprised in a designated agricultural region.

Two copies of the plans and technical descriptions shall be forwarded to the local municipality concerned and a copy shall be forwarded to the registry office for registration purposes.

1978, c. 10, s. 37; 1996, c. 2, s. 802; 2000, c. 42, s. 201.

38. After 22 December 1978, the plans and technical descriptions tabled pursuant to section 37 shall be transmitted to the commission, and have the same effect as if they had been filed in accordance with section 35.

1978, c. 10, s. 38.

§ 4. — *Effects of filing of the provisional plan*

39. From the filing of the provisional plan, sections 26 to 33 and 70 apply only in respect of lots situated in the reserved area.

1978, c. 10, s. 39.

40. In a reserved area, a natural person whose principal occupation is agriculture may, without the authorization of the commission, erect on a lot which he owns and where he carries on his principal occupation a residence for himself, for his child or for his employee.

A legal person or partnership that carries on agricultural operations may also erect a residence for a shareholder or member whose principal occupation is agriculture on a lot which is owned by that legal person, partnership, shareholder or member and where that shareholder or member carries on his principal occupation.

A legal person or partnership that carries on agricultural operations may also erect, on such a lot, a residence for a child of the shareholder or member or for an employee assigned to the agricultural operations of the legal person or partnership.

Erecting a residence under this section does not exempt the lot or part of a lot on which it is erected from the application of sections 28 to 30.

1978, c. 10, s. 40; 1982, c. 40, s. 9; 1985, c. 26, s. 15; 1989, c. 7, s. 17; 1999, c. 40, s. 235; 2017, c. 13, s. 190.

41. A municipality, a community, a department, a public agency or an agency providing public services may, without the authorization of the commission, use a lot situated in a reserved area for municipal or public service purposes determined by regulation.

A lot described in the first paragraph may also, on the conditions determined by regulation, be subdivided or alienated without the authorization of the commission for the purposes of repairing or widening public roads, improving or installing sewer and water systems or providing public utility services, in the following cases:

(1) where the work results in enlarging the existing right of way of a public road to a maximum width of 30 metres, including the present right of way, and where the additional area required for the work is contiguous to the present right of way;

(2) where the repair or installation of public services or public utility services is carried out in a right of way having a maximum width of 30 metres, as described in subparagraph 1.

1978, c. 10, s. 41; 1985, c. 26, s. 16; 1996, c. 2, s. 803; 1996, c. 26, s. 28.

42. A provisional plan has effect in the territory of a local municipality until the coming into force of the agricultural zone decree in that municipality.

1978, c. 10, s. 42; 1996, c. 2, s. 804.

§ 5. —

Repealed, 1996, c. 26, s. 29.

1996, c. 26, s. 29.

43. *(Repealed).*

1978, c. 10, s. 43; 1996, c. 26, s. 29.

44. *(Repealed).*

1978, c. 10, s. 44; 1986, c. 95, s. 270; 1989, c. 7, s. 18; 1996, c. 2, s. 805; 1996, c. 26, s. 29.

45. *(Repealed).*

1978, c. 10, s. 45; 1996, c. 26, s. 29.

46. *(Repealed).*

1978, c. 10, s. 46; 1996, c. 26, s. 29.

DIVISION IV

AGRICULTURAL ZONE

§ 1. — *Agricultural zone decree*

1996, c. 26, s. 30.

47. Within 180 days from a notice of the commission to that effect, a local municipality shall reach an agreement with the commission upon its agricultural zone plan. The commission shall publish a copy of that notice in a newspaper circulated in the territory of the local municipality and send a copy thereof to the certified association, to the regional county municipality or the community concerned and, if applicable, to the responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1).

Any interested person may make representations to the local municipality concerned and notify the commission thereof or transmit a copy thereof to it.

The local municipality must hold a public meeting to hear the representations of the interested persons by giving notice thereof of not less than 10 days in a newspaper circulated in the territory of the municipality and to the organizations mentioned in the first paragraph.

1978, c. 10, s. 47; 1985, c. 26, s. 30; 1996, c. 2, s. 806; 1996, c. 26, s. 31; 2003, c. 29, s. 154; 2006, c. 8, s. 25; 2009, c. 26, s. 109; 2015, c. 8, s. 266.

48. If there is agreement between the local municipality and the commission, after considering the representations made by the interested persons, the commission shall prepare the agricultural zone plan of the municipal territory together with a memorandum of agreement.

Failing an agreement, the commission shall prepare the agricultural zone plan of the municipal territory, taking into account the submissions made to the commission and those made to the local municipality.

1978, c. 10, s. 48; 1996, c. 2, s. 807.

49. The plan shall describe the agricultural zone and be accompanied with a technical description of its boundaries established in accordance with the second paragraph of section 34.

1978, c. 10, s. 49.

50. The commission shall submit to the Government, for approval, the agricultural zone plan accompanied with its opinion and, where such is the case, the agreement reached with the local municipality.

If the plan is approved by the Government, the decree approving it becomes effective on the date fixed in the decree.

1978, c. 10, s. 50; 1996, c. 2, s. 825.

51. The decree, together with the agricultural zone plan and the technical description of its boundaries shall be filed in the head office of the commission.

1978, c. 10, s. 51; 1997, c. 43, s. 483.

52. The commission shall send two certified true copies of the decree and of the plan and technical description of the agricultural zone to the clerk or the secretary-treasurer of the local municipality concerned; it shall also send a certified true copy of the decree, plan and technical description to the registrar, for purposes of registration.

1978, c. 10, s. 52; 1996, c. 2, s. 808; 1996, c. 26, s. 32; 2000, c. 42, s. 202.

53. The commission shall publish in the *Gazette officielle du Québec* and in a newspaper circulated in the local municipal territory where the agricultural zone is established, a notice of the coming into force of the agricultural zone decree.

1978, c. 10, s. 53; 1996, c. 2, s. 809.

§ 2. — *Effects of agricultural zone decree*

1996, c. 26, s. 33.

54. Upon the coming into force of a decree establishing an agricultural zone, sections 26 to 33 and 70 cease to apply, in the territory of the municipality concerned by the decree, to any lot not comprised in the agricultural zone.

1978, c. 10, s. 54; 1996, c. 2, s. 810.

55. In an agricultural zone, the performance, without the authorization of the commission, of any act contemplated in sections 26 to 29 and 70 is prohibited.

1978, c. 10, s. 55.

56. Sections 30 to 33, 40 and 41 apply with the necessary modifications to an agricultural zone.

1978, c. 10, s. 56.

57. The commission may, even after the date of the coming into force of the decree creating an agricultural zone, decide on an application submitted to it before that date, in respect of a lot included in the agricultural zone.

1978, c. 10, s. 57; 1997, c. 43, s. 484.

§ 3. — *Individual applications*

1996, c. 26, s. 34; 2001, c. 35, s. 1.

58. A person wishing to do anything for which an authorization or permit is required in respect of a lot situated in an agricultural zone, or wishing to have a lot included in an agricultural zone, must apply therefor to the local municipality in whose territory the lot is situated, and forward a copy of the application to the commission.

Similarly, a regional county municipality, a community, a government department, a public agency or an agency providing public services wishing, for its own purposes or for a project of which it is the promoter, to do anything for which an authorization or permit is required in respect of a lot situated in an agricultural zone, must apply therefor to the local municipality in whose territory the lot is situated, and forward a copy of the application to the commission.

A local municipality wishing to make an application under the second paragraph may transmit its application directly to the commission, together with the statement as to whether the application is consistent with its zoning by-law, with the interim control measures, if any, and with any other document required by the commission.

1978, c. 10, s. 58; 1996, c. 2, s. 825; 1996, c. 26, s. 35.

58.1. Upon receipt of the application, the clerk or secretary-treasurer of the local municipality shall advise the applicant and the commission of the date of receipt. The local municipality shall examine the application and may, for that purpose, require such information and documents as it considers relevant.

The local municipality shall, within 45 days of receiving the application, transmit it to the commission furnishing all the information required by the commission, in particular as regards the standards intended to reduce the inconvenience caused by odours resulting from agricultural activities established pursuant to 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 its recommendation, and transmit the assessment of an authorized officer as to whether the application is consistent with its zoning by-law and with the interim control measures, if any.

The local municipality shall also transmit to the applicant a copy of all the documents mentioned in the second paragraph.

1996, c. 26, s. 35; 2001, c. 35, s. 2.

58.2. The recommendation must give reasons and must take into consideration the criteria set out in section 62, in the provisions of the zoning by-law or in the interim control measures, if any. In addition, if the application concerns a new use for purposes other than agriculture, the recommendation must include a

description of any appropriate available areas elsewhere in the territory of the local municipality, outside the agricultural zone, that could meet the applicant's needs.

1996, c. 26, s. 35.

58.3. An application under section 58 shall be entered in the general register of the commission at the expiry of 45 days.

1996, c. 26, s. 35.

58.4. In the case of an application under the second or third paragraph of section 58, the commission must request the regional county municipality, the community and the certified association to transmit a recommendation to it within 45 days.

The recommendation must give reasons and must take into consideration the criteria set out in section 62.

The recommendation from the regional county municipality or the community must also take into consideration the objectives of the land use planning and development plan and the provisions of the complementary document or the metropolitan land use and development plan and the interim control measures, if any, and be submitted together with a statement as to whether the application is consistent with such documents.

1996, c. 26, s. 35; 1997, c. 44, s. 102; 2000, c. 56, s. 187; 2002, c. 68, s. 52; 2010, c. 10, s. 137.

58.5. An application is not admissible if the commission has received a statement indicating that the application is inconsistent with the zoning by-law of the local municipality or with the interim control measures, if any.

An application may, however, be admissible upon receipt of

(a) a copy of a proposed by-law adopted by the council of the local municipality and the effect of which would be to make the application consistent with the zoning by-law, and

(b) a notice from the regional county municipality or the community confirming that the amendment proposed by the local municipality would be consistent with the development plan or with the interim control measures of the regional county municipality or community.

An application is also not admissible if it does not meet the conditions for a favourable decision regarding the application of collective scope to which it relates.

1996, c. 26, s. 35; 2017, c. 13, s. 191.

58.6. An application made by a producer to have a lot reincluded in an agricultural zone after having been withdrawn on revision of the agricultural zone is not subject to section 58.5.

1996, c. 26, s. 35.

§ 3.1. — *Applications of collective scope*

2001, c. 35, s. 3.

59. A regional county municipality or a community may apply to the commission to determine in which cases and under which conditions new uses of land for residential purposes may be introduced in an agricultural zone.

