



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Rule 98-1

Lands Protection Act Investigation Rule

Rules of Procedure

Under Sections 15 and 15.1

of the

Lands Protection Act

Approved November 5, 1998

Amended: April 28, 1999, January 29, 2001, October 30, 2019

The Executive Committee of the Commission, pursuant to the Island Regulatory and Appeals Commission Act, hereby makes the following rule:

Rule R98-1

Procedures under Sections 15 and 15.1 of the Lands Protection Act

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| Definitions | 1. In this Rule |
| Act | a) "Act" means the <i>Prince Edward Island Lands Protection Act</i> ; R.S.P.E.I. 1988, Cap. L-5; |
| Formal Hearing | b) "formal hearing" means a formal, recorded proceeding where oral evidence is adduced and/or argument is heard, before a panel of the Commission; |
| Panel-Investigating Panel | c) "investigating panel" means the commissioners appointed pursuant to section 5 of these Rules for the purposes of conducting an investigation under the Act; |
| Panel-Review Panel | d) "review panel" means the commissioners appointed pursuant to section 10(2)(ii) of these Rules; |
| Regulations | e) "regulations" means regulations approved under the <i>Prince Edward Island Lands Protection Act</i> ; |
| Respondent | f) "respondent" means a person or corporation under investigation. |
| Short title | 2. This Rule may be cited as the <i>Lands Protection Act Investigation Rule</i> . |
| Application of Rule | 3. This Rule applies to investigations pursuant to Section 15 of the Act and to procedures pursuant to section 15.1 of the Act. |
| Rule may be varied | 4. In any proceeding, the Commission, or a panel thereof, may vary or supplement any of the provisions of this rule. |
| Investigating Panel | 5. The Commission may appoint an investigating panel to conduct an investigation pursuant to section 15 of the Act. |
| Investigating officer | 6. The Commission may appoint an investigating officer or officers to assist the Commission to conduct an investigation pursuant to section 15 of the Act. |
| Terms of appointment | 7. The investigating officer or officers appointed pursuant to section 6 shall assist the Commission to conduct the investigation in accordance with terms of appointment issued by the Commission. |
| Completion of investigation | 8. On completion of the investigation, the investigating panel shall prepare a report summarizing the investigation. |
| Service of report | 9. Within 30 days of completing the report, the investigating panel shall serve a copy of the report on the respondent. |

- Response to report 10. (1) The respondent shall, within 30 days of receipt of the report of the investigating panel, file a response with the investigating panel.
- Determination by Commission, separate review panel (2) Following the 30-day period specified in subsection 10(1), the investigating panel may:
- a) file a report with the Minister summarizing the investigation and response and make recommendations with respect thereto; or
 - b) file a report with the Commission which shall appoint a separate review panel to consider the report of the investigating panel and any response filed by the respondent and the review panel shall thereupon determine whether the respondent has contravened the Act, regulations or order or orders of the Commission
- Review Panel may conduct formal hearing (3) Notwithstanding subsection 10(2), the review panel may, prior to determining whether a contravention has occurred, conduct a formal hearing.
- Imposition of penalty (4) Where the review panel determines that a contravention has occurred, it may impose a penalty pursuant to section 15.1 of the Act.
- Idem 11. (1) Where a review panel has been appointed under section 10(2)(ii) and a response is not filed within the 30-day limit prescribed in subsection 10(1), the review panel may
- a) consider the report of the investigating panel; and
 - b) determine whether the respondent has contravened the Act, regulations or an order or orders of the Commission;
- (2) If the review panel determines that a contravention has occurred, it may impose a penalty pursuant to section 15.1 of the Act.
- Effective date 12. This rule as amended comes into effect on October 30, 2019

Approved and Adopted by the Executive Committee on November 5, 1998

Amended: April 28, 1999, January 29, 2001, October 30, 2019