

**EC2006-231****FRANCHISES ACT  
DECLARATION RE**

Under authority of section 15 of the *Franchises Act* Stats. P.E.I. 2005, 2nd Session, c. 36, Council ordered that a Proclamation do issue proclaiming sections 1 through 4, 8, 9(1), 9(2), and 10 through 15 of the said "Franchises Act" to come into force effective 1 July 2006, and sections 5 through 7 and 9(3) of the said Act to come into force effective 1 January 2007.

**EC2006-232****FRANCHISES ACT  
REGULATIONS**

Pursuant to section 14 of the *Franchises Act* R.S.P.E.I. 1988, Cap. F-14.1, Council made the following regulations:

- 1.** (1) In these regulations
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|--|---------------------|
| (a) "Act" means the <i>Franchises Act</i> R.S.P.E.I. 1988, Cap. F-14.1;  | Definitions         |
| (b) "affiliate" has the same meaning as in the <i>Canada Business Corporations Act</i> (Canada);   | Act                 |
| (c) "earnings projection" includes any information given by or on behalf of the franchisor or franchisor's associate, directly or indirectly, from which a specific level or range of actual or potential sales, costs, income, revenue or profits from franchises or businesses of the franchisor, franchisor's associates or affiliates of the franchisor of the same type as the franchise being offered can easily be ascertained. | affiliate           |
| (2) In these regulations, a franchise or business is the same type as an existing franchise or as the franchise being offered if it is operated or to be operated under the same trade-mark, trade name, logo or advertising or other commercial symbol as that franchise.   | earnings projection |
| (2) In these regulations, a franchise or business is the same type as an existing franchise or as the franchise being offered if it is operated or to be operated under the same trade-mark, trade name, logo or advertising or other commercial symbol as that franchise.   | Interpretation      |
- 2.** For the purposes of subsection 5(2) of the Act, the prescribed methods of delivery are
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|---|--|
| (a) delivery by courier, if a written acknowledgment of receipt is received from the prospective franchisee; and  | Methods of delivery of disclosure document |
| (b) delivery by electronic means or in machine-readable media, if   |  |
| (i) the disclosure document   |  |
| (A) is delivered as a single, integrated, document or file,   |  |
| (B) has no extraneous content beyond what is required or permitted by law, but which may include customary devices for manipulating electronic documents in machine readable form and tools or access to tools that may be necessary or convenient to enable the recipient to receive and view the disclosure document, |  |
| (C) has no links to or from external documents or content,  |  |
| (D) is delivered in a form that intrinsically enables the recipient to store, retrieve, and print the disclosure document, and  |  |
| (E) conforms as to its content and format to the requirements of law,   |  |
| (ii) the franchisor keeps records of its electronic delivery of disclosure documents, and   |  |
| (iii) a written acknowledgment of receipt is received from the prospective franchisee.  |  |
- 3.** (1) Every disclosure document shall contain
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|---|---------------------------------|
| (a) presented together at the beginning of the document, the risk warning statements set out in Part 1 of Schedule I; | Contents of disclosure document |
| (b) the information pertaining to the franchisor described in Part 2 of Schedule I;                                   |                                 |
| (c) the information pertaining to the franchise described in Part 3 of Schedule I; and                                |                                 |

