

chapter M-14, r. 1

Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations

Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(chapter M-14, ss. 36.12 and 36.15).

O.C. 340-97; O.C. 817-2007, s. 1.

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DIVISION I

DEFINITIONS

1. For the purposes of the Act and of the Regulation, unless the context indicates otherwise,

“agricultural operation” means a business comprising in a single economic and accounting unit the capital and basic inputs necessary to derive therefrom an agricultural product intended for sale;

“agricultural product” means any raw or processed product derived from

- (1) agriculture;
- (2) horticulture;
- (3) apiculture;
- (4) aviculture;
- (5) maple syrup production;
- (6) aquaculture;
- (7) the wooded portion of an agricultural operation;
- (8) the raising of fur-bearing animals, the raising of horses or the raising of animals fit for human consumption; or
- (9) activities related to the breeding of animals intended for human consumption;

“gross revenue” means the receipts generated by the sale of an agricultural product and crop insurance and farm income stabilization insurance compensations and the receipts generated by a farm-tourism activity if it is authorized by the Commission de protection du territoire agricole du Québec.

Any immovable used primarily or intended for residential, industrial, commercial, leisure, recreation or sports purposes is not comprised in the definition of “agricultural operation”. Such exception does not apply to an immovable used primarily or intended either for the processing of an agricultural product of the agricultural operation or for the packaging or marketing of such a product in a raw state or after being processed on the premises of the agricultural operation.

O.C. 340-97, s. 1; O.C. 618-2014, s. 1.

1.1. For the purposes of this Regulation, a farm-tourism activity means an activity that meets all of the following conditions:

- (1) be complementary to agriculture;
- (2) take place in an agricultural operation;
- (3) put in contact the operator and tourists or excursionists;
- (4) make known the production of the agricultural operation, the agriculture and the agri-environment.

O.C. 618-2014, s. 2.

DIVISION II

REGISTRATION OF AGRICULTURAL OPERATIONS

2. In order for an agricultural operation to qualify for registration, the person applying for registration shall prove that the agricultural operation has generated, during the preceding calendar year, a gross annual revenue equal to or greater than the minimum value of agricultural production necessary to qualify as a producer under the Farm Producers (chapter P-28).

For the purposes of the first paragraph, the gross revenue from the sale of wood shall be taken into account for only half of the minimum amount necessary to qualify for registration.

The gross revenue of an agricultural operation shall be considered equal to the minimum value referred to in the first paragraph

(1) where the agricultural operation is registered for the first time or was registered for the first time during one of the 2 calendar years preceding the year during which an application for registration is made;

(2) where development work has been done or undertaken with a view to producing the minimum gross revenue necessary for registration in the future, taking into account the special features of the production;

(3) where a new type of production has been undertaken with a view to producing such revenue in the future, taking into account the special features of the production; or

(4) where the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions.

O.C. 340-97, s. 2; O.C. 817-2007, s. 2.

3. A person applying for the registration of an agricultural operation shall use and complete the registration slip put at his disposal by the Minister.

O.C. 340-97, s. 3.

4. The registration slip shall contain the following information, which must be kept up to date:

(1) the name of the agricultural operation, its legal status, the name, date of birth and social insurance number of the operator or the date on which the agricultural operation was formed, its business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1), its mailing address and the address where the majority of the operation's activities take place;

(2) the names of the partners, shareholders or members, their sex, date of birth and social insurance number and their share or interest in the partnership or legal person;

(3) in respect of each unit of assessment, the total area of the immovables forming part of the agricultural operation, including the usable area and the unusable area, and the total area of the parcels of land of the immovables used for a same plant production, the type of each production and a statement indicating whether the agricultural operation is the owner, lessor or lessee of those areas;

(4) in respect of each unit of assessment, the species of livestock produced, the number of animals of each species, the agricultural practices applied to such species and a statement indicating whether or not the agricultural operation owns the animals;

(5) the particular agricultural practices used in the agricultural operation in respect, *inter alia*, of management, fertilization, manure and tilling of soil;

(6) the annual gross revenue of the agricultural operation and a breakdown of its sources;

(7) the list and registration number of the units of assessment that include an immovable forming part of the agricultural operation and identification of the immovables leased by the agricultural operation; and

(8) the information required by section 12 in particular the information in subparagraph 1 in case of change of owner of a unit of assessment on which the agricultural operation leases an immovable.

The registration slip and every update notice shall be signed by the operator or by a person authorized by the operator. They must contain a statement to the effect that the information provided is true.

O.C. 340-97, s. 4; O.C. 229-2000, s. 1; O.C. 817-2007, s. 3; O.C. 618-2014, s. 3.

4.1. An immovable newly forming part of the agricultural operation is included in the registration slip as of the date of transfer of ownership of the immovable if the update notice is received by the Minister during the same year as the transfer; failing which, it is included on 1 January of the year in which the notice is received.

An immovable that is no longer part of the agricultural operation is excluded from the registration slip as of the date of transfer of ownership of the immovable.

For the purposes of the first and second paragraphs, the leasing of an immovable is deemed to be a transfer of ownership.

O.C. 618-2014, s. 4.

