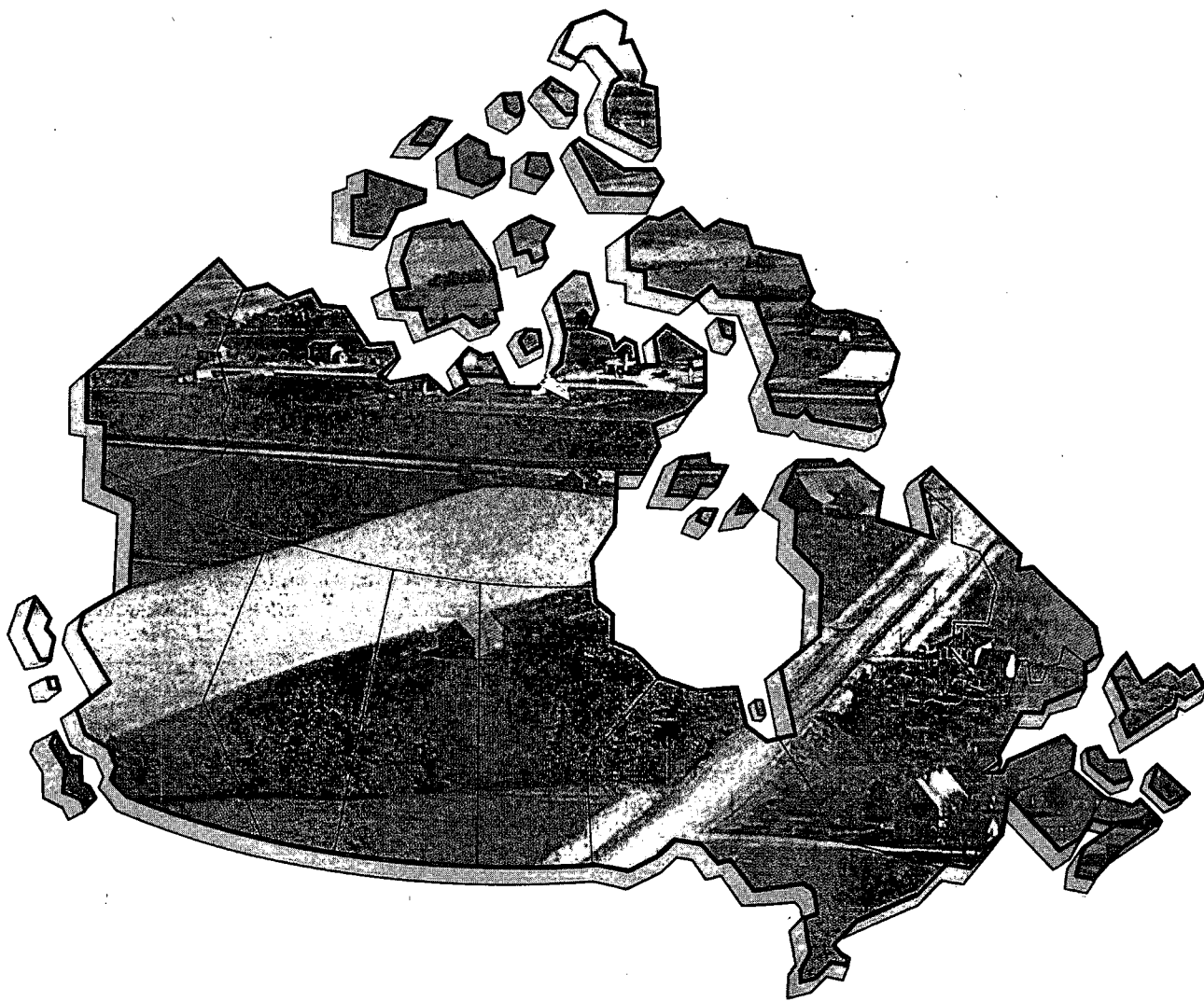


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NON-RESIDENT LAND OWNERSHIP LEGISLATION AND ADMINISTRATION IN PRINCE EDWARD ISLAND



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**NON-RESIDENT LAND OWNERSHIP
LEGISLATION AND ADMINISTRATION
IN
PRINCE EDWARD ISLAND**

**A Report
Prepared Jointly by
the P.E.I. Land Use Service Centre
and the Maritime Resource Management Service Council
of Maritime Premiers**

**for Lands Directorate
Environment Canada**

March 1978

LAND USE IN CANADA SERIES

The Land Use in Canada series is designed to address major land use issues and problems in Canada. It contains papers produced in and for the Lands Directorate of Environment Canada which address the causes and consequences of major land problems, land use trends throughout Canada, and the role of various government programs in effecting solutions. Incorporating the earlier series entitled "Land Use Programs in Canada" which reviewed the land-use programs of Canada's ten provinces, the series will examine activities affecting the use of Canada's land from a national perspective, significant to all Canadians. This series is designed to be of use to policy makers and the informed public since it provides information on land-use trends, analyses the effects of current and proposed means to influence the use of the land and reviews the impact of various laws, regulations and government programs on land-use in Canada.

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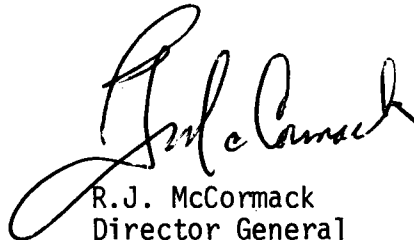
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FOREWORD

The use of Canada's land, how it is used and by whom is an issue of concern in many parts of the nation. The Government of Prince Edward Island was the first jurisdiction in Canada to establish legislation aimed at controlling non-resident ownership of lands within their boundaries. The results of the Prince Edward Island action are of significance to other land regulating jurisdictions throughout the nation.

The Lands Directorate of Environment Canada is engaged in a continuing program of research into the causes and consequences of land problems and issues in Canada and the means by which they can be resolved. The investigation of Prince Edward Island land ownership legislation, with the full cooperation of the Province, is the first in a series of investigations into the significance of federal or provincial programs which affect the use of the land resource. A clearer understanding of the impacts of such innovative legislation will enable others to benefit from the experience in the design of mechanisms to deal with land problems.



R.J. McCormack
Director General
Lands Directorate

AVANT-PROPOS

La ressource foncière du Canada, son utilisation et sa propriété sont des sujets d'intérêt dans plusieurs régions du pays. Le gouvernement de l'Ile-du-Prince-Edouard était le premier au Canada à avoir adopté une loi pour réglementer l'accès à la propriété par des non-résidents. Les résultats de cette mesure sont d'une importance significative pour toutes les autorités légiférant sur les terres au pays.

La Direction générale des terres d'Environnement Canada fait actuellement des recherches sur les causes et les conséquences des problèmes touchant les terres au Canada et sur les moyens à prendre pour les résoudre. L'étude de la loi de la propriété de l'Ile-du-Prince-Edouard, entreprise avec l'entière collaboration des autorités de cette province, est la première d'une série d'articles traitant de la portée des programmes provinciaux ou fédéraux affectant l'utilisation de la ressource foncière. Grâce à une meilleure compréhension des incidences réelles de cette nouvelle loi, on pourra profiter de l'expérience des autres dans la mise au point de solutions aux problèmes reliés aux terres.

ABSTRACT

This report is a study of non-resident land ownership trends as affected by the 1972 amendment to the Real Property Act legislation in Prince Edward Island. This amendment limited non-resident purchases to not more than an aggregate total of 10 acres in size or 330 feet of shore frontage without approval of the Lieutenant-Governor-in-Council.

Historical background, legislation, policies and administrative procedures are presented in detail to establish the situation prior to the legislation. As well, a "capsule" of non-resident ownership in 1972 is shown to provide base-line data. Data on non-resident land acquisition petitions are compiled, summarized and analyzed to present trends and developments between 1972 and 1976. In addition, the study concludes with suggested areas of achievement and further study.

The conclusions of the study indicate that the 1972 amendment to the Real Property Act has had a significant impact. Federal legislation that amended the Canadian Citizenship Act was passed to uphold the right of the provinces to control ownership of real property by aliens. A sound and complete information system, the source of data for this study, was established and continues to be maintained as a model for other land information needs in Canada. Large scale speculation has been discouraged on the Island as land acquisition for speculative purposes is rejected outright. Through the Land Development Corporation, as a result of the information system, the Provincial Government is alerted to certain valuable lands and can acquire them in the public interest. A Land Use Commission was appointed in 1974 which is empowered to study land use problems and recommend new approaches and solutions.

Accompanying the report is a map of Prince Edward Island which graphically presents the pattern of non-resident ownership trends on the Island.

RESUME

Le présent rapport étudie les tendances concernant la propriété foncière par des non-résidents, compte tenu de l'influence de la modification en 1972 du Real Property Act de l'Ile-du-Prince-Edouard. L'amendement à la loi limite l'achat de terres par des non-résidents sans l'approbation du Lieutenant-Gouverneur en Conseil, à une superficie totalisant au plus 10 acres, ou à une longueur totale de 330 pieds de rivage.

Le contexte historique, la législation, les politiques et les méthodes administratives sont décrites dans leurs détails afin de représenter la situation de la période antérieure à l'adoption de la loi. De plus, un résumé de la situation au sujet de la propriété par des non-résidents en 1972 est inclus en guise de donnée de base. Les données sur les demandes d'acquisition de terres par des non-résidents sont compilées, résumées et analysées afin de faire ressortir les fluctuations et les tendances entre 1972 et 1976. Enfin, pour terminer, l'étude propose des domaines à développer et des études à entreprendre.

Les conclusions de l'étude indiquent que l'amendement de 1972 au Real Property Act a eu une incidence significative. La modification de la Loi fédérale Loi sur la citoyenneté canadienne avait pour but de soutenir le droit des provinces à réglementer la propriété foncière par des étrangers. Un système d'information efficace et complet, la source des données de l'étude, a été mis sur pied et est maintenu en guise de modèle pour d'autres besoins d'informations relatifs aux terres au Canada. La spéculation foncière à grande échelle à l'Ile-du-Prince-Edouard a été découragée par un rejet total de toute acquisition de terres à des fins de spéculation. Par le biais de la Land Development Corporation et grâce à un système d'information, le gouvernement provincial est informé de la disponibilité des terres en valeur, et peut en faire l'acquisition dans l'intérêt public. Une Commission de l'utilisation des terres a été créée en 1974 dans le but d'étudier les problèmes de l'utilisation des terres et faire des recommandations sur de nouvelles orientations et solutions.

Une carte de l'Ile-du-Prince-Edouard représentant graphiquement la configuration des tendances de la propriété par des non-résidents accompagne le rapport.

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INTRODUCTION

Absentee ownership of land has been an issue in Prince Edward Island which can be traced back to the early days of settlement. Concern has grown in recent years, leading to the amendment of legislation in 1972, which stipulates that all non-resident purchases of land exceeding an aggregate total of 10 acres in size or 330 feet of shore frontage must receive the approval of the Lieutenant-Governor-in-Council. The Supreme Court of Canada, which considered briefs of other provinces in support of P.E.I., judged this legislation valid in June of 1975.

The problem of non-resident ownership of land is certainly not unique to Prince Edward Island, but here it has assumed serious dimensions because of the small size of the province and the importance of its agricultural and recreational land resources. The province has a long history in grappling with the issue by legislative means and has pioneered in legislation of a particular kind to deal with this problem. Furthermore, a basic information system on non-resident land ownership has been developed, and this system, on a provincial scale, is probably unequalled Canada. It provides the basis for monitoring non-resident land ownership in Prince Edward Island, as well as the information necessary to study developments which have taken place during the last five years.

The purposes of this report are:

- (1) to review the background, legislation, policies and administrative procedures relating to non-resident land acquisition.
- (2) to provide a picture of non-resident land ownership in the province in 1972.
- (3) to compile, summarize and analyse information relating to non-resident land acquisition petitions submitted between 1972 and 1976.
- (4) to indicate recent developments and trends.
- (5) to summarize achievements of the legislation and to suggest areas for further consideration and study.

