



Act to preserve agricultural land and agricultural activities



FORM
FOR
SUBMITTING
AN APPLICATION

This form can be used for all types of applications,
with the exception of applications
for exclusion from an agricultural zone.

**PURPOSE OF THE ACT
TO PRESERVE AGRICULTURAL LAND
AND AGRICULTURAL ACTIVITIES**

The purpose of the legislation to preserve agricultural land as instituted by this Act is to guarantee a lasting territorial base for agricultural purposes and to foster the preservation and development of farming activities and enterprises in the established agricultural zones, in keeping with sustainable development imperatives.

This form can be used for all types of applications, with the exception of applications for exclusion from an agricultural zone.

APPLICATIONS:

For authorization to:

- alienate
- subdivide
- use agricultural land for purposes other than agriculture (residences, businesses, industrial concerns, gravel pits, sand pits, etc.)
- cut maple trees in a sugar bush

APPLICATION FOR AUTHORIZATION TO ALLOW FOR THE REMOVAL OF TOPSOIL

APPLICATION FOR AUTHORIZATION FOR INCLUSION IN THE AGRICULTURAL ZONE

This form contains four sections:

- ◆ A section containing helpful tips on how to complete the form
 - A section to be completed by the Applicant
 - A section to be completed by the municipality
 - ▲ A section that summarizes decision criteria
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AVAILABLE ASSISTANCE

For further information www.cptaq.gouv.qc.ca or contact us:

in Québec City (418) 643-3314
or toll-free 1-800-667-5294

in Longueuil (450) 442-7100
or toll-free 1-800-361-2090



ADDRESSES OF THE COMMISSION OFFICES

Commission de protection
du territoire agricole du Québec
200, chemin Sainte-Foy, 2^e étage
Québec (Québec) G1R 4X6

Commission de protection
du territoire agricole du Québec
25, boulevard La Fayette, 3^e étage
Longueuil (Québec) J4K 5C7



FORWARD YOUR APPLICATION TO THIS ADDRESS

Commission de protection
du territoire agricole du Québec
200, chemin Sainte-Foy, 2^e étage
Québec (Québec) G1R 4X6

EXPLANATORY

DOCUMENTS THE MUNICIPALITY MUST TRANSMIT WITH THIS FORM

Make sure your file is complete before sending it. The Commission will return an incomplete file.

In order for the Commission to study your application, the following documents must be included with the application form.

To speed up the processing of your application, the Commission recommends that you send your documents electronically by means of the online service available on the home page of the Commission's website (www.cptaq.gouv.qc.ca). The form* and the cheque must be mailed, however.

Check off () the items to ensure the file is complete

Documents provided by the Applicant:

- original of the form (Applicant's section) duly completed;
- Appendix A duly completed in cases of subdivision of a farm or of wooded areas;
- a complete copy of the legal document which establishes ownership of the property or lots in question (e.g. title deed or purchase contract);
- plan or sketch situating the project;
- certified cheque or money order payable to the *Ministre des Finances du Québec. Year 2014: \$ 278*

Documents provided by the municipality:

- original of the form (municipality's section) duly completed;
- the municipality's recommendation, in the form of a resolution, based on the following elements:
 - the decision criteria stipulated in section 62 of the Act which the municipality must take into account concerning the lot, the surroundings, farming activities, availability of other locations, etc.;
 - compliance of the application with the provisions of the zoning by-law and, where applicable, with interim control measures;
 - if the application involves initiating a new use other than agriculture, the recommendation must also include an indication of existing appropriate space available elsewhere in the municipality and outside the agricultural zone.

PROCESSING AN APPLICATION

What follows is a summary of the steps involved in processing your application.

- 1- The Applicant completes the application and forwards it **to the municipality**.^{***}
- 2- The municipality acknowledges receipt of the application, studies the file, completes the relevant section of the form, issues a recommendation in the form of a resolution and forwards the file to the Commission no later than 45 days following filing of the application.
- 3- Once the Commission has received the completed file, it proceeds to examine it.
- 4- The Commission sends a report, indicating the preliminary orientation, to the Applicant and to any other interested parties, including the local community, the regional county municipality, the urban community, as well as to the regional federation of the Union des producteurs agricoles.
- 5- The Act provides for a thirty-day deadline for the above parties to present their observations or request a meeting. (unless they decide to waive this right.) The Commission notifies the parties of the time, date and place of the meeting, where applicable.
- 6- Should changes to the preliminary orientation result from these observations or the meeting, the Commission notifies the Applicant or any interested parties so that they may submit in writing their observations regarding the new orientation (or request a meeting if no meeting has yet occurred) within 10 days following the forwarding of the new orientation.
- 7- The decision is forwarded to the Applicant and to all interested parties, as well as to the municipality, the regional county municipality, the urban community and the regional federation of the Union des producteurs agricoles.