In addition to the regional county municipality or the community, the local municipality concerned and the certified association are interested persons in relation to the application. A copy of the application must be sent to them by the regional county municipality or the community making the application.

The application must concern

(1) a destructured tract of land in the agricultural zone ; or

(2) lots having an area sufficient to avoid destructuring the agricultural zone, situated in sectors 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.

The application must contain the information required by the commission, including the information required for the purposes of sections 61.1 and 62.

However, an application that relates to a proposed amendment or revision of the RCM land use and development plan or the metropolitan land use and development plan may only be made from the day the draft amendment or draft revised plan may be adopted under, as the case may be, the second paragraph of section 53.5 or the second paragraph of section 56.6 of the Act respecting land use planning and development (chapter A-19.1).

The commission shall enter every admissible application in the general register and inform the interested persons.

For the purposes of this section, Municipalité de Baie-James is deemed to be a regional county municipality.

1978, c. 10, s. 59; 1985, c. 26, s. 18; 1989, c. 7, s. 19; 1996, c. 2, s. 825; 1996, c. 26, s. 36; 2001, c. 35, s. 3; 2002, c. 68, s. 52; 2010, c. 10, s. 138.

59.1. *(Repealed).*

1996, c. 26, s. 36; 2001, c. 35, s. 4.

59.2. In examining the application, the commission, in addition to taking into consideration the criteria set out in section 62, must be satisfied that the conditional authorization applied for reflects an overall view of the agricultural zone and is in keeping with the concept of sustainable development of agricultural activities.

1996, c. 26, s. 36.

59.3. From the date of entry in the general register of an application under section 59, the commission may suspend 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.

2001, c. 35, s. 5.

59.4. *(Repealed).*

2001, c. 35, s. 5; 2017, c. 13, s. 192.

§ 4. — *General provisions*

1996, c. 26, s. 36.

60. The commission may require from the applicant or any person such information and documents as it considers relevant.

1978, c. 10, s. 60; 1985, c. 26, s. 19; 1986, c. 95, s. 271; 1997, c. 43, s. 485.

60.1. The commission shall send to the applicant and to any interested person having intervened in respect of an application a report on the application indicating its preliminary intent.

The commission shall, at the same time, send the applicant and any interested person a list of the other documents forming part of the record and a notice setting out the terms of the third paragraph of section 15 and of section 60.2.

Unless the persons referred to in the first paragraph waive such right, the commission shall allow them 30 days to present observations or to request a meeting. However, in the case of an application filed under section 59, the time allowed is 45 days.

1985, c. 26, s. 20; 1997, c. 43, s. 486; 2001, c. 35, s. 6.

60.2. The applicant or any interested person having intervened in respect of the application referred to the commission may obtain by mail from the commission, on payment of the costs determined by regulation, a photocopy of any document indicated by him among the documents forming part of the record.

1985, c. 26, s. 20; 1997, c. 43, s. 487.

61. If the commission holds a public hearing to receive submissions from any person interested in the application, it shall notify the applicant and any interested person having intervened in respect of the application and then publish a notice of the application in a newspaper circulated in the local municipal territory where the lot concerned by the application is situated, with indication of the day, time and place it has fixed for the hearing.

1978, c. 10, s. 61; 1996, c. 2, s. 811; 1997, c. 43, s. 488.

61.1. In the territory of a community, census agglomeration or census metropolitan area as defined by Statistics Canada, where an application concerns an authorization for a new use for purposes other than agriculture, the applicant must first demonstrate that there is no appropriate available area elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes for which the application is made.

The commission may reject an application on the sole ground that there are appropriate available areas outside the agricultural zone.

1996, c. 26, s. 37; 2017, c. 13, s. 193.

61.1.1. Section 61.1 does not apply to an application under section 59 concerning a destructured tract of land.

2001, c. 35, s. 7; 2017, c. 13, s. 194.

61.2. Where an application for authorization concerns the introduction of a new use for institutional, commercial or industrial purposes, or the introduction of several new residential uses on a lot contiguous to the boundaries of an agricultural zone or urbanization perimeter, it shall be considered to be an application for exclusion.

Where an application for authorization concerns a lot situated close to the boundaries of an agricultural zone or urbanization perimeter, the commission must satisfy itself that the application will not cause a change in those boundaries or an extension of that perimeter. If the commission is not so satisfied, the application shall be considered to be an application for exclusion.

This section does not apply to the construction of a public road.

1996, c. 26, s. 37.

62. The commission may authorize, on such conditions as it may determine, the use, for purposes other than agriculture, the subdivision, the alienation, the inclusion or the exclusion of a lot or the cutting of maple trees.

In rendering a decision, giving its advice or issuing a permit on a matter referred to it, the commission shall take into consideration

- (1) the soil capability of the lot and of the neighbouring lots;
- (2) the possible uses of the lot for agricultural purposes;
- (3) the consequences of an authorization on existing agricultural activities and their development, and on the possible agricultural use of neighbouring lots, in particular having regard to 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);
- (4) the restrictions and effects resulting from the application of the Acts and the regulations, in particular those relating to the environment and, more particularly, with respect to livestock operations;
- (5) the availability of other sites where farming restrictions would be eliminated or reduced, in particular where the application concerns a lot included in a census agglomeration or a census metropolitan area as defined by Statistics Canada or a lot situated in the territory of a community;
- (6) the homogeneity of the farming community and farming operations;
- (7) the impact on the preservation of water and soil resources in the territory of the local municipality and in the region;
- (8) the establishment of land holdings having an area sufficient for farming activities;
- (9) the impact on the economic development of the region upon proof submitted by a municipality, community, public body or agency providing public utility services;
- (10) the socioeconomic conditions necessary for the viability of a community where justified by the low population density of the region;
- (11) if applicable, the development plan for the agricultural zone of the regional county municipality concerned.

The commission may take into consideration

- (1) a statement transmitted by a regional county municipality or a community indicating that the application is inconsistent with the objectives of the RCM land use and development plan and the provisions of the complementary document or with the metropolitan land use and development plan;

(2) the consequences of a refusal for the applicant.

1978, c. 10, s. 62; 1985, c. 26, s. 21; 1989, c. 7, s. 20; 1996, c. 2, s. 812; 1996, c. 26, s. 38; 1997, c. 44, s. 103; 2000, c. 56, s. 188; 2001, c. 35, s. 8; 2002, c. 68, s. 52; 2010, c. 10, s. 139; 2017, c. 13, s. 195.

62.1. When making a decision, the commission shall not take into consideration

- (1) the fact that the object of the application has been wholly or partly achieved;
- (2) the possible consequences of the decision on an offence already committed;
- (3) any fact or other evidence not related to a provision of section 12, 61.1, 61.2, 62 or 65.1;
- (4) the fact that a lot division is immatriculated on a cadastral plan.

1989, c. 7, s. 21; 1996, c. 26, s. 39; 1997, c. 43, s. 489.

62.2. *(Repealed).*

1989, c. 7, s. 21; 1996, c. 2, s. 825; 1996, c. 26, s. 40.

62.3. Where, in the opinion of the commission, the project concerned in an application may affect the agricultural zone review process, the commission may, for that sole reason, decide to defer its decision until the agricultural zone is reviewed.

1990, c. 14, s. 2.

62.4. *(Repealed).*

1997, c. 44, s. 104; 2000, c. 56, s. 189.

62.5. The commission shall, before making an unfavourable decision that is not clearly indicated in the report provided in section 60.1, 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.

1997, c. 43, s. 490.

62.6. However, to render a decision on an application filed under section 59, the commission must have received a favourable opinion from the interested persons within the meaning of that section.

2001, c. 35, s. 9.

63. *(Repealed).*

1978, c. 10, s. 63; 1979, c. 81, s. 20; 1989, c. 7, s. 22.

64. Every decision of the commission shall be substantiated and communicated in writing to the applicant and every interested person, as well as every municipality or community in whose territory the lot concerned in the application is situated.

1978, c. 10, s. 64; 1989, c. 7, s. 23; 1996, c. 2, s. 813; 1996, c. 26, s. 41; 1997, c. 43, s. 491; 2001, c. 35, s. 10.

65. A regional county municipality or a community wishing to apply for the exclusion of a lot from the agricultural zone, for its own purposes or for a project of which it is the promoter, must apply therefor to the local municipality in whose territory the lot is situated and forward a copy of the application to the commission.

A local municipality wishing to make an application under the first paragraph may do so, with the support of the regional county municipality or the community concerned, by transmitting its application directly to the

commission together with the statement as to whether the application is consistent with its zoning by-law, with the interim control measures, if any, and with any other document required by the commission.

An application for exclusion made by an applicant other than an applicant mentioned in the first or second paragraph is not admissible.

Sections 58.1 to 58.4, adapted as required, apply to an application for exclusion.

1978, c. 10, s. 65; 1985, c. 26, s. 22; 1989, c. 7, s. 24; 1996, c. 2, s. 814; 1996, c. 26, s. 42.

65.1. The applicant must demonstrate that there is no appropriate available space elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes specified in the application for exclusion. The commission may reject an application on the sole ground that such spaces are available.

The commission shall, in addition to taking into consideration the criteria set out in section 62, satisfy itself that the exclusion answers a need and meets a development objective of the local municipality, the regional county municipality or the community, having regard to the objectives of the RCM land use and development plan or the metropolitan land use and development plan.

1996, c. 26, s. 42; 2001, c. 35, s. 11; 2002, c. 68, s. 52; 2010, c. 10, s. 140.

66. The Government, after obtaining the advice of the commission, may authorize, on such conditions as it may determine, the use for purposes other than agriculture, the subdivision, the alienation and the exclusion of a lot from an agricultural zone for the purposes of a department or public agency.

The decision of the Government shall be filed in the head office of the commission.

1978, c. 10, s. 66; 1997, c. 43, s. 492.

67. Where a decision of the Government or of the commission orders the exclusion or inclusion of a lot, the commission shall file for purposes of registration at the registry office, a certified true copy of a notice of that decision and, as the case may be, a detailed plan of the modification of the agricultural zone.

In the case of an application under section 58.6, a notice of inclusion may not be presented unless the zoning by-law of the municipality that is to implement the decision is adopted and in force within two years from the inclusion order.

In addition, where the regional county municipality or the community is required to amend its RCM land use and development plan or its metropolitan land use and development plan to give effect to an application for exclusion, the notice referred to in the first paragraph may not be presented unless such an amendment is adopted and comes into force within 24 months of the date of the decision.

