



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# PRINCE EDWARD ISLAND LANDS PROTECTION ACT

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to April 1, 2022. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## PRINCE EDWARD ISLAND LANDS PROTECTION ACT

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## PRINCE EDWARD ISLAND LANDS PROTECTION ACT

### CHAPTER L-5

### INTERPRETATION

#### 1. Definitions

(1) In this Act

- (a) repealed by *1995, c.22, s.1*;
- (b) **“aggregate land holding”**
  - (i) in relation to a person, includes
    - (A) all land holdings of that person, and of the person’s minor children,
    - (B) the relevant amount of land holdings of any corporation in which the person, or any of them, hold more than 5 per cent of the shares, and
    - (C) the relevant amount of land holdings of any other corporation in which more than 5 per cent of the shares are held by a corporation in which the shareholder or the shareholder’s minor children own more than 5 per cent of the shares,
  - (ii) in relation to a corporation, includes
    - (A) all land holdings of that corporation,
    - (B) all land holdings of any person, and of the person’s minor children, who holds more than 5 per cent of the shares in that corporation,
    - (C) all land holdings of any other corporation that holds more than 5 per cent of the shares in that corporation, and
    - (D) the relevant amount of land holdings of any other corporation in which more than 5 per cent of the shares are held by
      - (I) that corporation,
      - (II) a person referred to in paragraph (B), or
      - (III) a corporation referred to in paragraph (C).
- (b.1) **“arable land”** means land
  - (i) on which a temporary agricultural crop is planted, or
  - (ii) on which a temporary agricultural crop was planted at any time in the immediately preceding four years;
- (c) **“Commission”** means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act*, R.S.P.E.I. 1988, Cap. I-11;

- (d) “**corporation**” includes a partnership, cooperative association or body corporate whether formed or incorporated under the law of this province or any other province, or of Canada or outside Canada;
- (e) repealed by *1990, c.28, s.1*;
- (e.1) “**hold**”, in relation to shares, includes shares held by a trustee, legal representative, agent or other intermediary, as well as a person or corporation that has direct or indirect control, direction or influence over the shares;
- (f) “**land**” means real property in the province but does not include 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. 1988, Cap. P-8;
- (g) “**land holding**” means an interest in land conferring a legal or beneficial right to the use, possession or occupation of that land, and includes the interest of a lessor in respect of a land holding subject to a lease as provided in subsections (3) to (3.6), but does not include land or an interest in land acquired by
  - (i) a bank,
  - (ii) a trust company, or
  - (iii) another financial institutionin the ordinary course of its business by way of security for a debt, credit or other obligation;
- (h) “**Minister**” means that member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of this Act;
- (i) repealed by *1995, c.22, s.1*;
- (i.1) “**non-arable land**” means land that is not arable land;
- (i.2) “**permit**” means the permission given by the Lieutenant Governor in Council under section 4, 5 or 5.3 in the form of an Order in Council;
- (j) “**person**” means a natural person;
- (k) “**principal residence**” 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);
- (l) “**share**” means
  - (i) in relation to a partnership or cooperative 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;
- (m) “**shore frontage**” means shore frontage as defined in the regulations;
- (n) “**temporary agricultural crop**” means a crop that is comprised of annual or biennial plants.

**Resident person**

- (1.01) 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.

**Deemed interest in land**

- (1.1) Any person or corporation that holds shares in a corporation is deemed to have an interest in land to the extent of the relevant amount of land holdings as prescribed by subsection (2).

**Relevant amount, calculation of**

- (2) For the purposes of clause (1)(b), the relevant amount is determined by multiplying the total land holding of the corporation by the proportion that the number of shares in that corporation held by the shareholder and, if the shareholder is a person, by the shareholder's minor children bears to the total number of shares in the corporation but where the total land holding of a corporation exceeds the limit imposed by clause 2(1)(b), the amount of the excess shall be excluded in the calculation of the relevant amount in respect of a person or corporation that owns shares in that corporation.

**Calculation of aggregate land holding**

- (3) For the purpose of calculating the aggregate land holding of any person or corporation
- (a) at any time before January 1, 1996, land under lease to another person or corporation shall be deemed to be in the possession of that other person or corporation;
  - (b) on or after January 1, 1996, land under lease to another person or corporation shall be deemed to be in the possession of both the lessor and lessee.

**Exclusion of leased arable land from calculation**

- (3.1) Notwithstanding subsection (3), for the purpose of calculating the aggregate land holding of a person or corporation under section 2 or 10 on or after the date this subsection comes into force,
- (a) the arable land of that person's land holdings that the person is leasing to another person or corporation, up to the lesser of one-half the total number of acres of arable land held by that person or 500 acres of arable land, shall be excluded from that person's aggregate land holding, and
  - (b) the arable land of that corporation's land holdings that the corporation is leasing to a person or another corporation, up to the lesser of one-half the total number of acres of arable land held by that corporation or 1,500 acres of arable land, shall be excluded from the corporation's aggregate land holding.