* Electronic forms will be available on the Commission's website shortly.

*** The Act requires that the Applicant forwards to the Commission a copy of the application submitted to the municipality. However, if the municipality has identified the Applicant, the nature of the application and the lots in question in its acknowledgement of receipt (such as the one provided with the application form), the Applicant need not forward a copy of the application to the Commission.

Document formats

The Commission recommends that you send documents electronically.

- You must use electronic format if the format of your paper documents is not listed in the following table, or in the case of large documents.
- Paper documents must not be comb bound.
- Documents must be sent once only (a single format).

Document formats		
Document	Paper size	Electronic
Application form	8½ x 11, 8½ x 14	PDF *
Municipal recommendation	8½ x 11, 8½ x 14	PDF
Property title	8½ x 11, 8½ x 14	PDF
Plan or drawing	8½ x 11, 8½ x 14, 11 x 17	PDF, SHP (Shapefile), DWG, DXF

* Electronic forms will be available on the Commission's website shortly.

DEFINITION OF LEGAL TERMS USED IN THIS FORM

Alienation:

When your application involves selling, giving or exchanging a lot or part of a lot contiguous to another lot belonging to the legal owner, check off the box labeled "alienation." For legal purposes, two lots are said to be contiguous when they touch along a common border even though separated by a public road, railway track, public utility right-of-way or an area for which acquired rights exist.

Subdivision:

When your application involves subdivision of a lot (alienation of a part of a lot contiguous to another part of the same lot belonging to the legal owner), check off the box labeled "subdivision." The examples given above (lots said to be contiguous) also apply to two parts of the same lot.

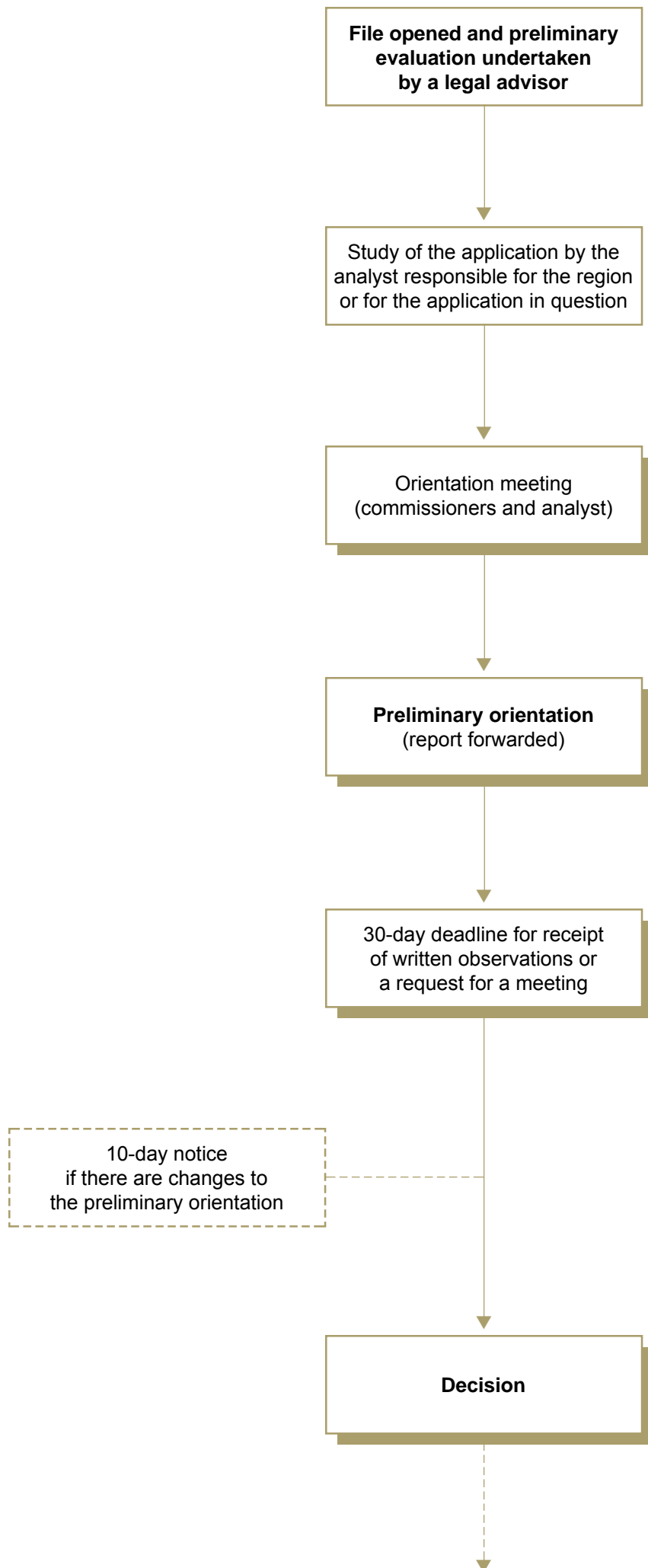
Use for purposes other than agriculture:

