



BY-LAW 659-2023
Regarding real estate transfers

EXPLANATORY NOTE

The by-law concerns the exercise of the powers devolved to municipalities under the Act respecting duties on transfers of immovables (RLRQ, c. D-15.1), more specifically paragraph 2 of Article 2 concerning immovables whose tax base exceeds \$ 500,000.

It creates a bracket for immovables whose tax base exceeds \$ 1,000,000.

In addition, the regulation provides, in accordance with Chapter III.1 of the Act, for a supplementary fee, in the amount provided for in section 20.4 of the Act.

WHEREAS municipal council may, pursuant to and in accordance with the Act respecting duties on transfers of immovables (RLRQ, c. D-15.1) prescribe a rate of transfer duties for immovables whose tax base exceeds \$ 500,000;

CONSIDERING THAT this same Act allows for the imposition of a surrogate duty on exempt property;

WHEREAS a notice of motion was given by Councillor Gilles Saulnier at the regular meeting of January 18th, 2023;

WHEREAS the draft by-law was presented to Council and explained by the Director general at the regular council meeting of January 18th, 2023;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Goal** – The purpose of this by-law is to exercise the powers vested in municipalities under the Act respecting duties on transfers of immovables.

2. **Objectives** – The objectives of the by-law are to create a tax bracket for properties with a tax base in excess of \$ 1 000 000 and to provide for an alternate charge for exempt properties.

3. **Definitions** – In this by-law, unless the context indicates otherwise, the following terms are defined as follows:

Tax base : the tax base for transfer tax as defined in the second paragraph of section 2 of the Act;

Act : the Act respecting duties on transfers of immovables (RLRQ, ch.. D-15.1);

Transfer of ownership : a transfer of ownership as defined in section 1 of the Act;

CHAPTER 2: TAX BRACKETS AND ALTERNATIVE LAW

4. **Tax brackets** – The following rates shall apply to the following transfer tax bases :

- a) On the portion of the tax base not exceeding \$ 50, 400 : 0,5%;
- b) On the portion of the tax base exceeding \$ 50,400 but not exceeding \$ 251,800 : 1%;
- c) On the tax bracket that exceeds \$ 251,800 but does not exceed \$ 499,999 : 1,5%;
- d) On the tax bracket that exceeds \$ 499,999 but does not exceed \$ 999,999 : 2,5%;
- e) On the tax bracket that equals or exceeds \$ 1 000,000\$: 3%.

5. **Special duties** – A special duty on the transfer of real estate property shall be imposed and levied in accordance with the Act where an exemption provided for in the Act deprives the Municipality of the duty on the transfer of property in accordance with sections 19.1 and following of the Act.

In addition to the exemptions provided for in section 20 of the Act, the substitute duty need not be imposed and levied where the transfer results from the death of the transferor pursuant to paragraph d of subsection 1 of section 20 of the Act.

CHAPTER 3: TRANSITIONAL AND FINAL PROVISIONS

6. **Repeals and replacements** – The by-law replaces and repeals By-law (553-2018) regarding real estate transfers.

7. **Entering into effect** – The by-law enters into effect in accordance to the Law.



Tim Watchorn
Mayor



Hugo Lépine
Director general /
Registrar-treasurer