

chapter P-41.1, r. 1

**Preservation of Agricultural Land and Agricultural Activities Regulation**

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

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**CHAPTER I**

*(Heading revoked)*

O.C. 1163-84, c. I; Decision 2000-03-03, s. 1.

**DIVISION I**

**APPLICATIONS FOR AUTHORIZATION, INCLUSION OR EXCLUSION**

**1.** For the purposes of section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), an application for authorization is filed on the form provided by the Commission de protection du territoire agricole du Québec containing the following information:

**A) INFORMATION PROVIDED BY THE APPLICANT:**

(1) the applicant's name, address, telephone and fax numbers and email address and, if applicable, the mandatary's name, address, telephone and fax numbers and email address;

(2) the name, address, telephone and fax numbers and email address of the owner of the lots covered by the application, where the applicant is not the owner, and, if applicable, the acquirer's name and address;

(3) a description of the project covered by the application and the nature of the authorization required to implement the project;

(4) the designation of each of the lots covered by the application, the range, the cadastre, the municipality in which each of the lots is located, the area covered by the application and the total area of the property;

(5) a demonstration of the lack of available areas suitable for the purposes of the application elsewhere in the territory of the municipality concerned by the application and outside of the agricultural zone, where the application seeks an authorization for a new use other than agricultural;

(6) the current use of the lots covered by the application and the description and use of the buildings and works on each lot;

(7) for lots covered by an application for the alienation of a lot or group of lots as well as for lots kept by the applicant and lots owned by the acquirer, the list thereof, their area, range, cadastre, the municipality in which each lot is located, their use, the type of cultivation, a description of the principal farm buildings, of the housing buildings and their year of construction, the inventory of animals, the production quota and contingent for each of them;

(8) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a list of the uses related to the exploitation applied for and for all the new sites and enlargements of sites applied for, a demonstration that there is no site minimizing the impact on agriculture, the duration of the authorization applied for and, if applicable, the number of the prior decision of the commission;

(9) where the application pertains to the use for a purpose other than agricultural for the purposes of storing fertilizing residual materials, the treatment required, if any, the livestock of the operator of the storage structure and the areas cultivated by the operator, the current use of the storing structure, its size and capacity, an estimate of the volume stored yearly, the destination of the fertilizing residual materials and the duration of the authorization applied for;

(10) where the application pertains to the cutting of maple trees in a sugar bush, the projected type of cut;

(11) the attestation by the applicant or by the applicant's mandatary that the information provided and the documents attached are true;

**B) INFORMATION PROVIDED BY THE MUNICIPALITY:**

- (1) the correspondence between the municipality's zoning by-law and the development plan in force, the compliance of the project concerned with the zoning by-law and any interim control measure;
- (2) where the project covered by the application does not comply with the zoning by-law or, if applicable, with the interim control measures, an indication as to whether a draft by-law makes the project compliant, and an indication as to whether an opinion has been issued by the regional county municipality or the metropolitan community stating that the proposed amendment would comply with the development plan or interim control measures of that regional county municipality or that metropolitan community;
- (3) only if the application is to obtain a use for a purpose other than agricultural, an indication as to whether the subject of that application constitutes a protected immovable that generates distances separating livestock facilities;
- (4) where the application is for a new use for residential purposes or for the enlargement of a residential use, the minimum area and the minimum frontage required for that use under the municipal subdivision by-law in force;
- (5) the date that the by-law directing the installation of a water or sewer system to serve each of the lots was adopted, where the lots are served by such a system;
- (6) a description of the surrounding environment, by making an inventory of all the vacant or non-vacant farm buildings located within a radius of 500 m from the location referred to in the application, the type of building or livestock, the number of animal units if applicable and, in the absence of a farm building within that 500-m radius, an indication of the distance from the nearest farm building;
- (7) the current use of the neighbouring lots;
- (8) the date of receipt of the application at the municipality's office; and
- (9) the name, telephone number and email address of the municipal officer and the officer's position within the municipality.

O.C. 1163-84, s. 1; Decision 2000-03-03, s. 2; Decision 2016-05-05, s. 1.

