

chapter A-4.1

**ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS**

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**REPEAL SCHEDULE**

**DIVISION I**

**INTERPRETATION**

**1.** In this Act, unless the context indicates otherwise,

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

- (1) transmission owing to death;
- (2) the exercise of the right of redemption following a sale for unpaid taxes and any conveyance resulting from the Act respecting expropriation (chapter E-25);
- (3) transfer of a right contemplated in section 8 of the Mining Act (chapter M-13.1) or section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);
- (4) transfer of cutting rights or timber limits under the Lands and Forests Act (chapter T-9);

“agriculture”, “public road”, “commission” and “lot” have the same meaning as in the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

“farm land” means land used for agricultural purposes having an area of not less than four hectares, consisting of one lot or several contiguous lots or several lots that would be contiguous were they not separated by a public road.

1979, c. 65, s. 1; 1987, c. 64, s. 328; 1996, c. 26, s. 85; 1999, c. 40, s. 6; 2016, c. 35, s. 23; 2022, c. 10, s. 123; 2023, c. 27, s. 240.



*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).*

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

1979, c. 65, s. 2; 2013, c. 24, s. 1.

**3.** Notwithstanding section 2, a natural person is deemed to be resident in Québec if he or she lived in Québec for not less than 1,095 days during the 48 months immediately before leaving, and

- (1) is a member of the Canadian Armed Forces;
- (2) is an ambassador, minister, commissioner, civil servant or agent of Québec or of Canada;
- (3) holds an office within the framework of a program sponsored by the Government of Canada or of Québec, or an agency of one of these;
- (4) is pursuing a course of studies or a training program;
- (5) is the married or civil union spouse (or the minor child of a person contemplated in paragraph 1, 2, 3 or 4).

1979, c. 65, s. 3; 2002, c. 6, s. 77; 2013, c. 24, s. 2.

**4.** For the purposes of this Act, a legal person is resident in Québec if it is validly constituted, regardless of the manner or place of its constitution and

(1) in the case of a legal person with share capital, more than 50% of the voting shares of its capital stock are owned by one or more persons resident in Québec and more than one-half of its directors are natural persons resident in Québec;

(2) in the case of a legal person without share capital, more than one-half of its members are resident in Québec; and

(3) it is not directly or indirectly controlled by one or more non-residents.

1979, c. 65, s. 4; 1999, c. 40, s. 6.

## DIVISION II

### TERRITORIAL APPLICATION

**5.** This Act applies to that part of the territory of Québec situated south of the Fiftieth Parallel of North Latitude.

1979, c. 65, s. 5.

**6.** Notwithstanding section 5, in a territory under a designated agricultural region decree passed under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), this Act applies only to farm land situated in a reserved area or in an agricultural zone.

However, subject to sections 21 to 24, this Act does not apply to the acquisition of an area of farm land which, by virtue of sections 101 to 105 of the Act respecting the preservation of agricultural land and agricultural activities, may be used for a purpose other than agriculture without the authorization of the commission.

1979, c. 65, s. 6; 1996, c. 26, s. 85.

**7.** In a territory not subject to a designated agricultural region decree passed under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), this Act does not, subject to sections 21 to 24, apply to the acquisition of farm land if, at the time of its acquisition by a non-resident, authorization has already been given by order of the Government or a municipal by-law for its use or acquisition for public utility by the Government, a government minister, an agency within the meaning of paragraph 12 of section 1 of the Act respecting the preservation of agricultural land and agricultural activities, or an authorized expropriator.

The same rule applies in respect of farm land which,

(1) before its acquisition by a non-resident, had been acquired under the Act respecting municipal industrial immovables (chapter I-0.1);

(2) at the time of its acquisition by a non-resident, is adjacent to a public road on which water and sewer services were authorized by a municipal by-law passed before the date of the acquisition and lawfully approved.

The right set forth in subparagraph 2 of the second paragraph does not extend, however, beyond the bounds described in the third paragraph of section 105 of the Act respecting the preservation of agricultural land and agricultural activities.

1979, c. 65, s. 7; 1996, c. 26, s. 85.

**DIVISION III**

**CONTROL OF THE ACQUISITION OF FARM LAND**

**8.** Non-residents shall not, directly or indirectly, make an acquisition of farm land except with the authorization of the commission.

1979, c. 65, s. 8.

**9.** The acquisition of any lot causing a non-resident to become the owner of farm land is deemed to be an acquisition of farm land.

1979, c. 65, s. 9.

**10.** A non-resident is deemed to make an acquisition of farm land if he acquires shares in a business corporation whose principal asset is farm land and if, through that transfer of shares, that business corporation becomes a non-resident legal person.

1979, c. 65, s. 10; 1999, c. 40, s. 6; 2009, c. 52, s. 714.

**11.** A person resident in Québec shall not make an acquisition of farm land in the name or on behalf of a non-resident, except with the authorization of the commission.

1979, c. 65, s. 11.

