

Application Form

Registry of Agricultural Land and Farm Land Identification Program



Registry of Agricultural Land (RAL) under the *Land Protection and Development Act* only
 Both, the Farm Land Identification Program (FLIP) and RAL (check one box only)

OWNER INFORMATION

Surname or Company Name: _____

Given Names: _____ Mr. Mrs. Ms.

Mailing Address: _____
 Street

 City Province Postal Code

Tel: Home _____ Fax: _____

Tel: Other _____ E-mail: _____

Correspondence French English

Contact person (if different from above)
 Surname: _____
 Given Names: _____ Mr. Mrs. Ms.

PROPERTY INFORMATION

_____ (Local Place Name) _____ (Parish) _____ (County)

Property Account Number (PAN) _____

Use of Property:

Note: To be eligible for FLIP, a property must be in agricultural use or be available for agricultural use.

Units of area measurement (check one Acres Hectares only)

Estimate of entire property: _____ Area

Cleared _____

Wooded or other non-agricultural _____

For each Parcel Identificaion Number (PID) associated with the above Property Account Number (PAN), please complete the following:

If more space is required, please use an additional form

PID # _____

Measurement Unit: Hectares Acres

Cleared and actively farmed _____

Cleared but not actively farmed and available for rent _____

Cleared but not actively farmed and not available for rent _____

Reverting to forest but still suitable for agriculture and available for rent _____

Reverting to forest but suitable for agriculture and not available for rent _____

Wooded or other non-agricultural land _____

PID # _____

Cleared and actively farmed _____

Cleared but not actively farmed and available for rent _____

Cleared but not actively farmed and not available for rent _____

Reverting to forest but sill suitable for agriculture and available for rent _____

Reverting to forest but suitable for agriculture and not available for rent _____

Wooded or other non-agricultural land _____

PID # _____

Cleared and actively farmed _____

Cleared but not actively farmed and available for rent _____

Cleared but not actively farmed and not available for rent _____

Reverting to forest but still suitable for agriculture and available for rent _____

Reverting to forest but suitable for agriculture and not available for rent _____

Wooded or other non-agricultural land _____

FARM OUTBUILDINGS:

I wish to register my farm outbuildings as described below under the Farm Land Identification Program.

Please identify all farm outbuildings using the following list, along with the PID on which they are located: **Only buildings in use are eligible.** If a particular type of building is not listed, please specify by writing in a description.

Machinery Storage & Repair	Livestock Housing	Greenhouse
General Farm Storage	Poultry Housing	Maple Sugar
Potato Storage	Swine Housing (Piggery)	Granary
Fruit & Vegetable Storage & Grading	Dairy Barn	Feeder
Feed Storage	Milk Room	Sheep Barn
Hay Storage	Fox Housing	Beef Barn
Manure Storage	Silo	

	Office use only	BUILDING DESCRIPTION	SIZE (indicate units)	YEAR CONSTRUCTED	PID
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

DECLARATION:

I hereby declare that all information contained on this application form is true and accurate to the best of my knowledge and that I understand and will abide by the Regulations that pertain to these Programs. In addition, I authorize the staff of the Department of Agriculture and Aquaculture to carry out checks of the property for the purposes of these programs.

Signature of Owner(s) _____

DATE _____

INSTRUCTIONS (Please read carefully)

- A separate application form must be completed for each individual property account number.
- The applicant must be the registered owner of the property being applied for.
- The Property Account Number (PAN) and the Parcel Identifier Number (PID) are required for registration. These numbers are located on your Real Property Assessment and Tax Notice. Your property may contain more than one (1) PID. If you need assistance in locating these numbers please contact the nearest office of Service New Brunswick.
- FLIP application deadlines:
 - New applications for the registration of real property must be received by September 1 of any year to be considered for the following tax year.
 - Applications for the registration of new farm buildings being added to land already registered under the program must be received by November 1 of any year to be considered for the following tax year.
- Completed application forms should be forwarded to:

The Registrar, Farm Land Identification Program
N.B. Department of Agriculture and Aquaculture
P.O. Box 6000
Fredericton, N.B., E3B 5H1

- For further information please call (506) 453-3615 or toll free 1-888-NB AGRIC (622-4742)
- To avoid problems and ensure that your application has reached its destination, it is advisable to send it by registered mail.