**2.** The following documents must accompany any application made under section 58 of the Act:

- (1) a dated and signed scale plan, indicating the scale used, the cardinal points, the number of the lots concerned, their area and the measurements of the sides of each of the sites in question, the distances from the lot lines and public road, the location and use of the buildings erected on the lots in question, their area and their location on each of the lots belonging to the owner of the lots in question that are contiguous or deemed to be contiguous by effect of the Act to each of the lots in question;
- (2) in addition to the information required in the plan to be provided under paragraph 1, where the application is for a use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, the plan must indicate the location and area of the access road, work areas and extraction areas or embankment areas, the redeveloped areas covered with topsoil and intact areas in the case of an application for the continuation of the work;
- (3) where the application pertains to the use for a purpose other than agricultural for the purposes of exploiting resources and making embankments, a rehabilitation plan or program prepared by an agrologist and, depending on the nature of the proposed work, a description of the project indicating the agronomical problems to be solved or the objective pursued, a topographical plan produced by an agrologist, a land surveyor, an engineer or any other professional having the required qualifications, including the level of the natural land and the final profile, the level of the adjacent pieces of land over a 20-m strip around the boundaries of the site concerned, the position of the groundwater body and the date of observation, as well as

a stratigraphy showing the result of the soil surveys, and a description of the layer of topsoil in place, accompanied by a soil analysis by an accredited laboratory;

(4) where the application is for the continuation of resource exploitation work or for the enlargement of a site that has already been granted authorization by the commission, a document showing the volumes of topsoil heaped with the calculation method, the thickness of topsoil put back into place on the restored areas with the sampling plan, an expert's report by an agrologist stating that the conditions of the previous authorization have been complied with, if it was a requirement for the previous decision;

(5) where the application is for the implementation and operation of commercial and municipal wells, a map showing the location of the various sites of research for a site with less impact on agricultural activities, as well as a hydrogeological report stating the effect of the catchment on the use of agricultural land and livestock comprised in the area of influence;

(6) where the application is for the cutting of maple trees in a sugar bush, a forest prescription signed by a forest engineer, specifying the number of initial cuts per hectare and the number of residual cuts, in the case of partial cutting, and a forest diagnosis indicating the number of cuts per hectare and an evaluation of the impact of the cutting on the adjacent sugar maple stands signed by a forest engineer, in the case of total cutting;

(7) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(8) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).

O.C. 1163-84, s. 2; Decision 2000-03-03, s. 2; Decision 2016-05-05, s. 1.

**3.** For the purposes of section 65 of the Act, an application for exclusion must contain the following information:

(1) the name, address, telephone and fax numbers of the local municipality or of the regional county municipality or community;

(2) the name, address, home telephone number and, if any, office telephone number of the owner of each of the lots in question;

(3) the mandatary's name, address, occupation and telephone number and, if any, fax number;

(4) the lot number and area of each of the lots referred to in the application, the area covered by the application, the range or concession, the name of the cadastre, the registration division, the local municipality and the regional county municipality or community;

(5) a description of the project with respect to which the application is made and its total area;

(6) a demonstration of the need met by the application for exclusion, the objectives of the planned development and its relation to the land use planning and development plan;

(7) a demonstration that the project cannot be implemented outside the agricultural zone of the local municipality or that the site of each of the lots under consideration will result in less impact on the territory and on farming activities;

(8) a description of the alternative sites that were examined with a view to eliminating or reducing restrictions on farming within the census agglomeration or within the census metropolitan area as defined by Statistics Canada, where the application involves a lot located in that agglomeration or area or in the territory of a community;

(9) the current use of the lots referred to in the application, the presence of structures or buildings, their current use and the current use of contiguous lots;

(10) the date the by-law authorizing the installation of a water or sewer system was adopted, where the lots referred to in the application are served by such a system;

(11) the approximate distance between the nearest livestock building and the lots referred to in the application and its current use;

(12) compliance with the municipal zoning by-law and any interim control measures as well as compliance with the objectives of the land use planning and development plan and with the provisions of the complementary document.

O.C. 1163-84, s. 3; Decision 2000-03-03, s. 2.

**3.1.** The following documents must accompany any application for exclusion made by a regional county municipality or a community under section 65 of the Act:

(1) a resolution, giving reasons, by the regional county municipality or community based on the criteria set out in section 62 of the Act, the objectives of the land use planning and development plan, the complementary document and any interim control measures;

(2) a dated and signed scale plan, indicating the scale used, the cardinal points, the lot number, area and measurement of each side of the sites referred to in the application, the area and location of each lot belonging to the owner of the lots in question that is contiguous or deemed contiguous under the Act to each of those lots;

(3) the opinion of an authorized regional county municipality or community officer with respect to the application's compliance with the objectives of the land use planning and development plan, the provisions of the complementary document and any interim control measures;

(4) a resolution, giving reasons, by each of the local municipalities affected by the application for exclusion based on the criteria set out in section 62 of the Act and indicating the suitable locations available outside the agricultural zone of the local municipality;

(5) the opinion of an authorized municipal officer from each of the local municipalities affected by the application for exclusion with respect to the application's compliance with the zoning by-law and with any interim control measures; and

(6) a cheque payable to the Minister of Finance for the amount stipulated in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).