1978, c. 10, s. 67; 1996, c. 26, s. 43; 1999, c. 40, s. 235; 2001, c. 35, s. 12; 2000, c. 42, s. 203; 2002, c. 68, s. 52; 2010, c. 10, s. 141.

68. On the deposit of that notice and, as the case may be, of the detailed plan, the registrar shall enter in the land register, opposite every lot number referred to in the notice and detailed plan, the words “excluded from the agricultural zone on (*insert here the date of the deposit of the notice*)” in the case of an exclusion from an agricultural zone, the words “included in the agricultural zone on (*insert here the date of the deposit of the notice*)” in the case of an inclusion in an agricultural zone and he shall enter the words “excluded conditionally from the agricultural zone on (*insert here the date of the deposit of the notice*)” in the case of an exclusion granted pursuant to section 65.

1978, c. 10, s. 68; 1999, c. 40, s. 235.

69. A decision contemplated in section 67 takes effect on the day the application for registration of the notice is filed at the registry office .

1978, c. 10, s. 69; 1999, c. 40, s. 235.

DIVISION IV.0.1

Repealed, 1996, c. 26, s. 44.

1989, c. 7, s. 25; 1996, c. 26, s. 44.

69.0.1. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 26, s. 44.

69.0.2. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 26, s. 44.

69.0.3. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 2, s. 815; 1996, c. 26, s. 44.

69.0.4. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 26, s. 44.

69.0.5. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 2, s. 816; 1996, c. 26, s. 44.

69.0.6. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 2, s. 817; 1996, c. 26, s. 44.

69.0.7. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 26, s. 44.

69.0.8. *(Repealed).*

1989, c. 7, s. 25; 1996, c. 2, s. 818; 1996, c. 26, s. 44.

DIVISION IV.1

REVIEW OF THE AGRICULTURAL ZONE

1985, c. 26, s. 23.

69.1. A regional county municipality or a community that undertakes to elaborate an RCM land use and development plan or a metropolitan land use and development plan may apply for the review of the agricultural zone.

The commission, within 30 days from the receipt of the application, shall send a notice to the regional county municipality or the community concerned, stating its intention to reach an agreement with such municipality or community upon its revised agricultural zone plan, within 180 days from the sending of the notice.

The commission may, where it is authorized to do so by the Government, send to a regional county municipality or a community the notice provided for in the second paragraph if the latter has not applied for a review of the agricultural zone to the commission at the expiry of a six-month period from the date of adoption of the RCM land use and development plan or the metropolitan land use and development plan or from the date of expiry of the time limit prescribed by law for the adoption of the plan if it has not been adopted.

The commission shall send a copy of the notice to the local municipalities whose territories form part of the territory of the regional county municipality or the community and to the certified association.

1985, c. 26, s. 23; 1996, c. 2, s. 819; 1996, c. 26, s. 45; 2002, c. 68, s. 52; 2010, c. 10, s. 142; I.N. 2016-01-01 (NCCP).

69.2. If there is agreement between the regional county municipality or the community and the commission, the latter shall prepare a revised agricultural zone plan of the territory of the local municipality together with a memorandum of agreement.

Failing agreement, the commission shall prepare the revised plan, where such is the case, taking into account the representations made to it.

1985, c. 26, s. 23; 1996, c. 2, s. 820.

69.3. Sections 49 to 54, adapted as required, apply to the revised plan.

The revised plan sent by the commission to the Government for approval shall, in all cases, be accompanied with a statement of the representations made by the intervening parties.

1985, c. 26, s. 23.

69.4. The regional county municipality or the community shall, when an agricultural zone is reviewed pursuant to this division, take the necessary measures to make the limits of the agricultural zones provided in the RCM land use and development plan or the metropolitan land use and development plan coincide with the limits of the zones reviewed pursuant to this division and also to prevent the urbanization perimeters from encroaching on agricultural zones.

1985, c. 26, s. 23; 2002, c. 68, s. 52; 2010, c. 10, s. 143.

DIVISION V

TOPSOIL CONSERVATION

70. From the coming into force of a designated agricultural region decree, no person may remove topsoil in a reserved area or in an agricultural zone from a lot situated in a designated agricultural region, nor expand the area of such an operation already in progress on such a lot, without an operating permit issued by the commission, except in the cases determined by regulation and in the case of the exercise of a conferred right recognized by this Act.

1978, c. 10, s. 70; 1985, c. 26, s. 24.

71. From the date of the coming into force of a designated agricultural region decree, a person who was removing topsoil in the region concerned for the purpose of sale may continue his operation provided that he obtains a permit from the commission within six months of that date.

1978, c. 10, s. 71.

72. For the purposes of this division, the mere removal of lawn turf constitutes the removal of topsoil.

1978, c. 10, s. 72.

73. The application for a permit must be accompanied with the documents and, where required, the payment of the duties provided for by regulation.

1978, c. 10, s. 73.

74. The commission may, among other conditions attached to the permit, require that the applicant restore the land to its former condition as agricultural land before the date of expiry of the permit, and that he furnish security established in accordance with the regulations.

1978, c. 10, s. 74.

74.1. The permit shall be signed by the president or any person authorized for that purpose by the commission and shall be issued upon payment of the duties determined by regulation.

The Government may, subject to the conditions it determines, allow that the required signature be affixed by means of an automatic device or that a facsimile of the required signature, having the same force and effect as the signature itself, be affixed on the permit.

1996, c. 26, s. 46.

75. The permit for the removal of topsoil is granted for not more than two years; it may be renewed. It cannot be used except on the lot in respect of which it is issued.

1978, c. 10, s. 75.

76. The permit becomes void

- (1) if it is transferred or alienated;
- (2) if the lot or part of a lot contemplated in the permit is transferred or alienated;
- (3) if the operation of the permit holder or his interests in that operation are transferred or alienated.

1978, c. 10, s. 76.

77. The commission may suspend, revoke or refuse to renew the permit of any holder who

- (1) has committed an offence against this Act or a regulation relating to this division;
- (2) has not complied with the conditions of the permit.

The commission may also, in those circumstances, order the confiscation of the security or its remittance to the holder in accordance with the regulations.

1978, c. 10, s. 77.

78. The commission must, before refusing to issue a permit to a person or before suspending, revoking or refusing to renew a permit it has issued to him, notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the person at least 10 days to present observations.

1978, c. 10, s. 78; 1997, c. 43, s. 493.

79. The decision of the commission refusing to issue or renew a permit or suspending or revoking it must be substantiated. It shall be notified to the person concerned by registered mail.

1978, c. 10, s. 79; I.N. 2016-01-01 (NCCP).

CHAPTER III

AGRICULTURAL ACTIVITIES IN AGRICULTURAL ZONES

1989, c. 7, s. 26; 1996, c. 26, s. 47.

DIVISION I

REGULATION OF AGRICULTURAL ACTIVITIES

1996, c. 26, s. 47.

§ 1. — *Territorial organization and land use*

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.1. Every regional county municipality and every community shall, in respect of the agricultural zone in its territory, exercise its powers in the area of land use planning and development in such a way as to promote priority for the use of land for agricultural activities and in keeping with the object of this Act.

From the date of its coming into force, every revised RCM land use and development plan or revised metropolitan land use and development plan, amendment to an RCM land use and development plan or a metropolitan land use and development plan or interim control by-law of a regional county municipality or community that affects an agricultural zone is deemed to be consistent with the first paragraph.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2002, c. 68, s. 52; 2010, c. 10, s. 144.

§ 1.1. — *Effect of the erection of certain non-agricultural buildings*

2001, c. 35, s. 13.

79.2. For the purposes of sections 79.2 to 79.2.7,

“livestock facility” means a building where animals are raised or an enclosure or a part of an enclosure where animals are kept for purposes other than pasture ;

“livestock unit” means the unit of measure of the number of animals that may be found in a livestock facility during a production cycle as determined by a regulation under section 79.2.7.

For the purposes of these sections, a “breeding unit” is made up of a livestock facility or, where there is more than one facility, of all the livestock facilities in respect of which a point on the perimeter of one facility is less than 150 metres from the neighbouring livestock facility, and of storage works, if any, for the manure from the animals in the facility or facilities.

For the purposes of these sections and section 98.1, “separation distance requirement” refers to any standard serving to delimit the open space that must be left in order to reduce the inconvenience caused by odours resulting from agricultural activities, and 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), or to any standard provided for in an Act or a regulation to take the place of such a standard.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2001, c. 35, s. 13.

79.2.1. In an agricultural zone, a building used or intended to be used for a purpose other than an agricultural purpose must not be erected or enlarged on the side facing the breeding unit whose siting would entail the greatest restriction on the potential for expanding the agricultural activities therein if the siting or enlargement of the building were taken into account in applying separation distance requirements. However, a

municipality may not refuse to issue a building permit for the sole reason of non-compliance with that condition.

Where, pursuant to the first paragraph, a point on the perimeter of such a building or its enlargement encroaches upon the space that, under separation distance requirements, must be left open between any neighbouring breeding unit, any separation distance requirement applicable at the time of the erection or enlargement of the building continues to apply to the expansion in agricultural activities of any neighbouring breeding unit without taking into account the siting of the building or its enlargement.

2001, c. 35, s. 13.

79.2.2. Where the building referred to in section 79.2.1 is a residence erected without the authorization of the commission under section 40, after 21 June 2001, any agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and any separation distance requirements apply to the neighbouring breeding units, without taking the siting of the residence into account.

2001, c. 35, s. 13.

79.2.3. If a manure storage works, another works aimed at reducing pollution or a works aimed at reducing the inconvenience caused by the odours from a breeding unit can only be erected by encroaching upon the space that must be left open under separation distance requirements, the erection is allowed notwithstanding the separation distance requirements so long as the works is not erected on the side facing the building used for a purpose other than an agricultural purpose whose siting would entail the greatest restriction on the potential for expanding the agricultural activities of that breeding unit if the separation distance requirements were taken into account.

2001, c. 35, s. 13.

§ 1.2. — *Potential of certain agricultural operations to expand activities*

2001, c. 35, s. 13.

79.2.4. This subdivision applies to agricultural operations registered in accordance with the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 340-97 (1997, G.O. 2, 1275), having at least one breeding unit that meets the following conditions on 21 June 2001 :

- (1) the agricultural operation contains at least one livestock unit ; and
- (2) the livestock facilities that make up the breeding unit are used by the same operator.

2001, c. 35, s. 13.