Registry of Agricultural Land

Any land owner in the Province of New Brunswick may apply to have their agricultural land protected by registering it with the Minister of Agriculture and Aquaculture in the Registry of Agricultural Land under the *Agricultural Land Protection and Development Act* (ALPDA).

Eligibility criteria for the Registry of Agricultural Land:

To be eligible, land must be in active use by an agricultural operation or if the land is not in active use, it must be suitable for use by an agricultural operation. Land is deemed to be suitable for use according to the following criteria:

- i) be clear of trees, brush, or other obstructions that would restrict normal farming operations, unless the trees are producing trees such as apple, maple or are a managed Christmas tree plantation;
- ii) have a combination of soil texture, depth to compact layer, depth to bedrock, drainage, slope and climate which make it possible to sustain an agricultural operation.

Land will continue to be registered so long as it meets the above criteria. If the land ceases to be suitable for agricultural use, that is, if it is reverting to forest or if its use has been changed to non-agricultural, it may be deregistered. The land may also be voluntarily withdrawn at the request of the owner. Land in the registry will be identified using the Parcel Identification Number (PID) issued by Service New Brunswick.

Farm Land Identification Program (FLIP)

Property owners may apply to have their land which is registered in the Registry of Agricultural Land also registered in the Farm Land Identification Program under the *Real Property Tax Act*. Farm outbuildings which are located on registered agricultural land and meet the eligibility criteria may also be registered in FLIP.

The Farm Land Identification Program (FLIP) has been in existence since 1979 and provides for the deferral of the provincial portion of real property taxes on eligible (cleared) agricultural land and farm outbuildings. The provincial real property tax rate of \$1.4573 per \$100.00 of the assessed value of the farm land and/or outbuildings will be deferred so long as the property continues to qualify under the regulations.

Registered property may also have a reduction of the level of municipal and local taxes. Owners will pay municipal and LSD taxes only up to the average Local Service District rate in any year. The municipal taxes above that amount will be paid to the municipalities by the Minister of Agriculture and Aquaculture on behalf of the registered owners. It will become a loan to the Province. The LSD taxes above that amount will be added to the provincial taxes already deferred by FLIP. Both the loan and the deferred LSD taxes will be subject to the existing FLIP regulation. Where the LSD property tax rate is less than the average rate, the lower rate will apply.

When registered property ceases to meet the requirements of the regulation the deferred taxes may become payable with interest or it may be placed on "changing status" (see below for details).

Eligibility Criteria for FLIP:

- i) Land must be registered in the Registry of Agricultural Land under the *Agricultural Land Protection and Development Act*.
- ii) Farm outbuildings must be located on land registered in the Registry of Agricultural Land under the *Agricultural Land Protection and Development Act*.
- iii) The property (land and farm outbuildings where applicable) must be in use by an agricultural operation, or the owner must be willing to make the property available for use by rent or lease, given a reasonable offer, and must allow such property to be advertised as being available for rent or lease, to be eligible for registration in FLIP.
- iv) The land does not have a subdivision plan registered in the Provincial Land Registry which will result in the removal of the property from agricultural use.

A list of properties available for rent or lease will be made available to the public by the Department of Agriculture and Aquaculture.

Deregistration and Changing Status

Once a property is registered under the Program, it will remain registered until such time as there is cause for deregistration or it has been reclassified to changing status, or the property is voluntarily withdrawn at the request of the owner.

