



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PRINCE EDWARD ISLAND LANDS PROTECTION ACT EXEMPTION REGULATIONS**

## PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* 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

### Chapter L-5

## EXEMPTION REGULATIONS

Pursuant to section 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

### 1. Definition

In these regulations, “**Act**” means the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5. (EC368/88; 744/14)

### 1.01 Exemption

Persons who acquire a land holding by gift, devise or inheritance from a spouse, sibling or direct descendant or ancestor are exempt from the application of section 4 and subsection 5(2) of the Act. (EC744/14; 190/22)

### 1.02 Exclusions from aggregate land holding calculation

For the purpose of calculating the aggregate land holding under section 2 or 10 of the Act, the following land shall be excluded from the aggregate land holding of any person or corporation:

- (a) an easement providing access for a public utility, including an easement for the provision of water services, storm water or sanitary sewer services, communications services or electrical power services;
- (b) a right of way that provides a non-possessionary right to access another parcel of land, right of way, shoreline or adjacent development;
- (c) a dedicated common area as described in an approved plan of subdivision. (EC744/14; 190/22)

### 1.1 Definitions

(1) For the purposes of this section,

- (a) “**approved cooperative venture**” means a cooperative venture that is approved by the Lieutenant Governor in Council under subsection (6);
- (b) “**arms length**” means the relationship of persons who
  - (i) do not hold shares in more than one corporate shareholder of the cooperative venture, or

- (ii) are financially and operationally independent from each other except for the purposes of the cooperative venture;
- (c) “**cooperative venture**” means a corporation having two or more shareholders that is incorporated solely for the purpose of operating a facility or infrastructure in the primary resource sector, for the benefit of its shareholders;
- (d) “**material change**” means a change in the corporate structure or shareholders of a cooperative venture that affects any ownership interest that is greater than 5 percent.

**Exempt class of corporations**

- (2) An approved cooperative venture is exempt from clause 2(b) and section 5 of the Act.

**Shareholders exempt**

- (2.1) The shareholders of an approved cooperative venture are exempt from sections 4 and 5 of the Act in respect of the land holdings identified in the approval issued under subsection (6).

**Application**

- (3) A corporation may apply to the Lieutenant Governor in Council for approval as a cooperative venture by filing an application in the form approved by the Commission.

**Commission reviews applications**

- (4) The Commission shall
  - (a) review all applications made under subsection (3);
  - (b) obtain information pertinent to the application; and
  - (c) make recommendations to the Lieutenant Governor in Council on the disposition of the application.

**Further information**

- (5) An applicant shall provide such further information as may be required by the Commission or the Lieutenant Governor in Council upon a review of any application under this section.

**Approval**

- (6) The Lieutenant Governor in Council may issue an approval to an applicant if the Lieutenant Governor in Council is satisfied that
  - (a) the applicant is a cooperative venture;
  - (b) the land holding held by the applicant is not, or will not be, greater than that necessary to provide a site for the facility and necessary infrastructure to operate the facility;
  - (c) the shareholders of the applicant are independent and at arms length from each other and have a common interest in owning and operating the facility or infrastructure;
  - (d) the application is not made solely for the purpose of raising capital or procuring investments for the applicant; and
  - (e) the applicant will comply with the conditions set out in subsection (7).

**Conditions**

- (7) An approval under subsection (6) shall be subject to the following conditions:
  - (a) the cooperative venture shall not change the use of the facility or the land specified in the approval after the approval is issued;
  - (b) the cooperative venture shall not subdivide the land specified in the approval;



- (c) subject to subsection (10), no material changes shall be made in the shareholdings of the cooperative venture after the issuance of the approval;
- (d) such other conditions as the Lieutenant Governor in Council may impose.

**Approval to specify nature of venture and lands**

- (8) The Lieutenant Governor in Council shall specify in an approval issued under subsection (6), the nature of the cooperative venture and the lands to which the approval applies.

**Amendment of approval**

- (9) At least 30 days before any proposed material change in the shareholdings of an approved cooperative venture, an approved cooperative venture shall apply to the Lieutenant Governor in Council for an amendment of the approval granted under subsection (6) by filing an application with the Commission in the form approved by the Commission.

**Amendment of approval**

- (10) The Lieutenant Governor in Council may amend the approval of an approved cooperative venture, if the Lieutenant Governor in Council is satisfied that the approved cooperative venture will continue to meet the provisions of subsections (6) and (7), and such other conditions as the Lieutenant Governor in Council may require.

**Approval may be rescinded**

- (11) If the Lieutenant Governor in Council determines that an approved cooperative venture has contravened any of the conditions imposed on the approval under subsection (7), the Lieutenant Governor in Council may rescind the approval by notice to the cooperative venture and to the Commission. (EC437/05; 291/06; 466/06)

**1.2 Definitions**

- (1) For the purposes of this section,
  - (a) “**municipal and municipal utility class of corporation**” means a class of corporation the members of which include
    - (i) a municipality, and
    - (ii) a municipal utility;
  - (b) “**municipality**” means a municipality as defined in clause 1(v) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1;
  - (c) “**municipal services**” means services provided by a municipality, including the provision of
    - (i) parklands,
    - (ii) rights-of-way, and
    - (iii) municipal utility systems,but not including services respecting commercial developments such as industrial parks;
  - (d) “**municipal utility**” means a utility owned by a municipality for the operation, management and control of any plant or equipment
    - (i) for the production, transmission, distribution or furnishing of electrical energy, or
    - (ii) for the provision of water or sewerage or water and sewerage service, either directly or indirectly, to or for the public.