Decision 2000-03-03, s. 2.

**3.2.** The following documents must accompany any application for exclusion made by a local municipality under section 65 of the Act:

(1) a resolution, giving reasons, based on the criteria set out in section 62 of the Act and indicating the suitable locations available outside its agricultural zone;

(2) a supporting resolution, giving reasons, by the regional county municipality or community based on the criteria set out in section 62 of the Act, the objectives of the land use planning and development plan, the complementary document and any interim control measures;

(3) a dated and signed scale plan, indicating the scale used, the cardinal points, the lot number, area and measurement of each side of the sites referred to in the application, the area and the location of each lot

belonging to the owner of the lots in question that is contiguous or deemed contiguous under the Act to each of those lots;

(4) the opinion of an authorized municipal officer with respect to the compliance of the application for exclusion with the municipal zoning by-law and any interim control measures; and

(5) a cheque payable to the Minister of Finance for the amount stipulated in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).

Decision 2000-03-03, s.2.

## **DIVISION II**

### **DECLARATIONS**

**4.** For the purposes of sections 32 and 32.1 of the Act, a declaration must be filed on a form provided by the commission and contain the following information:

(1) the name, address, telephone and fax numbers and email address of the declarant, and, if applicable, the name, address, telephone and fax numbers and email address of the mandatary and the owner;

(2) the designation of each of the lots covered by the declaration, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the declaration of exercise of a right;

(3) the right relied upon by the declarant and the facts in support of that right;

(4) the declarant's attestation that the information provided and documents attached are true; and

(5) the information provided by the municipal officer relating to the number and date of the application for a construction permit, the type of proposed construction and its dimensions, and the name, telephone and fax numbers, email address of the municipal officer, and the officer's position within the municipality.

O.C. 1163-84, s. 4; Decision 98-05-25, s. 1; Decision 2016-05-05, s. 2.

**5.** For the purposes of section 100.1 of the Act, a declaration filed under section 32 or 32.1 of the Act by means of the form provided by the commission and duly completed must be accompanied by the following documents:

(1) a copy of the land title for each lot in question and, in the case of a declaration made under section 32.1 of the Act, a copy of the deed or proposed deed of alienation, and a copy of any prior title, if a part of the area of the right recognized under Chapter VII of the Act was for the first time subdivided, alienated or retained on the occasion of a subdivision or alienation. Each of the copies of such titles must bear the date and number of publication in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road, as well as the location of the building to be erected. In the case of a declaration made under section 32.1 of the Act or where the building is to be erected or replaced on an area of recognized rights referred to in sections 101 and 103 of the Act, the plan must identify precisely the area of recognized rights referred to in section 101 of the Act and the location of the uses for purposes other than agricultural and the distances between them and the lot lines and the public road. Such plan must also illustrate the area over which the declarant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) in the case of the replacement of a burned-out or destroyed residence, erected under section 31 of the Act, or a building used for purposes other than agricultural before the date of application of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction;

(5) where the declarant relies upon the personal right provided for in section 40 of the Act to erect a residence, the name, profession and quality of the occupant of the residence, the principal characteristics of the farm operation such as its total area, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, specifying which areas are leased by the declarant and which are owned by the declarant, and a copy of the financial documents for the last fiscal year;

(6) where the declaration covers an area of recognized rights provided for in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the declaration;

(7) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).

O.C. 1163-84, s. 5; Decision 98-05-25, s. 2; Decision 2016-05-05, s. 2.

**5.1.** In addition to the declarations referred to in sections 32 and 32.1 of the Act, a person may apply to the commission for a verification of the existence of a real right or a personal right affecting the person's property. Such application must be filed on a form provided by the commission and contain the following information:

(1) the applicant's name, address, telephone and fax numbers and email address and, if applicable, the name, address, telephone and fax numbers and email address of the mandatory and the owner;

(2) the designation of each of the lots covered by the application, the range, the cadastre, the area of each lot and the municipality in which each is located, as well as all the other lots forming the property covered by the verification of rights;

(3) the type of use concerned, the right relied upon by the applicant and the facts in support of that right;

(4) the attestation of the person or the person's mandatory that the information and documents provided are true.

Decision 2016-05-05, s. 3.