- (d) the lists of current and former franchisees described in Part 4 of Schedule I.
- (2) A franchisor may use a document that is prepared and used to comply with the disclosure requirements under the franchise law of a jurisdiction outside Prince Edward Island as its disclosure document to be given to a franchisee, if the franchisor includes such supplementary information with that document as is necessary to comply with the disclosure requirements of the Act and these regulations. Document authorized under laws of other jurisdiction
- (3) A disclosure document is properly given for the purposes of section 6 of the Act if the document is substantially complete. Substantially complete document
- 4.** (1) A Certificate of Franchisor in Form 1 of Schedule II shall be completed and attached to every disclosure document provided by a franchisor to a prospective franchisee. Certificate of Franchisor - disclosure document
- (2) A Certificate of Franchisor in Form 2 of Schedule II shall be completed and attached to every statement of material change provided by a franchisor to a prospective franchisee. Certificate of Franchisor - statement of material change
- (3) A Certificate of Franchisor, in either Form 1 or Form 2 of Schedule II, shall be signed and dated, Certificate signed and dated
- (a) in the case of a franchisor that is not incorporated, by the franchisor;
- (b) in the case of a franchisor that is incorporated and has only one director or officer, by that person; or
- (c) in the case of a franchisor that is incorporated and has more than one officer or director, by at least two persons who are officers or directors.
- 5.** (1) Subject to section 6 and to an exemption order made under subsection 8(1) of the Act, every disclosure document shall contain financial statements of the franchisor that are prepared in accordance with the generally accepted accounting principles of the jurisdiction in which the franchisor is based. Financial statements
- (2) The financial statements must be either Audits or reviews
- (a) audited in accordance with the generally accepted auditing standards set out in the Canadian Institute of Chartered Accountants Handbook; or
- (b) reviewed in accordance with the review and reporting standards applicable to review engagements set out in the Canadian Institute of Chartered Accountants Handbook.
- (3) The auditing standards and the review and reporting standards of other jurisdictions that are at least equivalent to those referred to in subsection (2) are acceptable. Other jurisdictions auditing and review standards
- (4) The financial statements must be for the most recently completed fiscal year. Fiscal year
- (5) Despite subsection (4), if 180 days have not yet passed since the end of the most recently completed fiscal year and financial statements have not been prepared and reported on for that fiscal year, the disclosure document shall contain the financial statements for the last completed fiscal year. Previous fiscal year
- (6) Despite subsection (4), if a franchisor has operated for less than one fiscal year or if 180 days have not yet passed since the end of the first fiscal year of operations and financial statements for that year have not been prepared and reported on for that fiscal year, the disclosure document shall contain the opening balance sheet for the franchisor. Balance sheet
- 6.** A franchisor is exempt from the requirement in clause 5(4)(b) of the Act and section 5 of these regulations to include financial statements in a disclosure document if Exemption from requirement to include financial statements
- (a) the franchisor has a net worth on a consolidated basis according to its most recent financial statements, which have been audited or for which a review engagement report has been prepared, which
- (i) is at least \$2,000,000, or
- (ii) is at least \$1,000,000, if the franchisor is controlled by a corporation whose net worth on a consolidated basis according to

its most recent financial statements that have been audited or for which a review engagement report has been prepared is at least \$2,000,000;

- (b) the franchisor
- (i) has at least 25 franchisees engaging in business at all times in Canada in the five years immediately preceding the date of the disclosure document,
  - (ii) has fewer than 25 franchisees engaging in business at all times in Canada and has at least 25 franchisees engaging in business at all times in a single jurisdiction other than Canada in the five years immediately preceding the date of the disclosure document,
  - (iii) does not meet the requirements of subclause (i) or (ii), but is controlled by a corporation that meets the requirements of subclause (i), or
  - (iv) does not meet the requirements of subclause (i) or (ii), but is controlled by a corporation that meets the requirements of subclause (ii);
- (c) the franchisor
- (i) has engaged in the line of business associated with the franchise continuously for not less than five years immediately preceding the date of the disclosure document, or
  - (ii) is controlled by a corporation that meets the requirements of subclause (i); and
- (d) the franchisor, the franchisor's associates, and the directors, general partners and officers of the franchisor in the five years immediately preceding the date of the disclosure document,
- (i) in the case of a franchisor described in subclause (b)(i) or (iii) have not had any judgment, order or award made in Canada against any of them relating to fraud, unfair or deceptive practices, or a law regulating franchises including the Act, or
  - (ii) in the case of a franchisor described in subclause (b)(ii) or (iv) have not had any judgment, order or award in Canada or in the jurisdiction referred to in subclause (b)(ii) made against any of them relating to fraud, unfair or deceptive practices, or a law regulating franchises including the Act.

