

FORM 2B

APPLICATION BY OR ON BEHALF OF A **NON-PROFIT CORPORATION** PURSUANT TO SUBSECTION 5(1) 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 #13-19 must be answered for each parcel individually (attach a schedule if necessary).

1. Applicant corporation's name: _____
2. Place of incorporation: _____
3. Applicant corporation's registered permanent address: _____

Number and Street Name (PO Box not acceptable)

City/Town/Community	Province	Postal Code	Telephone	Email Address
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4. Purpose of the corporation: _____
5. Present land owner's name: _____
6. Present land owner's permanent address: _____
7. Vendor's name, if different than present land owner: _____
8. Vendor's permanent address: _____
9. Approximate date of acquisition by the present land owner: _____
10. Type of transaction (check one):
 (a) purchase _____ (b) transfer _____ (c) gift _____ (d) lease _____ (e) other (specify) _____
11. Agreed purchase price: _____
12. If the interest is being acquired by lease: Total value of the lease \$ _____ Lease term: _____ years

13.

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

14. Are there buildings located on the parcel? _____ If yes, describe the buildings or other structures: _____
15. State the present non-arable land acreage breakdown of each parcel separately:
 (a) pasture _____ (b) woodland _____ (c) marsh _____ (d) vacant/clear _____
 (e) other (specify) _____
16. State the intended use of each parcel separately:
 (a) agriculture _____ (b) preservation of land _____ (c) forestry _____ (d) commercial _____
 (e) industrial _____ (f) institutional _____ (g) subdivision of lots _____ (h) residential _____
 (i) other (specify) _____

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

- 18.** Why is this particular parcel of land of interest to the applicant corporation? _____
- 19.** Has each parcel been used for agriculture in the last five years? _____
- 20.** Does the applicant corporation have a policy with respect to the type of land it acquires? _____ If Yes, provide a copy of the policy.
- 21.** 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*.)

The land identification program does not apply where:

- (a) the parcel is located in a municipality with 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: _____

- 22.** For the applicant corporation, provide on a separate sheet and attach:
- (a) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by the corporation (including global leases);
 - (b) the name, permanent address and position held by each officer, director and board member of the corporation;
 - (c) do any of the officers, directors or board members in (b) above have direct or indirect influence that, if exercised, would result in control in fact of the applicant corporation?
 - (d) if yes to (c) above, provide the name(s) of the officer(s), director(s) and board member(s), and list any other non-profit corporation(s) over which each such officer, director and board member also has direct or indirect influence that, if exercised, would result in control in fact of that corporation;
 - (e) if the applicant corporation holds more than 5% of the shares in any other corporation(s), provide the following for each corporation:
 - (i) the percentage of shares held by the applicant corporation; and
 - (ii) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by that corporation.

¹The *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.

- 23.** Are there any other persons or corporations not identified in Question 22 that have direct or indirect influence that, if exercised, would result in control in fact of the applicant corporation in accordance with section 9.1 of the *Act*, or control of the lands subject to this application? If yes, provide:
- (a) The name and permanent address of the persons and/or corporations.
 - (b) The nature of the direct or indirect control for each of those listed in clause (a);
 - (c) for each of those named in clause (a), provide:
 - (i) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by each named;
 - (ii) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by any other corporation over which each named has direct or indirect control in accordance with section 9.1 of the *Act*;
 - (iii) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by any other corporation in which each named owns more than 5% of the shares, total number of shares issued by that corporation and number of shares held by that shareholder.
- 24.** If the applicant corporation has direct or indirect influence that, if exercised, would result in control in fact of any other corporation(s) in accordance with s. 9.1 of the *Act*, provide the following for each corporation:
- (i) the name and permanent address of the corporation;
 - (ii) the nature of the direct or indirect control;
 - (iii) the names and addresses of the persons, corporations, groups, or other organizations, if applicable, sharing the control in fact; and
 - (iv) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned, leased in or leased out by each corporation.

25. 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. Provide the response to the 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 reasons: _____
- (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 as outlined in the *Administrative Guidelines for Advertising Land*, provide a submission explaining why the advertising requirements should be waived:

26. State any other circumstances that are relevant:

DECLARATION

27. 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.

28. I hereby certify that there are no agreements or restrictions in place respecting the election of directors of the applicant corporation.

29. 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 copy of Letters Patent or Articles of Incorporation, as the case may be, of the applicant corporation;
- (b) a copy of the bylaws of the applicant corporation;
- (c) a legal description of the parcel(s) to be acquired;
- (d) a GeoLinc map showing the parcel(s) to be acquired outlined in red; and
- (e) 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.

NOTICE:

Section 15 of the Act provides that:

A 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.

RETURN COMPLETED FORM TO:

The Prince Edward Island Regulatory and Appeals
Commission
Suite 501, 134 Kent Street, PO Box 577
Charlottetown PE C1A 7L1

Telephone: (902) 892-3501 or
1-800-501-6288 (Toll Free in PEI and NS)
Fax: (902) 566-4076
Website: www.irac.pe.ca
Email: lpainquiries@irac.pe.ca

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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.