BACKGROUND

Non-Resident Land Ownership and Implications

In a province with a land area of only 2,184 square miles, where agriculture and tourism, as well as fisheries and primary and secondary manufacturing, are important sectors of the economy, and where almost all land is privately owned, trends indicating the disappearance of large quantities of land into the hands of a non-resident population are alarming. It was only in the late 1960's and early 1970's that the dimensions of this problem and the seriousness of the situation began to be realized.

During the past decade in particular, Prince Edward Island has come suddenly within the recreational land market of central and eastern Canada and the northeastern United States. Improved transportation places the Island within two days drive of New York and Toronto, while air service connects Charlottetown directly to Montreal, Ottawa and Toronto, and via Halifax to Boston and New York.

Attractive rural landscapes in southern Ontario or New England have already been heavily taken up by urban commuters and recreationists and land values have long exceeded those of the Island.

The farm and seaside landscape of Prince Edward Island has proven an attractive haven in which to purchase property or a summer retreat at relatively low prices. More and more land was being bought up by Americans and Canadians of other provinces. Of great concern too was the potential impact of individuals and companies, both resident and non-resident, in the speculative purchase of land on a large scale.

Some of the land being acquired by non-residents was among the best of high quality recreation land and productive farmland in the province. New pressures were felt by the agricultural industry, which had already been experiencing a rapid decline in number of farms, farm population, and improved agricultural acreage. The large acreages acquired by non-residents were often lost to productive use, and this, combined with increasing land values brought

on by the demand, made farm consolidation more difficult for some Island farmers interested in expansion. The problem was perhaps most visible along the coast. Local residents began to discover they were competing for less shoreline property at prices soaring beyond their reach. Stretches of the scenic shoreline were being bought up, destined for subdivision and resale as high-priced cottage lots. Public access to beaches was being reduced by new fences and No-Trespassing signs in areas where Islanders considered access traditional. The province witnessed lands going into non-resident ownership which might have been suitable as provincial park lands or conservation areas.

A province-wide property mapping program and socio-economic survey carried out between 1968 and 1970 by the Economic Improvement Corporation and the Department of Energy, Mines and Resources, combined with the introduction of a modern system of land survey, large scale mapping, land valuation and land parcel registration, provided for the first time information on the extent and implications of the non-resident land ownership problem. Research was also undertaken by the provincial Resource Planning Unit for a special committee of inquiry of the Legislature, The Committee on Land Acquisition and Land Transfer to Non-Resident Corporations and Private Individuals. ¹.

Results of research, based on a 10% sample of non-residents (people receiving school tax bills out of province) of Queen's and King's counties, indicated that as of mid-December 1970 approximately 67,690 acres or 4.84% of the province comprised privately owned properties over five acres in size held by non-residents. Of this acreage, 55.8% was owned by Canadians residing in other provinces, 44.1% was owned by Americans and .1% by residents of other countries. Non-resident company holdings were estimated to comprise 3,300 acres, raising the total acreage to almost 71,000, or 5.07% of the land base. The area of properties less than 5 acres in size amounted to 885 acres. Especially alarming was the rapid rate of increase, indicating that even under a partial

1. P.E.I. Resource Planning Unit, Extent and Implications of Non-Resident Land Ownership on Prince Edward Island. Feb.1971.

containment policy as much as 25% of the province's land base might be in non-resident hands only 30 years later, by the year 2,000, and in the absence of controls, much more. ^{2.}

Clearly, if agricultural land continued to be taken out of agriculture until the end of the century and put into summer recreational use and reverted to idle land, its full potential would not be realized and the provincial economy would suffer accordingly. As well, the provincial government was sensitive to the need to preserve prime Island beaches and shoreline for public use and enjoyment; the same areas of most interest to speculators.

For these and other reasons, the non-resident land ownership situation was "perceived" as a serious 'developing problem' by the Island's close-knit population whose forebearers had struggled for nearly a century to wrest title from absentee English land-owners. Consequently, the Legislature moved to amend *The Real Property Act* in 1972, giving discretionary power to the Lieutenant-Governor-in-Council to approve or deny sizeable land transactions involving non-residents. Undoubtedly, it was considered especially important to have a tool or mechanism for closely monitoring developments and to have legislation enabling the province to control undesirable developments. It was also hoped that this would help slow the drift of the province's valuable land resources to non-resident ownership and serve in part as a holding action to allow time for arriving at more satisfactory long-range solutions.

2. Report of The Royal Commission on Land Ownership and Land Use, Prince Edward Island. July 1973.

LEGISLATION

Pre-Confederation to 1964

Legislation concerning land ownership by aliens has existed in Prince Edward Island since 1859, when *An Act to Enable Aliens to Hold Real Estate* was passed. It allowed that an alien, then not a subject of the British Empire, could acquire and convey property, but not more than 200 acres. In 1939, an amendment to *The Real Property Act* permitted aliens to acquire more than 200 acres with the consent of the Lieutenant-Governor-in-Council.

In the years that followed, a general awareness of land as a limited resource seems to have developed, leading to further changes in legislation. Amendment of *The Real Property Act* in 1964 reduced the acreage that could be acquired by aliens (non-Canadians) without consent of the Lieutenant-Governor-in-Council to 10 acres. And, for the first time, a limit on shore frontage was introduced: without consent, a maximum of five chains, or 330 feet.

Thus, the legislation existed in 1964 respecting the acquisition of land and shore frontage by non-Canadians. But the legislation was not administered or enforced. Consequently, land transactions involving sales of properties in excess of 10 acres or five chains of shore frontage continued much the same as in the past, and only rarely were cases ever channelled through the provincial Cabinet. And so the law stood until 1972.

Amendment of the Real Property Act, 1972, 1974 and 1975

The principal changes which have taken place since 1972 have come about through amendment of *The Real Property Act* regarding land acquisition by *non-residents*, meaning other Canadians as well as aliens, and through provisions in the Act and in government programs for administration of the legislation.

Section 3 and Subsections are as follow:

3. (1)(b) "resident of the province" means a bona fide resident, *animus et factum*, of the province;
3. (3) Unless he receives permission so to do from the Lieutenant Governor in Council, no person who is not a resident of the Province of Prince Edward Island shall take, acquire, hold or in any other manner receive, either himself, or through a trustee, corporation, or any such the like, title to any real property in the Province of Prince Edward Island the aggregate total of which exceeds ten acres, nor to any real property in the Province the aggregate total of which has a shore frontage in excess of five chains.
3. (4) The grant of permission under subsection (3) shall be at the discretion of the Lieutenant-Governor-in-Council, who shall notify the applicant in writing by means of a certified copy of an Order in Council of his decision within a reasonable time.
3. (5) An application for any such permission shall be in the form prescribed, from time to time, by the Lieutenant-Governor-in-Council.1972,c.40,s.1

It is important to note that *the legislation does not prevent non-residents from owning land in Prince Edward Island, nor does it restrict the total amount to no more than 10 acres or less than 330 feet of shoreline; it qualifies that non-residents must receive the approval of the Lieutenant-Governor-in-Council to acquire property in excess of these measurements. The legislation is regulatory, not prohibitory. In reality, because of government policies, approval has been granted in the majority of cases in recent years, but these facts are not well known.*

The Act, however, does not give a clear definition of "resident" and "non-resident", and this has led to some difficulties in it's administration. Provision of a clear definition of these terms has been recommended. Similarly, the term "shore frontage" is not clearly defined and there is some question as to whether it covers river frontage as well as coastline.

Throughout Canada and the United States, and even in Prince Edward Island, misunderstanding of this legislation is widespread. This has resulted largely from incomplete or erroneous coverage by

news media. Much publicity attended the Supreme Court case in 1975, when the proceedings were followed across Canada and in the United States. The following was typically reported: 'A Prince Edward Island law forbidding non-residents from owning any more than 10 acres of land on the Island was upheld in a unanimous decision of the Supreme Court of Canada'. Such news items were misleading since they failed to mention that larger transactions were permissible on condition of approval. Ironically, this may have helped the situation by discouraging prospective non-resident buyers.

The legislation amended in 1972 was tested in the Supreme Court of Canada, because of an appeal arising out of a declaratory action by two Americans from New York State who had sought to purchase approximately 30 acres of land. The Attorney General of Canada supported the appellants while the other nine provinces provided briefs in support of the Island's position. The decision of the Supreme Court upheld the validity of the legislation. The court found that absentee ownership of land is a matter of legitimate provincial concern and that it was entirely within provincial jurisdiction to pass laws dealing with land. Furthermore, it was found that the case represented not an attempt to regulate or control alien residents *per se* but rather a limitation on land holdings by non-residents. *The right of provinces to pass legislation in respect of non-resident land ownership was upheld.*

Until 1974, provisions of the Act covered transactions involving all non-residents, companies as well as individuals. But difficulties were experienced in differentiating between resident and non-resident corporations, and there was concern about large scale land purchases by companies seeking to vertically integrate their operations. It was considered prudent to follow developments more carefully. Consequently, in 1974, *The Real Property Act* was amended, requiring that all corporations, whether resident or non-resident, submit applications for approval by the Lieutenant-Governor-in-Council for the acquisition of any property the aggregate total of which exceeded 10 acres or more than five chains of shore frontage.

The most recent amendment dates from December 1975. It exempts from the legislation all non-resident properties involved in wills or bequests, if the deceased was a resident of the province at time of death, and if beneficiaries are spouse, sons or daughters of the deceased. Before it became law, it had been government policy to approve such cases.

The Registry Act and the Frustrated Contracts Act

The Registry Act was also amended, providing that deeds of properties conveyed to non-residents that exceeded a total of 10 acres or 330 feet of shore frontage would only be registered if a copy of the order of the Lieutenant Governor-in-Council granting approval of the transaction was provided.

14. (6) Where permission or approval is required pursuant to Section 3 of the Real Property Act, no deed of conveyance, or any such the like instrument, shall be accepted by the Registrar for registration, or registered, unless the said deed or instrument, as aforesaid, is accompanied by an order of the Lieutenant-Governor-in-Council pursuant to Section 3 of the Real Property Act. 1972,C.41,S.1.
14. (7) Any deed of conveyance, as referred to in subsection (6) above, which, notwithstanding the provisions of the aforesaid subsection, is registered will be declared null and void, and removed from the Registry books by an order of the Supreme Court of Prince Edward Island, or any judge thereof, on application for such an order by the Minister of Justice on behalf of the Lieutenant-Governor-in-Council.1972, C.41 S.1.

Subsections (6) and (7) came into force when proclaimed on 1 November, 1972.

Under the provisions of *The Frustrated Contracts Act*, contracts or agreements entered into between a vendor and non-resident purchaser are null and void if the petition is denied by the Lieutenant-Governor-in-Council.

Administrative Responsibilities

The responsibility for administering Section 3 and Section 4 of *The Real Property Act* technically rests with the P.E.I. Land Use Commission, a corporate body created in 1974 by *An Act to Establish the Land Use Commission, 23 Eliz.II(1974), Cap.22.*

Under the provision of the *Planning Act, R.S.P.E.I., 1974, Cap.P.6.*

7. (1) The commission shall review all petitions submitted under section 3 or section 4 of the *Real Property Act, R.S.P.E.I. 1974, Cap. R-4* and shall recommend to the Lieutenant-Governor-in-Council their disposition including the acceptance or rejection of the petition.

The Commission, however, may call upon any department for assistance, or may delegate its duties and powers, and it has done so in this case.

Authority for the administration of provisions respecting non-resident land acquisition in the province has been delegated to the P.E.I. Land Use Service Centre. It processes applications or petitions for land acquisition by non-resident individuals and corporations for properties the aggregate total of which exceeds 10 acres or 330 feet of shore frontage, and makes recommendations directly, on behalf of the Land Use Commission, to the Lieutenant-Governor-in-Council concerning approval or denial.

Policies and Procedures

Applications involving private landholdings, channelled through the Land Use Service Centre, are accompanied by a legal description of the property and a map, air photo or orthophoto showing the location. Petitions also provide information on the vendors and their residency, the purchasers and their citizenship and residency, acreage of the property and other parcels owned, shore frontage, sales price, nature of the transaction, and intended use (eg. permanent residence, summer or seasonal residence, farming, subdivision, tourist development). Location and ownership information is verified, and the case is further evaluated on the basis of land capability and in light of government programs relating to agriculture, forestry, environment and tourism.