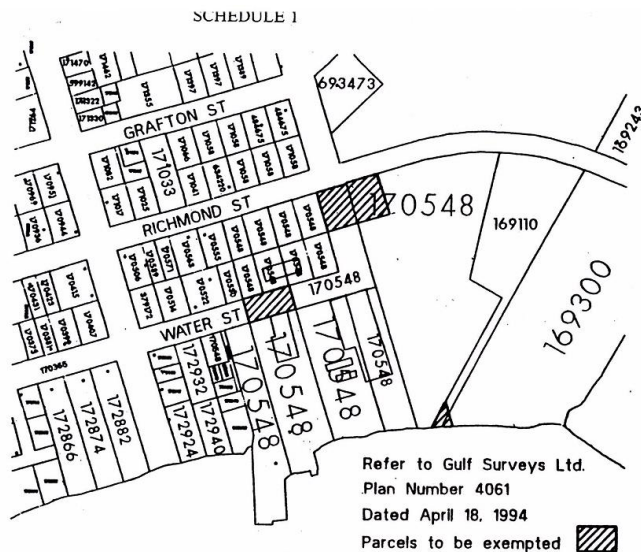
Members of the municipal and municipal utility class of corporation are exempt from section 5 of the Act,

- ### Shareholders exempt, when

- ## 2. Acquisitions by East Isle Shipyard Limited

- are exempt from the application of the Act.

(2) The acquisition by East Isle Shipyard Limited by Deed of Conveyance of four land holdings in the Town of Georgetown as illustrated in Schedule 1 is exempt from the application of the Act.



**Condition**

- (3) Subsections (1) and (2) will cease to have effect if the property is used for any purpose other than
- (a) the purposes referred to in clauses 7(a), (b) and (c) of the *Georgetown Shipyard Act* R.S.P.E.I. 1988, Cap. G-4; or
  - (b) another purpose approved by the Minister of Finance, Energy and Municipal Affairs. (EC566/91; 639/93; 221/94; 230/94; 744/14)

**3. Conveyance to Irving Pulp and Paper Limited**

The property identified by provincial parcel identification number 75325 comprising approximately forty-two (42) acres of land located at Clermont in Prince County, to be acquired by Irving Pulp and Paper Limited by Deed of Conveyance, and to be used

- (a) as part of or in conjunction with an environmental waste treatment facility;
- (b) as part of or in conjunction with a potato processing facility; or
- (c) for any other purpose approved by the Lieutenant Governor in Council,

is exempt from the application of the Act. (EC266/92)

**4. Interests acquired**

The acquisition by the Community Hospital O'Leary of approximately four decimal eight three (4.83) hectares of land in O'Leary, Prince Edward Island is exempt from the application of section 5 of the Act, provided that the said land is used as the site of the new Community Hospital. (EC294/92)

**5. Strait Crossing**

- (1) The following interests to be acquired by Strait Crossing Development Inc., a body corporate duly incorporated under the laws of the Province of Ontario and duly licensed to do business in the Province of Prince Edward Island, are exempt from the application of the Act:
- (a) Interests to be acquired by Deed of Conveyance from John L. Read
    - (i) parcel no. 380451, located at Borden, Lot 28, Prince County and containing approximately 86.12 acres (34.87 hectares),
    - (ii) parcel no. 380469, located at Borden, Lot 28, Prince County and containing approximately 40 acres (16.19 hectares),
    - (iii) parcel no. 380436, located at Borden, Lot 28, Prince County and containing approximately 6.00 acres (2.43 hectares),
    - (iv) parcel no. 380444, located at Borden, Lot 28, Prince County and containing approximately 10.70 acres (4.33 hectares),being in total approximately 142.82 acres (57.82 hectares);
  - (b) Interests to be acquired by Lease from Her Majesty the Queen in Right of Canada, as represented by the Minister of Supply and Services and of Public Works, for a lease period extending up to and including October 31, 2032, the following parcels appearing on a Plan of Survey prepared by the Department of Supply and Services and of Public Works of Canada, Real Estate Division, Halifax, N.S., being designated as:
    - (i) Plan No. S-1875-W entitled "Plan of Survey Showing Parcels A,B,C,D, 92-A-1, and 92-A-2, Lands of Her Majesty the Queen in Right of Canada and Parcels E and F, Land and Land Covered by Water Required by Her Majesty

- the Queen in Right of Canada at Borden, Lot 28, Prince County, Prince Edward Island”, dated January 20, 1987, revised to July 30, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2937,
- (A) parcel no. 92-A-1 containing approximately 8.69 acres (3.52 hectares),
  - (B) parcel no. 92-A-2 containing approximately .76 acres (.30 hectares), and
  - (C) parcel “D” containing approximately 51.02 acres (20.65 hectares),
- being a total of approximately 60.47 acres (24.47 hectares),
- (ii) Plan No. S-2801-C entitled, “Plan of Survey Showing Parcels 92-6, 92-6A, 92-6B, 92-6C, 92-7, 92-6D, 92-8, 92-8A, 86-16, 86-17 and 86-18, Lands of Her Majesty the Queen in Right of Canada, NORTHUMBERLAND STRAIT CROSSING, Lots 27 and 28, Prince County, Prince Edward Island”, dated October 19, 1992, revised to July 30, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2940,
    - (A) parcel 92-8 containing approximately 18.76 acres (7.60 hectares),
    - (B) parcel 92-6 containing approximately 95.08 acres (38.49 hectares),
 being a total of approximately 113.84 acres (46.09 hectares),
  - (iii) Plan No. S-3151 entitled “Plan Showing Proposed Fixed Crossing, New Brunswick - Prince Edward Island”, dated July 30, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2941,
    - (A) parcel B containing approximately 548.35 acres (221.915 hectares),
 being a total of approximately 548.35 acres (221.915 hectares);
- (c) Interests to be acquired by License from Her Majesty the Queen in Right of Canada, as represented by the Minister of Supply and Services and of Public Works for a license period extending up to and including May 31, 2001, the following parcels appearing on a Plan of Survey prepared by the Department of Supply and Services and of Public Works of Canada, Real Estate Division, Halifax, N.S., being designated as:
- (i) Plan No. S-2801-A entitled “Plan of Survey Showing Parcels 92-1, 92-2A, 92-2B, 92-3, 92-4, 92-5A and 92-5B, Lands of Her Majesty the Queen in Right of the Province of Prince Edward Island and Parcel 92-5, Lands of Her Majesty the Queen in Right of Canada, NORTHUMBERLAND STRAIT CROSSING, Lot 27, Prince County, Prince Edward Island”, dated October 19, 1992, revised to July 30, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2938,
    - (A) parcel 92-2A containing approximately 9.86 acres (3.99 hectares),
    - (B) parcel 92-5B containing approximately 5.41 acres (2.19 hectares),
    - (C) parcel 92-5A containing approximately 28.02 acres (11.34 hectares),
    - (D) parcel 92-2B containing approximately 2.99 acres (1.21 hectares),
    - (E) parcel 92-3 containing approximately 5.66 acres (2.29 hectares), and
    - (F) parcel 92-1 containing approximately 8.57 acres (3.47 hectares),
 being a total of approximately 60.51 acres (24.49 hectares),
  - (ii) Plan No. S-2801-A, aforesaid, Plan No. S-2801-C, aforesaid, and Plan No. S-2801-B, entitled “Plan of Survey Showing Parcels 92-5, 92-6 and 92-6C, Lands of Her Majesty the Queen in Right of Canada, NORTHUMBERLAND STRAIT CROSSING, Lots 27 and 28, Prince





