



Docket **LP10-109**
Order **LP10-012**

IN THE MATTER of an
alleged contravention of sub-section 2(a) of the
Prince Edward Island Lands Protection Act by
Irwin Jay

**BEFORE THE
COMMISSION**

On Wednesday, the 20th day of October, 2010

Allan Rankin, Vice-Chair
John Broderick, Commissioner
Michael Campbell, Commissioner
David Holmes, Commissioner

Order

IN THE MATTER of an
alleged contravention of sub-section 2(a) of the
Prince Edward Island Lands Protection Act (the Act)
by Irwin Jay (the Respondent)

Order

WHEREAS, pursuant to sub-section 2(a) of the Act,

2. Subject to section 6.1,
 - (a) no person shall have an aggregate land holding in excess of 1000 acres;

AND WHEREAS by annual disclosure of the Respondent's land holdings for 2009 pursuant to section 10 of the Act, the Respondent's legal counsel reported an interest in provincial parcel #861468;

AND WHEREAS said interest was not reported by the Respondent in prior annual disclosures;

AND WHEREAS the Respondent held an interest in 1010.91 acres, 10.91 acres in excess of his personal land holding limit, pursuant to Section 2 of the Act;

AND WHEREAS, by Notice of Intention dated September 10, 2010, the Respondent was 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 Respondent's legal counsel, dated September 17, 2010;

AND WHEREAS the Commission has fully considered the Notice of Intention and the Respondent's legal counsel's response to the Notice of Intention and other relevant material before it;

THE COMMISSION HEREBY FINDS that the Respondent contravened the Act by holding land in excess of the limit pursuant to section 2(a) of the Act.

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 November 30, 2010 as the date by which the Respondent must pay the \$300.00 penalty.

DATED at Charlottetown, Prince Edward Island, this 20th day of October, 2010.

BY THE COMMISSION:

Allan Rankin, Vice-Chair

John Broderick, Commissioner

Michael Campbell, Commissioner

David Holmes, 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 **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.