79.2.5. The agricultural activities of a breeding unit may be expanded, subject to any standard applicable in other respects pursuant to an Act or a regulation, if the following conditions are met :

- (1) the breeding unit was reported in accordance with section 79.2.6 ;
- (2) a point on the perimeter of every livestock facility and, where applicable, every manure storage works necessary to the expansion is less than 150 metres from the neighbouring livestock facility or storage works for manure from the breeding unit ;
- (3) the number of livestock units, as reported in the statement referred to in section 79.2.6 for that breeding unit, is increased by no more than 75, although the total number of livestock units resulting from the expansion in no case may exceed 225 ;

(4) the odour coefficient of the categories or groups of new animals is not greater than the odour coefficient of the category or group of animals having the most livestock units ; and

(5) the additional conditions, if any, prescribed by regulation of the Government under section 79.2.7 are complied with.

The expansion in agricultural activities in that breeding unit is, however, not subject to the following standards :

(1) separation distance requirements ;

(2) agricultural use standards originating from the exercise of the powers provided for in subparagraph 3 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1);

(3) standards originating from the exercise of the powers provided for in subparagraph 5 of the second paragraph of section 113 of that Act ; however, the expansion continues to be subject to any such standard that concerns the open space which must be left between structures and the street and land boundaries.

2001, c. 35, s. 13.

79.2.6. The reporting of a breeding unit referred to in section 79.2.5 is effected by the filing of an affidavit by the operator of the breeding unit with the secretary-treasurer of the municipality in which the breeding unit is situated before 21 June 2002.

The affidavit must indicate the name of the operator, the address of the premises on which the breeding unit is situated and a summary description of the livestock facilities and storage works that make up the breeding unit, 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 and a statement that the breeding unit was in operation on that date.

2001, c. 35, s. 13; I.N. 2016-01-01 (NCCP).

79.2.7. The Government may, by regulation, prescribe other conditions applicable to the expansion in agricultural activities permitted under section 79.2.5 to reduce the inconvenience caused by odours resulting from agricultural activities.

The regulation must determine the animals to which this subdivision applies, and fix the number of animals equivalent to one livestock unit and the odour coefficient per category or group of animals.

The regulation may, in particular, prescribe, determine, prohibit, limit, and control practices, methods, equipment, processes or techniques as regards the spreading or storing of manure.

In addition, the regulation may vary any standard or condition on the basis in particular of the number, category or group of animals concerned, types of manure, the odour coefficient attributed to a category or group of animals, geographical characteristics, the regions or municipalities concerned and periods of the year.

The Government may, in the regulation, make mandatory a standard established by another government or body, and provide that a reference to such a standard includes any subsequent amendments made to it.

Without restricting the powers of the Minister, the Government may specify in the regulation which sections of the regulation must be applied by one or more municipalities, and the municipalities must enforce or see to the enforcement of the regulation to that extent.

2001, c. 35, s. 13.

§ 2. — *Mediation*

1996, c. 26, s. 47.

79.3. Any person suffering injury because his current or projected exercise of an agricultural activity in an agricultural zone is restricted or prevented by reason of the application of a municipal planning by-law or nuisance by-law may apply for the intervention of a mediator.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.4. The role of the mediator is to allow the parties to exchange their points of view, and to foster agreement between the parties as expeditiously as possible.

The mediator may also give an opinion on the dispute, if it subsists, and make recommendations.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.5. No proceedings may be brought against the mediator for any act performed or omission made in good faith in the performance of his duties.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.6. The application must include the reasons therefor and be submitted in writing to the regional county municipality. A copy of the application must be forwarded by the applicant to the local municipality.

The application must also set out the facts of the case, state the injury suffered, and include any relevant document.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2010, c. 10, s. 145.

79.7. Within 15 days of receipt of the application, the warden of the regional county municipality shall designate a mediator acceptable to the parties.

If a mediator is not so designated, the applicant may present his application to the director referred to in section 79.21, who shall designate a mediator.

The warden or, as the case may be, the director, shall thereupon publish a summary of the application including the name of the mediator in a newspaper distributed in the territory or in a municipal information bulletin referred to in section 346.1 of the Cities and Towns Act (chapter C-19) or article 437.1 of the Municipal Code of Québec (chapter C-27.1), to allow interested persons to forward written submissions.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2010, c. 10, s. 146.

79.8. The parties shall provide the mediator with all the information or documents he requires for the examination of the application.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.9. In examining the application, the mediator shall take into consideration, particularly, generally accepted agricultural standards, and the consequences of the municipal by-law on the current or projected agricultural activities of the applicant, and on those of the other producers in the agricultural zone.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.10. In examining the application, the mediator may require expert opinions from a member of the personnel of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, the Ministère du Développement durable, de l'Environnement et des Parcs, the Ministère des Affaires municipales, des

Régions et de l'Occupation du territoire and the Ministère des Ressources naturelles et de la Faune, designated by the Minister responsible for each department.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 1999, c. 43, s. 13; 1999, c. 36, s. 158; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109.

79.11. The mediator may convene any person to obtain his point of view.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.12. The mediator may refuse or cease to examine an application where he considers

(1) that the application is frivolous or made in bad faith, or that, in the circumstances, his intervention serves no purpose;

(2) that the applicant has refused or neglected to supply information or documents required under section 79.6;

(3) that the by-law has already been found to be consistent with the provisions contained in the land use planning and development plan pursuant to subparagraph 2.1 of the first paragraph and the third paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1).

1989, c. 7, s. 26; 1996, c. 21, s. 65; 1996, c. 26, s. 47; 2002, c. 68, s. 52.

79.13. The mediator shall refuse or cease to examine an application where judicial proceedings brought in relation to similar facts and with respect to the same by-law are in progress or have been the subject of a final decision disposing of the application.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.14. Where the mediator refuses or ceases to examine an application, he shall advise, in writing, the warden of the regional county municipality or the director, as the case may be, as well as the applicant, the local municipality and any interested persons having forwarded to him written submissions of the grounds for his decision.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2010, c. 10, s. 147.

79.15. Where the mediator considers it advisable to intervene, he shall, as soon as possible, submit a report of his findings or recommendations to the persons referred to in section 79.14.

The mediator may make any recommendation he considers appropriate in order to settle the dispute. He may also, where he considers it appropriate, transmit his report to any interested person.

1989, c. 7, s. 26; 1996, c. 2, s. 825; 1996, c. 26, s. 47.

79.16. The local municipality shall, within 60 days of receiving the mediator's report, inform the mediator and the applicant in writing of the action it intends to take in response to any recommendations made and, if it intends to take no action, of the reasons for its decision.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

DIVISION II

CIVIL REMEDIES FOR CERTAIN FORMS OF INCONVENIENCE CAUSED BY THE PRACTICE OF AGRICULTURE

1996, c. 26, s. 47.

Judicial proceedings

1996, c. 26, s. 47.

79.17. In an agricultural zone, no person shall incur liability toward a third person by reason of dust, noise or odours resulting from agricultural activities, or shall be prevented by a third person from exercising such agricultural activities, if they are exercised, subject to section 100,

(1) in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2) that relate to dust and noise or, 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);

(2) in accordance with the provisions of the Environment Quality Act as regards any matter not covered by regulatory standards.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2001, c. 35, s. 14.

79.18. Where a plaintiff or an applicant in an action or proceedings brought against a person exercising agricultural activities in an agricultural zone

- (1) claims damages to compensate for the dust, noise or odours resulting from the activities, or
- (2) applies for an injunction to prevent or modify the exercise of the activities,

it is incumbent upon the plaintiff or applicant, to establish liability, to prove that the person exercising the agricultural activities has contravened the applicable regulatory standards or the Environment Quality Act (chapter Q-2), as the case may be.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.19. In an agricultural zone, the inconvenience caused by dust, noise or odours resulting from agricultural activities does not exceed the limit of tolerance neighbours owe each other, insofar as the activities are exercised, subject to section 100,

(1) in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2) that relate to dust and noise or, 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);

(2) in accordance with the provisions of the Environment Quality Act as regards any matter not covered by regulatory standards.

1989, c. 7, s. 26; 1996, c. 26, s. 47; 2001, c. 35, s. 15.

79.19.1. Nothing in this division shall be interpreted as enabling a person who carries on an agricultural activity to avoid liability for a gross or intentional fault committed in carrying on that activity.

2001, c. 35, s. 16.

79.19.2. The agricultural activities of a breeding unit that are carried on in accordance with subdivisions 1.1 and 1.2 of Division I of this chapter are, for the purposes of sections 79.17 to 79.19, deemed to be carried on in compliance 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).

2001, c. 35, s. 16.

DIVISION III

ADMINISTRATION

1996, c. 26, s. 47.

79.20. The Minister designated by the Government is responsible for the application of sections 79.21 and 79.22.

1989, c. 7, s. 26; 1996, c. 26, s. 47.



The Minister of Labour, Employment and Social Solidarity is responsible for the application of sections 79.21 and 79.22 of this Act. Order in Council 1292-2018 dated 18 October 2018, (2018) 150 G.O. 2 (French), 7385.

79.21. The Minister shall designate a person to act as director for the purposes of sections 79.3 to 79.16.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.22. The functions of the director shall be to receive the applications filed with him and to designate the persons required to act as mediators.

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.23. *(Replaced).*

1989, c. 7, s. 26; 1991, c. 73, s. 10; 1996, c. 26, s. 47.

79.24. *(Replaced).*

1989, c. 7, s. 26; 1996, c. 26, s. 47.

79.25. *(Replaced).*

1989, c. 7, s. 26; 1996, c. 26, s. 47.

CHAPTER IV

REGULATIONS

1996, c. 26, s. 48.