**Exception**

- (3.11) For greater certainty, the provisions of subsection (3.1) respecting the exclusion of leased arable land from the calculation of the aggregate land holding of a person or corporation do not apply to the calculation of the aggregate land holding of a non-resident person under section 4 or 5.3, a resident person under subsection 5(2) or section 5.3 or a corporation under subsection 5(1) or section 5.3.

**Deemed possession of land held under lease**

- (3.2) Notwithstanding subsection (3), for the purposes of calculating the aggregate land holding of any person or corporation under section 2 or 10 on or after the date this subsection comes into force, where the person or corporation, as a lessor, has granted a lease in a land holding,
- (a) the amount of that land holding that is excluded from the lessor's aggregate land holding under subsection (3.1), if any, shall be deemed to be solely in the possession of the lessee; and
  - (b) the remaining amount of the land holding held under the lease by the lessee, if any, shall be deemed to be in the possession of both the lessor and the lessee.

**Possession of land when lease terminated by default**

- (3.3) Notwithstanding subsection (3), for the purpose of calculating the aggregate land holding of a person or a corporation under section 2 or 10 where
- (a) the person or corporation, as a lessor, has granted a lease in a land holding; and
  - (b) the lease has been terminated as a result of default,
- the lessor shall be deemed, as of the date of the termination of the lease as a result of default, to be in possession of the land holding in which the lease was granted.

**Report of termination of lease by default**

- (3.4) Where, pursuant to subsection (3.3), the termination of a lease as a result of default results in the lessor being deemed to be in possession of an aggregate land holding that exceeds the relevant limit set out in subsection 2(1), the lessor shall, within 30 days after the date of the termination of the lease as a result of default, file a statement with the Commission that discloses
- (a) the occurrence of the termination of the lease as a result of default;
  - (b) the amount of the land holding that was leased; and
  - (c) the current amount of the lessor's aggregate land holding.

**Temporary exemption**

- (3.5) Where a person or corporation files a statement in accordance with subsection (3.4), the Commission shall issue to the person or corporation, as the case may be, a written exemption excluding the land holding that was the subject of the lease terminated as a result of default from the land holding of that person or corporation for the term or period of time specified in the exemption, not exceeding 2 years, that the Commission considers appropriate.

**Exclusion**

- (3.6) Notwithstanding subsection (3), for the purposes of calculating the aggregate land holding of a person or corporation under section 2 or 10, during the term of a written exemption issued to the person or corporation under subsection (3.5), the land holding subject to the exemption shall be excluded from the aggregate land holding of the person or corporation, as the case may be.

**Repeal**

- (3.7) This subsection and subsections (3.1) to (3.6) are repealed on December 31, 2029.

**Land held on trust**

- (4) For the purpose of calculating the aggregate land holding of any person or corporation land held on trust shall be deemed to be in the possession of both the trustee and the beneficiary.



**Attribution, tenants in common and joint tenants**

- (5) For the purpose of calculating the aggregate land holding of any person or corporation
- (a) where land is held by tenants in common, the land holding attributed to each tenant in common shall be equal to the proportion of each tenant's interest in the land;
  - (b) where land is held by joint tenants, the land holding attributed to each joint tenant shall be deemed to be equal to the proportion of each tenant's interest in the land as if the land were held by tenancy in common;
  - (c) where shore frontage is held by tenants in common, the shore frontage attributed to each tenant in common shall be equal to the proportion of each tenant's interest in the land;
  - (d) where shore frontage is held by joint tenants, the shore frontage attributed to each joint tenant shall be deemed to be equal to the proportion of each tenant's interest in the land as if the land were held by tenancy in common.

**Exception**

- (5.1) For greater certainty, the provisions of subsection (5) respecting the calculation of the attributed land holding of a person or corporation do not apply to the calculation of the aggregate land holding of a non-resident person under section 4 or 5.3, a resident person under subsection 5(2) or section 5.3 or a corporation under subsection 5(1) or 5.3.

**Exclusion of certain amounts of non-arable land**

- (6) For the purpose of calculating the aggregate land holding of any person or corporation under section 2 or 10,
- (a) the non-arable land holdings of the person, up to a maximum total amount of 400 acres, shall be excluded from the person's aggregate land holding; and
  - (b) the non-arable land holdings of the corporation, up to a maximum total amount of 1,200 acres, shall be excluded from the corporation's aggregate land holding.

