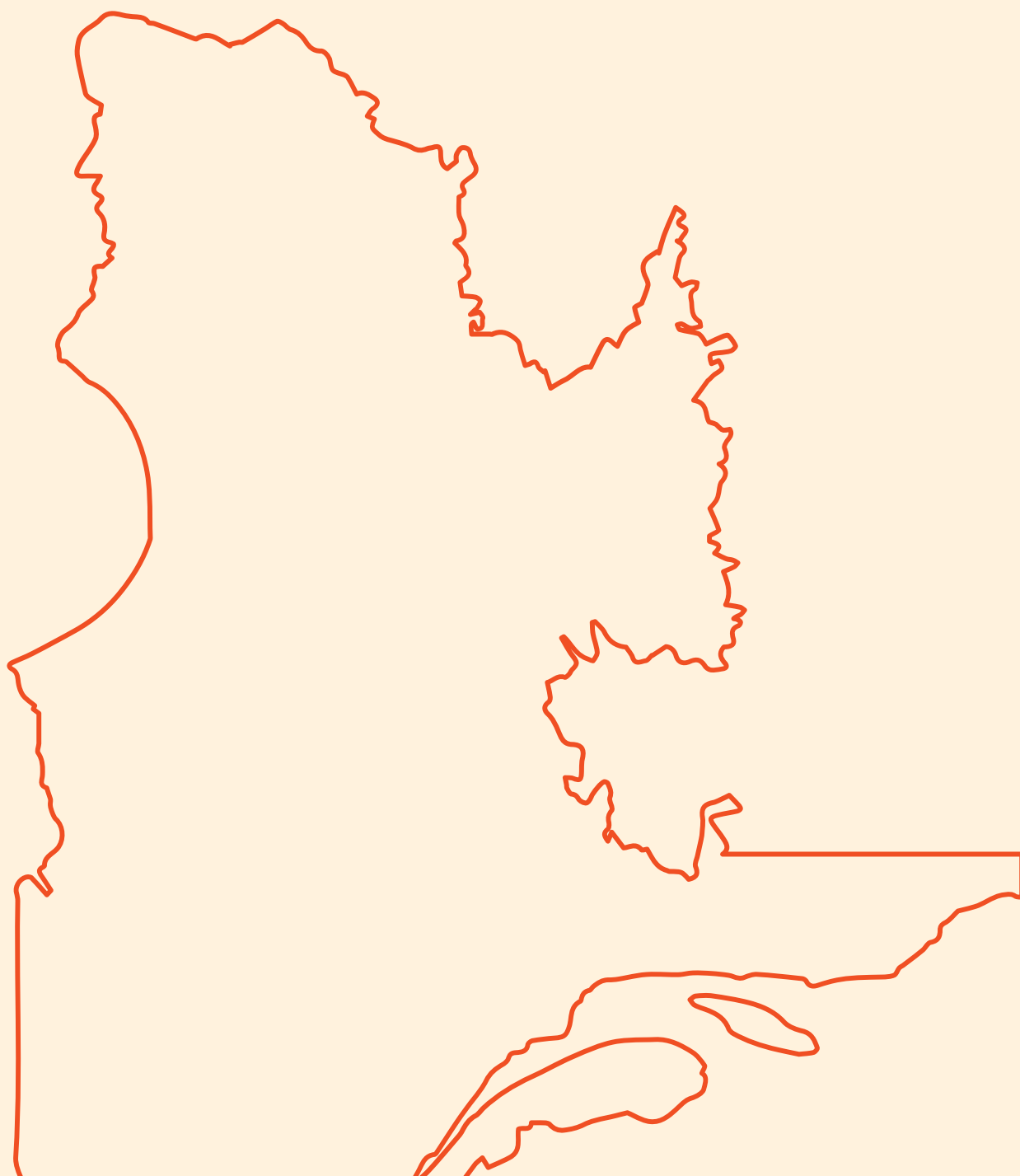


Operating Models for Community Land Trusts in **Quebec**



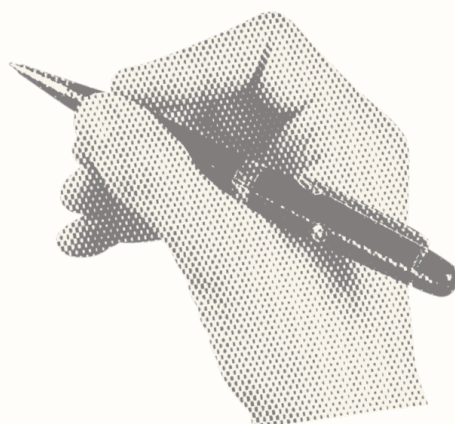
Operating Models for Community Land Trusts in Quebec

Across Canada, CLTs generally use similar legal frameworks to structure their organizations and manage land, even though land use and non-profit legislation varies from one province to another.