For use of a lot for purposes other than agriculture (e.g. residential, industrial, commercial, institutional, tourism/recreational, etc.), check off the box labeled "use for purposes other than agriculture." The same category applies to the extraction of materials (sand, gravel, rock).

Available appropriate space:

A vacant land area (either for sale or not) where the use envisaged is allowed under the zoning by-laws and, where applicable, under interim control measures.

◆ PROCESSING AN APPLICATION



(Appeal provisions in sections 18.5, 18.6 and 21.1 of the *Act to preserve agricultural land and agricultural activities* and in section 159 of the *Act respecting administrative justice*)



For use by the municipality	
No.	

For use by the Commission	
No.	

S E C T I O N

FOR USE BY THE APPLICANT

1 Identification

Applicant		
Name	Area code	Phone (home)
Main occupation	Area code	Phone (office)
Address (number, street, city)		Postal code
Representative (where applicable)		
Name	Area code	Phone
Main occupation	Area code	Fax
Address (number, street, city)		Postal code

2 Description of project involved in the application

Describe the nature of your project.
Specify the authorizations required by law:
<input type="checkbox"/> Alienation ⁽¹⁾ <input type="checkbox"/> Subdivision ⁽¹⁾ <input type="checkbox"/> Use for purposes other than agriculture ⁽¹⁾
<input type="checkbox"/> Removal of topsoil <input type="checkbox"/> Inclusion <input type="checkbox"/> Cutting of maples trees in a sugar bush

3 Site(s) involved in the application

3.1 Identify the lot(s) involved in the application			
Lot(s) number(s) in question			
1	Range or concession	Cadastre	Municipality
RCM or urban community			Area involved in application m ² ⁽²⁾

Attach a list if necessary.

4 Owner and current property

4.1 Identify the current owner(s) (if different from the Applicant) of the site(s) involved in the application			
Name of owner (if different from the Applicant)	Area code	Phone (home)	Area code Phone (office)
Main occupation			
Address (number, street, city)			Postal code

Attach a list if necessary.

⁽¹⁾ See definitions in the explanatory section of the form.

⁽²⁾ 1 hectare = 10 000 m²; 1 m² = 10.76 ft².
1 hectare = 2.92 arpent² or 2.47 acres.

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4 Owner and current property (cont'd)

4.2 Applications involving a property transfer

Does the application involve selling, giving or exchanging the site(s) in question?

 No

 Yes

If yes:

 Sale or gift

 Exchange

Does the current owner have other lots or parts of lots contiguous or said to be contiguous* to the sites in question?

 No

If no, go to section 5.

 Yes

If yes, complete one of the following:

Subdivision

If the parts sold, given or exchanged will continue to be used for agriculture, in whole or in part,

- complete Appendix A (Subdivision of farmland and/or wooded land) and attach it to this application
- identify the new owner in section 5.1
- go to section 7

Other cases

In other cases involving a transfer of property, complete the remainder of this section

Identify the total area of the property that forms a whole that is contiguous or said to be contiguous when added to the parcel in question

No. of lot or part of lot		
Range or concession	Cadastre	Municipality
RCM or urban community		Total area m²

Attach a list if necessary.

