



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

Docket LF07105
Order LF09-001

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

**BEFORE THE
COMMISSION**

on Tuesday, the 20th day of January, 2009.

Brian J. McKenna, Vice-Chair
David Holmes, Commissioner
Anne Petley, Commissioner

Order

Compared and Certified a True Copy

(Sgd.) Susan D. Jefferson
Commission Administrator

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 November 9, 2007, the Commission commenced an investigation pursuant to Section 15 of the Lands Protection Act (the “Act”) and Commission Rule R98-1 pertaining to Melvin C. Griffin and Sylvia J. Griffin (The “Respondents”);

AND WHEREAS pursuant to Section 5 of Commission Rule R98-1, the Commission appointed E. W. Scott Dickieson as the Investigating Officer in the matter;

AND WHEREAS by correspondence dated January 9, 2009, the Investigating Officer advised the Commission, in part, that:

- a. In relation to the Investigating Officer’s request of November 5, 2008, the Respondent has not provided necessary documentation on this matter to the Investigating Officer; and
- b. the Investigating Officer regards this as material information required in order to complete his investigation;

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 5:00 P.M. on January 30, 2009, the following information related to parent parcel number 141168:

- A copy of the Loan Agreement referred to by Mr. Griffin's solicitor, Chris Montigny, in his response to the Investigating officer dated July 16th, 2008, in which he describes an agreement between Mr. Griffin, Sylvia Griffin and Bob Brimmer to loan money to Mr. Smith;
- Confirmation of any shareholdings, officer positions or director positions of Marlin Properties Inc. presently held or historically held in Melvin and/or Sylvia Griffin's name and supporting documentation including constating documents of Marlin Properties Inc., shareholder ledgers, director ledgers and officer ledgers and minutes in relation thereto.

DATED at Charlottetown, Prince Edward Island, this 20th day of January, 2009.

BY THE COMMISSION:

(Sgd.) *Brian J. McKenna*

Brian J. McKenna, Vice-Chair

(Sgd.) *David Holmes*

David Holmes, Commissioner

(Sgd.) *Anne Petley*

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)