**5.2.** An application for the verification of rights, filed by means of the duly completed form provided by the commission, must be accompanied by the following documents:

(1) a copy of the land title for each of the lots concerned, bearing the date and publication number in the land register;

(2) a scale plan, dated and signed, the scale used to make it, indicating the cardinal points, the location of the buildings on each of the lots in question and the distances between them, the lot lines and the public road. The plan must also identify the area of recognized rights referred to in section 101 of the Act and illustrate the area over which the applicant claims to exercise the right to enlarge provided for in section 103 of the Act, where applicable;

(3) a copy of the graphic matrix illustrating each of the lots in question;

(4) if the right to verify is the right referred to in sections 101 and 103 of the Act, a copy of the fire report or demolition permit, or an attestation by a municipal officer indicating the date of the total or partial destruction of the building or any other document making it possible to establish the date of the destruction, the construction permit, the property assessment roll of the year of the Order in Council, of the year 2001 and of the current year, as well as any other relevant document;

(5) if the right to verify is the right referred to in section 104 of the Act, a description of the public service projected by the public authority and any other document including the Order in Council of the Government, the municipal by-law allowing to establish the origin of the right relied on;

(6) if the right to verify is the right referred to in section 105 of the Act, an attestation by the clerk or secretary-treasurer of the municipality indicating the date on which the municipal by-laws providing for the installation of public water and sanitary sewer services were passed and approved, as well as the type of uses allowed by municipal by-laws on the areas covered by the application for verification;

(7) if the right to verify is the right covered by the personal rights provided for in sections 31 and 31.1 of the Act, a copy of the relevant permits, the property assessment roll of the year following the construction and of the current year;

(8) where the recognition applied for is for the personal right provided for in section 40 of the Act, the name, profession and quality of the occupant of the residence, a description of the farm operation including the total area owned and the leased area, if applicable, the area under cultivation, the type of crops, a list of the livestock, farm machinery and buildings, and a copy of the financial documents for the last fiscal year;

(9) a cheque or postal money order made out to the Minister of Finance in the amount provided for in section 1 of the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6).

Decision 2016-05-05, s. 3.

**6.** A municipality, a community, a department, a public agency or an agency providing public services may carry out repair works or widening of public roads, or improve or install sewer and water systems, or provide public utility services, without permission from the Commission de protection du territoire agricole, in the following cases:

(1) where the works result in enlarging the existing right of way of a public road to a maximum width of 30 m, including the present right of way, and where the additional area required for the works is contiguous to the existing 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 m, as described in paragraph 1;

(3) where the repair or installation of public services or public utility services is intended to serve an existing or authorized building or one that could be erected without authorization, if the services are installed on the same lot as the building to be served.

O.C. 1163-84, s. 6; Decision 2000-03-03, ss. 3 and 8.

**7.** *(Revoked).*

O.C. 1163-84, s. 7; Decision 2000-03-03, s. 4; Decision 2016-05-05, s. 4.

**8.** *(Revoked).*

O.C. 1163-84, s. 8; Decision 2000-03-03, s. 4; Decision 2016-05-05, s. 4.

**DIVISION III**

**REMOVAL OF TOPSOIL**

§ 1. — *Application for a permit*

**9.** Under Division V of the Act, application for a permit shall be made on the form in Schedule VI, and shall provide the following information:

- (1) the name, address or head office, social insurance number and telephone number of the applicant;
- (2) the name, address or head office and telephone number of the owner if he is not the applicant;
- (3) the name, address and head office, telephone number and occupation of the mandatary, if any;
- (4) the designation of the lot covered by the application, including the lot number, the range if any, the cadastre, the area of the lot and the municipality in which it is located;
- (5) the present use of the lot covered;
- (6) the use of lots contiguous to the lot covered or lots deemed contiguous by the Act;
- (7) the area already operated by the applicant for removal of topsoil, if any;
- (8) the area covered by the application;
- (9) the total volume of topsoil to be removed;
- (10) the number of the previous permit held by the applicant and its date of issue;
- (11) the operation planned and the operating techniques to be used;
- (12) a list of the documents attached;
- (13) the applicant's attestation that the information furnished in his application is accurate.

The form prescribed by the first paragraph shall be accompanied by the following documents:

- (1) a general plan indicating:
  - (a) the cardinal points;
  - (b) the area of operations, including the placing of equipment, loading and unloading zones, storages zones and the municipal zoning of the land where the operation is located;
  - (c) the cadastre number of the lot or lots where the operation is located, indicating the measurements of each side of the proposed area of operations and the boundaries and lots located less than 200 m from the area of operations and the municipal zoning of the territory;
  - (d) the names and routes of the public roads, the access roads planned, existing and to be constructed, the watercourses or lakes, the location of wells and the nature of any agricultural construction located within the perimeter defined in subparagraph *c*;
  - (e) the date on which the general plan was drawn up;
  - (f) the boundaries of the property over which the applicant has operating rights;

(g) a plan of restoration of the lot to be developed which, when carried out, will enable it to retain its agricultural purpose, notwithstanding the operations planned by the applicant;

(2) a certified cheque payable to the Minister of Finance in the amount set by section 19.

O.C. 1163-84, s. 9.

