

Draft Regulations

Draft Regulation

Act respecting the lands in the domain of the State (chapter T-8.1)

Sale, lease and granting of immovable rights on lands in the domain of the State —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to

—review the method of fixing the rent of leases and provide for the annual indexation of the rent of certain leases;

—subject all projects, other than those for the purposes of building a residence or cottage, the construction of a rough shelter or as a complement or accessory to a main use, to an analysis of the principles of sustainable development prior to being sited on lands in the domain of the State;

—amend the definition of “rough shelter”, in particular to increase the authorized maximum floor area;

—amend the procedure applicable to a lessee who wishes to transfer a right to occupy land for certain purposes;

—tighten the transfer conditions applicable to new cottage leases attributed by drawing of lots as of the coming into force of the draft Regulation;

—prohibit camping in layouts allowing access to a body of water or adjacent to that access;

—provide that the lessee of land will have priority in purchasing that land;

—revoke existing regulatory terms and conditions concerning the conditions applicable to the granting of certain authorizations;

—allow for the billing of fees for development work carried out on land intended for building cottages prior to becoming available by drawing of lots;

—charge administrative fees for applications for temporary occupation licences.

Study of the matter has shown no impact on enterprises, except with respect to the administrative fees related to applications for temporary occupation licences that will add a financial charge of \$128 per application. The other current rules and procedures have been modified with no significant impact on the costs and revenues they generate.

Further information on the draft Regulation may be obtained by contacting Nicolas Tremblay, Director, Direction de la mise en valeur du territoire public, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau E-323, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 705724; email: nicolas.tremblay@mrrnf.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Lucie Ste-Croix, Associate Deputy Minister, Territoire et affaires stratégiques, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau A-407, Québec (Québec) G1H 6R1; email: BSMA-TAS@mrrnf.gouv.qc.ca.

MAÏTÉ BLANCHETTE VÉZINA
Minister of Natural Resources and Forests

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

Act respecting the lands in the domain of the State (chapter T-8.1, s. 71, 1st par., subpars. 3, 5, 7 to 9, and 2nd par.)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) is amended in section 4

(1) by replacing “commercial or industrial purposes” in the second, third and fourth paragraphs by “purposes other than building cottages”;

(2) by replacing “purposes other than commercial or industrial purposes” in the fifth paragraph by “building cottages”.

2. Section 5 is amended

(1) by replacing “the granting of a” and “comprise the” in the first paragraph respectively by “the issue of an occupation licence, the granting of an authorization pursuant to sections 54 or 55 of the Act, the granting of any other” and “be subject to”;

(2) by adding the following paragraph at the end:

“Other departments and public bodies within the meaning of section 4 of the Act are exempt from paying the fees prescribed in this Regulation.”.

3. Section 7 is replaced by the following:

“7. If more than one person wishes to purchase or lease the same land intended for residential purposes, building cottages, the construction of a rough shelter or for purposes that are complementary or accessory thereto, priority must be given to the highest bidder in the case of a purchase or to the first applicant in the case of a lease.

If more than one person wishes to purchase or lease the same land intended for any other purpose, priority must be given to the person who demonstrates that the repercussions of the project are the most positive from a sustainable development perspective, particularly with regard to the environmental, social and economic aspects.”.

4. The following is inserted after section 9:

“9.1. Despite sections 7 to 9, if both the lessee and another person wish to purchase the land leased to the lessee, priority must be given to the lessee.”.

5. Section 10 is amended by replacing “7, 8 and 9” in the first paragraph by “7 to 9.1”.

6. Section 21 is amended

(1) by replacing “the annual rent for land or buildings must be” in the first paragraph by “the annual rent for land or buildings is established at”;

(2) by inserting the following after the first paragraph:

“Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.”.

7. Section 24 is amended

(1) by replacing “corresponding to” in the first paragraph by “established at”;

(2) by inserting the following after the first paragraph:

“Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

The rent is rounded off to the next highest dollar if the dollar fraction is \$0.50 or more, or to the next lowest dollar if the dollar fraction is less than \$0.50.”.

8. Section 25 is amended

(1) by striking out “The term of the lease may not exceed 4 years and” in the second paragraph;

(2) by replacing the third paragraph by the following:

“For the purpose of this Regulation, “rough shelter” means a building or a work used as a shelter, without a permanent foundation and having the following characteristics:

(1) no dependencies other than a shed, whose floor area must not exceed 6 m², or a privy;

(2) no electricity;

(3) no running water;

(4) a floor area not exceeding 30 m².”.

9. Section 26 is amended by adding the following paragraph at the end:

“The lease is not transferable.”.