80. In addition to the other regulatory powers conferred on it by this Act, the Government may, by regulation:

- (1) *(paragraph repealed)*;

(2) determine the conditions required from every person applying for a permit or for its renewal under Division V of Chapter II, the documents necessary for such an application and the fee for such a permit or its renewal;

(3) determine, for the purposes of section 70, the cases and circumstances in which the removal of topsoil does not require a permit;

(4) determine, for the purposes of Division V of Chapter II, the form of the security required, the cases where it may be confiscated, what is done with it in the case of confiscation and the manner in which it is remitted when it is no longer required;

(5) *(paragraph repealed)*;

(6) define the rules of internal management of the commission;

(6.1) determine the cases and circumstances in which a rudimentary structure may be erected, without the authorization of the commission to serve as a shelter in a wooded area;

(6.2) determine the cases and circumstances in which a residential site built upon before the issue of the designated agricultural region decree may be enlarged, without the authorization of the commission so as to comply with environmental standards;

(6.3) determine the cases and circumstances in which all or part of a lot may be alienated in favour of producers without the authorization of the commission;

(6.4) determine the cases and circumstances in which advertising billboards may be erected without the authorization of the commission;

(6.5) determine the cases and circumstances in which surplus expropriated land may be retroceded by the Minister of Transport or by a municipality without the authorization of the commission;

(6.6) determine the cases and circumstances in which an application referred to in section 32 must be accompanied with a declaration;

(6.7) determine the cases and circumstances in which a declaration is required under section 32.1;

(7) identify the municipal and public service purposes to which section 41 applies;

(7.1) *(paragraph repealed)*;

(7.2) *(paragraph repealed)*;

(8) determine the amount of duties, fees and costs payable in respect of any application or declaration submitted to the commission, and the classes of persons which may be exempted therefrom;

(9) fix the fees of experts and investigators whose services the commission considers it expedient to retain;

(9.1) determine the amount of duties payable for the issue of an attestation under section 15 or 105.1;

(9.2) fix the fees to be borne by a person against whom an order or notice of non-compliance is issued, which may vary according to the nature of the alleged contravention and the area of land used unlawfully, or according to whether the order or notice was issued with or without a prior declaration;

(10) *(paragraph repealed)*;

(11) determine the staff requirements of the commission and the standards and scales applicable to its personnel;

(12) determine any other measure necessary for the application and proper administration of this Act.

The Government may also, by regulation, determine the cases and circumstances in which the following uses are allowed without the authorization of the commission:

- (1) a use ancillary to an agricultural operation or an equestrian centre;
- (2) a farm tourism-related use;
- (3) a secondary use in a residence or a multigenerational dwelling in a residence; and
- (4) land improvements promoting the practice of agriculture.

For the purposes of subparagraph 2 of the second paragraph, “farm tourism” means tourism activity that is complementary to agriculture and carried on on a farm, where tourists or excursionists are received by farm producers, who provide them with information and allow them to discover the farming environment, agriculture and agricultural production.

A regulation made under the second paragraph must also prescribe rules that minimize the impact of allowed uses of land on existing agricultural activities and enterprises or their development and on possible agricultural uses of neighbouring lots.

1978, c. 10, s. 80; 1985, c. 26, s. 25; 1987, c. 68, s. 100; 1989, c. 7, s. 27; 1996, c. 26, s. 49; 1997, c. 43, s. 494; 2001, c. 35, s. 17; 2017, c. 13, s. 196.

81. *(Repealed).*

1978, c. 10, s. 81; 1996, c. 26, s. 50.

CHAPTER V

SANCTIONS

1996, c. 26, s. 52.

DIVISION I

CIVIL RECOURSES

1996, c. 26, s. 53.

82. The Superior Court may order the cancellation of all rights and hypothecs created or resulting from any deed in contravention of sections 26 to 29, 55 and 70.

1978, c. 10, s. 82; 1992, c. 57, s. 677.

83. The judgment declaring the nullity of a deed also orders, where applicable, that the cadastral plan be amended accordingly and that the lot be restored to its former condition, at the expense of one or the other of the parties to the deed.

1978, c. 10, s. 83; 1996, c. 26, s. 51.

84. If a person does not comply with the judgment, the commission may have the necessary work done to restore the lot to its former condition.

The commission shall then publish a notice in the land register, indicating the work done, the expenses incurred and the rate of interest charged in accordance with the regulations made under section 28 of the Tax Administration Act (chapter A-6.002).

Registration of the notice constitutes a legal hypothec in favour of the Government.

1978, c. 10, s. 84; 1992, c. 57, s. 678; 1999, c. 40, s. 235; 2000, c. 42, s. 205; 2010, c. 31, s. 175.

85. If a person does not comply with an order of the commission made under section 14, the Attorney General, the commission or the local municipality in whose territory that lot is situated may provided that not more than two years have elapsed since notification of the order, by an application, obtain from a judge of the Superior Court an order enjoining that person to comply with it.

Any interested person, including the Attorney General, the commission or the local municipality in whose territory the lot is situated, may also, by an application, obtain from a judge of the Superior Court an order enjoining a person to cease contravening this Act, even if no order has been issued under section 14.

Where the application is not filed by the commission, the commission must be impleaded.

1978, c. 10, s. 85; 1985, c. 26, s. 26; 1989, c. 7, s. 28; 1996, c. 2, s. 821; 1996, c. 26, s. 54; I.N. 2016-01-01 (NCCP).

86. The judgment of the Court may also order that work be done at the expense of the person indicated by it. Section 84 applies in that case.

1978, c. 10, s. 86.

DIVISION II

PENAL PROVISIONS

1992, c. 61, s. 482; 1996, c. 26, s. 55.

87. Every person is guilty of an offence who:

- (1) contravenes this Act or the regulations hereunder;
- (2) knowingly hinders or misleads a person empowered to make an investigation under this Act or gives him false information; or
- (3) hinders the application of this Act, does not comply with an order of the commission or refuses to comply with one of its decisions.

1978, c. 10, s. 87.

88. Every person who knowingly does or omits to do anything to aid a person to commit an offence against this Act or who knowingly advises, encourages or incites him to commit an offence, is himself a party to the offence.

1978, c. 10, s. 88.

89. Where a legal person commits an offence against this Act, every director, officer, functionary, employee or agent of that legal person who has prescribed or authorized the commission of the offence or who has consented thereto is deemed to be a party to the offence and is liable to the penalty provided in sections 90 and 90.1 for natural persons.

1978, c. 10, s. 89; 1999, c. 40, s. 235; 2001, c. 35, s. 18.

90. Every person who contravenes section 26 by removing earth, sand or gravel, or contravenes section 27 or 70, is guilty of an offence and is liable

(1) for a first offence, to a fine of not less than \$5,000 for the first hectare of land used unlawfully and of not more than an additional \$15,000 for each additional hectare or fraction of a hectare;

(2) for any subsequent offence, to a fine of not less than \$15,000 and not more than \$25,000 for each hectare or fraction of a hectare.

1978, c. 10, s. 90; 1990, c. 4, s. 712; 1991, c. 33, s. 109; 1996, c. 26, s. 56.

90.1. Every person who is guilty of an offence referred to in section 90 in respect of an area of land of less than one hectare, or who is guilty of an offence other than an offence referred to in section 90, is liable

(1) for a first offence, to a fine of not less than \$500 and not more than \$6,000 in the case of a natural person and, in the case of a legal person, to a fine of not less than \$1,000 and not more than \$36,000;

(2) for any subsequent offence, to a fine of not less than \$1,000 and not more than \$12,000 in the case of a natural person and, in the case of a legal person, to a fine of not less than \$2,000 and not more than \$72,000.

1996, c. 26, s. 56.

91. Penal proceedings for an offence under a provision of section 26, 27 or 70 shall be prescribed by one year from the date on which the inspection which led to the discovery of the offence began.

The certificate of the inspector indicating the date on which the inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact.

1978, c. 10, s. 91; 1990, c. 4, s. 713; 1992, c. 61, s. 483.

92. *(Repealed).*

1978, c. 10, s. 92; 1992, c. 61, s. 484.

93. *(Repealed).*

1978, c. 10, s. 93; 1990, c. 4, s. 714.

94. *(Repealed).*

1978, c. 10, s. 94; 1990, c. 4, s. 715.

CHAPTER VI

GENERAL PROVISIONS

1996, c. 26, s. 57.

95. No recourse may be exercised against the Government, the commission, a municipality, a community or one of their members or functionaries solely because a lot has been included in a designated agricultural region, a reserved area or an agricultural zone or has been excluded therefrom or merely because an authorization or a permit has been granted or refused under this Act.

1978, c. 10, s. 95; 1996, c. 2, s. 822.

96. The Government may by written notice to the commission withdraw a matter from its jurisdiction.

Where the Government avails itself of the powers conferred on it by this section, the commission must remit to it a copy of the record and notify in writing the interested persons that the matter has been withdrawn

from the jurisdiction of the commission. The Government is then seized of the matter with the same powers as those of the commission and renders its decision after obtaining the advice of the commission.

The decision of the Government is filed at the commission. The latter shall notify the interested persons in writing.

1978, c. 10, s. 96; 1989, c. 7, s. 29; 1996, c. 26, s. 58; 1997, c. 43, s. 495.

97. Notwithstanding any general law or special Act, where an application for a permit or authorization provided for in the Environment Quality Act (chapter Q-2) or in the Pesticides Act (chapter P-9.3), is designed to replace agriculture by another use on a lot situated in a reserved area or in an agricultural zone, that permit or that authorization shall not be granted unless the commission has previously authorized the use other than agriculture that is applied for.

1978, c. 10, s. 97; 1985, c. 24, s. 44; 1987, c. 29, s. 131; 2001, c. 6, s. 154; 2011, c. 21, s. 238; 2010, c. 3, s. 323.

98. This Act prevails over any inconsistent provision of a general law or special Act applicable to a community, or to a municipality.

It also prevails over any incompatible provision of a metropolitan land use and development plan, an RCM land use and development plan, a master plan or a zoning, subdivision or construction by-law.

A person who obtains an authorization or a permit in accordance with this Act or who exercises a right conferred on him or recognized as his right by this Act is not exempt from applying for a permit otherwise required pursuant to an Act, a government regulation or a municipal by-law.

1978, c. 10, s. 98; 1996, c. 2, s. 823; 2002, c. 68, s. 52; 2010, c. 10, s. 148.

98.1. For the purposes of subdivisions 1.1 and 1.2 of Division I of Chapter III, or for the purposes of any other provision of this Act or any other Act relating to separation distance requirements, a municipality may request, in writing, the operator of an agricultural operation to transmit to the municipality any information within the time it fixes.

If the operator fails to transmit the information within the time fixed, the municipal inspector may, at the expense of the operator and in accordance with a by-law made under section 411 of the Cities and Towns Act (chapter C-19) or article 492 of the Municipal Code of Québec (chapter C-27.1), collect any information or determine any fact necessary to enforce a separation distance requirement. For those purposes, the municipal inspector may be assisted by an agrologist, a veterinary surgeon, a professional technologist or a land-surveyor.

2001, c. 35, s. 19.

99. Investigators cannot be prosecuted by reason of official acts done in good faith in the performance of the duties assigned to them by this Act or any other Act the administration of which is entrusted to the commission.

1978, c. 10, s. 99.