In Quebec, however, there are some unique legal frameworks that allow CLTs and other community-owned real estate groups to use different models for ownership and long-term stewardship. Two of the most important tools are social utility trusts (SUTs) *fiducies d'utilité sociale* FUS and emphyteutic leases.

Quebec's distinctive legal landscape has helped shape several innovative CLT models across the province. Learning from these models offers valuable insights for CLTs in other provinces, whether they are looking to adapt Quebec approaches, learn from their governance, or advocate for enabling legislation.

To understand how CLTs function in Quebec, it is helpful to look at the specific legal tools available in the province. This resource explores how SUTs and emphyteutic leases work, how they compare to the CLT model, and how they can be used together. It does this through two examples: Écoquartier Louvain in Montreal and Foncier Solidaire Brome-Missisquoi in Quebec's Estrie Region.



What is a Social Utility Trust and how does it work?

A Social Utility Trust (SUT) is a land stewardship and ownership model that is unique to Quebec. It allows land to be held in trust for social purposes that benefit the general public or a specific community. The model has long been used for agricultural groups, such as Protec-Terre, to protect farmland. More recently, groups like Écoquartier Louvain started using it for community housing and other community-oriented land uses (e.g. community gardens, schools, cultural spaces).

A SUT is created through a deed in which the owner transfers the land to a trust with a specific purpose or “vocation”. This purpose can only be changed by a court ruling, which protects the land from speculative, and external pressures, like political or market.

The three parties in a SUT

The incorporators (constituant)

usually the original property owner (one or more individuals or organizations) who transfer the land into the trust. A group can also acquire land together and place it into the trust.

The trustees (le fiduciaire)

one or more people appointed to hold and manage the trust according to the rules of administration established in the SUT contract or deed. It is common and recommended to appoint several trustees.

The beneficiaries

the people or the community the trust is meant to serve. In an SUT, beneficiaries are always a broad group or the general public. They are not named individually, and being a beneficiary does not give governance power or direct property rights.

SUT in practice: Écoquartier Louvain

Since 2007, community members in Montreal's Ahuntsic-Cartierville neighbourhood have been advocating for an Écoquartier (eco- village) in a former municipal impound lot. Their efforts brought residents together with the City of Montréal to create a working group known as Bureau de projet partagé (BPP). This group is made up of representatives from the City, the borough, residents and Solidarité Ahuntsic. They worked together to identify a way in which they could develop the land and protect affordability and community values in perpetuity.

After reviewing different legal frameworks and governance models, the BPP created a Social Utility Trust (SUT) in 2023 to steward the land and assets belonging to the community. Once the SUT was established, the group needed an organization to carry out the development work on the ground.

The group then created the Société de développement Écoquartier Louvain (SDÉL), a social purpose real estate developer. This new organization was created to be responsible for developing the land and carrying out the vision of the Écoquartier Louvain Social Utility Trust.

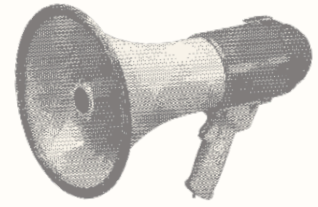
SDÉL was incorporated as a non-profit with the mission of transforming the land into an Écoquartier designed for and by the community, grounded in solidarity and sustainability principles. The project aims to create a complete neighbourhood that includes:



- 800-1,000 affordable housing units
- A food hub with 1 hectare of urban agriculture
- Education hub with one school and early-childhood centre
- Community hub with a cultural spaces and a library
- 10,000 m2 of public spaces including parks, green corridors and shared streets.

This is the first project developed through the BPP model, where the City, the neighbourhood, the non-profit sector, and residents work together to design and build an Écoquartier. By placing the land in a SUT, the community can guide and oversee land use, long-term development, and future redevelopment.

What are the benefits of a SUT?



Understanding why the BPP chose a SUT requires looking at its benefits. According to Solidarité Ahuntsic (members of BPP and founders of the SUT), the main advantages of using a SUT for land stewardship include:

“

Mission kept in perpetuity — The SUT’s purpose is written into the trust deed, and it can only be changed or terminated by a court ruling.

Independent trustees — Trustees are responsible for protecting the mission over time. Because the SUT is independent, it is less affected by political changes, shifting budgets, or other external pressures.

Administrative autonomy — The SUT sets its own administrative and financial rules.

Built-in citizen participation — Residents and community members have a guaranteed role in governance.

Long-term oversight of the site — Permanent land ownership by the trust ensures the site is used as intended, because the SUT monitors compliance, acting as the guardian of the land’s mission.