5 New owner and current property (where applicable)

5.1 Identify the new owner(s) of the property or properties in question (if different from the Applicant)

Name (natural person, corporation or partnership)	Area code	Phone (home)	Area code	Phone (office)
Main occupation				
Address (number, street, city)			Postal code	

Attach a list if necessary.

5.2 Complete if the new owner(s) already have a lot or lots contiguous or said to be contiguous to the parcel in question

No. of lot or part of lot		
Range or concession	Cadastre	Municipality
RCM or urban community		Contiguous area owned by new owner m²

Attach a list if necessary.

* Note: For legal purposes, two lots are said to be contiguous when they touch along a common border even though separated by a public road, railway track, public utility right-of-way or an area for which acquired rights exist.

6 Site(s) involved in the application

6.1 How are the site(s) involved in the application and the lot(s) on which they are located currently being used? ⁽³⁾

6.2 Indicate whether there are any structures or buildings and indicate their current use. (In the case of residences built after the Act came into effect, indicate the date of construction.)

7 Neighbouring lots

Describe how the neighbouring lots are currently being used ⁽³⁾

North of the site in question
South of the site in question
East of the site in question
West of the site in question

8 Project location

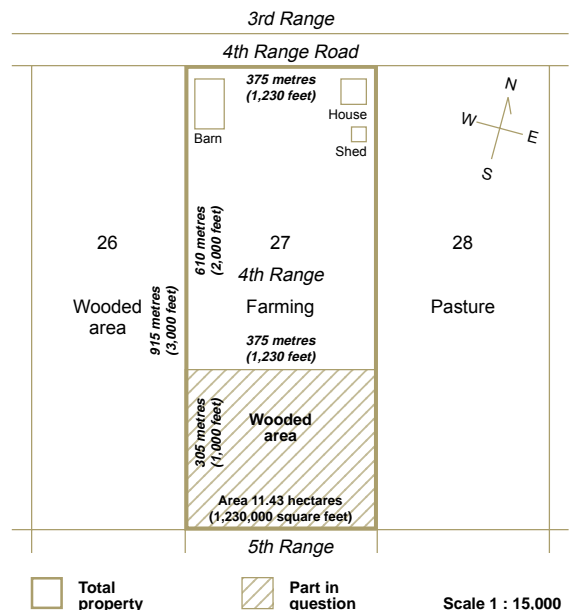
A detailed plan to scale provided by the legal owner and the Applicant, illustrating the following elements, must be included with every application:

- the cardinal points;
- the measurements of each side of the lot;
- the location of the lots belonging to the legal owner which are contiguous or said to be contiguous to the lot in question (in terms of the law);
- the area of the lot in question;
- the location of the site involved in the application;
- the area of the site involved in the application;
- the location of existing buildings on the lot;
- the use of neighbouring lots.

To prepare this plan or sketch you may use an extract from the graphic register which you can obtain from the municipality.

The Commission must have this plan or sketch in order to study your file.

Example:



⁽³⁾ An illustration on an extract of the graphic register, available from the municipality, may be used for this purpose.

VERY IMPORTANT

9 Additional information to provide for certain types of projects

9.1 Should the project require introducing a NEW USE other than agriculture in the agricultural zone (this excludes expanding existing uses):	
You must first demonstrate that there is no “appropriate available space” ⁽⁴⁾ elsewhere in the municipality and outside the agricultural zone for undertaking this project.	
9.2 Should your project involve extracting material such as sand, gravel, rock, topsoil or felling maples in a sugar bush:	
Specify the requested duration of the interim authorization: _____ yr(s)	Does the purpose of the application involve expanding an existing site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Attach a plan that shows how you intend to use the site and specify how the site will be restored.	
9.3 If you are applying for an inclusion of your property within an agricultural zone:	
Provide a description of your farm (size of enterprise, type of production, annual income, etc.).	

10 Additional observations

The Commission forwards a report regarding your application and indicating its preliminary orientation to the Applicant and any interested parties.

The Applicant and the interested parties then have 30 days to present their observations or to request a meeting. If such a meeting is requested, the parties concerned are notified of the time, place and date.

11 Declaration

I hereby declare that the information provided in this form and in the appended documents is true.

