

# FORM 1

## APPLICATION BY OR ON BEHALF OF A **NON-RESIDENT** PURSUANT TO SECTION 4 OF THE *PRINCE EDWARD ISLAND LANDS PROTECTION ACT* (the 'ACT')

LAND APPROVED FOR ACQUISITION MAY BE SUBJECT TO CONDITIONS IMPOSED BY THE LIEUTENANT GOVERNOR IN COUNCIL

**NOTE: Multiple parcels may be included on a single application form provided the transaction is between the same purchaser(s) and vendor(s). However, questions #11-18 must be answered for each parcel individually (attach a schedule if necessary).**

1. Applicant's name: \_\_\_\_\_  
 2. Applicant's permanent address: \_\_\_\_\_  
Number and Street Name (PO Box not acceptable)

City/Town/Community
Province
Postal Code
Telephone
Email Address

3. Present land owner's name: \_\_\_\_\_  
 4. Present land owner's permanent address: \_\_\_\_\_  
 5. Vendor's name, if different than present land owner: \_\_\_\_\_  
 6. Vendor's permanent address: \_\_\_\_\_  
 7. Approximate date of acquisition by the present land owner: \_\_\_\_\_  
 8. Type of transaction (check one):  
 (a) purchase \_\_\_ (b) transfer \_\_\_ (c) gift \_\_\_ (d) bequest \_\_\_ (e) lease \_\_\_ (f) other (specify) \_\_\_\_\_  
 9. Agreed purchase price: \_\_\_\_\_

10. If the interest is being acquired by lease: Total value of the lease \$ \_\_\_\_\_ Lease term: \_\_\_\_\_ years

11.

Parcel Number	Acreage			Community	Township or Lot Number	County	Shore frontage (feet)
	Arable Land	Non-Arable Land	Total				
(a) _____	_____	_____	_____	_____	_____	_____	_____
(b) _____	_____	_____	_____	_____	_____	_____	_____
(c) _____	_____	_____	_____	_____	_____	_____	_____
(d) _____	_____	_____	_____	_____	_____	_____	_____
(e) _____	_____	_____	_____	_____	_____	_____	_____

12. Are there buildings located on the parcel? \_\_\_\_\_ If yes, describe the buildings or other structures: \_\_\_\_\_

13. State the present non-arable land acreage breakdown of each parcel separately:  
 (a) pasture \_\_\_\_\_ (b) woodland \_\_\_\_\_ (c) marsh \_\_\_\_\_ (d) vacant/clear \_\_\_\_\_  
 (e) other (specify) \_\_\_\_\_

14. State the intended use of each parcel separately:  
 (a) principal residence \_\_\_ If so, when \_\_\_\_\_ (b) seasonal residence \_\_\_\_\_ (c) agriculture \_\_\_\_\_  
 (d) forestry \_\_\_\_\_ (e) commercial \_\_\_\_\_ (f) industrial \_\_\_\_\_ (g) subdivision of lots \_\_\_\_\_  
 (h) other (specify) \_\_\_\_\_

15. If the applicant intends to become a resident person as defined in the Act, complete a statutory declaration (Appendix 1) signed by each applicant stating the date the applicant will commence to maintain his principal residence, as defined in the Act, and stating unequivocally that the applicant will become a permanent resident of the Province of Prince Edward Island no later than a date, which must be specified in the declaration.

16. If the intended use is 'subdivision of lots', indicate whether a subdivision application has been filed and/or approved by the Department of Agriculture and Land. If so, provide a copy of the letter granting preliminary approval and a sketch showing the proposed subdivision or the approved subdivision plan.

17. Has each parcel been used for agriculture in the last five years? \_\_\_\_\_

18. In accordance with subsection 9.(1) of the Act, the Lieutenant Governor in Council may impose such conditions on a permit issued under section 4 or 5 of the Act as the Lieutenant Governor in Council may consider expedient, including a condition that the land not be subdivided or that the land be identified for non-development use pursuant to the Land Identification Regulations made under the Act. Land identified for non-development use cannot be further subdivided or used for commercial or industrial purposes. (Refer to subsection 9(1) of the Act.)  
 Land cannot be identified for non-development use if:  
 (a) the parcel is located in a community that has an official plan;  
 (b) the parcel is less than five (5) acres in size and has less than 165 feet of shore frontage;  
 (c) planning approval has been granted for development of the entire parcel.

If Executive Council imposes one or more conditions pursuant to section 9(1) of the Act, are you prepared to complete the transaction? \_\_\_\_\_ If no, state reasons: \_\_\_\_\_

19. If the applicant already owns land in the province, explain how that land will be used and explain why additional land is required: \_\_\_\_\_
20. State the parcel number, arable land acreage and non-arable land acreage of each parcel of land<sup>1</sup> in the province in which the applicant and his minor children hold an interest, including land<sup>1</sup> held by way of lease. (Attach separate sheet if necessary): \_\_\_\_\_

<sup>1</sup>The Act excludes any parcel of land of one acre or less that is situated within the boundaries of a municipality with an official plan approved by the Minister under the Planning Act, R.S.P.E.I., Cap P-8.

21. For any corporation owning or leasing land within the province in which the applicant or his minor children hold more than 5% of the shares<sup>2</sup> as defined in clause 1(1)(l) of the Act (see below), provide on a separate sheet and attach:
- (a) the name and permanent address of the corporation;
  - (b) the total number of shares<sup>2</sup> issued by the corporation;
  - (c) the total number of shares<sup>2</sup> held by the applicant and the applicant's minor children; and
  - (d) the parcel number, arable land acreage and non-arable land acreage of each parcel of land<sup>1</sup> in the province now owned, leased in or leased out by the corporation.