**Non-application**

- (7) For greater certainty, the exclusion of non-arable land holdings from the calculation of the aggregate land holding of a person or corporation authorized under subsection (6) does not apply to the calculation of the aggregate land holding of a non-resident person under section 4 or 5.3, a resident person under subsection 5(2) or section 5.3 or a corporation under subsection 5(1) or section 5.3. *1982,c.16,s.1; 1990,c.28,s.1; 1995,c.22,s.1; 1996,c.22,s.1; 1998,c.79,s.1; 2002,c.32,s.1; 2014,c.5,s.1; 2016,c.20,s.1; 2020,c.79,s.1; 2021,c.43,s.1.*

**PURPOSE****1.1 Purpose**

The purpose of this Act is to provide for the regulation of property rights in Prince Edward Island, especially the amount of land that may be held by a person or corporation. This Act has been enacted in the recognition that Prince Edward Island faces singular challenges with regard to property rights as a result of several circumstances, including

- (a) historical difficulties with absentee land owners, and the consequent problems faced by the inhabitants of Prince Edward Island in governing their own affairs, both public and private;
- (b) the province's small land area and comparatively high population density, unique among the provinces of Canada; and

- (c) the fragile nature of the province's ecology, environment, and lands and the resultant need for the exercise of prudent, balanced, and steadfast stewardship to ensure the protection of the province's ecology, environment, and lands. *1998,c.79,s.20.*

## CONTROL OF LAND HOLDINGS

### 2. Maximum land holdings

- (1) The following limits apply in respect of aggregate land holdings:
  - (a) no person shall have an aggregate land holding in excess of 1000 acres;
  - (b) no corporation shall have an aggregate land holding in excess of 3000 acres.

#### Succession period

- (2) The Commission may, at its discretion, authorize a succession period of up to five years when illness, death or other extenuating circumstance results in a person or corporation exceeding the limits set out in subsection (1) for an aggregate land holding.

#### Additional succession period

- (3) The Commission, with the approval of the Lieutenant Governor in Council, may at any time prior to the expiry of the period referred to in subsection (2) authorize an additional succession period of up to two years.

#### Calculation during succession period

- (4) For the purposes of calculating the aggregate land holding of a person or corporation during the term of a succession period authorized under subsection (2) or (3), the land holding of the person or corporation that results in the person or corporation exceeding the limits shall be excluded from the aggregate land holding of the person or corporation. *1982,c.16,s.2; 1995,c.22,s.2,16; 2014,c.5,s.2.*

### 3. Computation of aggregate

For the avoidance of doubt it is declared that a land holding acquired before May 7, 1982 shall be taken into account in determining the aggregate land holding of any person or corporation for the purposes of this Act. *1982,c.16,s.3; 1998,c.79,s.3.*

### 4. Non-resident person

A person who is not a resident person shall not have an aggregate land holding

- (a) in excess of five acres; or
- (b) having a shore frontage in excess of 165 feet, measured in a line following the general trend of the shore frontage,

unless the person first receives permission to do so from the Lieutenant Governor in Council. *1982,c.16,s.4; 1988,c.37,s.1; 1995,c.22,s.2,16; 2014,c.5,s.3.*

### 5. Corporation

- (1) A corporation shall not have an aggregate land holding
  - (a) in excess of five acres; or
  - (b) having a shore frontage in excess of 165 feet, measured in a line following the general trend of the shore frontage,

unless it first receives permission to do so from the Lieutenant Governor in Council.

**Requirement for amended permit**

- (2) Where a corporation that has obtained permission to acquire a land holding from the Lieutenant Governor in Council pursuant to subsection (1) proposes to make a material change in its shareholders that would result in the aggregate land holding of any of its shareholders who are resident persons exceeding 400 acres, the corporation shall first apply for and receive an amended permission pursuant to subsection (1) from the Lieutenant Governor in Council.

**Definition, “material change”**

- (3) For the purpose of subsection (2), “material change” means a change in the shareholders of a corporation that affects any ownership interest that is greater than five per cent.

**Application**

- (4) For greater certainty, subsection (2) applies in respect of applications for permission to acquire a land holding that are made on and after the coming into force of that subsection. *1982, c.16, s.5; 1990, c.28, s.2; 2014, c.5, s.4; 2021, c.43, s.2.*

**5.1 Transitional provisions**

Where an aggregate land holding not exceeding ten acres in area or having a shore frontage of less than three hundred and thirty feet has been lawfully acquired by a non-resident person or corporation in accordance with the law in force at the time of acquisition, it shall be deemed to be held in compliance with this Act as if a permit therefor had been granted under section 4 or 5, as the case may be. *1995, c.22, s.3.*

**5.2 Transitional provisions**

Where an aggregate land holding in excess of five acres or having a shore frontage in excess of one hundred and sixty-five feet has been acquired by a resident person who subsequently ceases to be a resident person, that person may continue to have and hold that land holding without obtaining a permit under section 4. *1995, c.22, s.3; 2014, c.5, s.5; 2021, c.43, s.3.*

**5.3 Application to lease land**

- (5) Where a person or corporation intends to acquire by lease a land holding for which permission is required pursuant to section 4 or section 5, the person or corporation shall
- (a) apply pursuant to section 4 or 5 for permission to acquire by lease that specific land holding; or
  - (b) apply for permission pursuant to this section to acquire by lease and to continue to hold a certain number of acres of land as part of the applicant’s aggregate land holding.

