



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**
Prince Edward Island
Île-du-Prince-Édouard
CANADA

Docket **LF06101**
Order **TLF06-01**

IN THE MATTER of an investigation
pursuant to Section 15 of the Prince Edward
Island Lands Protection Act

BEFORE THE COMMISSION

on Tuesday, the 12th day of December, 2006.

Brian J. McKenna, Vice-Chair
Norman Gallant, Commissioner
Kathy Kennedy, Commissioner

Order

IN THE MATTER of an investigation
pursuant to Section 15 of the Prince Edward
Island Lands Protection Act

Order

WHEREAS by Notice of Investigation dated April 21, 2006, the Commission commenced an investigation pursuant to Section 15 of the Lands Protection Act (the “Act”) and Commission Rule R98-1 pertaining to Grand Forest Holdings Incorporated, Island Holdings Ltd., Cavendish Agri-Services Limited, Simmac Packaging Ltd., J.D. Irving Limited and M.F. Schurman Company, Limited (The “Respondents”);

AND WHEREAS pursuant to Section 5 of Commission Rule R98-1, the Commission appointed Derek D. Key, Q.C. as the Investigating Officer in the matter;

AND WHEREAS by letter dated November 16, 2006, the Investigating Officer advised the Commission, in part, that:

- a. the Investigating Officer had made written and oral requests of the Respondents, through their solicitors, Stewart McKelvey Stirling Scales, to provide to the Investigating Officer certain documents which he required for the completion of his investigation;
- b. in response to the Investigating Officer’s request, the Respondents, through their solicitors, advised that they would not be providing any further documentation on this matter;
- c. it is not possible for the Investigating Officer to proceed with his investigation as material information has not been provided by the Respondents, and the Respondents have refused to provide the requested information.

NOW THEREFORE, pursuant to Subsection 15(2) of the Act,

IT IS ORDERED AND DEMANDED THAT

the Respondents hereby produce for the Commission, on or before 4:00 P.M. on Friday, January 19, 2007, all of the documents referred to in Schedule A annexed hereto;

DATED at Charlottetown, Prince Edward Island, this 12th day of December, 2006.

BY THE COMMISSION:

Brian J. McKenna, Vice-Chair

Norman Gallant, Commissioner

Kathy Kennedy, Commissioner

TAKE NOTICE that any person or corporation that fails to comply with a demand made under Subsection 15(2) of the Act is liable to a penalty, pursuant to Subsection 15.1(1) of the Act, of not more than \$10,000, together with a per diem penalty not exceeding \$500 each day non-compliance continues.

AND FURTHER TAKE NOTICE that Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it or rehear any application before deciding it.

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13.(1) and 13(2) of the *Act* provide as follows:

13.(1) An appeal lies from a decision or order of the Commission to the Appeal Division of the Supreme Court upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Supreme Court within twenty days after the decision or order appealed from and the Civil Procedure Rules respecting appeals apply with the necessary changes.

IRAC140B(2005/1)

SCHEDULE "A"

**Materials Requested by the Investigating Officer for Docket LF06101
May 25, 2006**

1. *Land Leases held by Island Holdings Ltd. which expired prior to October 31, 2004* (as described in the November 1, 2004 letter from James C. Travers Q.C. to R.A. (Sandy) Foy of the Island Regulatory and Appeals Commission)

<u>Land Owner/Leased From</u>	<u>Parcel Number(s)</u>
Baglole Farms Ltd.	780353, 96586, 96875, 780353
Alvin & Aaron Croken	97600
Emmett Fitzsimmons	91082
Allyn Harding	81182
Howatt Enterprises	458570, 90522
Indian River Holdings Ltd.	92693
Dana Jorgenson	294033
Allan MacInnis	697490
Donald Maynard	757724
Wendell Murphy	97576, 490888
Oceanview Farms Ltd.	475137, 818351, 668137, 78329
Grant Paynter	89250
Robert Paynter	81976
Red Isle Farms	90399, 91025, 91033
Norman Smith	240051
Kenneth Taylor	84707
Wilsim Farms	635474, 438150

2. *Notices of Termination of Lease effective October 31, 2004* (as described in the November 1, 2004 letter from James C. Travers Q.C. to R.A. (Sandy) Foy of the Island Regulatory and Appeals Commission)

<u>Land Owner/Leased From</u>	<u>Parcel Number(s)</u>
Gloria Houston	230482, 238014

3. *Assignments of Land Leases executed April 1, 2005 from Island Holdings Ltd. to Lady Slipper Farms Ltd. and Island Oak Farms Ltd. / Robert K. Irving* (as described in Form 8 applications filed December 29, 2004, and whose execution was confirmed via e-mail on April 14, 2005):

a) LADY SLIPPER FARMS LTD.:

<u>Land Owner/Leased From</u>	<u>Parcel Number(s)</u>
D. Grant Paynter / Harbour View Farms	89193, 916320
Elizabeth McCrossin and Derek D. Key	86090, 779116
Sharon Cash	96289

Florence Weeks	94789
Gordon & Ina MacLean	773598
Grant & Jennifer Marshall	233353

b) ISLAND OAK FARMS LTD. / ROBERT K. IRVING:

<u>Land Owner/Leased From</u>	<u>Parcel Number(s)</u>
Arthur & Jean Fitzgerald	458521, 458513
Ian & Elizabeth Carter	89003
David Smith	404665, 796045, 823054, 234146, 233973, 230931, 231118
Brendel Farms	81893
Sutherland Montgomery	93922
Lockcroft Farms Ltd. and Ian Lockerby	84236, 434704, 812214
David & Nancy Sinclair	97550
Elwood Paynter	95935, 96495

4. Lease Agreements for all Leased-in Lands described in the 2005 Land Disclosure Statement for Grand Forest Holdings Incorporated, received from Christopher S. Montigny on January 25, 2006:

a) ISLAND HOLDINGS LTD.

<u>Land Owner/Leased From</u>	<u>Parcel Number(s)</u>
Maurise Ash	90555
Baglole Farms Ltd.	594762, 96550, 670968
C.K.M. Farms Ltd.	94060
Winston Cousins & George MacEwen	234930, 231514, 845461
Emmett Fitzsimmons	91082
Allyn Harding	81182
Gloria Houston	230482
Howatt Enterprises	458570, 90522
Indian River Holdings Ltd.	82693
Dana Jorgenson	97824, 97840
Barry Mayne	97469
Gordon & Austin Mill	75846
Geraldine & Wyman Moase	75150
Nancy Moss	90548
Wendall Murphy	97576, 490888
Oceanview Farms Ltd.	475137, 75788
Grant Paynter	89250
Robert Paynter	81976
Recton Holdings	691621, 90787, 773226, 90407 90043, 661405, 89441, 77388

Red Isle Farms	91058
Reeves Farm	96933
Simmons Holdings Inc.	438150, 93047
Norman Smith	234302, 233890
Ron Toombs	231456, 233502, 885160
W.E. Cousins Ltd.	86546
Allan & Phyllis Weeks	231399
Donnie Youland	789552

5. Any Lease Agreement whereby Cavendish Agri-Services Limited leased in approximately 5 acres of Parcel #834382 during the period commencing January 1, 2005 and ending December 31, 2005.

6. Any Lease Agreement whereby Simmac Packaging Ltd. leased in a 0.2-acre portion of Parcel #446443 during the period commencing January 1, 2005 and ending December 31, 2005.