100. Where a residential, commercial, industrial or institutional building has been erected after the issue of an authorization, under the Environment Quality Act (chapter Q-2) or the regulations thereunder, allowing the establishment or expansion of an animal produce operation, the owner or the occupant of that building shall not act before the courts to claim damages or to prevent the operation or development of that farm by reason of its proximity, or odors or noise emanating therefrom, if the holder of the authorization has established or enlarged his operation in compliance with the conditions and distances set out in the authorization and in the regulation in force at the time it was issued.

With respect to a livestock raising farm established or expanded before the Environment Quality Act (1972, chapter 49) is in force and is applicable to it, the owner or the occupant of a residential, commercial, industrial or institutional building erected after the establishment of an animal produce operation shall not act before the courts to claim damages or to prevent the operation or the development of that farm by reason of its proximity or the odors or noise emanating therefrom.

However, the prohibition from acting before the courts provided by this section does not apply if the damage is the result of deliberate or gross fault or if the damage is not directly caused by activities related to animal produce operations.

When a designated agricultural region is established under this Act, the provisions of this section do not apply to it, except in respect of the animal produce operations situated in the reserved area or in the agricultural zone.

1978, c. 10, s. 100; 1990, c. 4, s. 716; I.N. 2020-02-01.

100.1. A subdivision, an alienation or a construction in respect of which the commission has, after 20 June 1985, received a declaration provided for in section 31.1, section 32, section 32.1 or section 33 is deemed to have been made in accordance with this Act where over three months have elapsed since the commission received the declaration.

In the case of a declaration received between 1 January 1983 and 20 June 1985, the subdivision or construction is deemed to have been made in accordance with this Act where over one year has elapsed since 20 June 1985.

In the case of a declaration received before 1 January 1983, the subdivision or the construction is deemed to have been made in accordance with this Act from 20 June 1985.

In the case of alienation, subdivision or use for any purpose other than agriculture in respect of which this Act does not prescribe the obligation to file a declaration, the presumption provided in the first paragraph exists when over five years have elapsed from

- (a) the deposit of the act of alienation at the registry office;
- (b) the date of the first municipal tax account sent in respect of a construction, or
- (c) the date on which work, other than construction work, ends.

This section does not apply in the case of fraud. Nor does it apply to a subdivision, construction or alienation where the commission advised the person who made it that it was not in accordance with this Act before the expiry of the required time to be deemed in accordance therewith.

A notice of non-compliance under the fifth paragraph may be issued on the sole basis of information obtained, without prior notice, by a member or employee of the commission.

The notice of non-compliance issued as provided for in the preceding paragraph may be reviewed by the commission on the application of an interested person within 60 days of the date of the notice or at any time in the course of the procedure provided for in section 14.1.

The right to contest granted by the seventh paragraph may, however, be exercised only before the Superior Court when the dispute to which it pertains has been brought before that court.

1985, c. 26, s. 27; 1989, c. 7, s. 30; 1996, c. 26, s. 59; 1997, c. 43, s. 496.

CHAPTER VII

ACQUIRED RIGHTS

1996, c. 26, s. 60.

101. A person may, without the authorization of the commission, alienate, subdivide and use for a purpose other than agriculture a lot situated in a designated agricultural region, in a reserved area or in an agricultural zone, to the extent that that lot was being used or was already under a permit authorizing its use for a purpose other than agriculture when the provisions of this Act requiring the authorization of the commission were made applicable to that lot.

This right exists only in respect of that part of the surface of the lot which was being used for a purpose other than agriculture or for which a permit authorizing use for a purpose other than agriculture had already been issued, when the provisions of this Act requiring the authorization of the commission were made applicable to that lot.

1978, c. 10, s. 101.

101.1. Notwithstanding section 101, no person may, as of 21 June 2001, add a new main use for a purpose other than agriculture in the area for which that right exists or convert the existing use into another use for a purpose other than agriculture, without the authorization of the commission.

2001, c. 35, s. 20.

102. The right recognized by section 101 subsists notwithstanding the interruption or abandonment of the use other than agriculture. It is extinguished, however, by the fact that that part of the surface in respect of which the right exists is left uncropped for over one year from the time when the provisions of this Act requiring the authorization of the commission were made applicable to that surface. It is also extinguished on the same conditions governing the part of the surface that has been the subject of a deed of alienation; the same applies as regards the surface reserved by the seller at the time of a subdivision or alienation made after 20 June 1985.

1978, c. 10, s. 102; 1982, c. 40, s. 10; 1985, c. 26, s. 28.

103. A person may, without the authorization of the commission enlarge that part of the surface in respect of which there exists a right recognized by section 101.

This area may be increased to a half-hectare if, at the time when the provisions of this Act requiring the authorization of the commission were made applicable to it, this lot was being used or was already under a permit authorizing its use for residential purposes. It may be increased to one hectare if its use or authorized use under the permit was for commercial, industrial or institutional purposes.

The enlargement provided for in the preceding paragraph may be made on more than one lot where a person was the owner of several contiguous lots on the date on which the provisions of this Act requiring the authorization of the commission were made applicable to the lots.

1978, c. 10, s. 103; 1982, c. 40, s. 11; 1985, c. 26, s. 29.

104. A lot may be alienated, subdivided or used for a purpose other than agriculture, without the authorization of the commission, to the extent that it had already been acquired or utilized or had been the subject of an authorization to acquire or to use by order in council of the Government or by municipal by-law for a public service, by the Government, a minister or a public body or a person empowered to expropriate at the time when the provisions of this Act requiring the authorization of the commission were made applicable to that lot.

The same rule applies in respect of a lot previously transferred or leased pursuant to sections 19 and 26 of the Lands and Forests Act (chapter T-9) and a lot previously acquired pursuant to the Act respecting municipal industrial immovables (chapter I-0.1).

1978, c. 10, s. 104.

105. A person may, without the authorization of the commission, alienate, subdivide or use for a purpose other than agriculture a lot which, after the date on which the provisions of this Act requiring the authorization of the commission have been made applicable to it, is or becomes adjacent to a public road along which public water and sanitary sewer services are or are to be installed under a municipal by-law passed before that date and approved in accordance with the law.

This right does not extend, however, to any part of the lot situated more than 60 metres from the right of way of a public road in the case of a residential use, or more than 120 metres from that right of way in the case of a commercial, industrial or institutional use.

1978, c. 10, s. 105; 1982, c. 40, s. 12.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

1996, c. 26, s. 61.

105.1. The commission or any person, whenever it or he sees fit, may present any decision or order at the registry office by producing a certified true copy.

The commission may also, when an order or a condition set out in a decision has been complied with, present a certified true copy of an attestation to that effect at the registry office.

The registrar shall, on such presentation, enter such a decision or order in the land register on the land file pertaining to the lot concerned by the decision or order.

1982, c. 40, s. 13; 1996, c. 26, s. 62; 2000, c. 42, s. 206.

106. *(Amendment integrated into c. E-16, s. 21.1).*

1978, c. 10, s. 106.

107. *(Amendment integrated into c. R-6, s. 49).*

1978, c. 10, s. 107.

108. *(Amendment integrated into c. R-8, s. 31).*

1978, c. 10, s. 108.

109. *(Amendment integrated into c. M-13, s. 301).*

1978, c. 10, s. 109.

110. *(Amendment integrated into c. B-4, s. 45.1).*

1978, c. 10, s. 110.

111. *(Amendment integrated into c. Q-2, s. 124.1).*

1978, c. 10, s. 111.

112. *(Amendment integrated into c. R-26, s. 2.1).*

1978, c. 10, s. 112.

113. *(Omitted).*

1978, c. 10, s. 113.

114. The amounts required for the application of this Act are taken for the year 1978/1979 out of the Consolidated Revenue Fund and, for subsequent years, out of the moneys granted annually for that purpose by Parliament .

1978, c. 10, s. 114.

115. Subject to section 79.20, the Minister shall be responsible for the carrying out of this Act.

1978, c. 10, s. 115; 1989, c. 7, s. 31; 1996, c. 26, s. 63.

116. This Act has effect from 9 November 1978.

1978, c. 10, s. 116.

117. *(Omitted).*

1978, c. 10, s. 117.

118. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE A

TERRITORY OF THE DESIGNATED AGRICULTURAL REGION ESTABLISHED PURSUANT TO SECTION 25

The municipalities whose names, on 9 November 1978, included:

(1) both one of the place-names hereinafter listed and the word “city”, “village”, “parish” or “township”, as indicated by the letters “C”, “V”, “P” or “CT” after the place-name;

(2) both one of the place-names hereinafter listed and the word “city”, where the siglum “VC” or “VT” appears after the place-name;

(3) both one of the place-names hereinafter listed and the words “united townships”, where the siglum “CU” appears after the place-name;

(4) both one of the place-names hereinafter listed but none of the words mentioned in paragraphs 1 to 3, where the siglum “SD” appears after the place-name.

Acton-Vale (VT)

Adamsville (SD)

Ancienne-Lorette (VT)

Ange-Gardien (V)

Anjou (VT)

Annaville (V)

Arthabaska (VT)

Aston-Jonction (V)

Aylmer (VC)

Baieville (V)

Baie-d’Urfé (VT)

Beaconsfield (C)

Beauharnois (C)

Beaulieu (V)

Beauport (VC)

Beaupré (VT)

Bécancour (VT)

Bedford (CT)

Bedford (VT)

Beloeil (VT)

Bernières (SD)

Berthierville (VT)

Berthier-sur-Mer (P)

Blainville (VT)

Boisbriand (VT)

Bois-des-Filion (V)

Boucherville (VT)

Bristol (CT)

Bromont (VT)

Brossard (VC)

Brownsburg (V)

Bryson (V)

Buckingham (VC): South Part, corresponds to the former municipalities of:

Buckingham (VT)

Masson (VT)

Angers (V)

L'Ange-Gardien (P)

Buckingham, Southeast part (CT)

Calixa-Lavallée (P)

Calumet (V)

Campbell's Bay (V)

Candiac (VT)

Cap-de-la-Madeleine (C)

Cap-Santé (SD)

Carignan (VT)

Carillon (V)

Chambly (C)

Champlain (V)

Charette (SD)

Charlemagne (VT)

Charlesbourg (VC)

Charlesbourg (VC): corresponds to the former municipalities of: (South Part)

Charlesbourg Est (SD)

Charlesbourg (C)

Orsainville (VT)

Charny (VT)

Châteauguay (VC)

Château-Richer (VT)

Chatham (CT)

Clarenceville (V)

Clarendon (CT)

Contrecoeur (V)