**Annual statement**

- (6) Where permission has been granted by the Lieutenant Governor in Council for a lease of land pursuant to an application made under clause (1)(b), the person or corporation shall
- (a) within one year of receiving permission; and
  - (b) in every subsequent year, prior to December 31,
- file a statement disclosing information prescribed by subsection (3).

**Information required in statement**

- (7) The statement required by subsection (2) shall disclose
- (a) the parcel number;
  - (b) the acreage leased; and
  - (c) the term of the lease or leases,
- for each parcel leased during the reporting period covered by the statement.

**Increase in land holding**

- (8) Where a person or corporation permitted to hold land pursuant to this section intends to increase the amount of land held beyond the amount previously permitted by the Lieutenant Governor in Council, a new application shall be made by the person or corporation.

**Variance of land holding**

- (9) Where a person or corporation permitted to hold land pursuant to this section intends to vary the amount of land held, but not to increase the amount of land held beyond the amount previously permitted by the Lieutenant Governor in Council, no new application need be made pursuant to this section. *1998,c.79,s.4; 2019,c.27,s.15(2).*

**6. Subsequent acquisitions**

For the avoidance of doubt it is declared that where a person or corporation has an aggregate land holding for which permission is required under section 4 or 5, any subsequent acquisition of a land holding by that person or corporation similarly requires such permission except where the aggregate land holding, including the land holding proposed to be acquired, is less than the maximum prescribed by that section. *1982,c.16,s.6; 1995,c.22,s.16.*

**6.01 Aggregate land holding declaration required**

- (1) Where, on the coming into force of this section or section 9.1, and as a result of the change in the definition of the word “hold” in clause 1(1)(e.1) or the word “share” in clause 1(1)(l), or the provisions of section 9.1, a person or corporation has an aggregate land holding in excess of the applicable limit set out in subsection 2(1), the person or corporation, as the case may be, shall before December 31, 2022, submit an aggregate land holding declaration to the Commission in the prescribed form.

**Divestiture schedule**

- (2) On receipt of an aggregate land holding declaration from a person or corporation in accordance with subsection (1), the Commission shall, within 60 days, provide the person or corporation with a divestiture schedule in respect of the land held in excess of the applicable limit that shall bring the person or corporation into compliance with the applicable limit set out in subsection 2(1) within the time periods specified in the schedule.

**Requirements of divestiture schedule**

- (3) The divestiture schedule shall require, at a minimum, that
- (a) at least 50 per cent of the excess land holding of the person or corporation shall be divested within five years of the date specified in the schedule; and
  - (b) 100 per cent of the excess land holding shall be divested within seven years of the date specified in the schedule.

**Requirement to comply**

- (4) The person or corporation that receives a divestiture schedule issued under subsection (2) by the Commission shall comply with the divestiture schedule.

**Calculation of aggregate land holding during divestiture period**

- (5) For the purpose of calculating the aggregate land holding of a person or corporation during the term of a divestiture schedule issued under subsection (2), the land of the person or corporation that is held in excess of the applicable limit set out in subsection 2(1) shall be excluded from the aggregate land holding of the person or corporation. *2021,c.43,s.4.*

**6.1 Transitional provisions**

- (1) ~~(5)~~ Repealed by *2014,c.5,s.6. 1995,c.22,s.4; 1996,c.22,s.2; 1997,c.26,s.1; 1997,c.56,s.1; 1997,c.58,s.1; 1998,c.78,s.1; 1998,c.79,s.5; 2014,c.5,s.6.*

**6.2 Transitional provision, re lease-out and divestiture of land**

Repealed by *2014,c.5,s.6. 1996,c.22,s.3; 1997,c.26,s.1; 1997,c.56,s.2; 1997,c.58,s.2; 1998,c.78,s.2; 1998,c.79,s.6; 2014,c.5,s.6.*

**7. Special permits**

Repealed by *1992,c.38,s.1. 1982,c.16,s.7; 1991,c.18,s.3; 1992,c.38,s.1.*

**8. Review of applications**

- (1) The Commission shall
- (a) review all applications under sections 4, 5, and 5.3;
  - (b) obtain information pertinent to the application;
  - (c) recommend to the Lieutenant Governor in Council on the disposition of the application.