**12.** A non-resident who wishes to obtain an authorization under this Act must submit an application to the commission together with all the documents and information prescribed by government regulation and, where applicable, payment of the duties prescribed for that application.

1979, c. 65, s. 12.

**13.** The application must be accompanied with an affidavit declaring the reasons for the acquisition of the farm land, the intended use of the land, and, where such is the case, that the applicant intends to settle in Québec.

1979, c. 65, s. 13.

**14.** The commission must give the applicant and every interested person the opportunity to present observations.

It may, furthermore, require from these persons, who must comply with this requirement, all such information and documents as it may consider relevant to the examination of the application.

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

1979, c. 65, s. 14; 1986, c. 95, s. 11; 1997, c. 43, s. 14.

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

1979, c. 65, s. 15; 1996, c. 2, s. 14; 2013, c. 24, s. 3.

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

2013, c. 24, s. 3.

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

2013, c. 24, s. 3.

**15.3.** Except for areas of land in respect of which an authorization is granted to natural persons who intend to settle in Québec, no more than 1,000 ha of farm land suitable for the cultivation of the soil or the raising of livestock may be added in a year to the total of such areas that any other persons have already been authorized to acquire.

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

2013, c. 24, s. 3.

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

(1) the intended use, in particular the applicant's intention to cultivate the soil or raise livestock on the farm land that is the subject of the application;

(2) the impact of the acquisition on the price of farm land in the region;

(3) the effects of the acquisition or projected use on the economic development of the region;

(4) the development of agricultural products and the development of underutilized farm land; and

(5) the impact on land occupancy.

1979, c. 65, s. 16; 2013, c. 24, s. 3.

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

2013, c. 24, s. 3.

**17.** The commission shall render a substantiated decision and send it by registered mail to the non-resident, to the owner of the immovable concerned and to every other interested person.

1979, c. 65, s. 17.

**18.** Subject to the review or proceeding referred to in section 34, the decisions of the commission are final and without appeal.

1979, c. 65, s. 18; 1997, c. 43, s. 15.

**19.** The commission's decisions shall be filed in its head office in conformity with section 15 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

1979, c. 65, s. 19; 1996, c. 26, s. 85; 1997, c. 43, s. 16.

**20.** The Government may, by a written notice to the commission, withdraw any non-resident's application from its jurisdiction and take it up itself.

Where the Government avails itself of the powers conferred on it by this section, the secretary of the commission must transmit to it a copy of the record and notify the interested persons in writing that the application has been withdrawn from the commission's jurisdiction. The Government shall then decide the application, after obtaining the commission's advice.

The decision of the Government shall be filed in the head office of the commission, which shall notify the interested persons in writing.

1979, c. 65, s. 20; 1997, c. 43, s. 17.

### DIVISION IV

#### APPLICATION FOR REGISTRATION OF AN ACQUISITION

1995, c. 33, s. 11.

**21.** The application for registration of the acquisition of farm land by a non-resident must contain

- (1) the declaration of the acquirer that he is not resident in Québec;
- (2) the name of the local municipality in whose territory, or of the unorganized territory in which, the land is situated;
- (3) the area of the farm land so acquired;
- (4) the authorization granted by the commission or, in the cases provided for in the second paragraph of section 6 and in section 7, the ground on which it is not required.

1979, c. 65, s. 21; 1995, c. 33, s. 12; 1996, c. 2, s. 15.

**22.** *(Repealed).*

1979, c. 65, s. 22; 1995, c. 33, s. 13; 2000, c. 42, s. 96.

**23.** The Land Registrar shall notify the commission of the acquisition of farm land by a person who is not a resident of Québec by transmitting to the commission a copy of the application for registration and, where the application is in the form of a summary, a copy of the accompanying document, not later than the fifteenth day of the month following the month of the registration of the acquisition.

1979, c. 65, s. 23; 1995, c. 33, s. 13; 2000, c. 42, s. 97; 2020, c. 17, s. 112.

**24.** The Land Registrar must refuse to register the acquisition of farm land by a person who is not a resident of Québec if he ascertains that the application for registration does not contain the information required by section 21.

1979, c. 65, s. 24; 1995, c. 33, s. 13; 2000, c. 42, s. 98; 2020, c. 17, s. 112.

### DIVISION V

#### PENALTIES

**25.** Where the commission becomes aware that a person is contravening any provision of this Act, or the conditions of an order or of an authorization to acquire farm land, it may issue an order enjoining that person to cease the alleged contravention within a prescribed time.

The order shall be served on the contravener in accordance with the Code of Civil Procedure (chapter C-25.01).

1979, c. 65, s. 25; I.N. 2016-01-01 (NCCP).

**26.** If a person fails to comply with an order of the commission issued under section 25, the Attorney General or the commission may, by an application, obtain an order from a judge of the Superior Court enjoining that person to comply with the order of the commission, and ordering that on his default it may be carried out at his expense.

