Clear Form

FORM 1A

APPLICATION BY OR ON BEHALF OF A **NON-RESIDENT** PURSUANT TO SECTION 4(2) OF THE *PRINCE EDWARD ISLAND LANDS PROTECTION ACT* (the "*ACT*")

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

NOTE: Multiple municipal properties may be included on a single application form provided the transaction is between the same purchaser(s) and vendor(s). However, questions 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. Purchaser/Grantee name, if different from Applicant: _____

4. Address of Purchaser/Grantee: _____

5. Place of incorporation of Purchaser/Grantee, in the case of a corporation: _____

6. Present municipal property owner's name: _____

7. Present municipal property owner's permanent address: _____

8. Vendor's name, if different than present municipal property owner: _____

9. Vendor's permanent address: _____

10. Approximate date of acquisition by the present municipal property owner: _____

11. Type of transaction (check one):

(a) purchase ☐ (b) transfer ☐ (c) gift ☐ (d) bequest ☐

(e) other (specify) _____

12. Agreed purchase price: _____

13.

Parcel Number	Municipality	Township	County	Municipal Property Size	Shore Frontage

14. Are there buildings located on the parcel? _____ If yes, describe the buildings or other structures:

15. State the present use of each municipal property separately (select all that apply):

(a) residential owner-occupied ☐ (b) commercial ☐ (c) industrial ☐

(d) vacant ☐ (e) seasonal residence ☐

(f) rental ☐ (indicate short term ☐ or long term ☐) (g) multi-unit residential ☐

(h) other (specify) _____

16. State the intended use of each municipal property separately (select all that apply):

(a) principal residence ☐ If so, when _____ (b) seasonal residence ☐

(c) commercial ☐ (d) industrial ☐ (e) multi-unit residential ☐

(f) rental ☐ (indicate short term ☐ or long term ☐)

(g) other (specify) _____

17. 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 the applicant's 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.

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 applicant become a resident with a certain period of time.

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. Explain why an additional municipal property is required:

_____

20. State the parcel number, arable land acreage and non-arable land acreage of each parcel of land[1] and parcel number and location of each municipal property in the province in which the applicant and the applicant's minor children hold an interest, including land[1] held by way of lease. (Attach separate sheet if necessary):

_____

[1]*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. (a) For any corporation owning or leasing land within the province in which the applicant or their minor children hold more than 5% of the shares as defined in section 1(1)(l) of the *Act*, provide on a separate sheet and attach:

(i) the name and permanent address of the corporation;
(ii) the total number of shares[2] issued by the corporation;
(iii) the total number of shares[2] held by the applicant and the applicant's minor children; and
(iv) the parcel number, arable land acreage and non-arable land acreage of each parcel of land[1] in the province now owned, leased in or leased out by the corporation.

(b) For any corporation owning or leasing land within the province in which the applicant or their minor children hold any of the interests as outlined in section 9.1(2) of the *Act*, provide on a separate sheet and attach:

(i) the name and permanent address of the corporation;
(ii) place of incorporation;
(iii) the nature of the interests or rights;
(iv) the names and addresses of the persons, corporations, groups, or other organizations, if applicable, sharing the interests or rights referred to in clause (b); and
(v) the parcel number, arable land acreage and non-arable land acreage of each parcel of land[1] in the province now owned, leased in or leased out by the corporation.

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 municipal property on the local real estate market may be required. Refer to the *Administrative Guidelines for Advertising* for more information. Provide the response to following, as applicable:

(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) was the parcel number clearly displayed in the listing(s)? _____
  (iv) date the listing agreement began: _____
  (v) date the listing agreement expires or expired: _____
  (vi) list price: _____
  (vii) 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*. 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** as outlined in the *Administrative Guidelines for Advertising*, 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	

NOTICE:

Section 15 of the *Act* provides that:

Any person or corporation who provides false or misleading information when required to provide information under this Act is guilty of an offence and liable on summary conviction to a fine in an amount not to exceed $250,000.

ATTACH: (a) a legal description of the parcel(s) to be acquired;
(b) a GeoLinc map showing municipal property(ies) 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 Prince Edward Island Regulatory and Appeals Commission to determine the applicable fee.

RETURN COMPLETED FORM TO:

The Prince Edward 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

Personal information on this form is collected under the authority of the *Island Regulatory and Appeals Commission Act* and will be used by the Commission in the administration of the *Prince Edward Island Lands Protection Act.* All information collected is included in the Commission case file and, in accordance with the *Freedom of Information and Protection of Privacy Act*, some of the information collected herein may be available to the public subject to exceptions. For additional information, contact the Commission at (902)892-3501 or by email at info@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 any non-residents who have indicated they intend to relocate to the province (Question 15).

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.

Section 1(1)(k) of the *Act* defines *"principal residence"* as *"the usual place where a person makes his or her home, and for the purposes of this Act means the person's residence in the province in which the person pays the provincial portion of the person's taxes under the Income Tax Act (Canada)".*

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER of the purchase of municipal property 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 municipal property in _____ in _____County, Province of Prince Edward Island;
(Vendor's name)

2. **THAT** the scheduled closing date for the purchase 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)