5. Registration granted by the Minister is valid for a term not exceeding 3 years.

Registration is no longer valid if it is not renewed on the expiry date appearing on the registration card issued by the Minister, if the agricultural operation ceases its activities during the term of the registration or if it no longer meets the conditions of eligibility for registration.

O.C. 340-97, s. 5; O.C. 817-2007, s. 4; O.C. 618-2014, s. 5.

6. In the days following registration, the Minister shall issue a registration card in the name of the agricultural operation.

O.C. 340-97, s. 6.

7. The Minister may require any information or document that he considers necessary when an application for registration of an agricultural operation is made. The same applies where the information or document is necessary to prove that the agricultural operation meets the conditions to remain registered.

O.C. 340-97, s. 7.

8. The Minister may revoke the registration of an agricultural operation that has ceased its activities or that no longer meets the conditions for registration.

The revocation takes effect from the date on which the agricultural operation ceases its activities or ceases to meet the conditions for registration.

O.C. 340-97, s. 8.

DIVISION III

PAYMENT OF PROPERTY TAXES AND COMPENSATIONS

O.C. 340-97, div. III; O.C. 817-2007, s. 5.

9. In order for an agricultural operation to qualify for the payment of property taxes and compensations, the person applying for payment shall prove that the agricultural operation generated a minimum gross revenue of \$5,000 during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made.

A registered agricultural operation shall be exempt from the requirement to produce the minimum gross revenue in the following cases:

(1) the agricultural operation is registered for the first time during the fiscal year for which an application for payment is made or was registered for the first time during one of the 2 fiscal years preceding the fiscal year for which an application for payment is made;

(2) development work, excluding work done on the wooded portion of the agricultural operation, has been carried out or undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(3) a new type of production has been undertaken with a view to producing such a revenue in the future, taking into account the special features of the production; or

(4) the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions.

O.C. 340-97, s. 9; O.C. 817-2007, s. 6.

10. For an agricultural operation to qualify for the payment of property taxes and compensations, the person applying for payment must show that the agricultural operation has generated a minimum average gross revenue of per \$100 of property assessment equal to or greater than the difference between \$8 and the product obtained pursuant to section 10.1, rounded up to the nearest tenth of a dollar, in respect of the immovables situated in the agricultural zone and forming part of the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made. To that end, an immovable that began to form part of the agricultural operation in that year is not taken into account. As of 1 January 2015, the amount of \$8 is set at \$5.

A registered agricultural operation shall be exempt from the requirement to produce the minimum average gross revenue in the following cases:

(1) the agricultural operation is registered for the first time during the fiscal year for which an application for payment is made or was registered for the first time during one of the 2 fiscal years preceding the fiscal year for which an application for payment is made;

(2) reforestation or development work has been carried out or undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(3) a new production has been undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(4) the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions; or

(5) the necessary measures have been taken to develop the property investments to produce such a revenue during the fiscal year for which an application for payment is made.

O.C. 340-97, s. 10; O.C. 817-2007, s. 7; O.C. 618-2014, s. 6.

10.1. The product referred to in the first paragraph of section 10 is the result of the multiplication of \$0.05 per percentage point of gap greater than zero resulting from the difference between the value of the property assessment per hectare of the agricultural operation's immovables referred to in the first paragraph of section 10 and the average of the values of property assessment per hectare of the immovables of the registered agricultural operations situated in the same administrative region as that agricultural operation divided by the same average; as of 1 January 2015, the amount of \$0.05 is set at \$0.015.

If the immovables of an agricultural operation are situated in more than one administrative region, the multiplication provided for in the first paragraph is calculated for each administrative region and the product corresponds to the average of the products per administrative region.

For the calculation of the product, the gap in percentage is rounded up to the nearest percentage.

The product may not exceed \$7 and, as of 1 January 2015, \$4.

O.C. 618-2014, s. 7.

11. A person who applies for the payment of property taxes and compensations shall use and complete the form provided by the Minister at the time the agricultural operation is registered or the registration is updated or renewed.

O.C. 340-97, s. 11; O.C. 817-2007, s. 8.

12. The application for payment shall contain the following information:

(1) the name, date of birth, social insurance number and mailing address of the operator and those of any person in whose name a unit of assessment covered by the application is entered on the assessment roll;

(2) the name of the agricultural operation and its department identification number (NIM);

(3) the statement of the agricultural operation's gross revenue for the calendar year that ended before the beginning of the fiscal year for which the application is made;

(4) the fiscal year for which the application is made;

(5) the list and registration number of the units of assessment for which the application is made and identification of the units of assessment that include an immovable leased by the agricultural operation; and

(6) the list and value entered on the assessment roll of the immovables situated in an agricultural zone, forming part of the agricultural operation and that are not covered by the application.