County, Prince Edward Island”, dated October 19, 1992, revised to July 30, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2939,

- (A) parcel no. 92-5 containing approximately 304.10 acres (123.07 hectares),

being a total of approximately 304.10 acres (123.07 hectares),

- (iii) Plan No. A1-01-9-AR-001, entitled “PEI Approach Roadways Functional Design and Property Requirements, Issue: Closing Project Design” dated June 14, 1993, and filed in the Prince County Registry Office on September 17, 1993, as Plan #2942,

- (A) parcel containing approximately 16.53 acres (6.69 hectares) of land located adjacent to the northeast boundary of the proposed Seven Mile Bay Road interchange,
- (B) parcel containing approximately .67 acres (.27 hectares) of land located adjacent to the northwest boundary of the proposed Seven Mile Bay Road interchange,
- (C) parcel containing approximately 9.32 acres (3.77 hectares) of land located adjacent to the southwest boundary of the proposed Seven Mile Bay Road interchange,
- (D) parcel containing approximately 7.31 acres (2.96 hectares) of land located adjacent to the southerly boundary of the Albany Road interchange,

being a total of approximately 33.83 acres (13.69 hectares),

all of which land referred to in this subsection totals approximately 1264 acres (512 hectares).

#### **Condition**

- (2) Subsection (1) will cease to have effect if the property is used for any purpose other than
  - (a) as part of, or in conjunction with, the construction and operation of the Fixed Link and ancillary and related facilities; or
  - (b) another purpose approved by the Minister of Finance, Energy and Municipal Affairs.  
(EC474/93; 744/14)

#### **6. Exemption**

The following interest to be acquired by Strait Crossing Development Inc., a body corporate duly incorporated under the laws of the Province of Ontario and duly licensed to do business in the Province of Prince Edward Island, is exempt from the application of the Act.

An interest to be acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Crown lands and lands covered by water at Carleton Siding, Lot 28 in Prince County being in total approximately 7.3 hectares being more particularly described as follows:

ALL THAT PARCEL OF LAND COVERED BY WATER situate, lying and being at Carleton Siding, lot or township no. 28, in Prince County, Province of Prince Edward Island, bounded and described as follows that is to say:

COMMENCING at a calculated point set along the ordinary high water mark, as shown on a survey plan entitled; “Plan of Survey Showing Waterlot “A-94” Being a Portion of Lands and Water Above Lands of the Northumberland Strait” as prepared by Locus Surveys Ltd. and

Certified by K.C. Brown P.E.I. L.S. on June 21, 1994 as drawing no. 93504A, said point being designated by calculated point no. 1163, and having coordinates Easting 447118.7701 metres and Northing 5121451.4823 metres;

THENCE in a southeasterly direction along the ordinary high water mark, as shown on the above mentioned plan for the distance of 160.5 metres a little more or less to calculated point no. 1160, having coordinates Easting 447197.7563 metres and Northing 5121311.6936 metres;

THENCE on an azimuth of 235 44' 34" for a distance of 450.000 metres to calculated point no. 1161, having coordinates Easting 446825.8234 metres and Northing 5121058.3838 metres;

THENCE on an azimuth of 325 44' 34" for a distance of 160.000 metres to calculated point no. 1162, having coordinates Easting 446735.7577 metres and Northing 5121190.6266 metres;

THENCE on an azimuth of 55 44' 34" for a distance of 463.405 metres to the point at the place of commencement.

Containing an area of 7.30 hectares (18.04 acres) a little more or less of land and land covered by water and being Parcel "A-94" on the above mentioned plan.

All azimuths are north grid azimuths, all grid azimuths and coordinates are referenced to the North American Datum - 83 utilizing Universal Transverse Mercator Projection. All coordinates are expressed in metres. (EC372/95)

## **7. *Idem***

The following interest to be acquired by Strait Crossing Development Inc., a body corporate, duly incorporated under the laws of the Province of Ontario and duly licensed to do business in the Province of Prince Edward Island, is exempt from the application of the Act:

An interest to be acquired by lease from the Unit Two School Board of land in the Town of Borden, Lot 28, Prince County, Prince Edward Island being in total approximately 0.59 hectares (1.46 acres) being more particularly described as follows:

COMMENCING at a point located in the northeast corner of the Old Borden School property as shown on plan of survey entitled "Old Borden School" as prepared by Carl G. MacDonald, P.E.I.L.S. in September 1992 as drawing no. 2105, said point being designated by calculated station no. 8 on said plan and having coordinates east 246545.424, north 189288.282;

THENCE on an azimuth of 165 01'22" for a distance of 39.624 metres to calculated station no. 9 on said plan having coordinates east 246555.664, north 189250.004;

THENCE on an azimuth of 255 03'19" for a distance of 62.179 metres to calculated station no. 13 on said plan having coordinates east 246495.588, north 189233.968;

THENCE on an azimuth of 345 01'22" for a distance of 1.463 metres to calculated station no. 14 on said plan having coordinates east 246495.210, north 189235.382;

THENCE on an azimuth of 255 03'19" for a distance of 90.250 metres to calculated station no. 6 on said plan having coordinates east 246408.013, north 189212.107;

THENCE on an azimuth of 345 15'59" for a distance of 38.161 metres to calculated station no. 5 on said plan having coordinates east 246398.308, north 189249.014;

THENCE on an azimuth of 75 03'19" for a distance of 152.266 metres to point at place of commencement.