Coteau-du-Lac (V)

Coteau-Landing (V)

Côte-Saint-Luc (C)

Cowansville (VT)

Crabtree (V)

Daveluyville (V)

Delson (VT)

Deschaillons (V)

Deschaillons-sur-Saint-Laurent (V)

Deschambault (V)

Deux-Montagnes (C)

Dollard-des-Ormeaux (VT)

Donnacona (VT)

Dorion (VT)

Dorval (C)

Drummondville (C)

Drummondville-Sud (VT)

Dundee (CT)

Dunham (VT)

Durham-Sud (SD)

East Farnham (V)

Elgin (CT)

Farnham (VC)

Fassett (SD)

Fortierville (V)

Franklin (SD)

Frelighsburg (P)

Frelighsburg (V)

Gatineau (VC)

Godmanchester (CT)

Granby (CT)

Granby (VC)

Grande-Île (SD)

Grand-Calumet (CT)

Grand-Mère (VC)

Grand-Saint-Esprit (SD)

Grantham-Ouest (SD)

Greenfield Park (VT)

Grenville (CT)

Grenville (V)

Hampstead (VT)

Havelock (CT)

Hemmingford (CT)

Hemmingford (V)

Henryville (SD)

Henryville (V)
Hinchinbrook (CT)
Howick (V)
Hudson (VT)
Hull (C)
Hull, West part (CT)
Huntingdon (VT)
Iberville (VT)
Île-Cadieux (VT)
Île-Dorval (VT)
Île-Perrot (VT)
Joliette (C)
Kingsey Falls (SD)
Kingsey Falls (V)
Kingsey (CT)
Kirkland (VT)
La Durantaye (P)
La Pérade (V)
La Plaine (P)
La Prairie (VT)
La Présentation (P)
La Station-du-Coteau (V)
La Visitation-de-Champlain (P)
La Visitation-de-la Bienheureuse-Vierge-Marie (P)
La visitation-de-la-Sainte-Vierge-de-l'Isle-du-Pads (P)
Lachenaie (VT)
Lachine (C)
Lachute (C)
Lacolle (V)

Lafontaine (V)
Lanoraie-d'Autray (SD)
Lasalle (C)
Laurentides (VT)
Laurierville (V)
Laurier-Station (V)
Lauzon (C)
Laval (VC)
Lavaltrie (V)
Le Gardeur (VT)
Leclercville (V)
Lefebvre (SD)
Lemieux (SD)
Lemoyne (VT)
Léry (VT)
Les Becquets (V)
Les Cèdres (V)
Lévis (VC)
Litchfield (CT)
Lochaber (CT)
Lochaber, West part (CT)
Longueuil (VC)
Loretteville (C)
Lorraine (VT)
Lotbinière (V)
Louiseville (VT)
Lyster (SD)
L'Acadie (SD)
L'Ange-Gardien (P)

L'Assomption (P)
L'Assomption (VT)
L'Avenir (SD)
L'Épiphanie (P)
L'Épiphanie (VT)
Maddington (CT)
Manseau (V)
Maple Grove (VT)
Marieville (VT)
Mascouche (VT)
Maskinongé (V)
Massueville (V)
McMasterville (V)
Melocheville (V)
Mercier (VT)
Mirabel (VC)
Montebello (V)
Montmagny (C)
Montréal (VC)
Montréal-Est (VT)
Montréal-Nord (C)
Montréal-Ouest (VT)
Mont-Royal (VT)
Mont-Saint-Grégoire (V)
Mont-Saint-Hilaire (VT)
Napierville (V)
Nelson, part contiguous to Sainte-Julie (CT)
Neuville (V)
New Glasgow (V)

Nicolet (VT)
Nicolet-Sud (SD)
Notre-Dame-des-Prairies (P)
Notre-Dame-de-Bon-Secours (P)
Notre-Dame-de-Bon-Secours, North part (P)
Notre-Dame-de-Lourdes (P) (Joliette)
Notre-Dame-de-Lourdes (P) (Mégantic)
Notre-Dame-de-l'Île-Perrot (P)
Notre-Dame-de-Pierreville (P)
Notre-Dame-de-Portneuf (P)
Notre-Dame-de-Saint-Hyacinthe (P)
Notre-Dame-de-Stanbridge (P)
Notre-Dame-du-Bon-Conseil (P)
Notre-Dame-du-Bon-Conseil (V)
Notre-Dame-du-Mont-Carmel (P) (Champlain)
Notre-Dame-du-Mont-Carmel (P) (Saint-Jean)
Notre-Dame-du-Sacré-Coeur-d'Issoudun (P)
Noyan (SD)
Oka (P)
Oka (SD)
Oka-sur-le-lac (VT)
Ormstown (V)
Otterburn Park (VT)
Outremont (VC)
Papineauville (V)
Philipsburg (V)
Pierrefonds (VC)
Pierreville (V)
Pincourt (VT)

Plaisance (SD)

Plessisville (P)

Plessisville (VT)

Pointe Claire (VC)

Pointe-aux-Trembles (C)

Pointe-aux-Trembles (P)

Pointe-Calumet (V)

Pointe-des-Cascades (V)

Pointe-du-Lac (SD)

Pointe-du-Moulin (VT)

Pointe-Fortune (V)

Pontiac (SD): South part, corresponds to the former municipalities of:

 Quyón (V)

 Eardley (CT)

 Onslow, south part (CT) (except range 6)

Pont-Rouge (V)

Portage-du-Fort (P)

Portneuf (VT)

Princeville (P)

Princeville (VT)

Québec (VC)

Rainville (SD)

Rawdon (CT)

Rawdon (V)

Repentigny (VT)

Richelieu (VT)

Rigaud (VT)

Rivière Beaudette (V)

Rivière-Beaudette (P)

Rosemère (VT)
Rougemont (V)
Roxboro (VT)
Roxton Falls (V)
Roxton (CT)
Sacré-Coeur-de-Jésus (P)
Sainte-Agathe (P)
Sainte-Agathe (V)
Sainte-Angèle (P)
Sainte-Angèle-de-Monnoir (P)
Sainte-Angélique (P)
Sainte-Anne-des-Plaines (P)
Sainte-Anne-de-Beaupré (VT)
Sainte-Anne-de-Bellevue (VT)
Sainte-Anne-de-la-Pérade (P)
Sainte-Anne-de-Sabrevois (P)
Sainte-Anne-de-Sorel (P)
Sainte-Anne-du-Sault (P)
Sainte-Anne-d'Yamachiche (P)
Sainte-Barbe (P)
Sainte-Brigide-d'Iberville (SD)
Sainte-Brigitte-des-Saults (P)
Sainte-Catherine (VT)
Sainte-Cécile-de-Lévrard (P)
Sainte-Cécile-de-Milton (CT)
Sainte-Christine (P)
Sainte-Clothilde (P)
Sainte-Clothilde-de-Horton (P)
Sainte-Clothilde-de-Horton (V)

Sainte-Croix (P)
Sainte-Croix (V)
Sainte-Élizabeth (P)
Sainte-Élizabeth-de-Warwick (P)
Sainte-Emmélie (P)
Sainte-Eulalie (SD)
Sainte-Famille, I.O. (P)
Sainte-Foy (VC)
Sainte-Françoise (SD)
Sainte-Geneviève (VT)
Sainte-Geneviève-de-Batiscan (P)
Sainte-Geneviève-de-Berthier (P)
Sainte-Hélène-de-Bagot (SD)
Sainte-Hélène-de-Breakeyville (P)
Sainte-Jeanne-de-Pont-Rouge (SD)
Sainte-Julie (SD)
Sainte-Julie (VT)
Sainte-Julienne (P)
Sainte-Justine-de-Newton (P)
Sainte-Madeleine (V)
Sainte-Madeleine-de-Rigaud (P)
Sainte-Marcelline-de-Kildare (SD)
Sainte-Marie-de-Blandford (SD)
Sainte-Marie-de-Monnoir (P)
Sainte-Marie-Madeleine (P)
Sainte-Marie-Salomée (P)
Sainte-Marthe (P)
Sainte-Marthe (V)
Sainte-Marthe-du-Cap-de-la-Madeleine (SD)

Sainte-Marthe-sur-le-Lac (VT)
Sainte-Martine (P)
Sainte-Mélanie (P)
Sainte-Monique (P)
Sainte-Monique (V)
Sainte-Perpétue (P)
Sainte-Philomène-de-Fortierville (P)
Sainte-Pudentienne (P)
Sainte-Pudentienne (V)
Sainte-Rosalie (P)
Sainte-Rosalie (V)
Sainte-Sabine (P)
Sainte-Séraphine (P)
Sainte-Sophie (SD)
Sainte-Sophie-de-Lévrard (P)
Sainte-Thérèse (VC)
Sainte-Ursule (P)
Sainte-Victoire-de-Sorel (P)
Sainte-Victoire-d'Arthabaska (P)
Saint-Gervais et Protais (P)
Saint-Adelphe (P)
Saint-Agapitville (V)
Saint-Agapit-de-Beaurivage (P)
Saint-Aimé (P)
Saint-Alban (P)
Saint-Alban (V)
Saint-Albert-de-Warwick (P)
Saint-Alexandre (P)
Saint-Alexandre (V)

Saint-Alexis (P)
Saint-Alexis (V)
Saint-Alphonse (P)
Saint-Amable (P)
Saint-Ambroise-de-Kildare (P)
Saint-André-d'Acton (P)
Saint-André-d'Argenteuil (P)
Saint-André-Est (V)
Saint-Ange-Gardien (P)
Saint-Anicet (P)
Saint-Anselme (P)
Saint-Anselme (V)
Saint-Antoine (VT)
Saint-Antoine-de-Lavaltrie (P)
Saint-Antoine-de-la-Baie-du-Febvre (P)
Sainte-Antoine-de-la-Rivière-du-Loup (P)
Saint-Antoine-de-Padoue (P)
Saint-Antoine-de-Tilly (P)
Saint-Antoine-sur-Richelieu (SD)
Saint-Apollinaire (SD)
Saint-Armand-Ouest (P)
Saint-Athanase (P)
Saint-Augustin-de-Desmaures (P)
Saint-Barnabé (P) (Saint-Hyacinthe)
Saint-Barnabé (P) (Saint-Maurice)
Saint-Barthélemi (P)
Saint-Basile (P)
Saint-Basile-Le-Grand (VT)
Saint-Basile-Sud (V)