For the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act, an operator who does not operate a raising or spreading site within the meaning of the Agricultural Operations Regulation (chapter Q-2, r. 26) must state that fact in the application. An operator who operates such a site but who is not required, under section 35 of that Regulation, to have a yearly phosphorus report drawn up for the fiscal year for which the application is made, must state it in the application. Lastly, the operator who is required to have a yearly phosphorus report drawn up for the fiscal year for which the application is made, must state, if applicable, that

(1) the operator sent, within the time period provided for in the first paragraph of section 35.1 of the Agricultural Operations Regulation, the yearly phosphorus report required for every raising or spreading site to which that Regulation applies, and that is part of the operator's agricultural operation;

(2) the operator has, for those sites, at the beginning of the annual growing season and for all the season, cultivated parcels that correspond to the total area required for spreading purposes, in accordance with section 20 or 20.1 of the Agricultural Operations Regulation.

The application must also contain a statement by the operator to the effect that the information provided is true and that the operator has not applied for financial assistance from another department or public body in respect of the property taxes and compensations covered by the application. It must be signed by the operator and any other person in whose name the unit of assessment covered by the application is entered on the assessment roll. The signature may be that of a person duly authorized.

O.C. 340-97, s. 12; O.C. 817-2007, s. 9; O.C. 185-2011, s. 1.

13. The statement of the agricultural operation's gross revenue required by subparagraph 3 of the first paragraph of section 12 shall be corroborated by the fiscal return of the operator filed pursuant to section 1,000 of the Taxation Act (chapter I-3) for the year concerned, and the notice of assessment relating to the return.

Payment of the annual assessment under the Farm Producers Act (chapter P-28) shall be confirmed by the association certified under that Act.

The statement required by the second paragraph of section 12 must be corroborated by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change only in cases where an annual phosphorus report must be drawn up.

O.C. 340-97, s. 13; O.C. 817-2007, s. 10; O.C. 185-2011, s. 2; O.C. 618-2014, s. 8.

13.1. The Minister shall send to a local municipality whose property assessment roll includes an immovable forming part of a registered agricultural operation, the reduction rate and any adjustment applicable, for a particular fiscal year, in respect of the unit of assessment that includes such an immovable if that unit is the subject of an application for payment pursuant to the Act for that fiscal year.

O.C. 817-2007, s. 11.

13.2. For the purposes of the first paragraph of section 36.7.1 of the Act, a local municipality shall send to the Minister, using an information technology medium, the following information for each unit of assessment referred to in section 36.7 of the Act:

(1) the name of the municipality and the geographic code assigned to it by the Institut de la statistique du Québec;

(2) the registration number of the unit as entered on the assessment roll;

(3) the date of the account of property taxes and compensations;

(4) the period for which the amount of the tax or compensation is imposed;

(5) an indication of whether it is an account of taxes or compensations referred to in the second paragraph of section 81 of the Act respecting municipal taxation (chapter F-2.1), an account relating to a tax supplement or any other account of taxes or compensations that is not referred to in that paragraph;

(6) the name and address of the debtor of the tax or compensation and, if the debtor is not the person in whose name the unit of assessment is entered on the assessment roll, the name and address of that person;

(7) the total value of the immovables included in the unit;

(8) the value of the part of the immovables forming part of the agricultural operation and situated in the agricultural zone;

(9) where applicable, the value of the part of the immovables forming part of the agricultural operation and situated elsewhere than in the agricultural zone;

(10) the total value of the buildings included in the unit and, if only part of the buildings forms part of the agricultural operation and is situated in the agricultural zone, the value of that part;

(11) the value and total area of the land included in the unit and, if only part of the land forms part of the agricultural operation and is situated in the agricultural zone, the value and area of that part;

(12) the value, for the purposes of school taxes, of the land forming part of the agricultural operation and situated in the agricultural zone, taking into account section 231.3 of the Act respecting municipal taxation;

(13) the total amount of property taxes and compensations attributable to the immovables forming part of the agricultural operation;

(14) the basic general property tax rate and, where that rate applies to immovables forming part of the agricultural operation, the amount of the tax;

(15) where applicable, the rate specific to the category of agricultural immovables applicable to the immovables forming part of the agricultural operation and the amount of the general property tax;

(16) the amount of any other property tax and any tariff or compensation applicable to the immovables forming part of the agricultural operation;

(17) the reduction rate and the amount of any adjustment applicable to the unit;

(18) the amount owed to the municipality by the Minister under the second paragraph of section 36.7.1 of the Act; and

(19) the amount of taxes and compensations that the municipality was unable to credit or that it reimbursed, and the reason.

O.C. 817-2007, s. 11.

13.3. For the purposes of section 36.7.3 of the Act, the originals of the accounts of property taxes and compensations, whether paid or unpaid, for which an application for payment is made shall be attached to the application along with the notice of assessment and, where applicable, the notice of alteration of the assessment roll.

O.C. 817-2007, s. 11.

14. *(Omitted).*

O.C. 340-97, s. 14.

15. *(Omitted).*

O.C. 340-97, s. 15.

UPDATES

O.C. 340-97, 1997 G.O. 2, 1275

O.C. 229-2000, 2000 G.O. 2, 1337

O.C. 817-2007, 2007 G.O. 2, 2628

O.C. 607-2008, 2008 G.O. 2, 2542

S.Q. 2010, c. 7, s. 282

O.C. 185-2011, 2011 G.O. 2, 793

O.C. 618-2014, 2014 G.O. 2, 1453