BEING AND INTENDED to be Parcel "A" on the aforementioned plan and having an area of 0.59 hectares (1.46 acres) of land. (EC123/94)

**8. *Idem***

- (1) The following interests to be acquired by Central Kings Development Corporation, A Division of Irving Pulp and Paper Ltd. Cavendish Farms - Les Fermes Cavendish, and Malpeque - Westisle Fertilizers Limited are exempt from the application of the Act:

**Central Kings Development Corporation**

- (a) an interest to be acquired through purchase by Central Kings Development Corporation of approximately 98 acres of land in Lot 52, Kings County, Prince Edward Island;

**Cavendish Farms**

- (b) an interest to be acquired through lease by A Division of Irving Pulp and Paper Ltd. Cavendish Farms - Les Fermes Cavendish of approximately 98 acres of land in Lot 52, Kings County, Prince Edward Island; and

**Malpeque-Westisle Fertilizers Limited**

- (b.1) an interest to be acquired through mortgage by Malpeque- Westisle Fertilizers Limited of approximately 98 acres of land in Lot 52, Kings County, Prince Edward Island;

**Malpeque-Westisle Fertilizers**

- (c) an interest to be acquired through purchase by Malpeque- Westisle Fertilizers Limited of approximately 98 acres of land in Lot 52, Kings County, Prince Edward Island;

**Malpeque-Westisle Fertilizers**

- (d) an interest to be acquired by Malpeque-Westisle Fertilizers Limited in approximately 98 acres of land in Lot 52, Kings County, Prince Edward Island by way of assignment of leasehold interest from Cavendish Farms - Les Fermes Cavendish, a division of Irving Pulp and Paper Ltd.

**Description**

- (2) The said lands are described as follows:

PARCEL #1

PROPERTY NO. 551317

ALL THAT tract or parcel of land situate, lying and being in Lot or Township No. 52, in the County of Kings, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point situate on the Northwestern boundary line of a road leading to St. Peter's known as the Seven Mile Road said point being delineated by legal survey marker No. 626, as the same is shown on a plan of survey prepared by Locus Surveys Limited entitled "Plan of Surveys Showing Lands of Neil S. MacDonald" as Drawing No. 94192-2 dated May 9, 1994, said legal survey marker No. 626 having coordinates Easting 588782.259 and Northing 323234.532;

THENCE on an azimuth 341 17' 52" for a distance of 3,050 feet to a point delineated by legal survey marker No. 627, said legal survey marker No. 627 having coordinates Easting 587804.280 and Northing 326123.487;

THENCE on an azimuth 71 17' 52" for a distance of 538.18 feet to a point delineated by legal survey marker No. 629 on the said plan;

THENCE on an azimuth 161 40' 46" for a distance of 1,226.96 feet to a point delineated by a calculated point No. 630 on the said plan;

THENCE on an azimuth 161 20' 12" for a distance of 796.70 feet to a point delineated by a calculated point No. 631 on the said plan;

THENCE on an azimuth 161 32' 04" for a distance of 482.76 feet to a point delineated by a calculated point No. 632 on the said plan;

THENCE in a Southwesterly direction on the Northwestern boundary line of the said Seven Mile Road following the curvature of the road having a radius of 2,867.74 feet for an arc distance of 275.03 feet to a point delineated by a calculated point No. 607 on the said plan;

THENCE on an azimuth 294 59' 24" for a distance of 149.99 feet to a point delineated by legal survey marker No. 608 on the said plan;

THENCE on an azimuth 204 59' 24" for a distance of 100.22 feet to a point delineated by legal survey marker No. 609 on the said plan;

THENCE on an azimuth 114 59' 24" for a distance of 150 feet to a point delineated by legal survey marker No. 606 as shown on said plan;

THENCE on an azimuth 204 20' 46" for a distance of 380.65 feet to a point delineated by legal survey marker No. 626 as shown on said plan;

THE ABOVE DESCRIBED parcel of land containing 34.18 acres of land, a little more or less.

SUBJECT to a 40' wide right-of-way along the Eastern boundary of the above-described parcel of land.

PARCEL #2

PROPERTY NO. 429803

ALSO ALL THAT other parcel of land situate, lying and being in Lot or Township No. 52, in Kings County, in the Province of Prince Edward Island, bounded and described as follows:

COMMENCING on the Northwestern boundary line of a road commonly known as the Seven Mile Road, said point being delineated by legal survey marker No. 601, as the same is shown on a Plan of Survey prepared by Locus Surveys Limited entitled "Plan of Survey Showing Lands of Neil S. MacDonald" being Drawing No. 94192 dated May 2, 1994, said legal survey marker No. 601 having coordinates Easting 588539.410 and Northing 322697.830;

THENCE on an azimuth 341 22' 02" for a distance of 415.40 feet to a point delineated by legal survey marker No. 597 on the said plan;

THENCE on an azimuth 253 30' 38" for a distance of 183.39 feet to a point delineated by calculated point No. 618 on the said plan;

THENCE on an azimuth 249 54' 51" for a distance of 205.68 feet to a point delineated by legal survey marker No. 619 on the said plan;



THENCE on an azimuth 341 03' 12" for a distance of 384.41 feet to a point delineated by calculated point No. 620 on the said plan;

THENCE on an azimuth 341 43' 19" for a distance of 819.04 feet to a point delineated by calculated point No. 621 on the said plan;

THENCE on an azimuth 341 05' 11" for a distance of 718.84 feet to a point delineated by calculated point No. 622 on the said plan;

THENCE on an azimuth 341 32' 14" for a distance of 1,140.72 feet to a point delineated by legal survey marker No. 628 on the said plan;

THENCE on an azimuth 71 17' 52" for a distance of 783.96 feet to a point delineated by legal survey marker No. 627 on the said plan;

THENCE on an azimuth 161 17' 52" for a distance of 3,050 feet to a point delineated by legal survey marker No. 626 on the said plan;

THENCE on an azimuth 204 20' 46" for a distance of 589.09 feet to a point delineated by legal survey marker No. 601 on the said plan; and being the point at the place of commencement.

THE ABOVE DESCRIBED parcel of land containing 57.25 acres of land, a little more or less.

