



Docket **LP10-107**  
Order **LP10-010**

**IN THE MATTER** of an  
alleged contravention of section 4 of the Prince  
Edward Island Lands Protection Act by Peter  
August Neuffer, Jr. and Kimberly Ann Neuffer

**BEFORE THE  
COMMISSION**

On Wednesday, the 14th day of July, 2010

John Broderick, Commissioner  
Michael Campbell, Commissioner  
Ernest Arsenault, Commissioner  
Anne Petley, Commissioner

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**Order**

**IN THE MATTER** of an alleged contravention of section 4 of the Prince Edward Island Lands Protection Act (the Act) by Peter August Neuffer, Jr. and Kimberly Ann Neuffer (the Respondents)

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# Order

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**WHEREAS**, pursuant to section 4 of the Act,  
*A person who is not a resident person shall not have an aggregate land holding in excess of five acres or having a shore frontage in excess of one hundred and sixty-five feet unless he first receives permission to do so from the Lieutenant Governor in Council.*

**AND WHEREAS**, by deed dated December 31, 2009, Peter August Neuffer, Junior, and Kimberly Ann Neuffer of Rye, New Hampshire, acquired Provincial Parcel #330399 from Gerald S. MacRae, Jean MacRae and Walter M. Morrison;

**AND WHEREAS**, by application received by the Commission March 4, 2010, the Respondents' legal counsel informed the Commission that the respondents had acquired Provincial Parcel #330399 without Executive Council's approval;

**AND WHEREAS**, by Notice of Intention dated May 26, 2010, the Respondents were advised of the apparent contravention and provided with an opportunity to respond;

**AND WHEREAS**, the Commission received a response to the Notice of Intention from the Respondents dated June 1, 2010, and the Respondents' legal counsel dated June 8, 2010;

**AND WHEREAS**, the Commission has fully considered the original application, the Notice of Intention, the responses to the Notice of Intention and other relevant material before it;

**THE COMMISSION HEREBY FINDS** that the Respondents contravened the Act when they acquired Provincial Parcel #330399 by deed dated December 31, 2009, without approval of the Lieutenant Governor in Council;

**THE COMMISSION HEREBY IMPOSES,** pursuant to clause 15.1(1)(a) of the Act, a penalty in the form of \$300.00 for the aforementioned contravention of the Act;

**THE COMMISSION HEREBY FIXES** August 31, 2010 as the date by which the Respondent must pay the \$300.00 penalty;

**DATED** at Charlottetown, Prince Edward Island, this 14th day of July, 2010.

**BY THE COMMISSION:**

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**John Broderick, Commissioner**

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**Michael Campbell, Commissioner**

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**Ernest Arsenault, Commissioner**

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**Anne Petley, Commissioner**

**TAKE NOTICE** that any person or corporation that has contravened section 2, 4, 5, 5.3, 6.1 or 6.2 is liable to a penalty, pursuant to Subsection 15.1(1) of the Act, of not more than \$10,000;

Pursuant to Subsection 15.1(3): if any person or corporation fails to pay any penalty imposed by the Commission within the time fixed by the Commission for the payment of the penalty, the Commission may make application, without notice to the person or corporation, to a judge of the Supreme Court for an order that judgment for the amount of the penalty or any unpaid portion of the penalty may be entered in the court against the person or corporation.

**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 *Island Regulatory and Appeals Commission 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.*