”

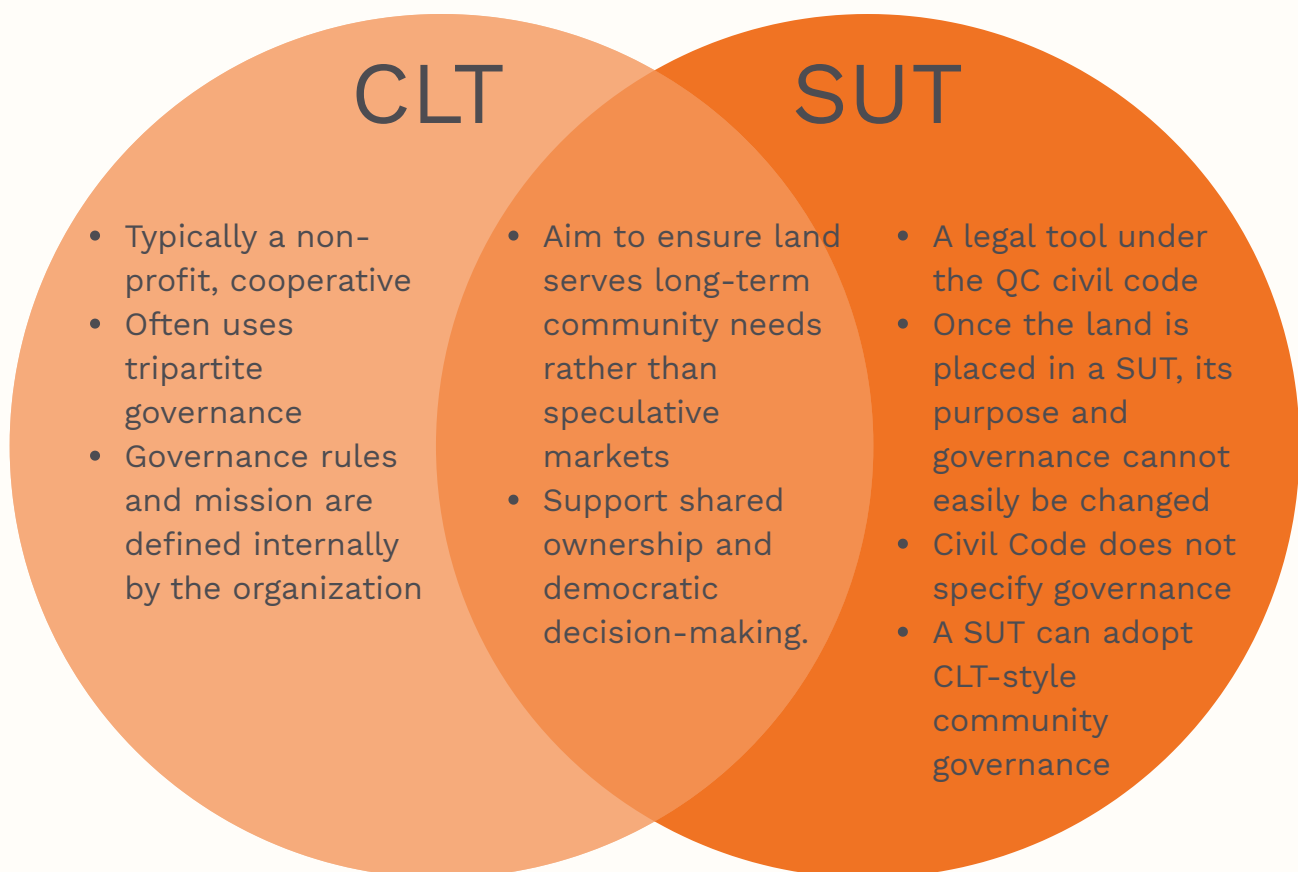
Source: Solidarité Ahuntsic. (2021). Une fiducie d’utilité sociale (FUS) pour l’écoquartier Louvain Est : Résumé de la proposition.
https://solidariteahuntsic.org/wp-content/uploads/2023/05/Louvain_resume_proposition_FUS.pdf

How does the SUT compare to a CLT?

Community land trusts (CLTs) and SUTs are not mutually exclusive. In fact, they can strengthen each other within the same project.

Both models aim to give communities more control over land and ensure it serves local needs. A CLT is usually a non-profit or cooperative, while a SUT is a legal tool under the Quebec civil code that can “lock in” the land’s purpose. When land is placed in a SUT, it cannot be sold or dissolved, ensuring it remains available to the community in perpetuity. This structure enables and protects shared ownership and collective governance.

The Quebec civil code doesn’t define SUT’s governance in detail. However, SUTs can be shaped by community-driven CLT governance models that prioritize community members representation, such as the tripartite structure.



What is an Emphyteutic Lease and how does it work?

Another important legal tool unique to Quebec civil law is the emphyteutic lease. It works much like a long-term ground lease used in other parts of Canada. These leases can last anywhere from 10 to 99 years. They usually give greater tenant rights and obligations than a typical lease, along with long-term certainty of tenure.