**PARCEL #3**

**PROPERTY NO. 749929**

ALSO ALL THAT other parcel of land situate, lying and being on Lot or Township No. 52, in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a survey marker set on the Western boundary of P.E.I. Highway No. 4 leading from Pooles Corner to Cardigan, said survey marker being designated as No. 12 on a plan of survey of lands to be conveyed to Nancy Nabuurs & Ron MacKinnon as prepared by Norman F. Stewart, dated July 27, 1988, and bearing Drawing No. 88-57. Said survey marker No. 12 having the Co-ordinates E. 588939.18 and N. 323581.33;

THENCE Northwestwardly on an azimuth of 294 59' 24" for the distance of 150 feet to a survey marker designated as No. 15 on said plan and having the co-ordinates E. 588803.22 and N. 323644.70;

THENCE Northeastwardly on an azimuth of 24 59' 24" for the distance of 100.22 feet to a survey marker designated as No. 14 on said plan and having the co-ordinates E. 588845.56 and N. 323735.54;

THENCE Southeastwardly on an azimuth of 114 59' 24" for the distance of 150 feet to a survey marker set on the Western boundary of the aforesaid Highway No. 4, said survey marker being designated as No. 13 on said plan and having the co-ordinates E. 588981.51 and N. 323672.17;

THENCE Southwestwardly on an azimuth of 204 59' 24" along the Western boundary of the aforesaid Highway No. 4 for the distance of 100.22 feet or to the survey marker set at the place of commencement.

CONTAINING 15,033 square feet of land, a little more or less. (EC381/94; 487/94; 416/95; 482/95)

**9. Mortgage**

Revoked by EC487/94.

**10. Malpeque-Westisle Fertilizers**

- (1) The acquisition by Malpeque-Westisle Fertilizers Limited of approximately two decimal seven five (2.75) acres of land at Travellers Rest, Lot 19, Prince County adjacent to its existing industrial operation to be used for construction of a storage facility is exempt from the application of the Act.

**Description**

- (2) The said lands are described as follows:

ALL THAT tract, piece or parcel of land situate, lying and being at Travellers Rest, Lot or Township No. 19, in Prince County, in the Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a legal survey marker set in the western side of Route 1A as the same is shown on a plan of survey prepared by Locus Surveys Ltd. entitled "Plan of Survey Showing Parcel "C" the subdivision of lands of Bradford and Benjamin Cairns" dated January 10, 1994, and having Drawing No. 93-829, the said legal survey marker being identified as No. 3567 on the aforementioned plan and having coordinates East 312920.039 feet and North 394118.896 feet;

THENCE on an azimuth 204 15' 37" following the western boundary of Route A to a legal survey marker identified as No. 3580 on the aforementioned plan;

THENCE on an azimuth 275 01' 43" a distance of 357.22 feet to a legal survey marker identified as No. 3582 on the aforementioned plan;

THENCE on an azimuth 359 02' 35" a distance of 451.09 feet to a legal survey marker set in the southern side of the Canadian National Railway right-of-way as shown on said plan;

THENCE on an azimuth 75 43' 53" along the C.N.R. right-of-way to a legal survey marker identified as No. 3573 and being set in the northwestern corner of property now or formerly owned by Malpeque-Westisle Fertilizers Ltd.;

THENCE on an azimuth 179 02' 35" a distance of 265.54 feet to the southwestern angle of the aforesaid Malpeque-Westisle Fertilizers Ltd. property;

THENCE on an azimuth 95 01' 43" along the southern boundary of the Malpeque-Westisle Fertilizers Ltd. property for a distance of 342.50 feet to the legal survey marker at the point and place of commencement;

BEING AND INTENDED to be Parcel "C" as shown on said plan and having a calculated area of 2.75 acres of land, a little more or less.(EC572/94)

**11. O'Leary Community Health Foundation**

The following interest to be acquired by the O'Leary Community Health Foundation is exempt from the application of the Act:

an interest to be acquired through purchase of approximately ten decimal five six (10.56) acres of land in O'Leary, Lot 6, Prince County. (EC654/94)



**12. Cavendish Farms Foundation**

An interest to be acquired through purchase by Cavendish Farms, A Division of Irving Pulp and Paper of approximately 8.0 acres of land being provincial parcel identification number 75192, located in New Annan, Prince Edward Island is exempt from the application of the Act. (EC601/95)

**12.1 Irving Pulp & Paper, Limited**

The interest to be acquired through purchase by Irving Pulp & Paper, Limited from Island Holdings Ltd. (a wholly owned subsidiary) of approximately one hundred and eight decimal three two (108.32) acres of land, being provincial parcel identification numbers 599928 and 75184, located at New Annan, Prince Edward Island, is exempt from the application of section 5 of the Act. (EC758/95)

**13. Borden-Carleton box fabrication facility**

The fee simple interest, and any other legal and equitable interest pertaining thereto, of Provincial Parcel Identification Number 778928, containing approximately twenty decimal seven six (20.76) acres, located in the Community of Borden-Carleton, is exempt from the Act with the exception of clause 9(1)(b), subsection 9(2) and clause 17(1)(d) and the Land Identification Regulations (EC606/95), subject to the following condition:

- (a) that the land be used solely for the purpose of a box fabrication facility or another industrial use acceptable to the Lieutenant Governor in Council; no commercial agricultural crops shall be grown on the land. (EC628/95)

**14. Blueberry processing facility**

The fee simple interest, and any other legal and equitable interest pertaining thereto, of Provincial Parcel Identification Numbers 177378 and 521518 containing collectively, approximately thirty-nine decimal six four (39.64) acres, located in Lot 39, Kings County, is exempt from the Act with the exception of clause 9(1)(b), subsection 9(2) and clause 17(1)(d) and the Land Identification Regulations (EC606/95), subject to the following condition:

- (a) that the land be used solely for the purpose of a blueberry processing facility or another light industrial use acceptable to the Lieutenant Governor in Council; no commercial agricultural crop shall be grown on the land. (EC659/95)

**15. Trigen Energy Canada Inc.**

The interest acquired by Trigen Energy Canada Inc. through the purchase of land, being Property No. 279000, containing approximately 3.4 acres on Riverside Drive in Charlottetown, Queens County, is exempt from the application of section 5 of the Act. (EC723/95)