7. For the purposes of clause 5(7)(g) of the Act, the prescribed amount is \$5,000. Amount of total annual investment

8. For the purposes of section 8 of the Act, the prescribed fee is \$250. Exemption application fee

9. (1) Subject to subsection (2), these regulations come into force on January 1, 2007. Coming into force

(2) Sections 1 and 8, and this subsection, come into force on July 1, 2006. *Idem*

## SCHEDULE I

### DISCLOSURE DOCUMENT REQUIREMENTS

#### PART 1 RISK WARNINGS

1. A prospective franchisee should seek information on the franchisor and on the franchisor's business background, banking affairs, credit history and trade references. Risk warnings
2. A prospective franchisee should seek expert independent legal and financial advice in relation to franchising and the franchise agreement prior to entering into the franchise agreement.
3. A prospective franchisee should contact current and previous franchisees prior to entering into the franchise agreement.
4. Lists of current and previous franchisees and their contact information can be found in this disclosure document.

#### PART 2 REQUIRED INFORMATION ABOUT THE FRANCHISOR

1. The business background of the franchisor, including Business background of franchisor
  - (a) the name of the franchisor;
  - (b) the name under which the franchisor is doing or intends to do business;
  - (c) the franchisor's principal business address and, if the franchisor has an attorney for service in Prince Edward Island, the name and address of that person;
  - (d) the business form of the franchisor, whether corporate, partnership or otherwise;

- (e) if the franchisor is a subsidiary, the name and principal business address of the parent;
- (f) the business experience of the franchisor, including the length of time the franchisor has operated a business of the same type as the franchise being offered, has granted franchises of that type or has granted any other type of franchise;
- (g) if the franchisor has offered a different type of franchise from that being offered, a description of every such type of franchise, including for each type of franchise,
- (i) the length of time the franchisor has offered the franchise to prospective franchisees, and
  - (ii) the number of franchises granted in the five years immediately before the date of the disclosure document.
- 2.** The business background of the directors, the general partners and the officers of the franchisor who will have day to day management responsibilities relating to the franchise, including
- (a) the name and current position of each person;
  - (b) a brief description of the prior relevant business experience of each person;
  - (c) the length of time each person has been engaged in business of the same type as the business of the franchise being offered; and
  - (d) the principal occupation and the employers of each person during the five years immediately before the date of the disclosure document.
- 3.** A statement indicating whether, during the ten years immediately before the date of the disclosure document, the franchisor, the franchisor's associate or a director, general partner or officer of the franchisor has been convicted of fraud, unfair or deceptive business practices or a violation of a law that regulates franchises, or if there is a charge pending against the person involving such a matter, and the details of any such conviction or charge.
- 4.** A statement indicating whether, during the ten years immediately before the date of the disclosure document, the franchisor, the franchisor's associate or a director, general partner or officer of the franchisor has been subject to an administrative order or penalty under a law that regulates franchises or if the person is the subject of any pending administrative actions to be heard under such a law, and the details of any such order, penalty or pending action.
- 5.** A statement indicating whether the franchisor, the franchisor's associate or a director, general partner or officer of the franchisor has been found liable in a civil action of misrepresentation, unfair or deceptive business practices or violating a law that regulates franchises, during the ten years immediately before the date of the disclosure document, including a failure to provide proper disclosure to a franchisee, or if a civil action involving such allegations is pending against the person and the details of any such action or pending action.
- 6.** Details of any bankruptcy or insolvency proceedings, voluntary or otherwise, any part of which took place during the six years immediately before the date of the disclosure document, in which the debtor is
- (a) the franchisor or the franchisor's associate;
  - (b) a corporation whose directors or officers include a current director, officer or general partner of the franchisor, or included such a person at a time when the bankruptcy or insolvency proceeding was taking place;
  - (c) a partnership whose general partners include a current director, officer or general partner of the franchisor, or included such a person at a time when the bankruptcy or insolvency proceeding was taking place; or
  - (d) a director, officer or general partner of the franchisor in his or her personal capacity.