**10.** In addition to the documents listed in section 9, an applicant for a topsoil permit must, upon request by the commission, submit the following documents:

(1) a soil analysis made by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation;

(2) contour lines indicated on the plan required by subparagraph 1 of the second paragraph of section 9.

O.C. 1163-84, s. 10.

**11.** All plans required by this Division shall bear the plan scale used in drawing them, the date on which they were drawn, and the author's signature.

O.C. 1163-84, s. 11.

**12.** The security provided by the applicant under section 74 of the Act may, at the applicant's choice, be in any of the following forms:

(1) bonds issued or guaranteed by the Gouvernement du Québec: in such case, only market value is recognized;

(2) a guarantee policy issued by an insurer duly authorized under the Insurers Act (chapter A-32.1) to do business in Québec;

(3) a guarantee obtained from any institution empowered to issue it. In such case, the surety must waive the benefit of discussion and division, and the guarantee may not be cancelled before the restoration works are completed;

(4) a cash deposit made by certified cheque payable to the Minister of Finance.

Security referred to in subparagraphs 1 and 4 of the first paragraph are deposited by the Board with the Bureau général de dépôts pour le Québec.

O.C. 1163-84, s. 12; O.C. 488-2017, s. 16.

**13.** In cases where the commission authorizes the renewal of a permit, any security required at the time of the original issue of the permit is deemed to have been furnished for the renewal.

The commission may decide that such security is no longer necessary wholly or in part and may cancel or reduce it; it may also decide to require new security, when the previous one is insufficient or has lapsed.

O.C. 1163-84, s. 13.

**14.** In the case of cancellation of security by the commission, it shall return to the person who furnished the security the document evidencing it, or shall return the sum furnished as security.

O.C. 1163-84, s. 14.

**15.** The commission may confiscate and enforce the security if the permit holder does not comply with the terms of the permit. Where the commission enforces the security, it shall apply the sum so collected to the works required to restore the site for which the permit was granted to agricultural use, in a state comparable to its prior state.

Where the sum collected exceeds what is necessary for the purpose, the commission shall return the surplus to the permit holder or the surety, whichever is appropriate.

O.C. 1163-84, s. 15.

§ 2. — *Cases where a permit is not required*

**16.** A person may remove topsoil to sell it without a permit in the following cases:

(1) where his principal occupation is horticulture, in order to supply horticultural soil for his land, plants or hot beds, or plant or flower containers for sale;

(2) where his principal occupation is the sowing or growing of trees or shrubs, in order to supply horticultural soil for containers of trees or shrubs for sale;

(3) where his principal occupation is the sowing and cultivation of lawn turf for sale, provided that, at harvest time, he does not remove more than 2 cm depth of soil per year, and that, between harvests, he cultivates and fertilizes the soil adequately.

In the case in subparagraph 3, where the person is not the owner of the lot, he shall send to the commission, in addition to the declaration prescribed by section 17, a copy of the contract empowering him to use the lot for the purposes of subparagraph 3; the contract shall have a term of not less than 5 years and shall provide that the removal of lawn turf shall be carried out as provided in subparagraph 3.

O.C. 1163-84, s. 16.

**17.** To avail himself of the exemptions prescribed by section 16, a person shall send to the commission before beginning operations, a declaration in the form in Schedule VII containing all the information necessary for identifying and locating the operating site.

O.C. 1163-84, s. 17.

**18.** Subject to an express statement to the contrary in a decision of the commission, a person may, without a permit and without a prior declaration, sell topsoil covering a lot that is subject of an authorization by the commission allowing its use for purposes other than agriculture.

O.C. 1163-84, s. 18.

## CHAPTER II

*(Revoked)*

O.C. 1163-84, c. II; O.C. 90-91, s. 6; Decision 2000-03-03, s. 5.

**19.** *(Replaced).*

O.C. 1163-84, s. 19; O.C. 90-91, s. 6.

**20.** *(Replaced).*

O.C. 1163-84, s. 20; O.C. 90-91, s. 6.

**21.** *(Replaced).*

O.C. 1163-84, s. 21; O.C. 90-91, s. 6.

**22.** *(Replaced).*

O.C. 1163-84, s. 22; O.C. 90-91, s. 6.

**23.** *(Replaced).*

O.C. 1163-84, s. 23; O.C. 90-91, s. 6.

**24.** *(Replaced).*

O.C. 1163-84, s. 24; O.C. 90-91, s. 6.

**CHAPTER III**

*(Revoked)*

O.C. 1163-84, c. III; Decision 2000-03-03, s. 6.

**DIVISION I**

*(Revoked)*

O.C. 1163-84, Div. I; Decision 2000-03-03, s. 6.

