

INFORMATION SHEET

If you are currently a lessee of land under lease with the Ministère, you may apply for the transfer of your rights included in your lease to a new lessee.

You and the new lessee are responsible for the transaction of the buildings and improvements. Therefore, this form cannot be used as a sales contract. If you deem it necessary, you can also consult a notary or a lawyer from the private sector.

You must first swear an affidavit before a commissioner for oaths attesting to the authenticity of your signature. To obtain the contact information of a commissioner for oaths, refer to the Register of Commissioners for Oaths or contact Services Québec. Please note that a maximum fee of \$5.00 may be required for each oath.

The new lease will be issued to a single natural person or legal person that is incorporated. In the case of a group of individuals, a representative must be appointed and the lease will be issued in his/her name. It is up to the members of the group to make an agreement among themselves.

All due rent must be paid before submitting an application to transfer a lease. As the current lessee, before the lease transfer is completed, you must:

- > settle all claims to the Ministère;
- > meet all the required conditions if a written notice of non-compliance has been received.

If he or she so wishes, the new lessee may settle the claim in order to benefit from the land being transferred.

Following the transfer, your lease will be cancelled and a new lease will be concluded between the new lessee and the Ministère. The new lease will be issued according to the terms and conditions in effect at the time it is allocated.

Finally, the rent for the new lease will be adjusted in accordance with existing regulations. The market value or reference value used to calculate the rent for the new lease, under section 2 or 28.1 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, as the case may be, will be updated.

ADDITIONAL REQUIRED DOCUMENTS

Pursuant to section 29.1 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, if you have acquired a vacation lot through a random draw **after October 1, 2010, you cannot transfer your rights in the lease for five years after the date of the first lease.**

However, you can transfer your rights if you meet **one of the following three conditions if your lease is less than five years old.**

In addition, depending on the situation, you must provide the following additional documents:

1. A building with a minimum value of \$10,000 was built on the leased land
 - > the tax bill of the building built on the land under lease.
2. The building on the leased land was sold during a judicial sale, tax sale or the exercise of a mortgage right
 - > the trustee's certificate of appointment.
3. The new lessee is your spouse or *de facto* spouse, father or mother, sibling, or child

Spouse or *de facto* spouse

- > your marriage or civil union certificate. In the case of a *de facto* union, a sworn declaration signed by both spouses attesting to your status. In the case of a divorce, a copy of the divorce judgment if no building of a minimum value of \$10,000 was built on the land under lease.

Father or mother

- > your birth certificate.

Sibling

- > your birth certificate and your sibling's birth certificate.

Child

- > your child's birth certificate.

In the case of the death of the current lessee

- > the certificate or act of death issued by the Directeur de l'état civil (blue copy), accompanied by a copy of the will or declaration of transmission of real property duly registered in the land register.

SPECIAL CASES

If you act as an authorized agent

- > The power of attorney or certified copy of the resolution from the board of directors or municipal council identifying you as the person authorized to sign the documents with the Ministère or for any communication. To get a resolution template, visit www.quebec.ca.

For any lease, should one of the applicants be a legal person

- > The certified copy of the resolution from the board of directors or municipal council identifying the person authorized to submit the lease transfer application and sign the documents with the Ministère on behalf of the organization. To get a resolution template, visit www.quebec.ca.

In the case of a bankruptcy

- > A trustee's certificate of appointment.

Payment of fees

If it is the same land that will be used for the same purpose, the **new lessee** will have to pay the required fees:

- > **\$433.46** (administration fees, including taxes)

These fees, which are non-refundable, are payable by **cheque** or **postal money order to the Ministre des Finances du Québec**.

These fees will be adjusted on April 1 of each year, based on the change in the average consumer price index for the previous year, using as a base the index established for all of Québec by Statistics Canada. They could also be reviewed according to existing regulations.

You and the new lessee will have to make the breakdowns for the unaccrued rent you have paid. You will not receive a refund from the ministère des Ressources naturelles et des Forêts. The Ministère will credit the new lessee with the unaccrued rent amount effective from the date of entry into force of the new lease.

GENERAL INFORMATION

Personal information is collected for the purposes of enforcing laws, regulations and programs under the authority of the Ministre des Ressources naturelles et des Forêts.

The completed and signed form, along with any required additional documentation and payment of fees, must be returned by mail or e-mail:

Centre de services du territoire public
Ministère des Ressources naturelles et des Forêts
5700, 4^e Avenue Ouest, bureau E-318
Québec (Québec) G1H 6R1
E-mail : droit.terre.publique@mrnf.gouv.qc.ca

FOR MORE INFORMATION

Consult Québec.ca website at www.quebec.ca or contact the **Centre de services du territoire public**

By telephone: 1 844 282-8277 (toll free)

By e-mail: droit.terre.publique@mrnf.gouv.qc.ca

> Please write in **block letters**.

CURRENT LESSEE

File number (e.g.: 123456-00-000): _____

1 Identity

Name of current lessee: _____

Warning! Fill out this part only if you are acting as an **agent** or **representative** for an association, a corporation, a company, a liquidator, a licensed trustee, etc. Provide a resolution to identify you as such.

► 2 Authorized agent or legal person representative

First and last name of authorized agent or representative: _____

Title: _____

3 Address (current lessee)

Number: _____ Street: _____ Suite/Apartment: _____

City, village or municipality: _____ Postal code: _____

Home telephone: _____ Other: _____

Email: _____

4 Mortgagee

Do the structures built or installed on the land have a mortgage? Yes No

If yes, enter the mortgagee's contact information:

Name: _____

Address : Number : _____ Street: _____ Suite/Apartment: _____

City, village or municipality: _____ Postal code: _____

5 Vacation lot

Was the lot allocated following a vacation lot random draw after October 1, 2010? Yes No

If yes, please answer the following questions:

5.1 What is the date of the first lease allocated following the random draw?

Date: _____

5.2 Is there a building on the lot with a minimum value of \$10,000? Yes No

5.3 Was the building sold during a judicial sale, tax sale or the exercise of a mortgage right? Yes No

5.4 Is the lease transfer requested in favour of your spouse or *de facto* spouse, your father or mother, your sibling, or your child? Yes No

5.5 Is the lease transfer requested following the death of the current lessee? Yes No

6 Declaration(s) (under oath)

I declare, or we declare, having read the information leaflet and provided accurate information. I am asking, or we are asking, the Ministre des Ressources naturelles et des Forêts to transfer the lease rights to the new lessee.

Signature of lessee: _____ Date: _____

First and last name of commissioner for oaths: _____

Number: _____

Solemnly affirmed before me

In: _____ on: _____

Signature of commissioner for oaths: _____

NEW LESSEE

1 Identity

Name of new lessee: _____

Warning! Fill out this part only if you are acting as an **agent or representative** for an association, a corporation, a company, a liquidator, a licensed trustee, etc. Provide a resolution identifying you as such.

2 Authorized agent or legal person representative

First and last name of authorized agent or representative: _____

Title: _____

3 Address (new lessee)

Number: _____ Street: _____ Suite/Apartment: _____

City, village or municipality: _____ Postal code: _____

Home telephone: _____ Other: _____

Email: _____

4 Declaration

I declare that I have read the information leaflet, including the information sheet regarding rent adjustment and provided accurate information. I am asking the Ministre des Ressources naturelles et des Forêts to issue for me a new lease under the conditions in force for the same land that will be used for the same purposes.

Signature of new lessee: _____ Date: _____