**PART 3**  
**REQUIRED INFORMATION ABOUT THE FRANCHISE**

- 1.** A list of all of the franchisee's costs associated with the establishment of the franchise, including
- (a) the amount of any deposits or initial franchise fees, or the formula for determining the amount, whether the deposits or fees are refundable and if so, under what conditions;
  - (b) an estimate of the costs for inventory, supplies, leasehold improvements, fixtures, furnishings, equipment, signs, vehicles, leases, rentals, prepaid expenses and all other tangible or intangible property and an explanation of any assumptions underlying the estimate; and
  - (c) any other costs associated with the establishment of the franchise not listed in (a) or (b), including any payment to the franchisor or franchisor's associate, whether direct or indirect, required by the franchise agreement, the nature and amount of the payment and when the payment is due.
- 2.** The nature and amount of any recurring or isolated fees or payments, other than those listed in item 1, that the franchisee must pay to the franchisor or franchisor's associate, whether directly or indirectly, or that the franchisor or franchisor's associate imposes or collects in whole or in part on behalf of a third party, whether directly or indirectly, except for payments required to be collected by law on behalf of a municipal, provincial or federal government or governmental agency.
- 3.** A description of the franchisor's policies and practices, if any, regarding guarantees and security interests required of franchisees.
- 4.** If an estimate of annual operating costs for the franchise or of operating costs for the franchise for another regular period is provided directly or indirectly, a statement specifying,
- (a) the assumptions and bases underlying the estimate;
  - (b) that the assumptions and bases underlying the estimate are reasonable; and

- (c) where information that substantiates the estimate is available for inspection.
- 5.** If an earnings projection for the franchise is provided directly or indirectly, a statement specifying
- (a) the assumptions and bases underlying the projection, its preparation and presentation;
  - (b) that the assumptions and bases underlying the projection, its preparation and presentation are reasonable;
  - (c) the period covered by the projection;
  - (d) whether the projection is based on actual results of existing franchises or of existing businesses of the franchisor, franchisor's associates or affiliates of the franchisor of the same type as the franchise being offered and, if so, the locations, areas, territories or markets of such franchises and businesses;
  - (e) if the projection is based on a business operated by the franchisor, franchisor's associate or affiliate of the franchisor, that the information may differ in respect of a franchise operated by a franchisee; and
  - (f) where information that substantiates the projection is available for inspection.
- 6.** The terms and conditions of any financing arrangements that the franchisor or franchisor's associate offers, directly or indirectly, to the franchisee.
- 7.** A description of any training or other assistance offered to the franchisee by the franchisor or franchisor's associate, including where the training or other assistance will take place, whether the training or other assistance is mandatory or optional and, if it is mandatory, a statement specifying who bears the costs of the training or other assistance.
- 8.** If the franchisee is required to contribute to an advertising, marketing, promotion or similar fund, a description of the fund, and the amount or the basis of calculating the amount of the franchisee's required contribution.
- 9.** A description of any restrictions or requirements imposed by the franchise agreement with respect to
- (a) obligations to purchase or lease from the franchisor or franchisor's associate or from suppliers approved by the franchisor or franchisor's associate;
  - (b) the goods and services the franchisee may sell; and
  - (c) to whom or by what means the franchisee may sell goods or services.
- 10.** A description of the franchisor's policies and practices, if any, regarding rebates, commissions, payment or other benefits, including
- (a) the receipt, if any, by the franchisor or franchisor's associate of a rebate, commission, payment or other benefit as a result of purchases of goods and services by franchisees; and
  - (b) whether rebates, commissions, payments or other benefits are shared with franchisees either directly or indirectly.
- 11.** A description of the franchisor's policies and practices, if any, regarding the granting of exclusive territory and, if the franchise agreement grants the franchisee rights to exclusive territory, a description of the franchisor's policy, if any, as to whether the continuation of the franchisee's rights to exclusive territory depends on the franchisee achieving a specific level of sales, market penetration, or other condition, and under what circumstances these rights might be altered.
- 12.** A description of the franchisor's policies and practices, if any, on the proximity between an existing franchise and
- (a) another franchise of the franchisor or franchisor's associate of the same type as the existing franchise;
  - (b) any distributor or licensee using the franchisor's trade-mark, trade name, logo or advertising or other commercial symbol;
  - (c) a business operated by the franchisor, franchisor's associate or affiliate of the franchisor that distributes similar goods or services to those distributed by the existing franchise under a different trade-mark, trade name, logo or advertising or other commercial symbol; or
  - (d) a franchise of the franchisor, franchisor's associate or affiliate of the franchisor that distributes similar goods or services to those distributed by the existing franchise under a different trade-mark, trade name, logo or advertising or other commercial symbol.
- 13.** A description of the rights the franchisor or the franchisor's associate has to the trade-mark, trade name, logo or advertising or other commercial symbol associated with the franchise.
- 14.** A description of the extent to which the franchisee is required to participate personally and directly in the operation of the franchise or, if the franchisee is a corporation, partnership or other entity, the extent to which the principals of the corporation, partnership or other entity are so required.
- 15.** A concise summary of all the provisions in the franchise agreement that deal with the termination of the agreement, the renewal of the agreement and the transfer of the franchise and a list of where these provisions are found in the agreement.
- 16.** A description of any restrictions or requirements imposed by the franchise agreement with respect to arbitration, mediation or other alternative dispute resolution process, including any requirements relating to the location or venue of such a process.