**25.** *(Revoked).*

O.C. 1163-84, s. 25; Decision 2000-03-03, s. 6.

**26.** *(Revoked).*

O.C. 1163-84, s. 26; Decision 2000-03-03, s. 6.

**27.** *(Revoked).*

O.C. 1163-84, s. 27; Decision 2000-03-03, s. 6.

**DIVISION II**

*(Revoked)*

O.C. 1163-84, Div. II; Decision 2000-03-03, s. 6.

**28.** *(Revoked).*

O.C. 1163-84, s. 28; Decision 2000-03-03, s. 6.

**DIVISION III**

*(Revoked)*

O.C. 1163-84, Div. III; Decision 2000-03-03, s. 6.

**29.** *(Revoked).*

O.C. 1163-84, s. 29; Decision 2000-03-03, s. 6.

**30.** *(Revoked)*.

O.C. 1163-84, s. 30; Decision 2000-03-03, s. 6.

**31.** *(Revoked)*.

O.C. 1163-84, s. 31; Decision 2000-03-03, s. 6.

**32.** *(Revoked)*.

O.C. 1163-84, s. 32; Decision 2000-03-03, s. 6.

**33.** *(Revoked)*.

O.C. 1163-84, s. 33; Decision 2000-03-03, s. 6.

**34.** *(Revoked)*.

O.C. 1163-84, s. 34; Decision 2000-03-03, s. 6.

**DIVISION IV**

*(Revoked)*

O.C. 1163-84, sec. IV; Decision 2000-03-03, s. 6.

**35.** *(Revoked)*.

O.C. 1163-84, s. 35; Decision 2000-03-03, s. 6.

**DIVISION V**

*(Revoked)*.

O.C. 1163-84, Div. V; Decision 2000-03-03, s. 6.

**36.** *(Revoked)*.

O.C. 1163-84, s. 36; Decision 2000-03-03, s. 6.

**37.** *(Revoked)*.

O.C. 1163-84, s. 37; Decision 2000-03-03, s. 6.

**38.** *(Revoked)*.

O.C. 1163-84, s. 38; Decision 2000-03-03, s. 6.

**39.** *(Revoked)*.

O.C. 1163-84, s. 39; Decision 2000-03-03, s. 6.

**40.** *(Revoked)*.

O.C. 1163-84, s. 40; Decision 2000-03-03, s. 6.

SCHEDULE I

*(Revoked)*

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O.C. 1163-84, Sch. I; Decision 2000-03-03, s. 6.

SCHEDULE II

*(Revoked)*

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O.C. 1163-84, Sch. II; Decision 2000-03-03, s. 6.

SCHEDULE III

*(Revoked)*

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O.C. 1163-84, Sch. III; Decision 2000-03-03, s. 6.

SCHEDULE IV

*(Revoked)*

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O.C. 1163-84, Sch. IV; Decision 2000-03-03, s. 6.

SCHEDULE V

*(Revoked)*

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O.C. 1163-84, Sch. V; Decision 2000-03-03, s. 6.

**SCHEDULE VI**

(s. 9)

Schedule VI

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APPLICATION FOR PERMIT

## HOW TO FILL OUT THIS FORM

### **(1) Use:**

Use this form only to apply for a permit to remove topsoil or lawn turf.

For other land uses, see the APPLICATION FOR AUTHORIZATION forms.

### **(2) Applicant:**

The applicant must be the owner or the prospective buyer of the lot(s) covered by the application. If he is the prospective buyer, he must provide the commission with a copy of the duly signed and dated agreement to sell, and fill out section 2.

### **(3) Owner:**

The owner of a lot is the person who is designated owner in the notarized deed of sale registered with the registry office of the registration division. A copy of the title deed must accompany your application.

### **(4) Mandatary:**

A mandatary cannot be an applicant. He must also fill out section 4.

### **(5) Cadastral designation:**

The name of the cadastre is not necessarily the current name of the municipality. The cadastral designation is usually shown on the title deed or the location certificate. Every lot or part of a lot covered by the application must be described in this form.

You must provide a photocopy of the title deed of every lot covered by the application and a technical description indicating lot boundaries if this information is not included in the title deed.

### **(6) Physical characteristics:**

Indicate the locations of physical characteristics, constructions and structures and the current use(s) of the lot(s) as precisely as possible on the detailed plan required under section 9.

### **(7) Current use:**

Indicate current use(s) of the neighbouring lot(s) with the corresponding area(s) on the plan.

### **(8) Site restoration program:**

Explain each point listed under section 8 fully. Any planned site restoration program includes an agreement that will be a condition for authorization.

The commission reserves the right to clarify or modify the site restoration program or to have it clarified or modified.