Certain guidelines have been provided by Cabinet as a basis for evaluating cases and for recommending and deciding upon approval or rejection.

1. All land transfers by will or other testamentary disposition automatically received approval (now covered by legislation).

2. If the property involved by will or other testamentary disposition is desirable for agriculture, recreation, forestry or other government program purposes, beneficiaries may be approached in the hope of acquiring the land.

3. Transactions involving federal crown corporations, such as the Farm Credit Corporation, and the Department of Veteran's Affairs automatically receive approval.

4. Non-residents with the stated intent of locating permanently in the province and of engaging in farming or other useful resource development or commercial activity receive favourable consideration.

5. Petitions are normally denied only when the Land Development Corporation can offer a similar price to acquire the property for the province.

6. Petitions involving stated or apparent speculation are rejected.

7. Where petitions involve properties highly desirable for recreation, agriculture, forestry or other reasons, special consideration is given to the possibility of acquiring these properties in the interests of the province through the Land Development Corporation.

Recommendations of the Land Use Service Centre regarding the approval or denial of petitions are based upon these directives.

Where case recommendations are not immediately evident, several procedures are followed. Various government departments and agencies are consulted for comments and recommendations: the Forestry Branch of the Department of Agriculture and Forestry regarding wooded parcels at reasonable prices (usually up to \$150/acre); the Fish and Wildlife Section of the Department of the Environment regarding marsh areas; the Department of Tourism, Parks and Conservation regarding properties of recreation potential or

conservation interest, and properties lying within one mile of the National or provincial parks; and the Land Development Corporation regarding large agricultural blocks at sales values consistent with their purchasing policy.

The Land Development Corporation acts as the purchasing agent for the province. When case review indicated a denial and the desirability of obtaining the property in the public interest, the petition is turned over to the Land Development Corporation. It, in turn, solicits an appraisal from the Land Valuation and Assessment Branch of the Department of Finance. It has long been government policy to approve the petitions if the province or the Land Development Corporation, for agricultural purposes, cannot meet the price the vendor has negotiated with the non-resident, and similarly to deny cases where the price can be equalled. This policy has no doubt accomplished a great deal in terms of public support for the legislation.

NON-RESIDENT LAND OWNERSHIP AND PETITIONS, 1972-1976.

Information, Base Map and Statistics

The information provided on non-resident property ownership and petitions for the period 1972 to 1976 has been derived mainly from two sources.

Computer print-outs and other statistical listings which had previously been prepared by the Land Registration and Information Service provided the information for Tables 1 and 3 giving number of properties, acreages and residences of non-resident land owners for September and October of 1973 and July of 1975. Mapping of non-resident land ownership in 1972, Table 4 and Appendix 1 are based upon computer listings for that year. This provides a reasonably good picture of the pattern of non-resident land ownership in the province a few years ago and serves as the background against which recent trends in non-resident land ownership petitions may be examined.

Properties non-resident in 1972 had already been mapped by the Land Use Service Centre at 1:50,000 using 1972 computer listings of non-residents. This information, including properties over five acres in size, was transferred to the 1 inch to 2 miles map. Some errors in the original 1:50,000 mapping must be expected, because of errors in the computer print-outs, difficulties in locating some properties, and boundary changes. Furthermore, the pattern of non-resident properties in 1972 may only represent about 80% to 90% of the properties at that time. The remainder has been mapped as properties of petitions approved, denied or cancelled since 1972, if petitions were submitted for conveyance of the properties to other non-residents.

The non-resident pattern in 1972 is representative of the situation in that particular year. If re-mapped and in greater detail for 1976, with 1976 computer listings of non-residents, a worthwhile but extremely time-consuming activity beyond the time-frame of this particular study, the pattern would show significant differences. For example, some of the properties which were non-resident in 1972

have since been sold to Islanders, and would not show as non-resident today. Also, parcels which were owned by Islanders in 1972 would be non-resident today if the owners moved out of province but kept the land. These and other examples of changes which have taken place between 1972 and 1976, and examples of other categories which should be differentiated and mapped, are illustrated for three Lots in Figure 1. From the property information mapped for 1972, Table 4 and Appendix 1 have been compiled, to give a statistical summary of non-resident properties in 1972 according to location, shore frontage, and characteristics of the capability for agriculture and outdoor recreation.

The Land Use Service Centre is the source of all information relating to petitions involving transfer of properties to non-residents. Petitions approved and petitions denied refer respectively to cases approved or denied for conveyance, by sale or other method, to the stated non-resident petitioner by the Lieutenant-Governor-in-Council. Petitions cancelled constitute cases withdrawn from the Land Use Service Centre at an early stage.

An excellent information system on non-resident land ownership petitions is maintained. The components include: files on each petition; petition listings by lot; summary file books for groups of 100 petitions; numerical listings by petition number; alphabetical card indexes by name of purchaser and by name of vendor; card file (since January 1975) of all deeds registered to non-residents; a card information index file; and 1:50,000 maps indicating cases approved, denied and cancelled.

The card information index file contains case information on the total of 1,083 petitions submitted between 1972 and 1976. It provides organized, concise and consistent information on individual petitions required for administrative and research purposes and also serves as a readily available "data bank" for quick retrieval of data for special information requests and study purposes. Numerous tables and appendices have been prepared from this file, to summarize and analyze petitions data and to illustrate trends. These deal with

PRINCE EDWARD ISLAND
LOT LOCATIONS

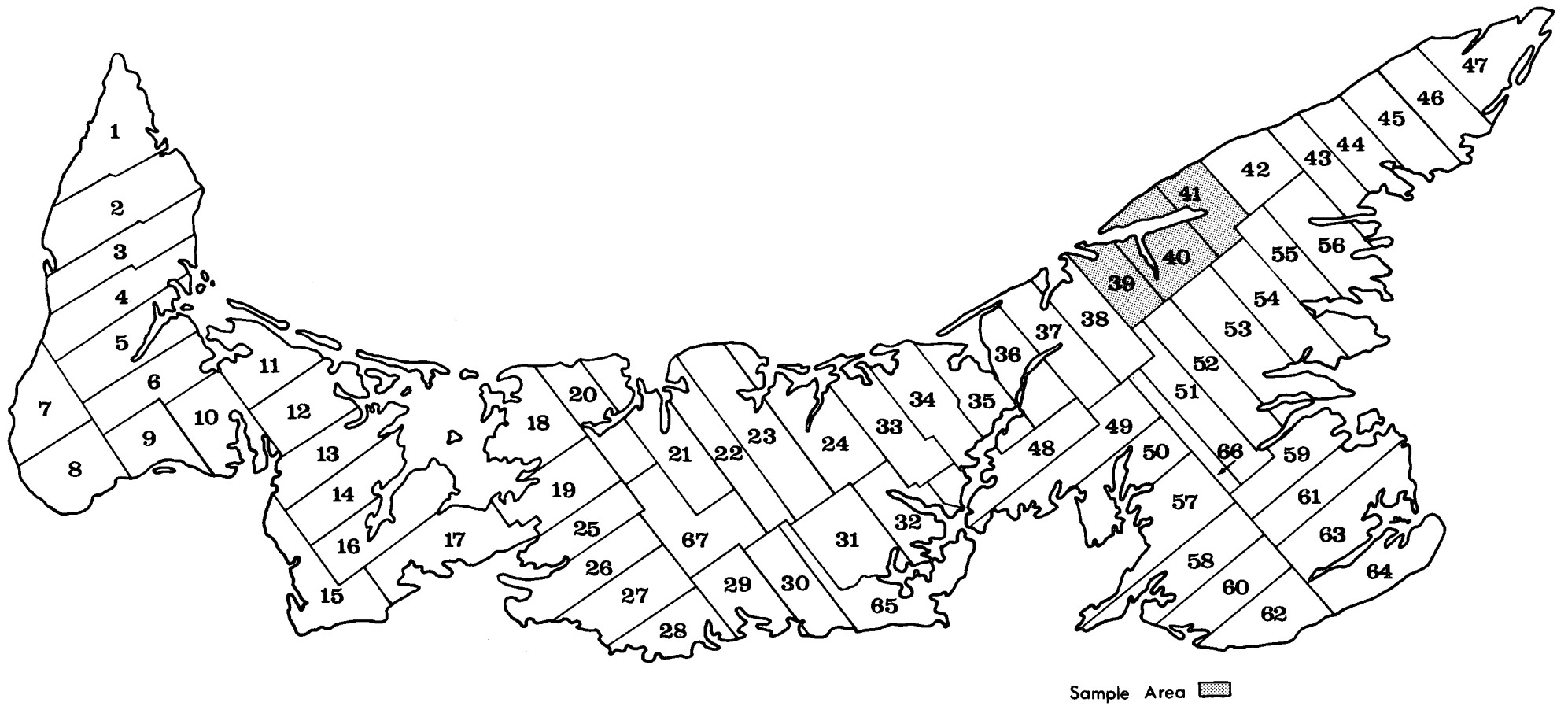
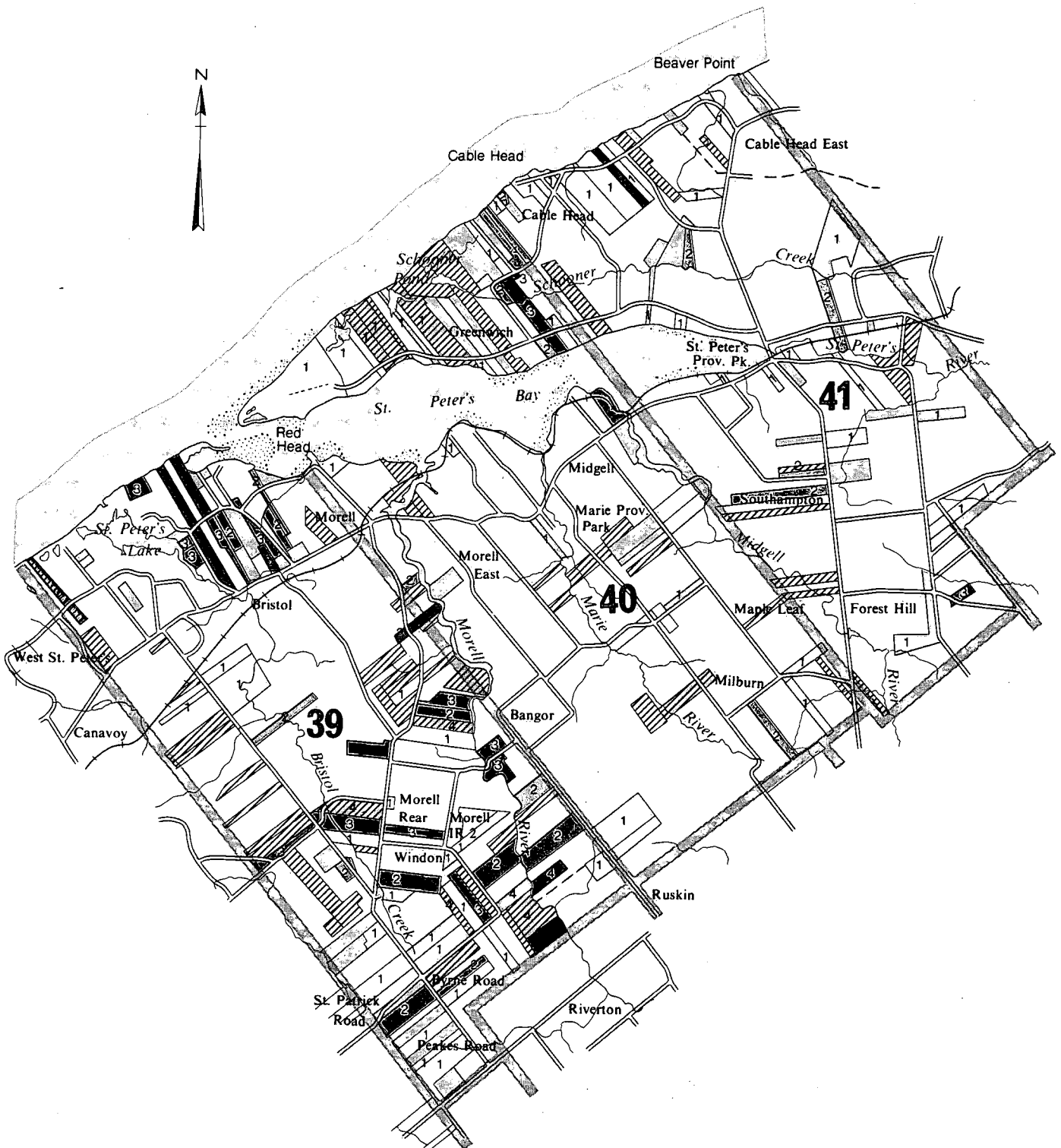











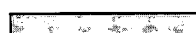


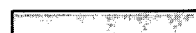

Figure 1



Categories and Changes in Status of Non-Resident Properties, 1972 and 1976

Sample of detailed mapping.