Applicant's signature		Date	Y	M	D
Owner's signature	if different from the Applicant	Date	Y	M	D
Representative's signature	where applicable	Date	Y	M	D

⁽⁴⁾ See definitions in the explanatory section of the form.

NOTE

The Commission is obliged by law to solicit the opinion of the RCM or the urban community and the opinion of the Union des producteurs agricoles on any authorization application submitted by a municipal body, a government department, a public agency or an agency providing public utility services. **In such case**, the Applicant must provide a copy of the required documents **in triplicate** unless the RCM or the urban community and the Fédération régionale of the Union des producteurs agricoles are already in possession of these documents and their respective opinions are attached to the file at the time the application is transmitted to the Commission.

It is crucial that this form be carefully completed and that all the documents required (complete copies title deeds, plan, cheque, Appendix A where applicable) be appended so the application can be evaluated.

YOUR SECTION OF THE FORM IS NOW COMPLETED. PLEASE FORWARD THE FORM AND ACCOMPANYING DOCUMENTS TO THE MUNICIPALITY CONCERNED.

FOR USE BY THE MUNICIPALITY

(to be completed by the municipal officer)

12 Description of surrounding area

Taking into account the information provided by the Applicant in Sections 6 and 7 of this form (complete where applicable), please write a brief description of the area surrounding the lot(s) involved in the application.

The graphic register may be used for this purpose

Empty text area for description of surrounding area.

For applications involving authorization to use land for purposes other than agriculture, please:

Specify the **approximate** distance from the nearest livestock buildings to the site in question: _____ metres ⁽⁴⁾

Use of livestock buildings

Empty text area for distance and use of livestock buildings.

If the application involves construction of a residence, indicate the minimum area prescribed in the subdivision by-law. _____ m²

Specify whether the site is currently serviced by:

An aqueduct: Yes No Date the by-law was adopted

Y	M	D
Y	M	D

A sewer system: Yes No Date the by-law was adopted

⁽⁵⁾ 1 metre = 3.28 feet.

13 Compliance with municipal by-laws

Indicate whether the project complies with zoning by-laws and, where applicable, with interim control measures: Yes No

If not: has a draft by-law been adopted with a view to the compliance of the project with zoning by-laws? Yes No

and

did this draft by-law involve a notice by the RCM or the urban community to the effect that the proposed amendment would comply with the development plan, or, where applicable, with interim control measures? Yes No

Attach a copy of these two documents.

N.B. Without these two documents, an application which does not comply with municipal by-laws is considered inadmissible.

14 Municipal Officer
(Authorized municipal civil servant)

Signature

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For use by the municipality	
No.	

For use by the Commission	
No.	

ACKNOWLEDGEMENT OF RECEIPT

Act to preserve agricultural land and agricultural activities
Application for authorization, permit or inclusion

Date application was received	Y	M	D

Applicant				
Name	Area code	Phone (home)	Area code	Phone (office)
Address (number, street, city)			Postal code	

Representative (where applicable)				
Name	Area code	Phone		
Address (number, street, city)			Postal code	

Nature of the application

Total area in question		m ²
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Lot(s) in question	
Range or concession	Cadastre

Municipality	RCM or urban community

Secretary-treasurer or clerk of the municipality	Signature
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Original forwarded to the Applicant, with a certified true copy forwarded to the Commission de protection du territoire agricole du Québec

FOLD ALONG PERFORATED LINE AND DETACH

CRITERIA USED BY THE COMMISSION IN ANALYZING APPLICATIONS AND RENDERING DECISIONS

JURISDICTION OF THE COMMISSION

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.

COMPLIANCE OF THE APPLICATION WITH ZONING BY-LAWS

«**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.»

PRELIMINARY PROVISIONS

New use for purposes other than agriculture

«**61.1** 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.»

Application considered an exclusion ⁽⁶⁾

«**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.»

DECISION CRITERIA APPLICABLE TO ALL APPLICATIONS

Ten mandatory criteria

«**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;
- (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**;
- (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.

Two optional criteria

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 development plan and with the provisions of the complementary document**;
- (2) the consequences of a refusal for the applicant.»

ELEMENTS DISREGARDED IN RENDERING A DECISION

«**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 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.**»

⁽⁶⁾ Only the RCM or an urban community, or a municipality, with the support of its RCM or its urban community, can file an application for exclusion.