10. Section 26.01 is replaced by the following:

“**26.01.** A lessee wishing to transfer their right to occupy land for certain purposes must file an application with the Minister, using the form provided for that purpose, to request that the Minister sign a new lease with the person the lessee has designated.

If the lessee has respected the purposes and obligations provided for in the lease, the Minister must offer the designated person to conclude a new lease.

The new lease is granted for the same land and purposes as the initial lease. Despite the foregoing, the Minister may change the rights and obligations of the designated person.”.

11. Section 29.1 is replaced by the following:

“**29.1.** The lessee of land for building cottages awarded by the Minister by drawing lots may not request the transfer of the right granted to them by the lease to occupy that land for certain purposes, except in the following cases:

(1) a building of a minimum value of \$20,000 was constructed on the leased land or, if the land was awarded between 2 October 2010 and (indicate the date that precedes the date of coming into force of this section), the building constructed is of a minimum value of \$10,000;

(2) the building constructed on the leased land was sold under judicial authority, for non-payment of taxes or for the exercise of a hypothecary right; or

(3) the transfer is made in favour of the lessee’s spouse, father, mother, brother, sister or child, or following the lessee’s death.

The amount paid by the lessee for development work carried out on the leased land at the expense of the Minister under section 32.1 is taken into account in the minimum value referred to in subparagraph 1 of the first paragraph.

29.2. The prohibition prescribed in section 29.1 does not apply to the lessee if a period of 5 years has elapsed since the date of coming into force of the initial lease of land awarded before (*insert the date of coming into force of this section*).”

12. The following is inserted after section 32:

“**32.1.** If development work done at the expense of the Minister on land for building cottages awarded by drawing lots was carried out before the land was awarded, the cost of the work must be assumed by the lessee and is payable upon signing the lease.”

13. Section 34 is amended by striking out the second paragraph.

14. Section 35.2 is amended

(1) by striking out “on the basis of the market rental value determined by generally recognized approaches of property assessment. The minimum rent is that fixed in section 7 of Schedule I”;

(2) by adding the following paragraphs at the end:

“The rent is determined on the basis of the market rental value according to the generally recognized approaches to property assessment. The minimum rent is that fixed in section 7 of Schedule I.

Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

The rent is rounded off to the next highest dollar if the dollar fraction is \$0.50 or more, or to the next lowest dollar if the dollar fraction is less than \$0.50.”

15. Section 36 is amended

(1) by striking out the second paragraph; and

(2) by striking out “and to observe the conditions prescribed in section 33” in the third paragraph.

16. Section 36.3 is amended by replacing “a loading and unloading zone”, wherever it appears, by “a development providing public access to a body of water or adjacent to such an area of access”.

17. The heading of Division VII is amended by replacing “COMMERCIAL OR INDUSTRIAL PURPOSES” by “CERTAIN PURPOSES”.

18. Section 39 is amended

(1) by replacing the first sentence of the first paragraph by the following: “A person wishing to purchase or lease land for purposes other than residential purposes, building cottages, the construction of a rough shelter or purposes that are complementary or accessory thereto, must submit a written application to the Minister along with any other document or information, as the case may be, to enable the Minister to analyze the repercussions of the project in terms of sustainable development.”

(2) by striking out the second paragraph; and

(3) by replacing “the business plan” in the third paragraph by “the project presented by the applicant”.

19. Subdivision 3 of Division IX, which includes sections 46 to 46.2, is struck out.

20. Schedule I is amended

(1) by replacing “the granting of a” in section 1 by “the issue of a temporary occupation licence, the granting of an authorization pursuant to sections 54 or 55 of the Act, the granting of any other”;

(2) by replacing “comporte” in section 1 of the French text by “est assujettie à”;

- (3) in the first paragraph of section 2,
- (a) in subparagraph 2,
- i. by striking out “its transfer,”;
- ii. by inserting “, the transfer of the right to occupy the land for certain purposes” after “request”;
- (b) by striking out “for commercial or industrial purposes” in subparagraph 8;
- (c) by replacing “46.1 or 46.2” in subparagraph 9 by “54 of the Act for the installation of piping, a telecommunication line or a power distribution line, or the construction, layout, maintenance and operation of a recreational trail”;
- (4) by striking out “\$124, except for the Abitibi-Témiscamingue administrative region, as defined by Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1), where the annual rent is” in subparagraph 10.

TRANSITIONAL AND FINAL

21. In addition to the review on 1 April of each year, the rent established pursuant to sections 21, 24 and 35.2 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) for leases whose term is less than 5 years is reviewed on 1 December 2024 in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

22. This Regulation comes into force on 1 December 2024, except sections 8, 11 and 12, which come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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