Deregistration:- The following circumstances will be cause for deregistration:

- i) The registration of a subdivision plan covering that portion of a property registered in FLIP which results in the removal of part or all of the property from agricultural use will result in deregistration and the deferred taxes becoming due and payable with interest, unless exempted by regulation. Exception include expropriations or purchases by governments, easements, leases or licences or the removal of up to two (2) building lots in a twenty (20) year period to be used to house members of the immediate family of the owner(s) of the agricultural operation when that member is working on the agricultural operation. In that case the deferred taxes with interest, are payable on the building lot(s) only.
- ii) Any change of use in the real property (land and/or buildings) that results in it becoming unsuitable for agricultural use. This includes buildings being used for non-agricultural use, or being physically altered so as to make them incapable of agricultural use.
- iii) The owner refuses to allow land not in active use to be advertised as being available for rent or lease, or refuses to rent or lease such land upon receiving a reasonable offer. A reasonable offer is considered to be 5% or more of the assessed value per year. When there is disagreement on whether an offer is reasonable the Registrar should be consulted.

Upon deregistration or withdrawal, all accrued taxes together with interest will become due and payable up to a maximum of 15 years.

Changing Status - For the 1998 tax year and beyond, in cases where land is reverting to forest growth, or buildings are no longer capable of agricultural use through lack of maintenance, a mechanism has been established which will allow the Registrar to remove properties from the program and place them on changing status. Changing status will only be given to properties in the circumstances described above. For properties which are given changing status, the following will apply:

- i) Future taxes will no longer be deferred but will be payable. The previously deferred taxes will remain deferred.
- ii) The owner will continue to have an obligation to maintain the property capable for agricultural use.

If a change in use occurs, other than land reverting to forest or buildings deteriorating, which make them incapable of agricultural use, the property will be deregistered and all of the remaining deferred taxes with interest, will become due and payable.

- iii) Any subdivision of land in changing status which causes the removal of land from agricultural use will also trigger the repayment of deferred taxes with interest.

Applications

Applications for registration of agricultural land in the *Registry of Agricultural Land*, only, may be made, on the form provided, at any time.

Applications for registration of agricultural land in both the *Registry of Agricultural Land* and the *Farm Land Identification Program* should be made together, on the form provided. Applications may be made at any time but applications for land received at the office of the Registrar after September 1st in any year, or for new buildings received after November 1st in any year, may not be considered for tax deferral until the following year. Applications must be signed by the registered owner(s) of the property.

Application forms are available from any office of the New Brunswick Department of Agriculture and Aquaculture or online at <http://www.gnb.ca/0173/01730002-e.asp> .

Appeals

Any decision relating to the registration of land in the RAL or property in FLIP is subject to appeal. Any person who disagrees with the decision not to register their land in the Registry of Agricultural Land under the *Agricultural Land Protection and Development Act* or in the Farm Land Identification Program, has the right to request an appeal before the Agricultural Land Appeal Board and/or the Farm Land Identification Program Appeal Board .

General Q&A about the Registry of Agricultural Land and the Farm Land Identification Program (FLIP)

1. What is the *Agricultural Land Protection and Development Act*?

The *Agricultural Land Protection and Development Act* is intended to enable agricultural land owners to better participate in the land use planning process as it is established in the rural areas of the Province by voluntarily submitting their land into a Registry of Agricultural Land, and to have it subsequently designated as agricultural land under the local land use planning process. These mechanisms will be closely integrated with the planning processes of the *Community Planning Act*.

2. Who is eligible for this program?

Any land owner in the Province of New Brunswick.

3. How do I know if my land meets the criteria?

To be eligible, land must be in active use by an agricultural operation or if the land is not in active use, it must be suitable (as defined in the Act) for use by an agricultural operation. Land will continue to be registered so long as it meets the above criteria. If the land ceases to be suitable for agricultural use, that is, if it is reverting to forest or if its use has been changed to non-agricultural, it may be deregistered. The land may also be voluntarily withdrawn at the request of the owner. Land in the registry will be identified using the Parcel Identification Number (PID) issued by Service New Brunswick.

4. Why is a program of this nature being sponsored by the Government at this time?

To encourage the preservation of agricultural real property for agricultural use and to combat land use development trends that prejudice the maintenance of a viable and vigorous industry.

