



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

Docket **LF07106**  
Order **TLF08-002**

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

**BEFORE THE  
COMMISSION**

on Friday, the 18th day of April, 2008.

**Brian J. McKenna, Vice-Chair**  
**Gordon McCarville, Commissioner**  
**Anne Petley, Commissioner**

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# Order

Compared and Certified a True Copy

(sgd.) R. A. (Sandy) Foy  
\_\_\_\_\_  
Senior Land Officer

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

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# Order

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**WHEREAS** by Notice of Investigation dated December 11, 2007, the Commission commenced an investigation pursuant to Section 15 of the Lands Protection Act (the “Act”) and Commission Rule R98-1 pertaining to Frank G. Honisch (The “Respondent”);

**AND WHEREAS** pursuant to Section 5 of Commission Rule R98-1, the Commission appointed Greg B. Collins as the Investigating Officer in the matter;

**AND WHEREAS** by letter dated March 28, 2008, the Investigating Officer advised the Commission, in part, that:

- a. in response to the Investigating Officer’s request, the Respondent has refused to provide documentation on this matter to the Investigating Officer; and
- b. it is not possible for the Investigating Officer to proceed with his investigation as material information has not been provided by the Respondent.

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

## IT IS ORDERED AND DEMANDED THAT

the Respondent hereby produce for the Commission, on or before 4:00 P.M. on Friday, May 30, 2008, the following information related to parcel number 566935:

- all books, documents, papers or records;
- all Affidavits of Purchaser;
- trust ledgers;
- statements of adjustments;
- correspondence; and
- tax bills.

**DATED** at Charlottetown, Prince Edward Island, this 18th day of April, 2008.

**BY THE COMMISSION:**

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**Brian J. McKenna, Vice-Chair**

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**Gordon McCarville, Commissioner**

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**Anne Petley, 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)