**1.** (1) A list of all franchisees of the franchisor, franchisor's associates, or affiliates of the franchisor, that currently operate franchises of the same type as the franchise being offered in Prince Edward Island, New Brunswick and Nova Scotia, including the name, business address and telephone number of the franchisee and the business address and telephone number of the franchise.

List of current franchisees

(2) If there are fewer than 20 franchisees in Prince Edward Island, New Brunswick and Nova Scotia, the list shall also include information on franchisees that operate franchises that are geographically closest to Prince Edward Island until information on 20 or all franchisees is provided.

**2.** A list of all franchisees of the franchisor, franchisor's associates or affiliates of the franchisor that operated a franchise in Prince Edward Island, New Brunswick or Nova Scotia of the same type as the franchise being offered that has been terminated, cancelled, not renewed or reacquired by the franchisor or otherwise left the system within the last fiscal year immediately preceding the date of the disclosure document, including the name, last known address and telephone number of each franchisee.

List of former franchisees

## SCHEDULE II

### FORM 1

#### CERTIFICATE OF FRANCHISOR

This Disclosure Document

- (a) contains no untrue information, representation or statement, whether of a material fact or otherwise;
- (b) contains every material fact, financial statement, statement and other information that is required to be contained by the Act and the regulations made under it;
- (c) does not omit a material fact that is required to be contained by the Act and the regulations made under it; and
- (d) does not omit a material fact that needs to be contained in order for this Disclosure Document not to be misleading.

*A Certificate of Franchisor shall be signed and dated as required by section 4 of the Franchises Act Regulations.*

### FORM 2

#### CERTIFICATE OF FRANCHISOR

This Statement of Material Change,

- (a) contains no untrue information, representation or statement, whether of a material change or otherwise;
- (b) contains every material change that is required to be contained by the Act and the regulations made under it;
- (c) does not omit a material change that is required to be contained by the Act and the regulations made under it; and
- (d) does not omit a material change that needs to be contained in order for this Statement of Material Change not to be misleading.

*A Certificate of Franchisor shall be signed and dated as required by section 4 of the Franchises Act Regulations.*

## EXPLANATORY NOTES

**SECTION 1** is the definitions and interpretation provision.

**SECTION 2** provides for additional methods of delivery.

**SECTION 3** provides for the required contents of a disclosure document that a franchisor must provide to a prospective franchisee.

**SECTION 4** sets the required form and contents of certificates of the franchisor.

**SECTION 5** establishes the requirements for the financial statements that franchisors must provide to franchisees.

**SECTION 6** grants a blanket exemption from the requirement to include financial statements in a disclosure document for large, experienced franchisors.

**SECTION 7** establishes the maximum amount of the total annual investment that a prospective franchisee may be asked to make if the franchisor wishes to be exempt from the disclosure document requirements established by the Act.