LEGEND

	Non-resident properties in 1972	— Still non-resident owned in 1976
	Non-resident properties in 1972	— Resident owned in 1976 ¹
	Non-resident properties in 1972	— Acquired by LDC (Land Development Corporation) between 1972 and 1976
	Petitions approved and properties sold or transferred to non-residents between 1972 and 1976	— Non-resident owned in 1976
	Petitions approved and properties sold or transferred to non-residents between 1972 and 1976	— Resident owned in 1976 ¹
	Petitions approved and properties not sold or transferred to non-residents between 1972 and 1976	— Non-resident owned in 1976
	Petitions approved and properties not sold or transferred to non-residents between 1972 and 1976	— Resident owned in 1976 ²
	Petitions approved and properties not sold or transferred to non-residents between 1972 and 1976	— Acquired by LDC
	Petitions denied between 1972 and 1976	— Properties owned by non-residents in 1976 ²
	Petitions denied between 1972 and 1976	— Properties owned by residents in 1976
	Petitions denied between 1972 and 1976	— Properties acquired by LDC
	Petitions cancelled	— Properties resident owned in 1976
	Other non-resident properties ³	
	Other properties acquired by LDC	

1. Owner/purchaser became a resident of P.E.I. or sold property to a resident

2. Petition submitted by non-resident owner

3. Properties owned by former residents

number of petitions submitted, approvals and denials, reasons, acreages, shore frontage, resident versus non-resident vendors or owners, residency of purchaser, type of transaction and intent of use. Tables on number or acreage of petitions by year may be followed by another table summarizing for the entire five-year period the number, acreage and per cent of petitions involved. Information on 84 cases involving non-resident corporations is included in the tables for the 1972-1975 period, but is not provided for 1976 because of a change in information records concerning corporate transactions.

The map illustrates the distribution and present status, where known, of properties related to petitions submitted between 1972 and 1976. The principal source of information was existing 1:50,000 maps maintained by the Land Use Service Centre. In order to provide a picture of recent non-resident land acquisition involving properties over 10 acres in size or 330 feet of shore frontage, the status of petitions approved for sale was further investigated to determine if transactions proceeded and if the properties were actually sold. The complete file of petitions approved was checked against a computer print-out listing all transfers of properties to non-residents since 1972, which revealed that 43.3% of the properties, as shown on the map, had changed hands as of December 1976. To verify these results, a second print-out listing all non-resident owners in 1976 was used, and when search of one-third of the cases yielded identical results, it was assumed that the remaining properties had not as yet been sold or otherwise transferred to a non-resident even though approved. However, it is possible that some of the remaining properties and acreage (of petitions approved, but also of petitions denied) may have been acquired by people residing on the Island who were non-residents at the time petitions were submitted. Additional information was obtained on the properties of petitions denied for conveyance to non-residents, in order to indicate those parcels acquired by the Land Development Corporation in the interest of the province for agricultural, recreation, forestry, conservation, and fish and wildlife purposes.

The number of properties on the map related to petitions, and in Table 4 and Appendix 1 compiled from the map, does not correspond exactly with category numbers or total figures on petitions given in the other tables and appendices, and these apparent discrepancies should be explained. Tables include information on a total of 1,070 petitions approved or denied, or, if the 13 petitions cancelled are included, a total of 1,083 cases. The map shows a total of 940 properties related to these petitions. Properties that were involved in more than one petition are categorized on the map according to the most recent decision. A single property shown on the map may have been involved in more than one petition, and similarly a single petition may involve more than one property. In the former case, one property on the map could involve two or more petitions in the tables: a case approved for sale may not have been sold to the intended buyer, and the petition resubmitted for another purchaser; a petition cancelled may have been resubmitted for another purchaser; the property of a petition denied for reasons of obvious speculation may later be approved for sale to another non-resident intending to settle and farm on the Island. It is not uncommon that a single property has been involved in two petitions, and, though rarely, sometimes in three or four. Many individual petitions involve more than one parcel on the map. In two extreme cases during the past five years, one petition involved as many as 22 parcels and the other 31, scattered over several lots. Where multiple parcels are involved, the single petition is normally recorded for the lot containing the largest aggregate acreage. Nine petitions have been submitted for the Charlottetown Royalty and Summerside areas, but the parcels have not been mapped due to the small acreage and the scale of the map.

Table 1
NON-RESIDENT PROPERTIES, September 1973 and September 1975

NUMBER AND PERCENT OF PROPERTIES

BY

ACREAGE CATEGORY

Acreage	September 1973		September 1975	
	Number of Properties	% of Properties	Number of Properties	% of Properties
Less than 0.9	1,260	37.9	2,171	42.8
1 - 4.9	583	17.5	978	19.3
5 - 9.9	192	5.8	299	5.9
10 - 24.9	235	7.0	336	6.6
25 - 99.9	771	23.2	961	19.0
More than 100	286	8.6	326	6.4
Total	3,327	100.0%	5,071	100.0%

Source: Land Statistics Division, Land Registration and Information Service, Fredericton, New Brunswick.

Note: More complete information available for 1975.

Table 2

NON-RESIDENT PROPERTIES, March 1973

NUMBER AND ACREAGE

BY COUNTY

	Number of Properties	Acreage of Properties
Prince County	844	24,161
Queen's County	1,328	31,404
King's County	986	33,400
Location Undetermined	3	96
Total	3,158	89,061

Source: Report Of The Royal Commission On Land Ownership And Land Use.

Note: Acreage figures exclude federal lands.

Table 3

NON-RESIDENT PROPERTIES, October 1973 and July 1975NUMBER, ACREAGE AND AVERAGE SIZEBYOWNER - RESIDENCE

<u>OWNER RESIDENCE</u>	<u>October 1973 Acreage</u>	<u>July 1975 Acreage</u>	<u>July 1975 Number of Properties</u>	<u>July 1975 Average Property Size (acres)</u>
New Brunswick	4,704	6,392	425	15.0
Nova Scotia	10,372	10,879	615	17.7
Quebec	6,553	7,205	445	16.2
Ontario	24,611	29,563	1,544	19.1
Other Canada	6,053	8,556	294	29.1
Massachusetts	15,997	17,940	718	24.9
New York	4,395	4,296	140	30.7
Other U.S.A.	17,761	23,222	858	27.0
Britain	147	182	10	18.0
Other Countries	204	398	22	18.1
Total	90,797	108,633	5,071	

Source: Land Statistics Division, Land Registration and
Information Service, Fredericton, New Brunswick.

Note: More complete information available for 1975.
Acreage includes a small amount of land of federal holdings.

Non-Resident Land Ownership in the Early 1970s

An overview of the non-resident ownership situation of the early 1970's is provided by the map, Tables 1 to 4 and Appendix 1.

The total acreage involved in non-resident landholdings, corporate and private, large and small, during the early 1970's is known approximately from figures computed at various times during this period:

mid December, 1970	-	71,875 acres	3.
March, 1973	-	89,061 acres	4.
October, 1973	-	90,797 acres	4.
July, 1975	-	108,633 acres	4.

Figures given for each date should be regarded only as an approximation, due to differences in methodology, mapping and statistical compilation. Nevertheless, the scale of non-resident acreage is clearly indicated and there is evidence of a substantial increase in acreage even during this brief period. The acreage given for July 1975 represents 7.76% of the province's area.

An indication of ownership on the basis of out of province residence is given in Table 3. In 1975, land held by Americans and Canadians of other provinces represented respectively 41.9% and 57.6% of the total non-resident owned acreage. Residents of Ontario and Massachusetts held noticeably large acreages.

Landholdings belonging to non-residents are Island-wide in distribution. Well over 50% constitute properties, primarily cottage lots, less than five acres in size, and of the increase in property numbers from 1973 to 1975 (many mapped for the first time), fully 75% involved these small acreages. It is estimated that all non-resident properties less than five acres in size account for only roughly 2% of the Island area owned by non-residents, hence the concern for larger holdings.

3. Excludes federal lands.

4. Includes a small acreage of federal holdings.

Table 4
NON-RESIDENT PROPERTIES 1972
 AND
PROPERTIES OF NON-RESIDENT PETITIONS 1972-1976
Total Number of Properties

and
Number with Shore Frontage and High Capability for Agriculture and Recreation

Compiled from the map - see Appendix 1.

	Properties in 1972*	Properties of Petitions, 1972-1976				Total
		Approved and Transferred	Approved, Not Transferred	Peti- tions Denied	Peti- tions Cancelled	
Total Number	771	355	465	111	9	940
High Agricultural Capability	588	283	375	61	5	724
High Recreation Capability	242	117	132	33	1	283
Shore Frontage	270	145	136	36	1	318

Note: *Information for 1972 is incomplete.
 Properties are recorded as having high agricultural capability if more than half the property consists of class 2 or class 3 agricultural capability.
 High recreation capability classes include classes 1 to 3. (Canada Land Inventory).

While larger purchases involve a substantial acreage of the Island's best farmland, there also has been a tendency to locate in areas where soils are marginal for agriculture and where land values are low. Examination of the distribution of parcels in 1972 shows that 76% of the properties involve substantial acreages rated class 2 or class 3 in agricultural capability and 35% are shoreline properties (Table 4 and Appendix 1). Many holdings have shown a marked preference for high quality shorelines where the best sand beaches are found. In 1972, it was estimated that more than 100 miles of the coastline was already owned by non-residents and the amount was increasing rapidly.

Non-Resident Land Ownership Petitions, 1972-1976

Pursuant to Section 3 of the *Real Property Act*, virtually all cases which may lead to acquisition of land by non-residents must begin with an application forwarded through proper government channels. This has meant that a continuous record of information has existed since 1972, providing an extensive information base to analyse trends and developments during the subsequent five-year period.

Numbers, Approvals, Denials, Acreage

The map is an excellent expression of the degree of non-resident interest in land purchase in Prince Edward Island. All properties associated with petitions submitted during the five-year period are shown - the number of properties is substantial and the area involved is sizeable. Although properties are scattered across the province, there is a heavier concentration in the eastern region, where out-migration, an aging population, marginal agricultural soils, and lower land prices have influenced land availability. Petitions involving shoreline properties continue to creep along the coastline, where very few have been denied. A numerical summary of map data is provided in Table 4 and Appendix 1.

TABLE 5
NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972 - 1976
REASONS FOR APPROVAL OR DENIAL OF PETITIONS
 NUMBER OF
PETITIONS APPROVED

<u>Reason For Approval</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
Acceptable Intent of Use	38	24	59	14	25	160
Family Reasons	43	58	104	48	70	323
Land Price*	49	64	50	37	35	235
Not Required	62	36	40	29	26	193
<hr/>						
Total Number of Petitions Approved	192	182	253	128	156	911
<u>Per cent of Petitions Approved</u>	80.7%	77.1%	87.8%	91.4%	92.9%	85.1%

NUMBER OF
PETITIONS DENIED

<u>Reason For Denial</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
Unacceptable Intent of Use	1	4	6	-	1	12
Required for Agricultural Purposes	10	5	9	4	5	33
Required for Forestry Purposes	25	33	12	3	6	79
Required for Recreation Purposes	6	11	7	3	-	27
Required for Fish and Wildlife Purposes	4	1	1	2	-	8
<hr/>						
Total Number of Petitions Denied	46	54	35	12	12	159
<u>Per cent of Petitions Denied</u>	19.3%	22.9%	12.2%	8.6%	7.1%	14.9%
<u>Total Number of Petitions</u>	238	236	258	140	168	1,070

Note: Figures include all petitions approved and denied in the province i.e. 1061 petitions of the 67 lots as well as 9 petitions within the Charlottetown Royalty and Summerside areas.

