



Docket **LP10-110**  
Order **LP10-013**

**IN THE MATTER** of an  
alleged contravention of sub-section 5(1) of the  
Prince Edward Island Lands Protection Act by  
Dunrovin Inc.

**BEFORE THE  
COMMISSION**

On Wednesday, the 20th day of October, 2010

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

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**Order**

IN THE MATTER of an  
alleged contravention of sub-section 5(1) of the  
Prince Edward Island Lands Protection Act (the Act)  
by Dunrovin Inc. (the Corporation).

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# Order

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**WHEREAS**, pursuant to subsection 5(1) of the **Act**,  
*A corporation 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 it first receives  
permission to do so from the Lieutenant Governor in  
Council.*

**AND WHEREAS**, by deed dated September  
10, 2009, the Corporation acquired Provincial Parcel  
#1034107 from Donald L. Wood;

**AND WHEREAS**, by application dated May 28,  
2010, the Corporation informed the Commission that the  
Corporation had acquired Provincial Parcel #1034107 without  
receiving Executive Council (referred to as *the Lieutenant Governor  
in Council* in the Act) approval;

**AND WHEREAS**, by Notice of Intention dated  
September 10, 2010, the Corporation 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 Corporation dated  
September 29, 2010;

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

**THE COMMISSION HEREBY FINDS** that the Corporation contravened the Act when it acquired Provincial Parcel #1034107, by deed dated September 10, 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 \$50.00 for the aforementioned contravention of the Act.

**THE COMMISSION HEREBY FIXES** November 30, 2010 as the date by which the Corporation must pay the \$50.00 penalty.

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

**BY THE COMMISSION:**

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**Allan Rankin, Vice-Chair**

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**John Broderick, Commissioner**

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**Michael Campbell, Commissioner**

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**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.*