Saint-Bernard, South part (P)
Saint-Bernard-de-Lacolle (P)
Saint-Blaise (P)
Saint-Bonaventure (P)
Saint-Bruno-de-Montarville (VT)
Saint-Casimir (P)
Saint-Casimir (V)
Saint-Casimir-Est (V)
Saint-Célestin (SD)
Saint-Césaire (P)
Saint-Césaire (VT)
Saint-Charles (P)
Saint-Charles (V)
Saint-Charles-Boromé (P) (Bellechasse)
Saint-Charles-Borromée (P) (Joliette)
Saint-Charles-des-Grondines (P)
Saint-Charles-des-Grondines (V)
Saint-Charles-sur-Richelieu (V)
Saint-Chrysostome (V)
Saint-Cléophas (P)
Saint-Clet (SD)
Saint-Constant (VT)
Saint-Cuthbert (P)
Saint-Cyprien (P)
Saint-Cyrille (V)
Saint-Damase (P)
Saint-Damase (V)
Saint-David (P)
Saint-David-de-l'Auberivière (VT)

Saint-Denis (P)
Saint-Denis (V)
Saint-Dominique (V)
Saint-Edmond-de-Grantham (P)
Saint-Édouard (P)
Saint-Édouard-de-Lotbinière (P)
Saint-Elphège (P)
Saint-Éphrem-d'Upton (P)
Saint-Esprit (P)
Saint-Étienne (SD)
Saint-Étienne-des-Grès (P)
Saint-Étienne-de-Beauharnois (SD)
Saint-Étienne-de-Beaumont (P)
Saint-Eugène (SD)
Saint-Eustache (VT)
Saint-Félix-de-Valois (P)
Saint-Félix-de-Valois (V)
Saint-Félix-du-Cap-Rouge (P)
Saint-Flavien (P)
Saint-Flavien (V)
Saint-François, I.O. (P)
Saint-François-de-Sales-de-la-Rivière-du-Sud (P)
Saint-François-du-Lac (P)
Saint-François-du-Lac (V)
Saint-François-Xavier-de-Batiscan (P)
Saint-Georges (V)
Saint-Georges-de-Clarenceville (SD)
Saint-Gérard-Magella (P) (L'Assomption)
Saint-Gérard-Majella (P) (Yamaska)

Saint-Germain-de-Grantham (P)
Saint-Germain-de-Grantham (V)
Saint-Gilbert (P)
Saint-Gilles (P)
Saint-Grégoire-Le-Grand (P)
Saint-Guillaume (P)
Saint-Guillaume (V)
Saint-Henri (SD)
Saint-Hubert (VC)
Saint-Hugues (P)
Saint-Hugues (V)
Saint-Hyacinthe (VT)
Saint-Hyacinthe-le-Confesseur (P)
Saint-Ignace-de-Loyola (P)
Saint-Ignace-de-Stanbridge (P)
Saint-Ignace-du-Coteau-du-Lac (P)
Saint-Isidore (P) (Dorchester)
Saint-Isidore (P) (Laprairie)
Saint-Isidore (V)
Saint-Jacques (P)
Saint-Jacques (V)
Saint-Jacques-de-Horton (SD)
Saint-Jacques-de-Parisville (P)
Saint-Jacques-le-Mineur (P)
Saint-Janvier-de-Joly (SD)
Saint-Jean (VC)
Saint-Jean, I.O. (P)
Saint-Jean-Baptiste (P)
Saint-Jean-Baptiste-de-Nicolet (P)

Saint-Jean-Chrysostome (P)
Saint-Jean-Chrysostome (VT)
Saint-Jean-de-Boischatel (V)
Saint-Jean-de-Dieu (P)
Saint-Jérôme (C)
Saint-Joachim (P)
Saint-Joachim-de-Courval (P)
Saint-Joseph-de-Blandford (P)
Saint-Joseph-de-Deschambault (P)
Saint-Joseph-de-Lanoraie (P)
Saint-Joseph-de-la-Baie-du-Febvre (SD)
Saint-Joseph-de-la-Pointe-de-Lévy (P)
Saint-Joseph-de-Maskinongé (P)
Saint-Joseph-de-Sorel (VT)
Saint-Joseph-de-Soulanges (P)
Saint-Joseph-du-Lac (P)
Saint-Jude (P)
Saint-Justin (P)
Saint-Lambert (VC)
Saint-Lambert-de-Lauzon (P)
Saint-Laurent (VC)
Saint-Laurent, I.O. (P)
Saint-Lazare (P)
Saint-Léonard (C)
Saint-Léonard (SD)
Saint-Léonard-d'Aston (V)
Saint-Léon-le-Grand (P)
Saint-Liboire (P)
Saint-Liboire (V)

Saint-Liguori (P)
Saint-Lin (P)
Saint-Louis (P)
Saint-Louis-de-Blandford (P)
Saint-Louis-de-France (P)
Saint-Louis-de-Gonzague (P)
Saint-Louis-de-Lotbinière (P)
Saint-Louis-de-Pintendre (P)
Saint-Louis-de-Terrebonne (P)
Saint-Luc (P)
Saint-Luc (VT)
Saint-Lucien (P)
Saint-Majorique-de-Grantham (P)
Saint-Malachie-d'Ormstown (P)
Saint-Marc (P)
Saint-Marcel (P)
Saint-Marc-des-Carières (V)
Saint-Mathias (P)
Saint-Mathieu (SD)
Saint-Mathieu-de-Beloeil (P)
Saint-Maurice (P)
Saint-Michel (P) (Bellechasse)
Saint-Michel (P) (Napierville)
Saint-Michel-de-Rougemont (P)
Saint-Michel-d'Yamaska (P)
Saint-Narcisse (P)
Saint-Narcisse-de-Beaurivage (P)
Saint-Nazaire-d'Acton (P)
Saint-Nicéphore (SD)

Saint-Nicolas (VT)
Saint-Norbert (P)
Saint-OCtave-de-Dosquet (P)
Saint-Ours (P)
Saint-Ours (VT)
Saint-Patrice-de-Sherrington (P)
Saint-Paul (SD)
Saint-Paulin (P)
Saint-Paulin (V)
Saint-Paul-de-Châteauguay (SD)
Saint-Paul-de-l'Île-aux-Noix (P)
Saint-Paul-d'Abbotsford (P)
Saint-Philippe (P)
Saint-Pie (P)
Saint-Pie (V)
Saint-Pierre (VT)
Saint-Pierre (V)
Saint-Pierre, I.O. (P)
Saint-Pierre-de-la-Rivière-du-Sud (P)
Saint-Pierre-de-Sorel (P)
Saint-Pierre-de-Véronne, at Pike-River (SD)
Saint-Pierre-les-Becquets (P)
Saint-Pie-de-Guire (P)
Saint-Placide (P)
Saint-Placide (V)
Saint-Polycarpe (P)
Saint-Polycarpe (V)
Saint-Prosper (P)
Saint-Raphaël (P) (Bellechasse)

Saint-Raphaël (V) (Bellechasse)

Saint-Raphaël, South part (P) (Nicolet)

Saint-Raphaël-de-l'Île-Bizard (P)

Saint-Rédempteur (V)

Saint-Rémi (VT)

Saint-Robert (P)

Saint-Roch-de-l'Achigan (P)

Saint-Roch-de-Richelieu (P)

Saint-Roch-Ouest (SD)

Saint-Romuald-d'Etchemin (C)

Saint-Rosaire (P)

Saint-Samuel (P)

Saint-Sébastien (P)

Saint-Sévère (P)

Saint-Séverin (P)

Saint-Simon (P)

Saint-Stanislas (SD)

Saint-Stanislas-de-Kostka (P)

Saint-Sulpice (P)

Saint-Sylvère (SD)

Saint-Télesphore (P)

Saint-Théodore-d'Acton (P)

Saint-Théophile (P)

Saint-Thomas (P)

Saint-Thomas-de-Pierreville (P)

Saint-Thomas-d'Aquin (P)

Saint-Thuribe (P)

Saint-Timothée (P) (Beauharnois)

Saint-Timothée (P) (Champlain)

Saint-Timothée (V)
Saint-Tite (P)
Saint-Tite (VT)
Saint-Urbain-Premier (P)
Saint-Valentin (P)
Saint-Valère (SD)
Saint-Valérien-de-Milton (CT)
Saint-Vallier (P)
Saint-Vallier (V)
Saint-Viateur (P)
Saint-Wenceslas (SD)
Saint-Wenceslas (V)
Saint-Zéphirin-de-Courval (P)
Saint-Zotique (V)
Salaberry-de-Valleyfield (C)
Senneville (V)
Shawinigan (C)
Shawinigan-Sud (VT)
Shawville (V)
Shefford (CT)
Sillery (C)
Sorel (C)
Stanbridge (CT)
Stanbridge-Station (SD)
Terrasse-Vaudreuil (SD)
Terrebonne (VT)
Thurso (VT)
Tracy (VT)
Très-Saint-Rédempteur (P)

Très-Saint-Sacrement (P)
Trois-Rivières (VC)
Trois-Rivières-Ouest (VT)
Ulverton (SD)
Upton (V)
Val-Alain (SD)
Vanier (VT)
Varenes (VC)
Vaudreuil (VT)
Vaudreuil-sur-le-Lac (V)
Venise-en-Québec (SD)
Verchères (V)
Verdun (C)
Victoriaville (VT)
Villeroy (SD)
Warden (V)
Warwick (CT)
Warwick (VT)
Waterloo (VT)
Wendover and Simpson (CU)
Westmount (C)
Wickham (SD)
Yamachiche (V)
Yamaska (V)
Yamaska-Est (V)
The unorganized territory of Bellechasse (northwest part)

1978, c. 10, Schedule A; 1996, c. 2, s. 824.



In accordance with section 22 of this Act, other municipalities have been designated by the following Orders in Council: O.C. 996-80 of 02.04.80, O.C. 1694-80 of 11.06.80, O.C. 3314-80 of 22.10.80, O.C. 1616-81 of 17.06.81 and O.C. 3020-81 of 06.11.81, all unpublished. However, a list of those municipalities may be found in the notices of adoption of Orders in Council of designated

agricultural regions, published respectively in (1980) 112 G.O. I, 5206 (French); (1980) 112 G.O. I, 7139 (French); (1980) 112 G.O. I, 10711 (French); (1981) 113 G.O. I, 7951 (French) and (1981) 113 G.O. I, 12360 (French).

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 10 of the statutes of 1978, in force on 1 June 1979, is repealed, except section 113, effective from the coming into force of chapter P-41.1 of the Revised Statutes.