*Includes cases approved because the stated price exceeded that which could be offered by the Land Development Corporation on behalf of the province.

Table 6

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER, ACREAGE AND PERCENT OF PETITIONSREASON FOR APPROVAL AND DENIALNUMBER OF
PETITIONS APPROVED

<u>Reason for Approval</u>	<u>Number of Petitions Approved</u>	<u>% of Petitions Approved</u>	<u>Acreage Approved</u>	<u>% of Acreage Approved</u>
Acceptable Intent of Use	160	17.6	16,909	25.3
Family Reasons	323	35.6	25,244	37.7
Land Price*	235	25.8	16,404	24.5
Not Required	193	21.0	8,353	12.5
Total	911	100.0%	66,910	100.0%

NUMBER OF
PETITIONS DENIED

<u>Reason for Denial</u>	<u>Number of Petitions Denied</u>	<u>% of Petitions Denied</u>	<u>Acreage Denied</u>	<u>% of Acreage Denied</u>
Unacceptable Intent of Use	12	7.5	966	7.4
Required for Agricultural Purposes	33	20.8	3,120	23.8
Required for Forestry Purposes	79	49.7	5,994	45.6
Required for Recreation Purposes	27	17.0	2,441	18.6
Required for Fish & Wildlife Purposes	8	5.0	609	4.6
Total	159	100.0%	13,130	100.0%

Note: The table provides information on a total of 1070 petitions approved and denied: 1061 petitions of 67 lots and 9 petitions within the Charlottetown Royalty and Summerside areas. *Includes cases approved because the stated price exceeded that which could be offered by the Land Development Corporation on behalf of the province.

During the past five years, a total of 1070 applications involving non-resident land transactions for properties over 10 acres in size or 330 feet of shoreline have been submitted to Cabinet and have been decided upon by the Lieutenant-Governor-in-Council. Approval was given for 911 or 85.1% of the cases; 159 cases or 14.9% were rejected; and a further 13 petitions were cancelled (Tables 5 and 6).

In the first two years, well over 200 cases arose each year, and in the peak year of 1974, almost 300. Figures dropped to well under 200 for 1975 and 1976. This may be attributed to factors such as tourist numbers and interest, rising Island land values, and to inflation, meaning less money available for non-residents to spend on buying Island lands, but it is noteworthy that this drop corresponds to the Supreme Court decision announced in June of 1975. The attendant publicity may have depressed interest, scaring off potential buyers. Annual records normally show a tremendous increase in applications during the summer months, a reflection of land purchase desires of tourists as well as Islanders during the summer holiday period.

The per cent of cases approved has increased from a low of 77% in 1973 to 93% in 1976. Conversely, the per cent of denials has declined from 23% in 1973 to 7% in 1976. Only 12 petitions were denied last year.

But if the criteria for judging applications and other government policies are considered, a slightly different picture emerges. Cases involving family reasons (gifts, bequests or sales to persons with family connections with Prince Edward Island) have been nearly always approved.⁵ They represented almost 36% of all approvals between 1972 and 1976 (Table 6). Also, it is government policy to approve transactions, even those involving lands of interest to the province for agricultural, forestry recreation or wildlife preservation purposes, when the stated price

5. Tables include data for 1976 on transactions involving wills.

exceeds that which can be offered by the Land Development Corporation on behalf of the province. High land prices accounted for 24.5% of all cases approved during the five-year period. Together, these two categories, approval almost always certain, constituted 52.2% of the total of 1,070 petitions submitted.

The exclusion of these two categories leaves a different set of figures as annual totals, and the per cent of approvals and rejections changes noticeably for each year:

of the remaining 146 petitions in 1972, 68.5% approved and 31.5% denied
of the remaining 114 petitions in 1973, 52.6% approved and 47.4% denied
of the remaining 134 petitions in 1974, 73.9% approved and 26.1% denied
of the remaining 65 petitions in 1975, 78.2% approved and 21.8% denied
of the remaining 63 petitions in 1976, 80.9% approved and 19.1% denied

The per cent of denials, however, continued to decline as approvals increase.

About 25% of petitions approved in the last five years have included lands where the stated intent of use was considered acceptable and the lands were of only marginal interest to the province and generally of a slightly higher per acre cost than the province could contemplate.

Of the 159 petitions denied in five years, most were for reasons relating to agriculture, forestry, recreation and conservation. Especially during the early years, properties were obtained for forestry programs because of ridiculously low intended prices, as little as \$8-\$10 per acre in some instances in 1972. This accounts in part for the concentration of denials in the vicinity of Caledonia, north of Wood Islands, a prime forestry consolidation area. Several properties located along the north shore, between Point Deroche and Cable Head, have also been denied, because of their importance to recreation or conservation programs. Petitions turned down for reasons of un-

Table 7
Non-Resident Land Ownership Petitions, 1972-1976

	1972			1973			1974			1975			1976			1972-1976		
	Approved	Denied	Total	Approved	Denied	Total	Approved	Denied	Total	Approved	Denied	Total	Approved	Denied	Total	Approved	Denied	Total
Number of Petitions	192	46	238	182	54	236	253	35	288	128	12	140	156	12	168	911	159	1,070
Total Acreage	12,355	4,565	16,920	13,405	4,050	17,455	22,960	2,495	25,455	9,025	850	9,875	9,165	1,170	10,335	66,910	13,130	80,040
Cleared Acreage	5,320	1,055	6,375	7,005	845	7,850	9,785	765	10,550	3,720	330	4,050	4,100	455	4,555	29,930	3,450	33,380
Wooded Acreage	7,035	3,510	10,545	6,400	3,205	9,605	13,175	1,730	14,905	5,305	520	5,825	5,065	715	5,780	36,980	9,680	46,660
Shore Frontage (Chains)	1,604	230	1,834	1,186	487	1,673	2,217	578	2,795	777	222	999	1,186	46	1,232	6,970	1,563	8,533

Note: The table provides information on all petitions approved and denied in Prince Edward Island between 1972 and 1976, i.e. 1061 petitions relating to properties within the 67 lots as well as 9 petitions within the Charlottetown Royalty and Summerside areas. The total acreage for petitions approved and denied was 80,040. In addition, there were 13 petitions cancelled, involving a total of 2,350 acres. Including the acreage of petitions cancelled, the total acreage of all non-resident land ownership petitions submitted during the period 1972-1976 amounted to 82,390 acres.

acceptable intent of use contained clear evidence of speculation, unwanted subdivision or other potential conflict with existing land uses. The map shows only 111 properties denied in contrast to 159 petitions denied, and it is assumed that the discrepancy is largely due to resubmission of petitions previously denied. Most are denied once again, although approval has been given on occasion under acceptable circumstances.

A concise, overall summary by year and for the five-year period is given for petitions approved and denied in Table 7: number of petitions; cleared, wooded and total acreages; and shore frontage. Of the total of 80,040 acres involved over the five years, 33,380 acres or 42% were cleared and 46,660 acres or 58% were wooded.

The scale, in terms of acreage, is arresting. The total of 80,040 acres approximates that estimated to be in non-resident hands about 1972-73. But it must be remembered that some petitions have been submitted more than once, inflating the total somewhat higher than the land acreage involved if areas of properties were totalled from computer listings or measured from the map. Additional time is required to provide accurate figures regarding the kind, rate and extent of recent land acquisition. It is important to know not only the actual acreage involved in all petitions approved, but also the true acreage that has been sold, including and apart from property transactions for family reasons.

The total acreage of all petitions approved for transfer amounted to almost 67,000 acres, 45% consisting of cleared lands. Acreage of petitions denied involved some 13,130 acres. Checking revealed that of those approved, 43.3% had definitely been sold or transferred to non-residents. If we assume that this represents roughly 43% of the total acreage (i.e. 66,910 acres), the estimate of acreage actually sold or transferred by non-residents and Islanders to new non-resident owners between 1972 and 1976 is 28,711 acres. This figure implies an annual rate of land transfer of 5,754 acres - 480 acres per month, about 16 acres a day. The remaining acreage

Table 8
NON-RESIDENT CORPORATE PETITIONS, 1972-1975
NUMBER OF PETITIONS AND ACREAGE

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1972 - 1975</u>
<u>Number of Petitions</u>					
Submitted	27	18	36	3	84
Approved	19	15	29	3	66
Denied	8	2	7	-	17
Cancelled	-	1	-	-	1
 <u>Acreage of Petitions</u>					
Submitted	1,903	1,817	7,002	154	10,876
Approved	1,266	1,572	6,569	154	9,561
Denied	637	115	433	-	1,185
Cancelled	-	130	-	-	130

Note: This information is included in totals of other tables on all non-resident land ownership petitions between 1972 and 1976.

approved apparently had not changed hands as of December 1976, but reflects a firm interest in future land acquisition on the part of non-residents. Deed registration may follow long after land is sold. The number, acreage and distribution of properties of petitions approved which are held on the basis of an option to purchase at some future date would be worthy of further investigation.

Non-resident individuals and private landholdings account for the bulk of the acreage applied for in recent years. Between 1972 and 1975, 84 non-resident corporate petitions were entered, with a total acreage of 10,875 (Table 8). Twenty-seven corporations were involved, but four together made 55 petitions covering 49% of the acreage.

Agricultural and Recreation Resources

The non-resident pattern is so widespread across the province that it is hard to avoid good agricultural lands. Appraisal of this distribution in relation to agricultural capability shows that about 80% of the petitions approved were for properties with more than half the acreage rated 2 or 3 for agriculture, much already cleared productive farmland (Table 4 and Appendix 1). The acreages of good cleared and uncleared agricultural lands involved should be determined from areal measurements. Some of these lands will in the end be farmed, when sold to non-resident applicants intending to settle and farm in P.E.I. Others may be rented or leased to adjacent farmers and remain in agricultural use. But there remains a substantial acreage which may not be maintained or utilized productively.

About 33% of the properties already transferred and 28% of those approved but not yet transferred include lands rated 1 to 3 for outdoor recreation (Table 4 and Appendix 1). The shoreline is of special concern. The map illustrates that about one-third of all properties related

to petitions submitted between 1972 and 1976 were shore front properties. Of the 318 parcels situated on the shoreline, 281 were approved, 145 were conveyed to new owners, 36 denied, and 1 was cancelled. The actual amount of shoreline entailed should be precisely determined from 1:50,000 maps.

According to existing records for 1972 and 1976, petitions approved included a total of 6,970 chains or 87 miles of shore frontage. Although this figure is slightly high because some petitions were resubmitted and shore frontage figures counted twice, a conservative estimate would indicate at least 60 or 65 miles in five years - more than 12 miles approved each year. If the more than 100 miles of shoreline non-resident owned in 1972 is still non-resident owned, and to this figure is added a minimum of another 60 miles sold or likely to be acquired in the near future, the total would represent 14% of the province's shoreline resource.*

Resident and Non-Resident Title-Holders

Section 3 of *The Real Property Act* covers transactions to all non-residents, generally understood to mean people whose permanent residence is elsewhere and whose tax bill is mailed out of province. The title holder intending to sell may be either a resident of the province or a non-resident. Many non-residents petitioning for land may have family ties with the province or may be returning Islanders, while many non-residents desiring to sell may be former Islanders now residing in another province. This means that only part of the acreage submitted or approved for sale to non-residents comprises new lands traditionally owned by Islanders. Approximately 25% of this land was already non-resident owned and constitutes resale.

Over the five-year period, about 72% of all cases and 76% of the acreage involved transfer from an Island resident to a non-resident. Resident-to-non-resident petitions led to sanction of 52,593 acres of new land for transfer. Non-resident-to-non-resident

*Shoreline affected by tidal waters.