**Basis for review**

- (2) Recommendations made by the Commission under subsection (1) shall be based on the following considerations:
- (a) an assessment of the best use of the land based on the guidelines and policies established by the Lieutenant Governor in Council under clause 7(1)(a) of the *Planning Act R.S.P.E.I. 1988, Cap. P-8;*
  - (b) the most effective manner of ensuring the best land use;
  - (c) such other matters in relation to the economic and cultural needs of the people of the province as may be specified in policies adopted under section 8.1.

**Consideration of Commission's recommendation**

- (3) The Lieutenant Governor in Council, in determining whether or not to grant a permit under section 4 or 5, shall consider the recommendations of the Commission. *1982,c.16,s.9; 1991,c.18,s.22; 1992,c.38,s.3; 1995,c.22,s.5; 1996,c.22,s.4; 1998,c.79,s.7; 2014,c.5,s.7; 2021,c.43,s.5.*

**8.1 Policies**

The Lieutenant Governor in Council may adopt policies regarding the ownership, possession, occupation or use of land and such policies shall be published in the Gazette. *1995,c.22,s.6.*

**9. Conditions of permit under section 4 or 5**

- (1) The Lieutenant Governor in Council may impose such conditions on a permit issued under section 4 or 5 as the Lieutenant Governor in Council may consider expedient including a condition
- (a) that the land not be subdivided except for
    - (i) use for the purposes of agricultural, forestry or fisheries production,
    - (ii) conservation use pursuant to a designation as a natural area under the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2, an archaeological site under the *Archaeological Sites Protection Act* R.S.P.E.I. 1988, Cap. A-17 or a heritage place under the *Heritage Places Protection Act* R.S.P.E.I. 1998, Cap. H-3.1,
    - (iii) parks use by the Federal, provincial or a municipal government,
    - (iv) residential use by the owner;
  - (b) that the land be identified under the land identification program;
  - (c) that the land be consolidated with an adjoining parcel or parcels of land;
  - (d) that the applicant become a resident within such period of time as may be specified in the permit.

**Expiry of conditions**

- (1.1) Any condition imposed on a permit under clause (1)(a) or (b) that has not been cancelled under subsection (2) expires
- (a) on the tenth anniversary of the date of the issuance of the permit, if the permit
    - (i) is issued on or after the date this subsection comes into force, or
    - (ii) was issued on a date before, but less than 10 years before, the date this subsection comes into force; and
  - (b) on the date this subsection comes into force, if the permit was issued 10 or more years before the date this subsection comes into force.

**Variation, etc.**

- (2) Subject to subsection (3), the Lieutenant Governor in Council may cancel, suspend, or amend any condition imposed under subsection (1) upon receipt of an application by a permit holder.

**Notice required for variation application**

- (3) Every application made by a permit holder pursuant to subsection (2) shall be supported by a notice that shall
- (a) be in the form prescribed by regulation;
  - (b) have been published in a newspaper circulating in the area where the land is located, with the publication to have occurred at least seven days prior to receipt of the application by the Commission; and
  - (c) state to the Commission the intent to make the application and the details of the variation applied for. *1982, c.16, s.10; 1998, c.79, s.8; 2014, c.5, s.8.*

**9.1 Effect of direct or indirect control of corporation**

- (1) For the purposes of this Act, two or more corporations that are directly or indirectly controlled by the same person, corporation, group or other organization are deemed to be one corporation.

**Nature of direct or indirect control**

- (2) A corporation is directly or indirectly controlled by a person, corporation, group or other organization where
- (a) the person, corporation, group or other organization has any of the following interests or rights, or any combination of them, in respect of any number of shares of the corporation that carry more than 50 per cent of the voting rights attached to all of the corporation's outstanding voting shares, or is equal to more than 50 per cent of all the corporation's outstanding shares measured by fair market value:
    - (i) the person, corporation, group or other organization is the registered owner of them,
    - (ii) the person, corporation, group or other organization is the beneficial owner of them,
    - (iii) the person, corporation, group or other organization has direct or indirect control or direction over them;
  - (b) the person, corporation, group or other organization has any direct or indirect influence that, if exercised, would result in control in fact of the corporation; or
  - (c) the person, corporation, group or other organization has a prescribed interest, right or ability in relation to the corporation, or a prescribed criterion or set of circumstances applies to the person, corporation, group or other organization, as the case may be.

