

FORM 2

APPLICATION BY OR ON BEHALF OF A **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, Street Name (Not PO Box)

City/Town/Community

Province

Postal Code

Telephone

Email Address

4. Type of business in which corporation is engaged: _____
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) purchase of shares ___ (e) lease ___ (f) 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 #	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) 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) _____

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. Has each parcel been used for agriculture in the last five years? _____

19. 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 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 subsection 9.(1) of the *Act*, are you prepared to complete the transaction? _____ If "no", state reasons: _____

20. 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 names and permanent address of each officer and director of the corporation;
- (c) the total number of shares (as defined in clause 1.(1)(l) of the *Act*) issued by the applicant corporation;
- (d) the names, addresses and number of shares held by shareholders, both corporate and individual, who hold more than 5% of the issued shares of the applicant corporation;
- (e) for each of the shareholders listed in clause (d) above 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 shareholder (including holdings of minor children); 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 any other corporation in which each shareholder owns more than 5% of the shares, total number of shares issued by that corporation and number of shares held by that shareholder;
- (f) if any of the shareholders listed in clause (d) above are corporations, provide for each shareholder corporation:
 - (i) the names and permanent address of each officer and director;
 - (ii) the names, addresses and number of shares held by shareholders, both corporate and individual, who hold more than 5% of the issued shares;
 - (iii) the parcel number, arable land acreage and non-arable land acreage of each parcel of land¹ in the province now owned or leased by each shareholder that owns more than 5% of the shares, total number of shares issued by that corporation and number of shares held by that shareholder;
- (g) 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.

21. Is each of the shareholders listed in 20(d) and (f) a resident person as defined by subsection 1.(1.01) of the *Act*? _____ If not, a Form 1 application may be required, pursuant to section 4 of the *Act*, and application fee (when applicable) for any shareholder who is not a resident person.

22. For the applicant corporation:

Are there any other persons or corporations not identified in Question 20 that have direct or indirect control of the applicant corporation in accordance with section 9.1 of the *Act*? If so, 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 of those 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 of those 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 of those named owns more than 5% of the shares, total number of shares issued by that corporation and number of shares held by that shareholder;

(d) if the applicant corporation has direct or indirect control 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 interests or rights referred to in clause (b), 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.

23. If any shareholder is a trust, 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 with an attached copy of 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.

24. 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: _____

25. 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.

DECLARATION

- 26. 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.
- 27. 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; and
- (c) 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:

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.

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
1-800-501-6288 (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