Table 9

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER OF PETITIONSRESIDENT AND NON-RESIDENT VENDORS OR OWNERS

<u>RESIDENT</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
Number of Petitions Submitted	187	176	199	105	116	783
Number of Petitions Approved	157	138	178	94	111	678
Number of Petitions Denied	30	33	19	9	3	94
Number of Petitions Cancelled	-	5	2	2	2	11
<u>NON-RESIDENT</u>						
Number of Petitions Submitted	51	66	91	38	54	300
Number of Petitions Approved	35	44	75	34	45	233
Number of Petitions Denied	16	21	16	3	9	65
Number of Petitions Cancelled	-	1	-	1	-	2
<u>TOTAL</u>						
Number of Petitions Submitted	238	242	290	143	170	1,083
Number of Petitions Approved	192	182	253	128	156	911
Number of Petitions Denied	46	54	35	12	12	159
Number of Petitions Cancelled	-	6	2	3	2	13

Note: The table provides information on a total of 1083 petitions: 1061 approvals and denials in 67 lots; 9 petitions within the Charlottetown Royalty and Summerside areas; and 13 petitions which were cancelled.

Table 10

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976ACREAGE OF PETITIONSRESIDENT AND NON-RESIDENT VENDORS OR OWNERS

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
<u>RESIDENT</u>						
Acreage Submitted	13,620	13,384	18,471	9,428	7,544	62,447
Acreage Approved	10,520	10,628	16,954	7,394	7,097	52,593
Acreage Denied	3,100	2,556	1,481	495	272	7,904
Acreage Cancelled	-	200	36	1,539	175	1,950
<u>NON-RESIDENT</u>						
Acreage Submitted	3,300	4,446	7,020	2,113	3,064	19,943
Acreage Approved	1,835	2,777	6,006	1,631	2,068	14,317
Acreage Denied	1,465	1,494	1,014	355	898	5,226
Acreage Cancelled	-	175	-	127	98	400
<u>TOTAL</u>						
Acreage Submitted	16,920	17,830	25,491	11,541	10,608	82,390
Acreage Approved	12,355	13,405	22,960	9,025	9,165	66,910
Acreage Denied	4,565	4,050	2,495	850	1,170	13,130
Acreage Cancelled	-	375	36	1,666	273	2,350

Table 11

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER, ACREAGE AND PERCENT OF PETITIONSRESIDENT AND NON-RESIDENT VENDORS OR OWNERS

	<u>Number of</u> <u>Petitions</u>	<u>% of Number</u> <u>of Petitions</u>	<u>Acreage of</u> <u>Petitions</u>	<u>% of Acreage</u> <u>of Petitions</u>
<u>RESIDENT</u>				
Petitions Submitted	783	72.3	62,447	75.8
<i>Petitions Approved</i>	678	86.6	52,593	84.2
<i>Petitions Denied</i>	94	12.0	7,904	12.7
<i>Petitions Cancelled</i>	11	1.4	1,950	3.1
<u>NON-RESIDENT</u>				
Petitions Submitted	300	27.7	19,943	24.2
<i>Petitions Approved</i>	233	77.7	14,317	71.8
<i>Petitions Denied</i>	65	21.7	5,226	26.2
<i>Petitions Cancelled</i>	2	0.6	400	2.0
<u>TOTAL</u>				
Petitions Submitted	1,083	100.0	82,390	100.0
<i>Petitions Approved</i>	911	84.1	66,910	81.2
<i>Petitions Denied</i>	159	14.7	13,130	15.9
<i>Petitions Cancelled</i>	13	1.2	2,350	2.9

petitions led to approval of 14,320 acres of the total 20,000 so petitioned. This indicates that of the sum of 80,000 acres held by non-residents in 1972, about one-quarter or 20,000 acres was subsequently involved in applications for resale, bequests or gifts to other non-residents (Tables 9, 10 and 11).

If approximately 43% of the petitions and the new acreage of 52,593 approved changed hands, another 22,615 acres of previously Island-owned land is now in the hands of non-residents.⁶ Over the five years, this implies an average annual increase in non-resident holdings of 4,523 acres - 377 acres per month, or about 12.6 acres a day. If these 22,615 acres (1.62% of the area of P.E.I.) are added to the estimated 80,000 acres already belonging to non-residents in 1972, it suggests a total of about 102,615 acres or 7.3% of the province in non-resident hands as of December 1976. Due to lack of information, this figure does not take into account the reverse trend of land obtained by Islanders from non-residents. In any case, the estimate compares favourably with the figure given earlier for 1975, which included in addition newly acquired holdings less than 10 acres in size and federal lands. The remaining resident-to-non-resident acreage approved but as yet unchanged in status or title is another 29,978 acres, equal to 2.14% of the Island land mass.

Canadian and American Petitioners

During the last several years, the issue of non-resident ownership in Prince Edward Island has never been simply a question of "foreign" ownership. Many non-residents, both Canadian and American, have links with the Island, and some are former Islanders. Canadian residents of other provinces have demonstrated considerable interest in property acquisition - they account for 60% of the number of petitions submitted, and 60% of the acreage, from 1972 to 1976. Of the total of 66,910 acres approved, Canadian applications entailed some 42,365 acres. Americans entered 39% of all applications; 81% of the applications and 75% of the acreage they sought approval on was granted (Tables 12 and 13).

6. The complete file of petitions approved was checked against a computer print-out listing all transfers of properties to non-residents since 1972, which revealed that 43.3% of the properties had changed hands as of December 1976.

Table 12

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER OF PETITIONSCANADIAN AND AMERICAN PURCHASERS OR PETITIONERS

<u>CANADIAN</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
Number of Petitions Submitted	107	130	195	99	118	649
Number of Petitions Approved	89	100	176	88	109	562
Number of Petitions Denied	18	28	17	9	7	79
Number of Petitions Cancelled	-	2	2	2	2	8
<u>AMERICAN</u>						
Number of Petitions Submitted	126	111	94	43	50	424
Number of Petitions Approved	99	82	76	39	46	342
Number of Petitions Denied	27	26	18	3	4	78
Number of Petitions Cancelled	-	3	-	1	-	4
<u>OTHER</u>						
Number of Petitions Submitted	5	1	1	1	2	10
Number of Petitions Approved	4	-	1	1	1	7
Number of Petitions Denied	1	-	-	-	1	2
Number of Petitions Cancelled	-	1	-	-	-	1
<u>TOTAL</u>						
Number of Petitions Submitted	238	242	290	143	170	1,083
Number of Petitions Approved	192	182	253	128	156	911
Number of Petitions Denied	46	54	35	12	12	159
Number of Petitions Cancelled	-	6	2	3	2	13

Note: The table provides information on a total of 1,083 petitions: 1,061 approvals and denials of 67 lots; 9 petitions within the Charlottetown Royalty and Summerside areas; and 13 petitions which were cancelled.

Table 13

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER, ACREAGE AND PERCENT OF PETITIONSCANADIAN AND AMERICAN PURCHASERS OR PETITIONERS

	<u>Number of Petitions</u>	<u>% of Number of Petitions</u>	<u>Acreage of Petitions</u>	<u>% of Total Acreage</u>
<u>CANADIAN</u>				
Petitions Submitted	649	59.9	49,634	60.2
<i>Petitions Approved</i>	562	86.6	42,365	85.4
<i>Petitions Denied</i>	79	12.2	6,985	14.0
<i>Petitions Cancelled</i>	8	1.2	284	0.6
<u>AMERICAN</u>				
Petitions Submitted	424	39.2	31,435	38.2
<i>Petitions Approved</i>	342	80.7	23,437	74.6
<i>Petitions Denied</i>	78	18.4	5,997	19.1
<i>Petitions Cancelled</i>	4	0.9	2,001	6.3
<u>OTHER</u>				
Petitions Submitted	10	0.9	1,321	1.6
<i>Petitions Approved</i>	7	70.0	1,108	83.9
<i>Petitions Denied</i>	2	20.0	148	11.2
<i>Petitions Cancelled</i>	1	10.0	65	4.9
<u>TOTAL</u>				
Petitions Submitted	1,083	100.0	82,390	100.0
<i>Petitions Approved</i>	911	84.1	66,910	81.2
<i>Petitions Denied</i>	159	14.7	13,130	15.9
<i>Petitions Cancelled</i>	13	1.2	2,350	2.9

Type of Transaction

The type of transaction is one factor considered carefully in reviewing petitions (Tables 14 and 15).

In December 1975 amendment of *The Real Property Act* exempted transfers to non-residents related to wills or testamentary disposition, so long as the deceased was a resident of P.E.I. at the time of death and beneficiaries are spouse, sons or daughters. However, cases continued to be submitted, so that complete information is also available for 1976.

From 1972 to 1976, three-quarters of all petitions were cases of intended sale to non-residents, and permission was given in 79% of the cases. Of the total acreage approved, 68% involved outright sales transactions. Gifts, almost always to family members, accounted for 15% of all petitions and these were agreed to 98% of the time. Bequests, 6.9%, and arms-length transactions or transfer for a nominal fee, 3.1% of the cases, all received approval.

An interesting trend is evident from Table 14. The proportion of sales cases submitted relative to other kinds of transactions has been declining noticeably. The per cent of gift cases, almost always receiving approval, has shown an increase. Sale and gift cases as a per cent of all petitions submitted each year were as follows:

1972,	90.8%	sales transactions,	5.9%	gifts
1973,	79.8%	sales transactions,	11.6%	gifts
1974,	67.9%	sales transactions,	21.0%	gifts
1975,	67.8%	sales transactions,	17.5%	gifts
1976,	64.1%	sales transactions,	21.2%	gifts

Table 14

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER OF PETITIONSTYPE OF TRANSACTION

<u>GIFT</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1972-1976</u>
Number of Petitions Submitted	14	28	61	25	36	164
Number of Petitions Approved	14	27	59	25	36	161
Number of Petitions Denied	-	1	1	-	-	2
Number of Petitions Cancelled	-	-	1	-	-	1
<u>SALE</u>						
Number of Petitions Submitted	216	193	197	97	109	812
Number of Petitions Approved	170	134	162	82	95	643
Number of Petitions Denied	46	53	34	12	12	157
Number of Petitions Cancelled	-	6	1	3	2	12
<u>BEQUEST</u>						
Number of Petitions Submitted and Approved	8	17	21	15	13	74
<u>OTHER</u>						
Number of Petitions Submitted	-	4	11	6	12	33
Number of Petitions Approved	-	4	11	6	12	33
Number of Petitions Denied	-	-	-	-	-	-
Number of Petitions Cancelled	-	-	-	-	-	-
<u>TOTAL</u>						
Number of Petitions Submitted	238	242	290	143	170	1,083
Number of Petitions Approved	192	182	253	128	156	911
Number of Petitions Denied	46	54	35	12	12	159
Number of Petitions Cancelled	-	6	2	3	2	13

Note: The table provides information on a total of 1,083 petitions: 1,061 approvals and denials of 67 lots; 9 petitions within the Charlottetown Royalty and Summerside areas; and 13 petitions which were cancelled.

Table 15

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER, ACREAGE AND PERCENT OF PETITIONSTYPE OF TRANSACTION

	<u>Number of</u> <u>Petitions</u>	<u>% of Number</u> <u>of Petitions</u>	<u>Acreage of</u> <u>Petitions</u>	<u>% of Acreage</u> <u>of Petitions</u>
--	--------------------------------------	-------------------------------------------	---------------------------------------	--------------------------------------------

GIFT

Petitions Submitted	164	15.1	9,894	12.0
<i>Petitions Approved</i>	161	98.2	9,475	95.8
<i>Petitions Denied</i>	2	1.2	383	3.9
<i>Petitions Cancelled</i>	1	0.6	36	0.3

SALE

Petitions Submitted	812	74.9	60,745	73.7
<i>Petitions Approved</i>	643	79.2	45,684	75.2
<i>Petitions Denied</i>	157	19.3	12,747	20.9
<i>Petitions Cancelled</i>	12	1.5	2,314	3.9

BEQUEST

Petitions Submitted	74	6.9	6,356	7.7
<i>Petitions Approved</i>	74	100.0	6,356	100.0

OTHER

Petitions Submitted	33	3.1	5,395	6.6
<i>Petitions Approved</i>	33	100.0	5,395	100.0
<i>Petitions Denied</i>	-	0.0	-	0.0
<i>Petitions Cancelled</i>	-	0.0	-	0.0

TOTAL

Petitions Submitted	1,083	100.0	82,390	100.0
<i>Petitions Approved</i>	911	84.1	66,910	81.2
<i>Petitions Denied</i>	159	14.7	13,130	15.9
<i>Petitions Cancelled</i>	13	1.2	2,350	2.9

Intent of Use

In applying to acquire land in Prince Edward Island, non-residents are requested to provide information on their intent of use. The statement of intention, however, has no authority in the act; it is merely one of the procedural requirements intended to assist the Lieutenant-Governor-in-Council in deciding whether a person should be allowed to hold title to real property in the province. The statement is not binding, there is no way of holding the person to the statement, and there is nothing to prevent a non-resident from putting the land to uses other than stated on the original application.