**SECTION 8** sets the fee for an application for a ministerial exemption from the financial statements requirement.

**SECTION 9** provides for the commencement of these regulations.

**EC2006-233**

HOUSING CORPORATION ACT  
O'LEARY HOUSING AUTHORITY  
APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Robert Lewis O'Leary (vice Karol Bernard, term expired)	25 April 2006 to 21 June 2008

**EC2006-234**

HOUSING CORPORATION ACT  
SUMMERSIDE HOUSING AUTHORITY  
APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Kendall Godkin Summerside (vice Greg Noonan, term expired)	25 April 2006 to 21 June 2008

**EC2006-235**

HOUSING CORPORATION ACT  
TIGNISH HOUSING AUTHORITY  
APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Winston Keough	25 April 2006
Christopher Cross	to
(vice Nelson Shea, term expired)	21 June 2008

**EC2006-236**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
PER-MAGNUS ANDERSSON AND ALYCIA ANDERSSON  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Per-Magnus Andersson and Alycia Andersson, both of Dallas, Texas to acquire a land holding of approximately four decimal one (4.1) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from the Estate of Andrew MacKenzie of Brudenell, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-237**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
KENNETH DEAN BURSEY AND LISA DIANNE BURSEY  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Kenneth Dean Bursey and Lisa Dianne Bursey, both of Edmonton, Alberta to acquire an interest in a land holding of approximately thirty (30) acres of land in Lot 64, Kings County, Province of Prince Edward Island, being acquired from Friend Herring and Milton MacKay, both of Charlottetown, Prince Edward Island.



**EC2006-238**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
STEVEN H. CARDIN  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Steven H. Cardin of Breckenridge, Colorado to acquire a land holding of approximately three decimal nine three (3.93) acres of land in Lot 29, Queens County, Province of Prince Edward Island, being acquired from Andrew W. Harvey of Crapaud, Prince Edward Island.

**EC2006-239**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
PLACIDO A. CORPORA  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Placido A. Corpora of Bethlehem, Pennsylvania to acquire an interest in a land holding of approximately two decimal nine (2.9) acres of land in Lot 56, Kings County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Charlottetown, Prince Edward Island.

**EC2006-240**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
DANIEL ROGERS GRACE AND LORRAINE CURLEY GRACE  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Daniel Rogers Grace and Lorraine Curley Grace, both of Mission Viejo, California to acquire a land holding of approximately thirty-seven (37) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Patty Lojko of Blewster, Massachusetts.

Further, Council noted that the said land holding, being Provincial Property No. 267260, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2006-241**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
SUSAN HOLT AND DARREN HOLT  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Susan Holt and Darren Holt, both of Maple Ridge, British Columbia to acquire an interest in a land holding of approximately thirty-three (33) acres of land in Lot 44, Kings County, Province of Prince Edward Island, being acquired from Carl Murphy and Dianne Murphy, both of Rollo Bay, Prince Edward Island.

**EC2006-242**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WILLIAM "JACK" WALLIS AND PATRICIA ELLISON  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to William "Jack" Wallis and Patricia Ellison, both of Innisfil, Ontario to acquire a land holding of approximately twelve decimal five (12.5) acres of land in Lot 61, Kings County, Province of Prince Edward Island, being acquired from Joan (Laidlaw) MacNeill of Stratford, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-243**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
100755 P.E.I. INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 100755 P.E.I. Inc. of East Rollo Bay, Prince Edward Island to acquire an interest in a land holding of approximately thirty-three (33) acres of land in Lot 44, Kings County, Province of Prince Edward Island, being acquired from Carl Murphy and Dianne Murphy, both of Rollo Bay, Prince Edward Island.

**EC2006-244**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
OCEAN ACRES CORPORATION  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ocean Acres Corporation of Edmonton, Alberta to acquire a land holding of approximately thirty (30) acres of land in Lot 64, Kings County, Province of Prince Edward Island, being acquired from Friend Herring and Milton MacKay, both of Charlottetown, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Ocean Acres Corporation and on all successors in title.

