

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 (Not PO Box)

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 #	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) multi-unit residential _____ (i) 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 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.

16. 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.

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*.)

The land identification program does not apply where:

- (a) the parcel is located in a community that has an official plan;
- (b) the parcel is less than five (5) acres in size or has less than 165 feet of shore frontage;
- (c) planning approval has been granted for development of the entire parcel.

If the 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 land¹ in the province in which the applicant and the applicant's minor children hold an interest, including land¹ held by way of lease. (Attach separate sheet if necessary): _____

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

- (a) the name and permanent address of the corporation;
- (b) the total number of shares² issued by the corporation;
- (c) the total number of shares² 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 land¹ in the province now owned, leased in or leased out by the corporation.

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

- (a) the name and permanent address of the corporation;
- (b) the nature of the interests or rights;
- (c) 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
- (d) 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.

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 P.E.I. 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. 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 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 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: _____

24. State any other circumstances that are relevant: _____

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.

²"share" means

(i) in relationship to a partnership or co-operative association, a unit representing a proportion of the ownership of the partnership or cooperative association; and

(ii) in relation to a corporation, an issued share carrying voting rights or that may result in voting rights in the future, and includes

(A) a security convertible into an issued share, and

(B) exercisable options or rights to acquire an issued share or a security convertible into an issued share;

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:

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.

- 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 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 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.

Section 1(1)(k) of the Act defines "principal residence" as "means the usual place where the person makes the person's 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 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;
2. **THAT** our scheduled closing date for the purchase of the parcel(s) is _____;
3. **THAT**
 - A. I will be relocating to become a permanent resident of the Province of Prince Edward Island on or before _____; or
 - B. 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)