

FORM 2

APPLICATION BY OR ON BEHALF OF A CORPORATION PURSUANT TO SECTION 5 OF THE PRINCE EDWARD ISLAND LANDS PROTECTION ACT (the 'ACT')

LAND APPROVED FOR ACQUISITION MAY BE SUBJECT TO CONDITIONS IMPOSED BY 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
- 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 | | | Community | Township or Lot Number | County | Shore frontage (feet) |
|---------------|-------------|-----------------|-------|-----------|------------------------|--------|-----------------------|
| | Arable Land | Non-Arable Land | Total | | | | |
| (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) 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 of Agriculture and Land. 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.)

Land cannot be identified for non-development use if:

- (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 section 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 shares² 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.

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 association;
- (ii) in relation to a corporation, an issued share carrying voting rights under all circumstances or by reason of the occurrence of an event that has occurred and that is continuing, and includes
 - (A) a security currently convertible into such a share, and
 - (B) currently exercisable options and rights to acquire such a share or such a convertible security.

21. Are 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. 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.

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. Where applicable, provide the response to **one** of the following:

- (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**, 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 | |

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 14 of the *Act* states:

“Where a corporation has committed an offence against this Act, every officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the commission of the offence is guilty of an offence and liable on summary conviction to a fine of not more than \$250,000 or to imprisonment for a term of not more than two years, or to both such fine and imprisonment, whether or not the corporation has been prosecuted or convicted.”

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.ircac.pe.ca

Information on this Form is collected pursuant to the *Lands Protection Act* and will be used by the Commission in the administration of the said *Act*. For additional information, contact the Commission at (902)892-3501 or by email at info@ircac.pe.ca.