**16. McCain Fertilizers**

An interest to be acquired through purchase by McCain Fertilizers Limited of approximately 4.33 hectares (10.699 acres) of land subdivided from Property No. 686360, located in Lot 27, Prince County, Prince Edward Island, is exempt from the application of section 5 of the Act. (EC847/95)

**17. McCain Foods**

The acquisition through purchase by McCain Foods Limited of approximately 6.68 hectares (16.5 acres) of land, identified as Provincial Property No. 772798, located in Lot 28, Prince County is exempt from the application of section 5 of the Act. *(EC34/96)*

**18. McCain Fertilizers**

An interest to be acquired through purchase by McCain Fertilizers Limited of approximately 4.05 hectares (10 acres) of land located in Lot 51, Kings County and subdivided from Provincial Property No. 159970, and approximately 0.28 hectares (0.69 acres) of land, also located in Lot 51, Kings County and subdivided from Provincial Property No. 484816, is exempt from the application of section 5 of the Act. *(EC585/96)*

**19. Legacy Hotels, Canadian Pacific Properties Inc.**

The acquisition of the following interests in land, identified as parcel nos. 335166 and 335281, located in the City of Charlottetown, Queens County, are exempt from the application of section 5 of the Act:

- (a) the acquisition through lease by Legacy Hotels Corporation;
- (b) the acquisition of a beneficial interest through purchase by Canadian Pacific Properties Inc.;
- (c) the acquisition of legal title by deed by 3428851 Canada Ltd.;
- (d) the acquisition of a beneficial interest through purchase by Legacy Hotels Real Estate Investment Trust. *(EC652/97)*

**20. McCain Fertilizers**

- (1) An interest to be acquired through purchase by McCain Fertilizers Limited of approximately 2.406 hectares (5.945 acres) subdivided from Property No. 37333, located in Lot 5, Prince County, Prince Edward Island is exempt from the application of section 5 of the Act.

**McCain Produce Inc.**

- (2) An interest to be acquired through purchase by McCain Produce Inc. of approximately 0.6 acres, which is the remnant of the entire parcel of Property No. 37333, located in Lot 5, Prince County, Prince Edward Island is exempt from the application of section 5 of the Act. *(EC721/97; 709/05)*

**21. Cavendish Farms, A Division of Irving Pulp and Paper Limited**

The purchase by Cavendish Farms, A Division of Irving Pulp and Paper Limited of approximately 0.29 acres of land, being Provincial Property Number 442756, located at New Annan in Lot 19, Prince County, is exempt from the application of section 5 of the Act. *(EC5/99)*

**22. Summerside Golf Club Inc.**

- (1) The following properties, located in the City of Summerside and totalling approximately 148.51 acres, are exempt from the application of the Act:
  - (a) approximately 1.01 acres, being Provincial Property Number 649871;
  - (b) approximately 2.69 acres subdivided from Provincial Property Number 65326;
  - (c) approximately 134.97 acres subdivided from Provincial Property Number 65508;





- (d) approximately 2.69 acres subdivided from Provincial Property Number 445973;
- (e) approximately 1.76 acres subdivided from Provincial Property Number 460576;
- (f) approximately 5.39 acres, being a portion of the Duck Pond Road.

**Condition**

- (2) Subsection (1) shall cease to have effect
  - (a) if any part of the property is used for any purpose other than a golf course; or
  - (b) if any of the properties are conveyed by Summerside Golf Club Inc.without the prior approval of the Lieutenant Governor in Council. (EC657/99)

**23. J. D. Irving Limited**

- (1) The following properties being acquired by J. D. Irving Limited, located in Georgetown Royalty and totalling approximately 105.62 acres, are exempt from the application of the Act:
  - (a) approximately 29.36 acres, being Provincial Property Number 730036;
  - (b) approximately 8.00 acres, being Provincial Property Number 730044;
  - (c) approximately 60.26 acres, being Provincial Property Number 820258;
  - (d) approximately 8.00 acres, being Provincial Property Number 878348.

**Prohibition**

- (2) No person shall subdivide any of the real properties listed in subsection (1).

**Subsection (2) binding**

- (3) The prohibition against subdivision established by subsection (2) is binding on J. D. Irving Limited and all successors in title. (EC363/00)

**24. Morell Lions Club**

The following properties being acquired by the Morell Lions Club Inc., located in Morell and totalling approximately 13.75 acres, are exempt from the application of section 5 of the Act:

- (a) approximately 10.75 acres, being Provincial Property Number 182956;
- (b) approximately 3.0 acres, being a portion of Provincial Property Number 618751. (EC89/04)

**25. Property owned**

- (1) The following properties being acquired by Ocean Choice P.E.I. Inc., located in various parts of the province as indicated and totalling approximately 31.04 acres, are exempt from the application of section 5 of the Act:
  - (a) property owned by Polar Foods International Inc. at Beach Point, approximately 1.9 acres, being Provincial Property Number 291567-000;
  - (b) property owned by Polar Foods International Inc. at Gaspereau,
    - (i) approximately 10.92 acres, being Provincial Property Number 251157-000,
    - (ii) approximately 0.58 acres, being Provincial Property Number 251124-000,
    - (iii) approximately 1.01 acres, being Provincial Property Number 643866-000;
  - (c) property owned by Polar Foods International Inc. at Souris,
    - (i) approximately 11.3 acres, being Provincial Property Number 859470-000,
    - (ii) approximately 1.18 acres, being Provincial Property Number 101741-000,

- (iii) approximately 0.50 acres, being Provincial Property Number 101725, and
- (iv) approximately 0.39 acres, being Provincial Property Number 102814;
- (d) property owned by Morning Star Fisheries Ltd. at Victoria, approximately 2.32 acres, being Provincial Property Number 403485-000;
- (e) property owned by Polar Foods International Inc. at Red Head Harbour, Morell,
  - (i) approximately 0.58 acres, being Provincial Property Number 550236-000,
  - (ii) approximately 0.05 acres, being Provincial Property Number 487777-000,
  - (iii) approximately 0.06 acres, being Provincial Property Number 183632-000,
  - (iv) approximately 0.12 acres, being Provincial Property Number 183657, and
  - (v) approximately 0.13 acres, being Provincial Property Number 183640-000.