1979, c. 65, s. 26; I.N. 2016-01-01 (NCCP).

**27.** Any acquisition of farm land made in contravention of sections 8 to 11 is null.

The Attorney General, the commission or any other interested person may apply to the Superior Court to have such nullity declared.

In such a case, the Superior Court may order the cancellation of all rights and hypothecs created by or resulting from any deed of acquisition effected in contravention of this Act.

However, that nullity shall not be set up against a person resident in Québec who acquired the immovable by a deed of conveyance of ownership.

1979, c. 65, s. 27; 1992, c. 57, s. 427.

**28.** Where a person has made an acquisition of farm land in contravention of sections 8 to 11, the commission may, by order, to the extent that the right of action contemplated in section 27 is not exercised, enjoin that person to divest himself of that farm land within six months of the service of that order.

If that person fails to comply with the order within the allotted time, the commission may apply to a judge of the Superior Court to obtain authorization to sell the immovable under judicial authority. In such a case, articles 704 and following of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications.

The proceeds of the sale, after payment of the costs, the claims of the prior and hypothecary creditors, and the fines, if any, due under section 31, shall be remitted to the contravener.

1979, c. 65, s. 28; 1992, c. 57, s. 428; I.N. 2016-01-01 (NCCP).

**29.** Every person is guilty of an offence who

- (1) contravenes this Act or the regulations;
- (2) knowingly acquires or sells farm land or a lot in contravention of sections 8 to 11;
- (3) knowingly alienates farm land or a lot to a non-resident in contravention of sections 8 to 11;
- (4) knowingly hinders or misleads a person empowered to make an investigation under this Act or gives him false information; or
- (5) hinders the application of this Act, fails to comply with an order of the commission or refuses to comply with one of its decisions.

1979, c. 65, s. 29.

**30.** Every person who knowingly does or omits to do a thing with the object of aiding a person to commit an offence against this Act, or who knowingly advises, encourages or incites a person to commit an offence, is himself a party to the offence.

1979, c. 65, s. 30.

**31.** Every person who commits an offence described in paragraph 1, 4 or 5 of section 29 is liable,

- (1) in the case of a natural person, to a fine of not less than \$200 nor more than \$5,000;
- (2) in the case of a legal person, to a fine of not less than \$600 nor more than \$30,000.

Every person who commits an offence described in paragraph 2 or 3 of section 29 is liable,

- (1) in the case of a natural person, to a fine of at least 10% of the actual value of the farm land in question;
- (2) in the case of a legal person, to a fine of at least 20% of the actual value of the farm land in question.

1979, c. 65, s. 31; 1990, c. 4, s. 39; 1992, c. 61, s. 40; 1999, c. 40, s. 6.

**32.** 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 section 31 for natural persons.

1979, c. 65, s. 32; 1999, c. 40, s. 6.

## DIVISION VI

### GENERAL PROVISIONS

**33.** This Act does not apply where a non-resident becomes the owner of farm land by the exercise of a right to take in payment if

- (1) his principal business is making loans on real security;
- (2) *(subparagraph repealed)*;

(3) the farm land is not repossessed following one or more operations mainly intended to elude the application of this Act.

Similarly, this Act does not apply where a non-resident becomes the owner of farm land under a resolutive clause or by the exercise of a right to take in payment if

(1) he is the vendor of the land and has not received payment for it; or

(2) the act or acts granting him the right to become owner under a resolutive clause or by the exercise of a right to take in payment was or were registered according to law before 21 December 1979.

1979, c. 65, s. 33; 1992, c. 57, s. 429.

**34.** The commission is responsible for overseeing the application of this Act, and, to that end, sections 7, 8, 11, 13, 13.1, 14, 16, 17, 18.5, 18.6, 19 and 21.1 to 21.5 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), adapted as required, apply.

1979, c. 65, s. 34; 1989, c. 7, s. 32; 1996, c. 26, s. 64; 1997, c. 43, s. 18.

**35.** The Government may, by regulation,

- (1) prescribe the inclusion of certain declarations in deeds or other documents contemplated in this Act;
- (2) determine the manner in which the declarations required under this Act and the regulations must be made;
- (3) determine the manner of submitting an application for authorization and the form and content of any document, notice or form required for the application of this Act;
- (4) prescribe the tariff of duties, fees and costs for applications to the commission under this Act;
- (5) *(subparagraph repealed)*.

Regulations made under this Act come into force on their date of publication in the *Gazette officielle du Québec* or on a later date fixed therein.

1979, c. 65, s. 35; 1995, c. 33, s. 14.

**36.** The Minister of Agriculture, Fisheries and Food is responsible for the application of this Act.

1979, c. 65, s. 36; 1979, c. 77, s. 21.

**37.** *(Omitted)*.

1979, c. 65, s. 37.

**38.** *(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.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 65 of the statutes of 1979, in force on 1 November 1980, is repealed, except section 37, effective from the coming into force of chapter A-4.1 of the Revised Statutes.