### **(9) Plan:**

Whether an application relates to a single lot or a group of lots, every applicant must provide the plan under this section so that the commission can consider the application.

**(A) How to file your application**

Send a copy of this form and all of the documents described below directly to the Commission de protection du territoire agricole du Québec.

Attach the following documents to your application:

- (a) a detailed plan of the lot(s) covered by the application;
- (b) a photocopy or duplicate of every registered title deed;
- (c) any other relevant documents; and
- (d) a certified cheque or money order for 10 \$ payable to the Minister of Finance of Québec.

**Note:** Every plan must include the scale used in drafting, the date the plan was prepared and the signature of the person who prepared it.

(B) If you wish to be heard at a public hearing, check this box:

(1) Send the white copy of this form to:

Commission de protection du territoire agricole du Québec  
200, chemin Sainte-Foy  
2<sup>e</sup> étage  
Québec, Qc  
G1R 4X6

(2) Keep the pink copy for your records.

Schedule VI

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3

**APPLICATION FOR PERMIT**

**Note:** Fill this form out carefully and attach all of the required documents to expedite the handling of your application. An incomplete form will be returned to the applicant and the application may be rejected.

**(1) Check the box that indicates the nature of your application.** (Guideline 1)

A) Removal of topsoil

B) Removal of lawn turf

**(2) Applicant** (Guideline 2)

Name: \_\_\_\_\_ Social Insurance Number: \_\_\_\_\_

Address: \_\_\_\_\_ Principal occupation: \_\_\_\_\_

Municipality: \_\_\_\_\_ Telephone: Residence: \_\_\_\_\_

Postal code: \_\_\_\_\_ Business: \_\_\_\_\_

**(3) Owner** (If different from applicant) (Guideline 3)

Name: \_\_\_\_\_ Social Insurance Number: \_\_\_\_\_

Address: \_\_\_\_\_ Principal occupation: \_\_\_\_\_

Municipality: \_\_\_\_\_ Telephone: Residence: \_\_\_\_\_

Postal code: \_\_\_\_\_ Business: \_\_\_\_\_

**(4) Mandatory** (Guideline 4)

Name: \_\_\_\_\_ Social Insurance Number: \_\_\_\_\_

Address: \_\_\_\_\_ Principal occupation: \_\_\_\_\_

Municipality: \_\_\_\_\_ Telephone: Residence: \_\_\_\_\_

Postal code: \_\_\_\_\_ Business: \_\_\_\_\_

**(5) Location of the lot(s) covered by the application** (Guideline 5)

Municipality: \_\_\_\_\_

County: \_\_\_\_\_

Cadastral \_\_\_\_\_ number: \_\_\_\_\_

PRESERVATION OF AGRICULTURAL LAND

Registration

division:

	Lot number	Name of the concession or range	Total area of the lot	
			owned by the owner	covered by the application
1.				
2.				
3.				
		<b>Total</b>		

**Note:** Attach a photocopy or duplicate of the title deed of every lot covered by the application.

**(6) Description of the lot(s) covered by the application**

A) List the current use(s) of the lot(s) and indicate the area of each use: residence, commerce, industry, recreation, agriculture: type of product or crop: fallow land, woodlot, sugar bush, cereals, other. Indicate these uses on the plan required under section 9 also.

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B) Describe all existing constructions and structures on the lot(s): house, building and any permanent structure. Include this information in the plan required under section 9.

	Lot number	Type of construction	Area
1.			
2.			
3.			

PRESERVATION OF AGRICULTURAL LAND

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C) Give the main physical characteristics of each lot covered by the application: swamp, woodlot (type of stand), hill, river, mountainous terrain, road, servitude. Include this information in the plan required under section 9.

	Lot number	Physical characteristics
1.		
2.		
3.		

D) Note any public water and sewer services installed or prescribed by a municipal by-law that serve the said lot(s). Give the number of the by-law and the date on which it was adopted and show the locations of these services on the plan required under section 9.

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E) If the owner owns one or more lots contiguous to the lot(s) covered by the application, even if separated from the latter by a public road, specify the respective cadastral number(s), area(s) and use(s) and locate it or them on the plan required under section 9.

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**(7) Description of lots of neighbouring owners**

A) List and specify the use(s) of lots adjacent to the lot(s) covered by the application.

	Lot number	Agricultural use(s) (indicate the type of production: pasture, hay, cereals, vegetables, raising of poultry, dairy production, hog production, etc.) and non-agricultural use(s)
TO THE NORTH		
TO THE SOUTH		
TO THE EAST		
TO THE WEST		

PRESERVATION OF AGRICULTURAL LAND

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B) If any lot covered by the application borders on a public road, specify the use made of the lot situated on the other side of the road.