**Inspection of records, etc.**

- (3) The Commission may demand production of, inspect and make copies of all or any of the books, documents, papers or records of any person or corporation for the purpose of determining the direct or indirect control of a corporation. *2021, c.43, s.6.*

**ADMINISTRATIVE PROVISIONS****10. Aggregate land holding declaration**

- (1) The Minister or the Commission may request any person or corporation believed to have an aggregate land holding
- (a) in the case of a person, of more than 750 acres; or
  - (b) in the case of a corporation, of more than 2,250 acres,

to file with the Minister or the Commission, as the case may be, and within the time requested, a completed aggregate land holding declaration in the form, and containing the information, prescribed in the regulations.

**Annual aggregate land holding declaration**

- (2) Without prejudice to subsection (1), any person or corporation having an aggregate land holding in excess of the limit specified in subsection (1) shall, not later than December 31 of each year, file an aggregate land holding declaration with the Commission.

**Penalty**

- (3) Repealed by 1998, c.79, s.9. *1982, c.16, s.11; 1998, c.79, s.9; 2014, c.5, s.9.*

**11. Contents of aggregate land holding declaration**

- (1) An aggregate land holding declaration shall include particulars of the following:

- (a) the acreage of each parcel comprised in the aggregate land holding;
  - (b) the parcel number as set out on the most recent assessment notice under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4;
  - (c) the nature of the interest held and where that interest is a leasehold interest, the term of lease, and where the interest is held on trust, the name and address of the beneficial owner,
- and in the case of a corporation,
- (d) the classes of shares, the characteristics of each class of shares and the number of shares in each class;
  - (e) the name and address of each shareholder holding more than five per cent of the shares;
  - (f) the proportion to the total number of voting shares held by each shareholder;
  - (g) the names and addresses of each person, corporation, group or other organization that has any of the interests listed in subsection 9.1(2);
  - (h) any transfer of 10 per cent or more of the shares that has been made since the last aggregate land holding declaration.

**Changes in particulars**

- (2) Where an aggregate land holding declaration has been made under section 10 by a person or corporation in any year, the aggregate land holding declaration delivered in any subsequent year shall declare only any changes to the particulars provided in the original statement.

**Exception**

- (3) Repealed by *1998, c.79, s.10*; *1982, c.16, s.12*; *1998, c.79, s.10*; *2014, c.5, s.10*; *2021, c.43, s.7*.

**11.1 Sufficient compliance**

Repealed by *2021, c.43, s.8*; *1998, c.79, s.11*; *2014, c.5, s.11*; *2021, c.43, s.8*.

**12. Investigations**

- (1) The Commission may on its own initiative, and shall at the direction of the Minister, request information and authorize an investigation to be conducted in order to determine whether a person or corporation has contravened this Act or the regulations.

**Appointment of investigator**

- (2) The Commission may appoint a person to conduct the investigation under subsection (1).

**Powers of commission, investigator**

- (3) In conducting an investigation, the Commission and an investigator appointed by the Commission have, in addition to the Commission's powers conferred under the *Island Regulatory and Appeals Commission Act* and the specific powers set out in this section, all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31.

**Production, retention of documents**

- (4) The person conducting the investigation
  - (a) may demand the production of and copy any books, documents, papers and records that in that person's opinion are relevant to the investigation;



- (b) may retain any books, documents, papers and records produced pursuant to clause (a), including the originals, that the person considers relevant to the investigation; and
- (c) shall return any originals retained under clause (b) at the conclusion of the investigation.

**Report of investigator**

- (5) At the conclusion of the investigation, the person conducting the investigation shall provide a full report and supporting documents to the Commission, and the Commission shall provide copies of the report and supporting documents
  - (a) to the person or corporation that was investigated; and
  - (b) where the investigation was directed by the Minister under subsection (1), to the Minister.

**Order of Supreme Court**

- (6) Where a person or corporation fails to comply with a demand under subsection (4), a judge of the Supreme Court may, on the application of the person conducting the investigation, issue an order requiring the person or corporation, as the case may be, to comply with the demand.

**Determination of contravention**

- (7) Where, at the conclusion of an investigation, the Commission determines that the person or corporation that was investigated has contravened a provision of this Act or the regulations, the Commission may impose on the person or corporation the penalty that it considers appropriate in accordance with section 15.1.

**Recovery of costs**

- (8) Where, at the conclusion of an investigation, the Commission determines that the person or corporation that was investigated has contravened a provision of this Act or the regulations, the Commission may recover the costs of the investigation from that person or corporation, in addition to any penalty that may be imposed for the contravention pursuant to this Act.