#### **Property leased**

- (2) The interests to be acquired by assignments of lease to Ocean Choice P.E.I. Inc. in the following properties, located in various parts of the province as indicated and totalling 141.42 acres, are exempt from the application of section 5 of the Act:
  - (a) wharf property leased by Polar Foods International Inc.,
    - (i) at Naufrage Harbour, Monticello, approximately 6.2 acres, being Provincial Property Number 540641-047,
    - (ii) at Naufrage Harbour, Monticello, approximately 14.6 acres, being Provincial Property Number 823368,
    - (iii) at North Lake Harbour, approximately 17.51 acres, being Provincial Property Number 111336-331 and 111336-343, and
    - (iv) at Poplar Grove, approximately 8.75 acres, being Provincial Property Number 454215-131;
  - (b) property leased by Wendell Graham Ltd. at Launching, approximately 19.52 acres, being Provincial Property Number 429902-102;
  - (c) property leased by Polar Foods International Inc., Ronnie McGrath, and Babineau Fisheries at Red Head Harbour, Morell, totalling approximately 17.8 acres, being Provincial Property Numbers 539254-101, 539254-108, 539254-109 and 539254-122;
  - (d) property leased by Polar Foods International Inc. at Souris, approximately 55.12 acres, being Provincial Property Number 103630-152;
  - (e) property leased by Polar Foods International Inc. at Howard's Cove, approximately 1.92 acres, being Provincial Property Number 831586. (EC234/04)

#### **26. Property owned**

- (1) An interest to be acquired through purchase by Ocean Choice PEI Inc. in property owned by Babineau Fisheries at Souris of approximately 0.82 acres, being Provincial Property Number 182246-000, is exempt from the application of section 5 of the Act.

#### **Property leased**

- (2) The interests to be acquired by assignments of lease to Ocean Choice PEI Inc. in the following properties, located in various parts of the province as indicated and totalling approximately 6.95 acres, are exempt from the application of section 5 of the Act:
  - (a) property leased by Babineau Fisheries at Souris, approximately 0.17 acres, being Provincial Property Number 103630-134;



- (b) property leased by Polar Foods International Inc. at St. Peters, approximately 6.2 acres, being Provincial Property Number 540641-014;
- (c) property leased by Abegweit Seafoods at Tignish, approximately 0.58 acres, being Provincial Property Number 531897-101. (EC346/04)

**27. Lower Montague property**

The property being acquired by the Lower Montague Trailer Park Cooperative Ltd., located in Lower Montague and totalling 6.5 acres, being a portion of the property having Provincial Property Number 193490, is exempt from the application of section 5 of the Act. (EC353/04)

**28. J. D. Irving Limited**

- (1) Subject to subsection (2), the following properties being acquired by J. D. Irving Limited, from M. F. Schurman Company, Limited and its related companies, located in various parts of the province as indicated and totalling approximately 101.89 acres, are exempt from the application of section 5 of the Act:
- (a) property at Alberton, in Lot 4, approximately 0.70 acres, having Provincial Property Number 489484;
  - (b) property at Alberton, in Lot 4, approximately 1.01 acres, having Provincial Property Number 628867;
  - (c) property at Alberton, in Lot 4, approximately 2.90 acres, having Provincial Property Number 638916;
  - (d) property at Brooklyn, in Lot 61, approximately 26.7 acres, having Provincial Property Number 244129;
  - (e) property at Charlottetown, in Lot 70, approximately 4.08 acres, having Provincial Property Number 279257;
  - (f) property at Charlottetown, in Lot 70, approximately 0.60 acres, having Provincial Property Number 364802;
  - (g) property at Charlottetown, in Lot 70, approximately 0.39 acres, having Provincial Property Number 364810;
  - (h) property at Charlottetown, in Lot 70, approximately 2.10 acres, having Provincial Property Number 364992;
  - (i) property at Charlottetown, in Lot 75, approximately 5.60 acres, having Provincial Property Number 390773;
  - (j) property at Charlottetown, in Lot 75, approximately 1.40 acres, having Provincial Property Number 441147;
  - (k) property at Charlottetown, in Lot 75, approximately 1.21 acres, having Provincial Property Number 452375;
  - (l) property at Charlottetown, in Lot 74, approximately 1.89 acres, having Provincial Property Number 557355;
  - (m) property at Kensington, in Lot 19, approximately 1.37 acres, having Provincial Property Number 77958;
  - (n) property at Kensington, in Lot 19, approximately 0.12 acres, having Provincial Property Number 79889;
  - (o) property at Kensington, in Lot 19, approximately 0.30 acres, having Provincial Property Number 87049;

- (p) property at Montague, in Lot 52, approximately 0.20 acres, having Provincial Property Number 199521;
- (q) property at Montague, in Lot 52, approximately 1.549 acres, having Provincial Property Number 199539;
- (r) property at Morell, in Lot 40, approximately 2.61 acres, having Provincial Property Number 799411;
- (s) property at Stratford, in Lot 48, approximately 22.44 acres, having Provincial Property Number 589184;
- (t) property at Summerside, in Lot 17, approximately 3.34 acres, having Provincial Property Number 308627;
- (u) property at Summerside, in Lot 17, approximately 0.76 acres, having Provincial Property Number 308635;
- (v) property at Summerside, in Lot 17, approximately 0.33 acres, having Provincial Property Number 309591;
- (w) property at Summerside, in Lot 17, approximately 0.30 acres, having Provincial Property Number 313569;
- (x) property at Summerside, in Lot 17, approximately 3.775 acres, having Provincial Property Number 313601;
- (y) property at Summerside, in Lot 17, approximately 0.13 acres, having Provincial Property Number 314765;
- (z) property at Summerside, in Lot 17, approximately 0.10 acres, having Provincial Property Number 314773;
- (aa) property at Summerside, in Lot 17, approximately 0.10 acres, having Provincial Property Number 314781;
- (bb) property at Summerside, in Lot 17, approximately 0.14 acres, having Provincial Property Number 314799;
- (cc) property at Summerside, in Lot 17, approximately 15.67 acres, having Provincial Property Number 319137;
- (dd) property at Summerside, in Lot 17, approximately 0.07 acres, having Provincial Property Number 789537.