**EC2006-245**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LAURETTA'S COMMUNITY PASTURES LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Laurretta's Community Pastures Ltd. of Bloomfield, Prince Edward Island to acquire a land holding of approximately forty-seven decimal two eight (47.28) acres of land in Lot 3, Prince County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, SUBJECT TO THE FOLLOWING CONDITIONS:

1. that the said Laurretta's Community Pastures Ltd.
  - (a) enters into Management Agreements with the Departments of Agriculture, Fisheries and Aquaculture and Environment, Energy and Forestry
    - (i) including an acceptable Environmental Farm Plan and an acceptable Forestry Management Plan;
    - (ii) acknowledging an understanding of, and intention to comply with, all relevant provisions of the *Environmental Protection Act* and the *Farm Practices Act*, and to adopt practices developed or recommended by the Farm Practices Review Board;
    - (iii) clearly identifying, and acknowledging acceptance of, the responsibilities and liability of ownership (including the acquisition of liability insurance and the payment of all property taxes);
    - (iv) granting authorization for the designation under the Significant Environmental Areas Program and the *Natural Areas Protection Act* of any woodland or wetland considered to be environmentally sensitive;
    - (v) limiting wood harvesting to minimal, selective cutting authorized by the Board of Laurretta's Community Pastures Ltd. for specific uses related to the enhancement of the property, i.e. provision of fencing materials, sale of timber to generate revenue to be reinvested in the land;
    - (vi) permitting short term sub-leasing of portions of the community pasture for the purpose of regenerating or enhancing the quality of the land;
    - (vii) quarantining with respect to potato cultivation, any property infested by nematodes;

(viii) granting public access for angling and hunting where such access has been granted in the past by tradition or practice or as a condition of Lauretta's Community Pastures Ltd. use arrangement with government;

(ix) granting access to officials of the Departments of Agriculture, Fisheries and Aquaculture and Environment, Energy and Forestry who shall be designated to inspect the land and monitor its use and care; and

(x) acknowledging that the land shall revert to government ownership if any of the terms of the agreement are violated or neglected, if the spirit of the agreement is not honoured or if Lauretta's Community Pastures Ltd. ceases to exist or fails to operate in a manner consistent with its objectives.

(b) submit Annual Reports, including work plans and financial reports, to the Department of Agriculture, Fisheries and Aquaculture (Agriculture Division).

2. that the Deed of Conveyance grants government the first option to purchase the lands conveyed (or portions thereof) for \$1.00 should Lauretta's Community Pastures Ltd. wish to dispose of the land.

Further, Council noted that the said land holding shall, at the time of acquisition, be identified for non-development use pursuant to section 21 of the said Act.

**EC2006-246**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
THE INN AT SPRY POINT INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to The Inn at Spry Point Inc. of Little Pond, Prince Edward Island to acquire a land holding of approximately two decimal nine (2.9) acres of land in Lot 56, Kings County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is consolidated with the adjacent Provincial Property No. 153122.

**EC2006-247**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CKF ENTERPRISES INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to CKF Enterprises Inc. of Tracadie Cross, Prince Edward Island to acquire a land holding of approximately seventy decimal four seven (70.47) acres of land in Lots 35 and 36, Queens County, Province of Prince Edward Island, being acquired from L and A Holdings Ltd. of Tracadie Cross, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-248**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
B.E.F. INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to B.E.F. Inc. of Ten Mile House, Prince Edward Island to acquire a land holding of approximately seventy-five decimal three six (75.36) acres of land in Lots 35 and 36, Queens County, Province of Prince Edward Island, being acquired from L and A Holdings Ltd. of Tracadie Cross, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-249**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
TMTR ENTERPRISES INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to TMTR Enterprises Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately seventy-five decimal five (75.5) acres of land in Lot 35, Queens County, Province of Prince Edward Island, being acquired from L and A Holdings Ltd. of Tracadie Cross, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2006-250**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ROLLO BAY GREENS INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Rollo Bay Greens Inc. of Rollo Bay West, Prince Edward Island to acquire a land holding of approximately thirty-three (33) acres of land in Lot 44, Kings County, Province of Prince Edward Island, being acquired from Carl Murphy and Dianne Murphy, both of Rollo Bay, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 582445, was previously identified for non-development use, and the land identification agreement was subsequently altered pursuant to the said *Prince Edward Island Lands Protection Act* to permit development of a golf course on the parcel. Identification, as amended, continues to apply.