5. What is the Farm Land Identification Program (FLIP)?

The program has been in existence since 1979 and provides for the deferral of taxes on eligible (cleared) agricultural land and farm outbuildings (since 1988) identified for farm use or made available for farm use. The tax deferred is the \$1.4573 per \$100 assessment portion of the provincial real property taxes. Since 1998, registered property may also have a reduction of the level of municipal and local taxes. Owners will pay municipal and LSD taxes only up to the average Local Service District rate in any year. The municipal taxes above that amount will be paid to the municipalities by the Minister of Agriculture and Aquaculture on behalf of the registered owners. It will become a loan to the owner. The LSD taxes above that amount will be added to the provincial taxes already deferred by FLIP. Both the loan and the deferred LSD taxes will be subject to the existing FLIP regulation. Where the LSD property tax rate is less than the average rate, the lower rate will apply.

When registered property ceases to meet the requirements of the regulation the deferred taxes may become payable with interest or it may be placed on "changing status"

6. What is meant by the term "changing status"?

For the 1998 tax year and beyond, in cases where land is reverting to forest growth, or buildings are no longer capable of agricultural use through lack of maintenance, a mechanism has been established which will allow the Registrar to remove properties from the program and place them on changing status. Changing status will only be given to properties in the circumstances described above. For properties which are given changing status, the following will apply:

- i) Future taxes will no longer be deferred but will be payable. The previously deferred taxes will remain deferred.
- ii) The owner will continue to have an obligation to maintain the property capable for agricultural use.

If a change in use occurs, other than land reverting to forest or buildings deteriorating, which make them incapable of agricultural use,

the property will be deregistered and all of the remaining deferred taxes with interest, will become due and payable.

- iii) Any subdivision of land in changing status which causes the removal of land from agricultural use will also trigger the repayment of deferred taxes with interest.

7. What real property is eligible under this program?

Real property that are registered in the Registry of Agricultural Land and

(a) used for the production of agricultural products

(b) made available for use by rent or lease, given a reasonable offer, and must allow such property to be advertised as being available for rent or lease; and

Farm outbuilding meaning the operational and storage facilities of an operating farm, including poultry houses, potato storage sheds, greenhouses, nurseries, piggeries and shelter for animals, food and machinery for providing services to the operational and storage facilities and facilities for seed grain (as defined in the Act) but not including storage or processing equipment of commercial operations, elevators, slaughter facilities or storage facilities that are not directly a part of the farm operation.

8. Does the occupation of the real property owner make any difference as to whether or not the real property can be registered?

No, because the program is designed to identify real property based on the use to which the real property is being put, not the occupation of the owner.

9. What does identification of real property mean?

That the owner declares that he intends to keep that real property in agriculture or maintain its availability for use and that he will not do anything to that real property which will make it impractical for agricultural use in the future.

10. Can I register a portion of my farm and exclude from the registration program another portion of my farm?

Identification of real property will be based on the fact that there is a distinguishable deed for that parcel. When a parcel is identified all the agricultural real property on that parcel is included. Each deeded parcel of real property shall require a separate identification (Property Account Number PAN) by the owner. If an owner wishes to register only part of his agricultural real property, it must have a separate deed.

11. If I wish to subdivide my farm into either a single lot subdivision or a number of subdivisions, what effects does this have on my registration program?

The registration of a subdivision plan covering that portion of a property registered in FLIP which results in the removal of part or all of the property from agricultural use will result in deregistration and the deferred taxes becoming due and payable with interest, unless exempted by regulation.

It is highly recommended that the real property owner notifies the Registrar of the FLIP of any intended subdivision of identified real property and of any change in use which might change the eligibility of this real property under the Program. Any change in use or designation of identified real property without the written agreement of the Registrar might be cause for deregistration of that deeded parcel. Upon deregistration or withdrawal, all accrued taxes together with interest will become due and payable up to a maximum of 15 years.

12. If my son or daughter wishes to build a house and I wish to subdivide a single lot for them, how does this affect my registration under the FLIP?

The removal of up to two (2) building lots in a twenty (20) year period of not more than 0.4 hectares in size to be used to house members of the immediate family of the owner(s) of the agricultural operation when that member is working on the agricultural operation is exempted by regulation. In that case, the deferred taxes with interest, are payable on the building lot(s) only.

