



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

**Docket LP11-114
Order LP11-014**

IN THE MATTER of an alleged
contravention of subsection 2.(a) of the
Prince Edward Island Lands Protection Act
by Phyllis Hayden.

BEFORE THE COMMISSION
On Wednesday, the 1st day of June, 2011

John Broderick, Commissioner
Peter McCloskey, Commissioner
Jean Tingley, Commissioner

Order

IN THE MATTER of an alleged contravention of subsection 2.(a) of the Prince Edward Island Lands Protection Act (the Act) by Phyllis Hayden (the Respondent).

Order

WHEREAS, subsection 2.(a) of the Act reads as follows:

2. Subject to section 6.1,

(a) no person shall have an aggregate land holding in excess of 1000 acres;

AND WHEREAS, in a “Land Holding Disclosure Statement” for 2010, the Respondent reported that she had an aggregate land holding of 1,023.81 acres, which is 23.81 acres in excess of the permitted amount;

AND WHEREAS, by letter dated March 18, 2010, Commission staff advised the Respondent’s legal counsel that the Respondent had an aggregate land holding in excess of the permitted amount;

AND WHEREAS, by letter dated April 5, 2011, Commission staff received a letter from the Respondent’s legal counsel enclosing a copy of a deed whereby the Respondent divested sufficient land to bring her land holdings into compliance with the Act;

AND WHEREAS, by Notice of Intention dated April 21, 2011, 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 May 6, 2011;

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

THE COMMISSION HEREBY FINDS that the Respondent has contravened the Act by having an aggregate land holding of 23.81 acres in excess of the permitted amount;

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 July 4, 2011
as the date by which the Corporation must pay the \$50.00
penalty.

DATED at Charlottetown, Prince Edward Island, this 1st day
of June, 2011.

BY THE COMMISSION:

John Broderick, Commissioner

Peter McCloskey, Commissioner

Jean Tingley, 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;

Subsection 15.1(3) reads as follows:

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 Court of Appeal upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.

NOTICE: IRAC File Retention

In accordance with the Commission's Records Retention and Disposition Schedule, the material contained in the official file regarding this matter will be retained by the Commission for a period of 2 years.