**Condition of approval**

- (2) The exemptions granted in subsection (1) are subject to the condition that the property at Brooklyn described in clause (1)(d) shall not be subdivided by the purchaser or any successor in title. (EC362/04)

**29. Atlantic Lottery Corporation**

The following properties being acquired by the Atlantic Lottery Corporation Inc. and totalling approximately 26.90 acres a little more or less are exempt from the application of section 5 of the Act:

- (a) property at Charlottetown, owned by the Charlottetown Driving Park and Provincial Exhibition Association, approximately 22.34 acres, having Provincial Property Number 278739;
- (b) property at Charlottetown, owned by the Charlottetown Driving Park and Provincial Exhibition Association, approximately 4.52 acres, having Provincial Property Number 365684;



- (c) property at Charlottetown owned by the Government of Prince Edward Island and the P.E.I. Canada Games Complex Inc., approximately 233 feet by 8 feet, being part of Provincial Property Number 278739. (EC625/04)

**30. J. D. Irving Limited**

The following properties being acquired by J. D. Irving Limited and located in various parts of the province as indicated and totalling approximately 37.76 acres, are exempt from the application of section 5 of the Act:

- (a) properties at Bloomfield, in Lot 5, owned by Christopher Montigny totalling approximately 10 acres, having Provincial Property Numbers 37424 and 677930;
- (b) properties or portions of properties on the Malpeque Road and the Charlottetown Perimeter Highway, in Lot 72, owned by Pan-American Trust Company or 100209 P.E.I. Inc. totalling approximately 13.98 acres, having Provincial Property Numbers 388223, 388231, 388249 and 889248;
- (c) properties or portions of properties at Summerside, in Lot 17, owned by Enterprise Venture Group Inc. totalling approximately 13.78 acres, having Provincial Property Numbers 71191 and 663211. (EC347/05)

**31. Boughton Island**

The following properties, as indicated, being acquired by The Nature Conservancy of Canada La Société Canadienne pour la Conservation de la Nature, located on Boughton Island, an off-shore Island under provincial jurisdiction and at Launching Point, and totalling approximately 393.75 acres, are exempt from the application of section 5 of the Act:

- (a) property owned by Panmure Corporation, approximately 244.3 acres, being Provincial Property Number 159095;
- (b) property owned by Panmure Corporation, approximately 2.33 acres, being Provincial Property Number 738187;
- (c) property owned by Boughton Island Homeowners Association Inc., approximately 147.12 acres, being Provincial Property Number 159111. (EC510/05)

**32. Cavendish Agri Services**

The acquisition by Cavendish Agri Services Limited from the Department of Transportation and Public Works of approximately 3,457 square metres of land, being part of Provincial Property Number 76885, located at or near the intersection of Route 2 and the Old Summerside Road in Kensington in Lot 19, Prince County, is exempt from the application of section 5 of the Act. (EC191/06)

**33. Cavendish Farms Corporation Les Fermes Cavendish Incorporée**

The acquisition by Cavendish Farms Corporation Les Fermes Cavendish Incorporée of approximately 18.37 acres of land, being part of the property having Provincial Property Number 75150, located at or near the intersection of Route 2 and the Clermont Road in New Annan in Lot 19, Prince County, is exempt from the application of section 5 of the Act. (EC298/07)

**33.1 7556462 Canada Ltd.**

- (1) The following properties being acquired by 7556462 Canada Ltd. by way of an assignment of lease from Emerald Isle Farms Ltd. and totalling approximately 540 acres, are exempt from the application of section 5 of the Act:
- (a) property at St. Ann owned by Angus Pineau totalling approximately 20 acres, having Provincial Property Number 234179;
  - (b) property at Emerald owned by St. Clair Croken totalling approximately 60 acres, having Provincial Property Number 98012;
  - (c) property at Hope River owned by Paul Walsh totalling approximately 20 acres, having Provincial Property Number 235168;
  - (d) property at Hope River owned by Dunstan Doyle totalling approximately 35 acres, having Provincial Property Number 576678;
  - (e) property at Breadalbane owned by David Kennedy totalling approximately 50 acres, having Provincial Property Number 585638;
  - (f) property at Pleasant Valley owned by Robert and Rosalie Bowness totalling approximately 43 acres, having Provincial Property Number 290379;
  - (g) properties at Central Lot 16 owned by Joppe Farms Inc. totalling approximately 142 acres, having Provincial Property Numbers 60371, 402172, 61036 and 61051;
  - (h) property at South Freetown owned by Frank McCardle totalling approximately 22 acres, having Provincial Property Number 811604;
  - (i) property at Pleasant Valley owned by MacKinnon Family Farms totalling approximately 35 acres, having Provincial Property Number 290262;
  - (j) property at South Freetown owned by Chester and Margaret Stetson totalling approximately 27 acres, having Provincial Property Number 96180;
  - (k) property at Pleasant Valley owned by Peter Smith totalling approximately 45 acres, having Provincial Property Number 290395;
  - (l) property at St. Ann owned by Gerald and Heather Dorian totalling approximately 30 acres, having Provincial Property Number 890376;
  - (m) property at Newton owned by Frank McCardle totalling approximately 11 acres, having Provincial Property Number 642249.

***Idem***

- (2) The following properties being acquired by 7556462 Canada Ltd. by way of a lease from the estate of Clayton Hughes and Emerald Isle Farms Ltd. and totalling approximately 251 acres, are exempt from the application of section 5 of the Act:
- (a) property at Emerald owned by the estate of Clayton Hughes totalling approximately 35 acres, having Provincial Property Number 98087;
  - (b) properties at Emerald owned by Emerald Isle Holdings Inc. totalling approximately 122 acres, having Provincial Property Numbers 825323, 98095, 98046 and 98103;
  - (c) properties at Grahams Road owned by Emerald Isle Holdings Inc. totalling approximately 94 acres, having Provincial Property Numbers 93955 and 93534.

**Condition**

- (3) The exemptions granted in subsections (1) and (2) are subject to the condition that the properties described in subsections (1) and (2) are exempt from the application of section 5 of the Act until June 30, 2011. (*EC320/10*)



**34. Land designated as a natural area**

Any land holding that is designated as a natural area under the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2 is exempt from the application of section 2 of the Act. (EC742/07)

**35. Environmentally significant class of land holding**

(1)-(2) Revoked by EC744/14. (EC645/09; 744/14)