13. What happens if my farm is registered under this program and I sell it to another farmer?

This program is designed to identify the real property and not the owner. Once a property is identified it will remain identified until deregistered. If subsequent owners maintain the land for agricultural use, the identification remains valid.

14. What happens if my real property is registered under this Program and I sell it to a land developer?

As this program registers the real property and not the owner, unless a request to withdraw is received, the property will remain registered when it is sold. If the new owner changes the use of the real property contrary to the FLIP regulation, then he will be required to pay the deferred taxes with interest for up to 15 years.

15. If I wish to change the use of real property that is identified, does this mean that I will have to pay the deferred taxes on the real property that I have changed the use of?

Depending on the type of change and the manner on which the use is changed, the deferred taxes may or may not come due. Any proposed changes should be discussed with the Registrar. All decisions of the Registrar are subject to appeal by the real property owner to the Farm Land Identification Program Appeal Board.

16. Do I have to apply for registration every year?

No. Once a real property is registered it will remain in the Program until withdrawn or deregistered.

17. Why do I have to apply before September 1st to register land and November 1st for outbuildings, of any year?

Applications for registration of agricultural land in the Registry of Agricultural Land, only, may be made at any time.

Applications for registration of agricultural land in both the Registry of Agricultural Land and the Farm Land Identification Program should be made together. Applications may be made at any time but applications for land received at the office of the Registrar after September 1st in any year, or for new buildings received after November 1st in any year, may not be considered for tax deferral until the following year. Applications must be signed by the registered owner(s) of the property.

18. If my real property is already registered in the Program, and I construct a new outbuilding, will it automatically be included in the Program?

No. You must apply for any new outbuildings. Applications can be filed anytime during the construction process allowing time necessary for processing the application during the construction year.

19. What is the meaning of the 15 years you often hear referred to in the Farm Land Identification Program?

The 15 year maximum that is mentioned in the Real Property Tax Act, means that no matter how many years your property has been registered in FLIP, 15 years of deferrals plus interest is the maximum number of years that you have to pay the Province, if you are deregistered or withdraw your property from the Program.

20. If I register my outbuildings will the tax be deferred and subject to the same regulation as my real property?

Yes. The tax will be deferred and if you change the use of any of your real property including outbuildings on that tax number, your whole real property could be deregistered. Any change in use or designation of identified real property without the written agreement of the Registrar might be cause for deregistration of that deeded parcel and a subsequent payment of the amount deferred with interest to a maximum of 15 years.

21. Deferred taxes and interest explained?

When a property registered in the Farm Land Identification Program is deregistered or withdrawn from the program by the assessed owner, the deferred taxes to a maximum of 15 previous years together with associated interest becomes due and payable.

The total amount of interest added to the deferred taxes payable upon deregistration or withdrawal on or after September 1, 2007 from the Farm Land Identification Program is limited to a maximum of 50% of the total taxes deferred.

Once the deferred taxes and interest become due and payable, the balance is then subject to the same conditions as the annual property taxes including penalties for the non-payment of tax. The NB Department of Finance will issue a notice to the assessed owner, similar to the annual notice, indicating the revised amount due and payable and the key dates.

22. **Where can I get application forms and to whom do I forward them to?**

Application forms are available from any office of the New Brunswick Department of Agriculture and Aquaculture or online at <http://www.gnb.ca/0173/01730002-e.asp>. These and any other correspondence should be directed to:

The Registrar
Farm Land Identification Program and Registry of Agricultural Land
N.B. Department of Agriculture and Aquaculture
P.O. Box 6000
Fredericton, N.B.
E3B 5H1

Tel: (506) 453-3615, Fax: (506) 453-7406

Note: This information is provided for assistance when inquiries are made on the Farm Land Identification Program (FLIP) and is not intended for replacement of, or interpretation of the *Real Property Tax Act* and Farm Land Identification Regulation.

Copies of the Agricultural Land Protection and Development Act and the Regulation can be accessed from the Queen's Printer or online at <http://www.gnb.ca/0062/acts/acts-e.asp> and application forms are available at the Head Office and Regional Offices of the NB Department of Agriculture and Aquaculture and online at <http://www.gnb.ca/0173/01730002-e.asp>.