The intent of use held in highest favour is permanent residency, and farming or leasing of the land. Less acceptable is seasonal residency, with or without leasing of the land. Least acceptable is intensive or undesirable development and speculation, cases which are normally rejected.

Between 1972 and 1976, 37.2% of all cases submitted stipulated permanent residency. Almost all stating permanent residency and farming (25,349 acres) were approved. As a per cent of all petitions arising each year, permanent residency and farming shows an increase: 1972 - 29.3%; 1973 - 31.2%; 1974 - 36.2%; 1975 - 43.4%; and 1976 - 52.4% (Tables 16 and 17).

Properties intended for summer or seasonal residence or use (504 petitions) accounted for 47.1% of the total petitions submitted, and over 80% (25,327 acres) received approval. The average amount of land per petition was 65.5 acres. The encouragement of the maintenance and productive use of this resource which represents 1.8% of the Island's land base is considered most important.

At present there is no means of ensuring that the stated intent of use or another acceptable use is followed. But in the

Table 16

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER OF PETITIONS ACCORDING TO INTENT OF USE

(as stated on applications)

	1972	1973	1974	1975	1976	1972-1976
<u>PERMANENT RESIDENCE & FARMING</u>						
Number of Petitions Submitted	32	50	65	33	43	223
Number of Petitions Approved	28	45	61	30	39	203
Number of Petitions Denied	4	3	4	2	4	17
Number of Petitions Cancelled	-	2	-	1	-	3
<u>PERMANENT RESIDENCE & LEASE* OF LAND</u>						
Number of Petitions Submitted	1	1	2	1	3	8
Number of Petitions Approved	1	1	2	1	3	8
Number of Petitions Denied	-	-	-	-	-	-
Number of Petitions Cancelled	-	-	-	-	-	-
<u>SEASONAL RESIDENCE & LEASE* OF LAND</u>						
Number of Petitions Submitted	15	22	14	13	8	72
Number of Petitions Approved	13	20	14	10	7	64
Number of Petitions Denied	2	2	-	3	1	8
Number of Petitions Cancelled	-	-	-	-	-	-
<u>PERMANENT RESIDENCE</u>						
Number of Petitions Submitted	32	25	38	28	43	166
Number of Petitions Approved	27	16	37	23	41	144
Number of Petitions Denied	5	9	1	3	1	19
Number of Petitions Cancelled	-	-	-	2	1	3
<u>SEASONAL RESIDENCE</u>						
Number of Petitions Submitted	98	122	139	7	66	432
Number of Petitions Approved	73	93	121	7	64	358
Number of Petitions Denied	25	28	16	-	2	71
Number of Petitions Cancelled	-	1	2	-	-	3
<u>DEVELOPMENT, SPECULATION, OTHER</u>						
Number of Petitions Submitted	44	24	32	61	7	168
Number of Petitions Approved	34	9	18	57	2	120
Number of Petitions Denied	10	12	14	4	4	44
Number of Petitions Cancelled	-	3	-	-	1	4
<u>TOTAL</u>						
Number of Petitions Submitted	222	244	290	143	170	1,069
Number of Petitions Approved	176	184	253	128	156	897
Number of Petitions Denied	46	54	35	12	12	159
Number of Petitions Cancelled	-	6	2	3	2	13

Note: Of the total of 1,083 petitions submitted between 1972 and 1976, intent of use was indicated on 1,069 of the applications. Information on intent of use was not provided on the remaining 14 petitions submitted.

* Information on leasing is incomplete, derived only from a small number of applications.

Table 17

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER, ACREAGE AND PERCENT OF PETITIONS ACCORDING TO INTENT OF USE

(as stated on applications)

	<u>Number of</u> <u>Petitions</u>	<u>% of Number</u> <u>of Petitions</u>	<u>Acreage of</u> <u>Petitions</u>	<u>% of Acreage</u> <u>of Petitions</u>
<u>PERMANENT RESIDENCE</u> <u>& FARMING</u>				
Petitions Submitted	223	20.9	27,794	34.1
<i>Petitions Approved</i>	203	91.0	25,349	91.2
<i>Petitions Denied</i>	17	7.6	2,290	8.2
<i>Petitions Cancelled</i>	3	1.4	155	0.6
<u>PERMANENT RESIDENCE</u> <u>& LEASE*OF LAND</u>				
Petitions Submitted	8	0.8	459	0.6
<i>Petitions Approved</i>	8	100.0	459	100.0
<i>Petitions Denied</i>	-	0.0	-	0.0
<i>Petitions Cancelled</i>	-	0.0	-	0.0
<u>SEASONAL RESIDENCE</u> <u>& LEASE*OF LAND</u>				
Petitions Submitted	72	6.7	5,545	6.8
<i>Petitions Approved</i>	64	88.9	4,841	87.4
<i>Petitions Denied</i>	8	11.1	704	12.6
<i>Petitions Cancelled</i>	-	0.0	-	0.0
<u>PERMANENT RESIDENCE</u>				
Petitions Submitted	166	15.5	8,986	11.0
<i>Petitions Approved</i>	144	86.7	7,314	81.4
<i>Petitions Denied</i>	19	11.4	1,353	15.1
<i>Petitions Cancelled</i>	3	1.9	319	3.5
<u>SEASONAL RESIDENCE</u>				
Petitions Submitted	432	40.4	27,468	33.7
<i>Petitions Approved</i>	358	82.9	20,486	74.6
<i>Petitions Denied</i>	71	16.4	5,371	19.6
<i>Petitions Cancelled</i>	3	0.7	1,611	5.8

NUMBER, ACREAGE AND PERCENT OF PETITIONS ACCORDING TO INTENT OF USE

	<u>Number of</u> <u>Petitions</u>	<u>% of Number</u> <u>of Petitions</u>	<u>Acreage of</u> <u>Petitions</u>	<u>% of Acreage</u> <u>of Petitions</u>
<u>SPECULATION</u>				
<u>DEVELOPMENT, OTHER</u>				
Petitions Submitted	168	15.7	11,293	13.8
<i>Petitions Approved</i>	120	71.4	7,616	67.4
<i>Petitions Denied</i>	44	26.2	3,412	30.2
<i>Petitions Cancelled</i>	4	2.4	265	2.4
<u>TOTAL</u>				
Petitions Submitted	1,069	100.0	81,545	100.0
<i>Petitions Approved</i>	897	83.9	66,065	81.0
<i>Petitions Denied</i>	159	14.9	13,130	16.1
<i>Petitions Cancelled</i>	13	1.2	2,350	2.9

* Information on leasing is incomplete, derived only from a small number of applications.

future, applicants may be requested to confirm intended use by means of an affidavit or covenant, or lands may be identified for appropriate uses in the context of provincial land use policies.

Sales Value

A broad indication of total and per acre sales values related to large acreages is provided in Tables 18 and 19 and Appendix 4. Of the total acreage, 25.3% (172 petitions) averaged less than \$50 per acre. Cases averaging \$50-150 per acre accounted for another 32.3%. So more than half involved low to relatively low prices. To provide a better representation of what tourists or other Canadians or Americans were willing to offer, figures were also derived from a selection of cases where there were no apparent family or previous connections with the vendor or the province (Table 19). Records show an increase in recent years.

Demand for shoreline properties has caused values to rise, making it more difficult for Islanders and the provincial government to acquire coastal recreation lands. Agricultural use of these coastal lands is less viable than it once was due to the increased cost of acquisition. Large acreage purchases across the province have also had an impact on the agricultural scene, raising average farmland values in some areas. The eastern part of the province, easily accessible from Wood Islands ferry terminal, is typical of areas where lower land values have attracted large numbers of non-resident purchasers, stimulating an upward trend in property values.

Price has influenced the granting or denial of non-resident land purchases. Under-valued lands have been denied non-residents and instead obtained for the province while many high priced lands have been approved because of prices beyond the province's range for agricultural use. Almost exclusive adherence to this policy has led to more approvals, even though there is nothing to prevent a petitioner from stating a high price and subsequently purchasing the property at less.

Table 18

NON- RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976NUMBER OF PETITIONS AND ACREAGEBYPROPERTY SALES VALUE CATEGORIES

<u>Property Sales Value Category</u>	<u>Number of Petitions</u>	<u>Total Acreage</u>
Less than \$50./ Acre	172	14,102
\$50. - \$150./ Acre	211	18,035
\$150. - \$300./ Acre	151	12,900
\$300. - \$600./ Acre	108	6,906
More than \$600./ Acre	138	3,904
Total	780	55,847

Note: The table summarizes sales value information provided in detail on a lot basis in Appendix 4. Information was available for 780 of the 1074 petitions submitted for properties in the 67 lots between 1972 and 1976. Values per acre include properties with houses and other structures as well as parcels without buildings.

Table 19

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1975
ACREAGE AND VALUE OF SELECTED APPROVED PETITIONS
(NO APPARENT FAMILY CONNECTIONS WITH VENDOR OR PROVINCE)

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Number of Petitions	147	113	158	70
Total Acreage	7,708	8,938	12,236	4,408
Average Acreage of Petition	52.4	79.1	77.4	62.9
Total Value	\$1,585,634.	\$1,611,298.	\$3,030,700.	\$1,440,465.
Average Value Per Acre	\$206.	\$180.	\$248.	\$327.
Average Value Per Petition	\$10,787.	\$14,259.	\$19,182.	\$20,578.

Note: Values per acre include properties with houses and other structures as well as parcels without buildings.

Land Development Corporation Acquisitions

The Land Development Corporation was established in 1969. Its primary purpose is to assist farmers and the agricultural industry, by acquiring land and making it available for farm expansion and consolidation purposes.

It is also empowered to acquire lands valuable to the province for forestry, wildlife, recreation, conservation and other purposes. Consequently, it has assumed the role of purchasing agent, and does acquire real property for any department of government with the exception of the Department of Public Works. Between 1972 and 1975, the land of 41% of all petitions denied was acquired by the Land Development Corporation (Table 20). This represented 5,335 acres, or 45% of the acreage denied for sale to non-residents, valued at nearly a half million dollars, or \$85 per acre. Fewer of the parcels denied have been purchased in recent years.

In the case of agricultural lands, the Land Development Corporation can only offer within the range of the agricultural market value, which is what local farmers might be expected to pay in turn to purchase the land from the Land Development Corporation. Relative to these prices, off-Island land values are high and non-residents, willing and able to pay higher prices, increasingly offer sums for Island farmland exceeding its appraised market value within the agricultural sector of Prince Edward Island.

Resident vendors are often aging Island farmers, with no farming children to leave their land to. They regard their land as their "pension fund", and when desiring to sell, expect to do so to the buyer of their choice and at the best price offer. Not infrequently this may involve a non-resident purchaser. The views of farmers on this matter are well known, and have been well voiced in recent years through public hearings and community meetings associated with the Rural Development Corporation, the Royal Commission on Land Ownership and Land Use, the Land Use Commission, and the on-going north shore regional planning activities.