<sup>2</sup> "share" means

- (i) in relationship to a partnership or co-operative association, a unit representing a proportion of the ownership of the partnership or association;
- (ii) in relation to a corporation, an issued share carrying voting rights under all circumstances or by reason of the occurrence of an event that has occurred and that is continuing, and includes
  - (A) a security currently convertible into such a share, and
  - (B) currently exercisable options and rights to acquire such a share or such a convertible security.

22. With respect to trusts, provide on a separate sheet and attach:
- (a) the names and land holdings, including parcel numbers and acreages of the trustee(s) of the trust;
  - (b) if the trust is **non-discretionary**, the names and land holdings, including parcel numbers and acreages, of the beneficiaries of the trust; or
  - (c) if the trust is **discretionary**, file
    - (i) a copy of the trust agreement,
    - (ii) an affidavit which contains, or has attached as a schedule, the sections of the trust agreement that grants the discretion to the trustee(s), or
    - (iii) a legal opinion signed by a solicitor licensed to practice law in Prince Edward Island confirming the trust is discretionary.

23. Details of advertising of the land on the local real estate market may be required. Refer to the *Administrative Guidelines for Advertising Land* for more information. Where applicable, provide the response to **one** of the following:

- (a) If the parcel **was listed through a local real estate company**, state the following:
  - (i) real estate company: \_\_\_\_\_
  - (ii) was a for sale sign displayed on each parcel? \_\_\_\_\_ If not, provide reason: \_\_\_\_\_
  - (iii) date the listing agreement began: \_\_\_\_\_
  - (iv) date the listing agreement expires or expired: \_\_\_\_\_
  - (v) list price: \_\_\_\_\_
  - (vi) details of interest expressed by residents of the province, including offers that were made and the reasons that those offers were not accepted: \_\_\_\_\_
- (b) If the parcel **was not listed with a local real estate company**, explain how the parcel was suitably advertised as outlined in the *Administrative Guidelines for Advertising Land*. Also, provide details of any interest expressed by residents of the province, including offers that were made and the reasons that those offers were not accepted: \_\_\_\_\_
- (c) If the parcel **was not suitably advertised**, provide a submission explaining why the advertising requirements should be waived: \_\_\_\_\_

24. State any other circumstances that are relevant: \_\_\_\_\_

### DECLARATION

25. I hereby certify that this application is complete and that the information herein, and attached hereto, is true and correct in all respects. I further certify that I am authorized to sign this application.
26. Upon request, I undertake to provide such further information as may be reasonably required by the Commission or Executive Council in the processing of this application.

Signature of applicant or attorney	Date
Name of signatory (please print)	Address
Title - Indicate if acting as attorney	Email Address
Telephone	

- ATTACH:** (a) a legal description of the parcel(s) to be acquired;
- (b) a GeoLinc map showing the parcel(s) to be acquired outlined in red;
- (c) a statutory declaration [Appendix 1] when applicable; and
- (d) a cheque made payable to the Island Regulatory and Appeals Commission when applicable.
- Refer to the Fees Regulations or contact the Island Regulatory and Appeals Commission to determine the applicable fee.

**RETURN COMPLETED FORM TO:**

The Island Regulatory and Appeals Commission  
 Suite 501 – 134 Kent Street  
 P. O. Box 577  
 Charlottetown PE C1A 7L1

Telephone: (902) 892-3501 or  
 1-800-501-6268 (Toll Free in PEI and NS)  
 Fax: (902) 566-4076  
 Website: www.irac.pe.ca

# Appendix 1

## STATUTORY DECLARATION OF A PERSON WHO INTENDS TO BECOME A RESIDENT PERSON OF PRINCE EDWARD ISLAND

This statutory declaration must be completed as part of an application filed by a non-resident who has indicated he intends to relocate to the province (Question 14).

Subsection 1.(1.01) of the *Act* states:

For the purposes of this Act, a person is a resident person if the person

(a) is

(i) a Canadian citizen, or

(ii) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Canada); and

(b) has resided and maintained the person's principal residence in the province for not less than three hundred and sixty-five days during the twenty-four month period immediately preceding the date of acquisition of a land holding.

Clause 1(1)(k) of the *Act* defines "principal residence" as "the usual place where a person makes his or her home".

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER of the purchase of a parcel(s) at

\_\_\_\_\_, in \_\_\_\_\_ County,

Province of Prince Edward Island,

### STATUTORY DECLARATION

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly declare:  
(Applicant's name) (City/Town/Community) (Province/State)

- 1. THAT** I have entered into an Agreement of Purchase and Sale with \_\_\_\_\_ to purchase a parcel(s) of land in \_\_\_\_\_ in \_\_\_\_\_ County, Province of Prince Edward Island;  
(Vendor's name)
- 2. THAT** our scheduled closing date for the purchase of the parcel(s) is \_\_\_\_\_;  
(Date of closing)
- 3. A. THAT** I will be relocating to become a permanent resident of the Province of Prince Edward Island on or before \_\_\_\_\_; or  
(Date of arrival)  
**B. THAT** I have already relocated to become a permanent resident of the Province of Prince Edward Island on \_\_\_\_\_;
- 4. THAT** I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath by virtue of the *Canada Evidence Act*.

**DECLARED** before me at \_\_\_\_\_ )  
(City/Town)

\_\_\_\_\_, this )  
(Province/State)

\_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_. )

) **(APPLICANT'S SIGNATURE)**

\_\_\_\_\_  
**A NOTARY PUBLIC IN AND FOR**

\_\_\_\_\_  
(Province/State)

Information on this Form is collected pursuant to the *Lands Protection Act* and will be used by the Commission in the administration of the said Act. For additional information, contact the Commission at (902)892-3501 or by email at info@irac.pe.ca.

IRAC10/17