**Recovery of costs from Minister**

- (9) Where, at the conclusion of an investigation directed by the Minister under subsection (1), the Commission determines that the person or corporation that was investigated has not contravened a provision of this Act or the regulations, the Commission may recover the costs of the investigation from the Minister. *1982,c.16,s.13; 1995,c.22,s.16; 1998,c.79,s.12; 2014,c.5,s.12; 2021,c.43,s.9.*

**13. Orders by Minister**

- (1) Where the Minister has reasonable and probable grounds to believe that a person or corporation has contravened section 2, 4, 5 or 5.3 of this Act, the Minister may issue an order requiring the person or corporation
  - (a) to reduce the person's or corporation's aggregate land holding to the maximum permitted by section 2, including, but not limited to, requiring the person or corporation to divest the whole of the property acquired in the transaction that caused the contravention; or
  - (b) to make application for and obtain any permit required by section 4, 5 or 5.3.

**Order, etc., to be made public**

- (2) Where the Minister issues an order under clause (1)(a) requiring divestiture, the order and the supporting documents establishing the nature and extent of the contravention shall be made public in the manner determined by the Minister.

**Enforcement**

- (3) Where a person or a corporation fails to comply with an order of the Minister under subsection (1) within three months of the date on which the order was served, the Minister may apply to a judge of the Supreme Court, who shall enforce compliance with this Act and may make one or more of the following orders:
- (a) an order declaring null and void any instrument or document by which a land holding is or may be held in contravention of this Act;
  - (b) an order for the sale of the land holding held in contravention of this Act and the distribution of the proceeds of the sale to the persons entitled to them;
  - (c) an order directing the Registrar to cancel the registration of a deed of conveyance or other document registered under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10;
  - (d) an order to return any consideration given under an instrument or a document made in contravention of this Act;
  - (e) an order for possession of the land holding to be given to the person or persons entitled to it;
  - (f) an order respecting costs;
  - (g) any other order necessary to give effect to the provisions of this Act. *1995,c.22,s.10; 1998,c.79,s.13; 2014,c.5,s.13; 2021,c.43,s.9.*

**14. Liability of corporate officers**

Where a corporation has contravened this Act or the regulations, every officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the contravention is strictly liable for that contravention and subject to an administrative monetary penalty imposed by the Commission in an amount not to exceed \$20,000, whether or not there has been a determination that the corporation has contravened this Act. *1982,c.16,s.15; 1995,c.22,s.11; 2021,c.43,s.9.*

**15. Offences**

- (1) Notwithstanding any other provision of this Act, a person or corporation that
- (a) has contravened section 2, 4, 5 or 5.3;
  - (b) fails to make an aggregate land holding disclosure statement as required under subsection 6.01(1);
  - (c) fails to comply with a divestiture schedule issued by the Commission under subsection 6.01(2);
  - (d) fails to make an aggregate land holding declaration when requested to do so under subsection 10(1);
  - (e) fails to file an aggregate land holding declaration as required under subsection 10(2);
  - (f) fails to comply with a demand under section 6.01 or subsection 12(4);
  - (g) fails, neglects, omits or refuses to do any act or thing required of the person or corporation by this Act, the regulations or an order or decision of the Commission or an order of the Minister;

- (h) knowingly hinders or misleads a person empowered to conduct an investigation under this Act;
- (i) when required to provide information under this Act, provides false or misleading information;
- (j) knowingly does or omits to do a thing with the object of aiding a person or corporation to commit an offence under this Act;
- (k) knowingly advises, encourages or incites a person or corporation to commit an offence under this Act; or
- (l) contravenes this Act, the regulations or an order of the Commission or the Minister, is guilty of an offence and liable on summary conviction to a fine in an amount not to exceed \$250,000.

**Order of Supreme Court**

- (2) Where a person or corporation has been found guilty of an offence under clauses (1)(a) to (e), a judge of the Supreme Court may, on the application of the Minister, order the person or corporation to divest the amount of land specified in the order for the purpose of ensuring compliance with this Act.

**Separate daily liability**

- (3) Each day or part of a day during which a contravention listed in subsection (1) is continued gives rise to a separate liability to a fine in an amount not to exceed \$1,000 for each day or part of the day on which it continues. *1982, c.16, s.16; 1995, c.22, s.10; 1996, c.22, s.6; 1998, c.79, s.14; 2021, c.43, s.9.*

**15.1 Administrative monetary penalty**

- (1) Notwithstanding subsection 15(1), a person or corporation that
  - (a) has contravened section 2, 4, 5 or 5.3;
  - (b) fails to make an aggregate land holding disclosure statement as required under subsection 6.01(1);
  - (c) fails to comply with a divestiture schedule issued by the Commission under subsection 6.01(2);
  - (d) fails to make an aggregate land holding declaration when requested to do so under subsection 10(1);
  - (e) fails to file an aggregate land holding declaration as required under subsection 10(2); or
  - (f) fails to comply with a demand under subsection 12(4),is liable to an administrative monetary penalty imposed by the Commission in an amount not to exceed \$20,000.