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**(8) Indicate:**

A) the area under operation:

B) the area covered by the application:

C) the kind of material removed:

D) the depth of removal:

E) the planned site restoration program:

(Guideline 8)

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**(9) Plan:**

For each application, the owner or the applicant must provide a detailed scale plan showing:

- a) all of the owner’s property covered by the application, with locations of buildings;
- b) any lots adjacent to the side under consideration and their use(s), as required under section 7;
- c) the area:
  - 1. under operation; and
  - 2. to be developed.

**Note:** Draft the plan to scale and indicate the cardinal points (north, south, east and west) correctly. You may attach any photograph, copy of the cadastral plan or other document that could facilitate consideration of your application.

**(10) Additional representations:**

PRESERVATION OF AGRICULTURAL LAND

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You will have an opportunity to make additional written submissions, if you consider it appropriate. On receipt of your application, you will be notified of the date on which it will be heard and of the period during which you can file submissions.

**Declaration**

I declare that the information given in this form and in the attached documents is true and accurate .

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's signature \_\_\_\_\_ Date \_\_\_\_\_

(IF OTHER THAN APPLICANT)

Mandatory's signature \_\_\_\_\_ Date \_\_\_\_\_

(IF APPLICABLE)

\_\_\_\_\_  
O.C. 1163-84, Sch. VI.

**SCHEDULE VII**

(s. 17)

**DECLARATION OF REMOVAL OF TOPSOIL FOR SALE WITHOUT A PERMIT FROM THE COMMISSION DE PROTECTION DU TERRITOIRE AGRICOLE DU QUÉBEC**

Act respecting the preservation of agricultural land and agricultural activities

(s. 70)

Regulation respecting the tariff of duties, fees and costs made under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, r. 6)

**(I) Information about the declarant-owner**

Name:

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Address:

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Municipality:

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Social Insurance Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Telephone number: off.: (    ) \_\_\_\_\_ - \_\_\_\_\_

res.: (    ) \_\_\_\_\_ - \_\_\_\_\_

**(II) Declaration**

I wish to remove topsoil for sale without a permit because:

A)  My principal occupation is horticulture, in order to supply horticultural soil for my land, plants or hot beds, or plant or flower containers for sale;

B)  My principal occupation is the sowing or growing of trees or shrubs, in order to supply horticultural soil for containers of trees or shrubs for sale;

C)  My principal occupation is the sowing and cultivation of lawn turf for sale, provided that, at harvest time, I remove not more than a depth of 2 cm of soil per year and that, between harvests, I cultivate deeply and fertilize the soil adequately.

In that case, indicate whether you are the owner of the lot: Yes  No

If not, indicate the name and address of the owner:

Name:

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Address:

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Municipality:

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and submit with the declaration a copy of the contract empowering you to use the lot for the purposes covered by paragraph C. The contract shall be for a term not exceeding 5 years and shall stipulate that removal of the turf will be carried out as provided under paragraph C.

**(III) I declare that the operation of the lot as indicated above began:**

A)  Before the coming into force of a designated agricultural region decree, on \_\_\_\_\_.

In that case, I shall send my declaration within 90 days of the date of coming into force of the decree.

B)  After the coming into force of the Regulation, since it is a new operation which began on \_\_\_\_\_.

In that case, I shall send my declaration within 30 days of that date.

**(IV) Information about the declaration**

A) Lot(s)

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B) Range

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C) Cadastre

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D) \_\_\_\_\_ Area \_\_\_\_\_ used

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And submit a plan locating the lot(s) covered by your declaration and the area of operation involved. The scale used for the drawing, the date on which it was drawn and the author's signature shall be shown on the plan.

I certify that all the information in this declaration is accurate.

Date: \_\_\_\_\_ Signature \_\_\_\_\_ of \_\_\_\_\_ declarant:

Send your declaration to:

Commission de protection du

territoire agricole du Québec

200, chemin Sainte-Foy

2<sup>e</sup> étage

Québec, QC

G1R 4X6

\_\_\_\_\_  
O.C. 1163-84, Sch. VII.

**UPDATES**

O.C. 1163-84, 1984 G.O. 2, 1938

O.C. 90-91, 1991 G.O. 2, 976

## PRESERVATION OF AGRICULTURAL LAND

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S.Q. 1997, c. 43, s. 875

Decision 98-05-25, 1998 G.O. 2, 2125

Decision 2000-03-03, 2000 G.O. 2, 1376

S.Q. 2002, c. 68, s. 52

Decision 2016-05-05, 2016 G.O. 2, 2243

O.C. 488-2017, 2017 G.O. 2, 1429

S.Q. 2018, c. 23, s. 811