Under an emphyteutic lease, the tenant has a temporary real right of ownership, meaning the right to develop, finance, manage, and operate any buildings or improvements they make on the land. When the lease ends, all buildings and improvements return to the landowner. The owner may choose to recognize or compensate the tenant for the improvements, depending on the agreement. Like a long-term ground lease, the landowner retains the long-term ownership, which is essential for the CLT movement. But unlike a ground lease, the tenant has more autonomy to make changes and stewardship is stronger because the lease can be structured so the tenant captures value of the investments in the property.

Foncier Solidaire Brome-Missisquoi (FSBM)

Foncier Solidaire Brome-Missisquoi (FSBM) is a community land trust (CLT) located in the Brome-Missisquoi Regional County Municipality, within the Estrie region of Quebec. The area has very few affordable housing options, which led to the creation of FSBM. Its mission is to develop sustainable, permanently affordable housing for local residents.

FSBM uses the CLT model together with emphyteutic leases to increase the number of affordable homes in the region.

How the model works at FSBM

FSBM owns the land at the Brome-Missisquoi RCM in Quebec and financed the initial infrastructure for eight affordable homes. It acts as the landlord and contributes 20% of the total housing development funding. The emphyteuta (the long-term leaseholder) is responsible for:

- holding a mortgage for 80% of the housing cost
- paying for maintenance and renovations (within an annual cap to keep the home affordable)

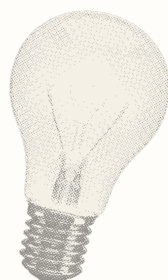
When the lease ends, the emphyteuta receives:

- their mortgage investments
- the value of renovation investments
- a capped annual appreciation

Because these homes are removed from the speculative market, the emphyteuta cannot profit from speculation at resale. After the lease ends, the property is leased to the next emphyteuta, with the lease price controlled by FSBM to ensure affordability for future generations.

FSBM uses emphyteutic leases not only to guarantee long-term affordability, but also to reduce barriers to homeownership for people who cannot access the traditional housing market. By separating land ownership (held by the CLT) from building ownership (held by the emphyteuta), FSBM creates a stable, community-controlled housing option that remains affordable over time.

Emphyteutic leases, social utility trusts, and community land trusts work together to support long-term stewardship of land and assets. These tools provide practical ways for communities to protect land for public benefit and ensure those benefits last over time.



What is the community land trust (CLT) landscape like in Quebec?

Quebec's rich tradition and long legacy of successful tenant organizing as well as its unique legal framework has given rise to several innovative community land trusts models that are active throughout the province. In fact, one of the first CLTs in Canada, Communauté Milton Parc (CMP), was founded in Montreal in 1987. CMP has been able to safeguard six downtown blocks in Montreal from real estate speculation and gentrification.

In recent years, the CLT movement in Quebec has continued to grow, with many new organizations emerging throughout the province. These include the following groups:

<u>Communauté Milton Parc</u>	Montreal (Milton-Parc)	Co-operative Housing
<u>Brique par Brique</u>	Montreal (Parc-Extension)	Social and community infrastructure
<u>Ecoquartier Louvain</u>	Montreal (Ahuntsic-Cartierville)	Affordable housing; sustainable infrastructure
Verdun Land Trust	Montreal (Verdun)	Social and community infrastructure; housing solutions
<u>Territoires Solidaires</u>	Quebec (province-wide)	Network building; housing solutions
<u>Foncier Solidaire Brome-Missisquoi</u>	Brome-Missisquoi,	Affordable homeownership
<u>FUS Laurentides</u>	Laurentides	Affordable housing; worker housing
<u>Angus Land Trust</u>	Montreal	Affordable housing; sustainable development

Across the province, the community land trust (CLT) movement is gaining momentum. We're seeing major municipal partnerships—like Montréal's Ecoquartier Louvain, where the city helped create the BPP and is now transferring land into a SUT. We're also seeing regional expansion, such as the FSBM working with a regional municipality, proving that CLTs aren't just an urban solution.

The examples reviewed in this document show that collective ownership and stewardship are becoming a real force in Quebec, shaping how land is protected, used, and shared for the public good

Further Resources

Ecoquartier Louvain and Social Utility trusts

- [Learn more about Social Utility Trusts here](#)
- [CMHC SUT Demonstrations Initiative Project](#)
- [Learn how Ecoquartier Louvain uses the Social Utility Trust](#)
- [Learn more about Ecoquartier Louvain here](#)
- Case study in French about [Ecoquartier Louvain here](#)

Foncier Solidaire Brome-Missisquoi (FSBM) and Emphyteutic Leases

- [Affordable Homeownership using Emphyteutic Leases in Quebec](#)
- [Read more about emphyteutic leases here](#)
- [Learn more about FSBM here](#)