**Commission's rules**

- (2) The Commission may make rules respecting
  - (a) the determination of the amount of an administrative penalty;
  - (b) setting new time limits for filing a document or doing a thing, where the time specified in this Act has passed; and
  - (c) notice requirements and other procedural matters respecting the imposition of administrative monetary penalties.

**Penalty does not relieve from obligation**

- (3) For greater certainty, a person or corporation that complies with an administrative monetary penalty is still required to comply as directed by the Commission with the provision of this Act, the contravention of which incurred the administrative monetary penalty, including but not limited to complying with new time limits where the time specified in the provision for filing a document or doing a thing has passed.

**Separate daily liability**

- (4) Each day or part of a day during which a contravention subject to an administrative monetary penalty pursuant to subsection (1) is continued gives rise to a separate liability to an administrative monetary penalty imposed by the Commission in an amount not to exceed \$500 for each day or part of the day on which it continues.

**Registration of order**

- (5) Where a person or corporation fails to pay all or part of an administrative monetary penalty imposed by the Commission within the time fixed by the Commission for payment, the Commission may issue an order for the amount of the unpaid penalty and costs, if any, and register the order with the Registrar of the Supreme Court as a judgment against the person or corporation, as the case may be.

**Execution**

- (6) On a judgment registered under subsection (5), execution may be issued as if it were a final judgment of the Supreme Court. *1998,c.79,s.15; 2014,c.5,s.14; 2021,c.43,s.9.*

**16. Proof**

In any proceeding under this Act, the onus of proving that a person is a resident person is upon that person. *1998,c.79,s.16.*

**17. Regulations**

- (1) The Lieutenant Governor in Council may make regulations
- (a) defining any word or expression used in this Act and not defined in this Act, including but not limited to the term “shore frontage”;
  - (a.1) for the purposes of clause 9.1(2)(c), specifying an interest, right or ability in relation to a corporation, or a criterion or set of circumstances that applies to a person, corporation, group or organization, as the case may be;
  - (b) exempting persons or corporations or classes of corporations or land holdings or classes of land holdings from this Act or any provision thereof and attaching conditions to any such exemptions;
  - (c) prescribing the forms to be used and the information to be provided in an aggregate land holding declaration;
  - (d) establishing a land identification program;
  - (e) repealed by *2014,c.5,s.15*;
  - (f) authorizing the use of any kind of form required for the better administration of this Act or the regulations.

**Exemptions to be laid before Legislative Assembly**

- (2) Where any exemption is granted by regulations under clause (1)(b) the Minister shall table in the Legislative Assembly a statement indicating the reasons therefor. *1982,c.16,s.18; 1986,c.15,s.1; 1991,c.18,s.22; 1995,c.22,s.14; 1998,c.79,s.17; 2014,c.5,s.15; 2021,c.43,s.10.*

**17.1. Registration of leases**

The Commission may make regulations

- (a) prescribing the procedure in respect of applications for permits;
- (b) prescribing a processing fee in respect of an application for a permit. *1991,c.18,s.22; 1992,c.38,s.6.*

**17.2 Administration, land identification**

The Commission may, with the approval of the Lieutenant Governor in Council, administer regulations made under clause 17(1)(d). *1996,c.22,s.7.*

**18. Lease registration**

Repealed by *1995,c.22,s.15.*

**19. Crown**

This Act does not bind the Crown or a Crown corporation named in Schedule B or C of the *Financial Administration Act R.S.P.E.I. 1988, Cap. F-9. 1982,c.16,s.21.*

**20. No entitlement to compensation or damages**

Where a person or corporation is required to divest land holdings pursuant to this Act

- (a) the person or corporation is not entitled to compensation of any kind from the Government of Prince Edward Island;
- (b) the person or corporation is not entitled to any damages for loss of property or breach of any lease or contract made necessary by divesting land holdings pursuant to the divestiture schedule;
- (c) the person or corporation is precluded from bringing any action for recovery of damages in any court; and
- (d) the *Expropriation Act R.S.P.E.I. 1988, Cap. E-13* does not apply to the divestiture. *1998,c.79,s.18.*

**21. Presumption**

- (1) Any land conveyed by the Crown or any of the Crown's agencies is presumed to be identified for non-development use under the Land Identification Program established under this Act, unless the Lieutenant Governor in Council otherwise determines.

**Exemption**

- (2) Notwithstanding subsection (1), land conveyed by the Crown or an agent of the Crown is not presumed to be land identified for non-development use if the regulations provide that the Land Identification Program does not apply to that land. *1998,c.79,s.19; 2002,c.15,s.1.*