

# 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 #10-15 must be answered for each parcel individually (attach a schedule if necessary).**

1. Applicant's name: \_\_\_\_\_
2. Applicant's permanent 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 _____	(d) bequest _____
(b) transfer _____	(e) lease _____
(c) gift _____	(f) other (specify) _____
9. Agreed purchase price: \_\_\_\_\_

	Property Number (from property tax bill)	Acreage	Community	Township or Lot Number	County	Shore frontage (feet)
(a)	_____	_____	_____	_____	_____	_____
(b)	_____	_____	_____	_____	_____	_____
(c)	_____	_____	_____	_____	_____	_____
(d)	_____	_____	_____	_____	_____	_____

11. If the interest is being acquired by lease: Total value of the lease \$ \_\_\_\_\_ Lease term: \_\_\_\_\_ years
12. Are there buildings located on the parcel? \_\_\_\_\_ If yes, describe the buildings or other structures: \_\_\_\_\_
13. State the present acreage breakdown of each parcel separately:
 

(a) cropland _____	(d) marsh _____
(b) pasture _____	(e) other (specify) _____
(c) woodland _____	
14. State the intended use of each parcel separately:
 

(a) permanent residence ____ If so, when _____	(e) commercial _____
(b) seasonal residence _____	(f) industrial _____
(c) agriculture _____	(g) subdivision of lots* _____
(d) forestry _____	(h) other (specify) _____

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

15. Has each parcel been used for agriculture in the last five years? (Answer separately for multiple parcels) \_\_\_\_\_
16. In accordance with subsection 9.(1) of the *Prince Edward Island Lands Protection 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. (For more details, refer to subsection 9(1) of the *Prince Edward Island Lands Protection 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17. State the parcel number and acreage of each parcel of land\*\* in the Province in which the applicant and his minor children hold an interest, including land\*\* held by way of lease. (Attach separate sheet if necessary): \_\_\_\_\_

\*\* The Act excludes any parcel of land, existing on May 1, 1995, of less than one acre that is situated within a city or town.

18. If the applicant already owns land in the province, explain how that land will be used and explain why additional land is required: \_\_\_\_\_

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

- (a) the name and permanent address of the corporation;
- (b) the total number of shares issued by the corporation;
- (c) the total number of shares held by the applicant and the applicant's minor children; and
- (d) the parcel number and acreage of each parcel of land\*\* in the province now owned or leased by the corporation.

\*\*\* "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.

20. 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**, please file either a copy of the trust agreement or an affidavit which contains, or has attached as a schedule, the sections of the trust agreement that grants the discretion to the trustee(s).

21. 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) date the listing agreement began: \_\_\_\_\_
- (iii) date the listing agreement expires or expired: \_\_\_\_\_
- (iv) list price: \_\_\_\_\_
- (v) 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 \_\_\_\_\_

\_\_\_\_\_

22. State any other circumstances that are relevant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**23.** I hereby certify that this application is complete and that the information herein, and attached hereto, is true and correct in all respects.

\_\_\_\_\_  
Signature of applicant or attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of signatory (please print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email address

**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 to determine the applicable fee.

**RETURN COMPLETED FORM TO:**

The Island Regulatory & 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](http://www.irac.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  
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