Because Island values determine price policy, the purchasing power of the Land Development Corporation may have decreased relative to higher out of province land values and non-resident

Table 20

LAND DEVELOPMENT CORPORATIONPROPERTIES ACQUIRED OF NON-RESIDENT PETITIONS DENIED

	1972	1973	1974	1975	1972-1975
Total Petitions Denied	46	54	35	12	147
Total Acreage Denied	4,565	4,050	2,495	850	11,960
Total Shore Frontage*Denied	230	487	528	272	1,517
Total Value of Parcels Denied	\$274,400	\$318,900	\$323,600	\$113,200	\$1,030,100
Total Petitions Acquired	22	18	14	6	60
Total Acreage Acquired	2,321	1,442	1,051	521	5,335
Total Shore Frontage*Acquired	151	234	127	25	537
Total Value of Parcels Acquired	\$192,500	\$113,800	\$ 84,000	\$ 64,900	\$ 455,200
<u>AGRICULTURAL PURPOSES</u>					
Petitions Acquired	7	2	3	1	13
Acreage Acquired	634	50	258	85	1,027
Shore Frontage*Acquired	40	-	10	15	65
Value of Parcels Acquired	\$ 40,700	\$ 4,500	\$ 11,900	\$ 1,000	\$ 58,100
<u>FISH AND WILDLIFE PURPOSES</u>					
Petitions Acquired	-	1	3	-	4
Acreage Acquired	-	52	265	-	317
Shore Frontage*Acquired	-	10	94	-	104
Value of Parcels Acquired	-	\$ 7,500	\$ 29,400	-	\$ 36,900
<u>FORESTRY PURPOSES</u>					
Petitions Acquired	10	9	7	4	30
Acreage Acquired	918	674	481	426	2,499
Shore Frontage*Acquired	-	5	8	-	13
Value of Parcels Acquired	\$ 17,800	\$ 24,900	\$ 19,200	\$ 48,900	110,800
<u>RECREATION PURPOSES</u>					
Petitions Acquired	5	6	1	1	13
Acreage Acquired	769	666	47	10	1,492
Shore Frontage*Acquired	111	219	15	10	355
Value of Parcels Acquired	\$134,000	\$ 76,900	\$ 23,500	\$ 15,000	\$ 249,400

Note: Shore frontage given in chains.

purchasing power. The continuation of government's traditional policy of approving transactions to non-resident petitioners when the price exceeds that consistent with the purchasing policy of the Land Development Corporation, and other factors, appears to have contributed to a noticeable drop in number of petitions denied in recent years.

Table 21

Statistical Summary

Review of Some Significant Statistics Presented Earlier

- Dec. 1970 - 71,875 acres non-resident owned
- 1972 - 80,000 acres non-resident owned
- July 1975 - 108,633 acres non-resident owned = 7.76% of the area of Prince Edward Island
- July 1975 - Non-resident land 57.6% Canadian owned and 41.9% American owned
- 1972 - 76% of non-resident properties include substantial good agricultural land
- 1972 - 35% of non-resident properties occupy shoreline
- 1972 - More than 100 miles of coastline non-resident owned
- 1972 - 1976 - 1,070 non-resident land ownership petitions submitted to Cabinet
- 1972 - 1976 - In all, 911 petitions or 85.1% approved, and 159 or 14.9% denied
- 1972 - 1976 - % of cases approved increasing, from low of 77% in 1973 to 93% in 1976
- 1972 - 1976 - % of denials decreasing, from 23% in 1973 to 7% in 1976
- 1972 - 1976 - 36% of all cases approved involved family transactions
- 1972 - 1976 - Total acreage approved for transfer to non-residents is 66,910 acres = almost the quantity estimated in non-resident ownership in 1972
- 1972 - 1976 - Approximately 43.3% of the properties of petitions approved are sold or transferred = approximately 28,711 acres = 5,754 acres/yr. = 480 acres/mo. = 16 acres/day
- 1972 - 1976 - Petitions denied involved 13,130 acres
- 1972 - 1976 - 80% of petitions approved include substantial good agricultural lands
- 1972 - 1976 - 33% of properties sold and 28% of remainder approved are 1-3 recreation lands
- 1972 - 1976 - A minimum of 60 to 65 miles of shoreline approved for non-residents
- 1976 - At least 14% of province's shoreline owned or approved for sale to non-residents
- 1972 - 1976 - 72% of petitions involve land transfer from Island residents to non-residents
- 1972 - 1976 - 52,593 acres of land owned by Island residents approved for sale to non-residents = 3.76% of the area of the province
- 1972 - 1976 - Approximately 43% of 52,593 acres approved actually transferred = 22,615 acres = 4,523 acres/yr. = 377 acres/mo. = 12.6 acres/day
- 1972 - 1976 - 28% of petitions involve property transfers from non-residents to non-residents
- 1972 - 1976 - 14,320 acres approved for transfer from non-residents to non-residents
- 1972 - 1976 - 60% of petitions are submitted by Canadians of other provinces
- 1972 - 1976 - 45,684 acres or 68% of the total acreage approved (66,910 acres) were sales transactions
- 1972 - 1976 - sales decline from 90.8% to 64.1% as a percent of all petition transactions; and % of gifts increases
- 1972 - 1976 - 37.2% of all applications stated permanent residency intended
- 1972 - 1976 - 47.1% of all applications stated seasonal residency or use intended; 80% approved
- 1972 - 1976 - Seasonal residency cases granted average 65.5 acres per petition and total acreage = 25,327 = 1.8% of Island area
- 1972 - 1975 - Land Development Corporation acquires lands of 41% of all petitions denied, and 5,335 acres or 45% of the acreage of petitions denied.

CONCLUSIONS

Achievements

Awareness of the non-resident land ownership situation developed as a result of property mapping, a socio-economic survey, and subsequent research, which began in P.E.I. only 10 years ago. Much has been accomplished since that time.

1) The most important achievement has been new provincial and federal legislation. In Prince Edward Island, this began with the amendment of *The Real Property Act* in 1972, giving discretionary power to the Lieutenant-Governor-in-Council regarding consent to any sizeable land purchases by non-residents. It led to a landmark decision by the Supreme Court of Canada, which confirmed the right of province's to pass legislation respecting land ownership. Subsequently, *the Canadian Citizenship Act* was amended to delegate to the provinces the ability to control ownership of real property by aliens. Other provinces concerned about absentee ownership will benefit from this new legislation.

2) The second major achievement is undoubtedly the development of a sound information system for monitoring non-resident land ownership. A continuous, informative and organized record is maintained on each and every transaction covered by the legislation, and developments can be closely followed. The availability of information on land transactions and non-resident intentions permits an analysis of developments at any time and enables the government to effectively exercise its rights in denying cases involving undesirable developments.

3) The legislation appears to have discouraged large speculative companies from establishing in the province and seems to have deterred large scale speculative purchases. Since proclamation of the Act, no new major speculative companies have arrived, and others existing appear to have reduced the scope of their operations. Petitions for land acquisition for speculative purchases are rejected outright.

4) Another major achievement has been the purchase of land for government programs and public purposes, especially significant in a province with so little crown property. The government is alerted to transactions taking place involving valuable lands, and is provided with the opportunity of vetoing transactions and obtaining properties deemed in the public interest. Through the Land Development Corporation, lands have been acquired for agriculture, forestry and recreation uses, and for wildlife and ecological preservation and conservation purposes.

5) The legislation has removed the threat of massive land purchase by non-residents. It has allowed time for research on non-resident land ownership and to develop more satisfactory policies and solutions.

6) The legislation and the Supreme Court decision may account in part for the recent decline in number and acreage of petitions submitted for non-resident land acquisition. Undoubtedly, past publicity has dampened the interest of many prospective purchasers. Other factors include the general level of the economy and the effects of inflation.

7) As a follow-up to the Royal Commission on Land Ownership and Land Use in Prince Edward Island, the province appointed in 1974 the on-going Land Use Commission, composed of members appointed by the Lieutenant-Governor-in-Council. This Commission is empowered to study land use problems and to make recommendations to government concerning new approaches and solutions.

Areas Worthy of Further Consideration

The information analysed in this study indicates that high levels of land acquisition by non-residents still continue in Prince Edward Island despite the 1972 amendment to *The Real Property Act*. A monitoring system exists and the government has the right to regulate land acquisition, but it has done so only to a modest degree. While the number of non-resident petitioners has declined since 1972, noticeably so in 1975, there has been a parallel increase in the percentage of petitions granted which has tended to maintain the acreage changing title at a fairly high level.

Perception of the non-resident situation is, however, changing in some respects, as it is realized that a fair proportion of 'non-residents' are Islanders or former Islanders, that a fair proportion of 'non-residents' intend to establish in P.E.I. and that 'non-resident' acquisition resulting from bequests or family transactions is an acceptable and normal course of events.

1) Information Requirements.

Since 1972 the province has developed and maintained an excellent information base on non-resident land acquisition. The present period is a time for analysis, further study, and evaluation. Information gaps remain which will require attention if government is to receive sound advice on the real impact of non-resident purchases on the Island's resource base and to determine appropriate policies.

Among the surveys and studies which should be considered are the following: i) categories of non-resident landowners; ii) detailed non-resident mapping (see figure 1); iii) resource base impacts (acreages etc.) of the preceding; iv) shoreline impacts (the entire shoreline, including cottage properties, subdivisions, and properties less than as well as more than 10 acres in size or 330 feet of shore frontage); v) non-resident petitions map series (distributions based on intent of use, sales and per acre values, and other data of the existing information system); vi) land values, impacts and trends; vii) attitudes of farmers and other Islanders; viii) sales transaction petition category; ix) change in land use, intent of use and actual land use; x) the category of summer residency involving large land acreage; xi) the category of approved but unsold properties (reasons, intentions, option to purchase, recommendation of time period for the Order in Council); xii) non-resident as well as resident corporate holdings; xiii) non-resident-to-Island-resident transactions (acreage, trends).

2) Intended versus Actual Land Use.

While more and more Islanders have come to recognize that

who holds title to the land matters, they have also realized that the way in which non-residents use their landholdings matters even more.

Although prospective buyers declare their intended use of land, the statements are not binding. While those intending to speculate with land or to engage in undesirable developments are normally refused, there is nothing to prevent those stating more acceptable intentions from indulging in undesirable uses once title is secure. Without follow-up by means of interviews, air photo interpretation and field surveys, it is impossible to measure the level of follow through on original intentions, or the real impact of non-resident purchase on land use. Should the province wish in the future to consider land use performance standards and maintenance requirements for non-resident holdings, such information would prove invaluable.

Gifts and bequests of properties for non-residents under certain conditions are now exempt. Sales to persons with Island family connections and cases where purchase prices are high in comparison to those which could be offered by the Land Development Corporation are very often approved. Again, should the province wish in the future to adjust its posture with respect to such transactions, information on actual land use impact would be central to such considerations.

3) Resident Non-Residents.

The impact on land use in the case of properties owned by urban dwellers in Charlottetown and Summerside is probably as great as that of non-residents on their holdings. While this question has no legal connection to present restrictions on non-resident land purchase, it might well be raised as a parallel concern since it may touch with equal weight on present and future land use. No attempt has yet been made to either locate or evaluate the type and quality of use of such "resident non-resident" holdings.

4) Impact on Related Government Programs.

The Land Development Corporation has, over the years, broadened its role as government land purchase agent. It has also

played a central role in the consolidation and rationalization of rural land tenure patterns. In this process, it has been confronted with non-resident acquisition in a variety of ways; the non-resident often as a competitor for the same piece of land, sometimes as a roadblock to efficient farm consolidation, and frequently as an inflationary influence on rural land prices. An examination of these impacts on the operations, purposes and long-range objectives of the corporation would provide a great deal of rewarding information, for it is in the record of this crown corporation that the Island's rural land use policy objectives are most clearly reflected. Such an examination would be useful not only to the Island but also to other provinces wrestling with the non-resident issue.

APPENDIX 1

NON-RESIDENT PROPERTIES 1972

AND

PROPERTIES OF NON-RESIDENT PETITIONS 1972-1976

Total Number of Properties

and

Number with Shore Frontage and High Capability for Agriculture or Recreation

- Note: -This appendix has been compiled from the map.
 -Properties are recorded as having high agricultural capability if more than half the property consists of class 2 or class 3 agricultural capability.
 -High recreation capability classes include classes 1 to 3.
 -Abbreviations for properties of petitions are as follows: P- approved and transferred; A- approved but apparently not transferred as yet; D- petition denied for sale; C- petition cancelled.

Lot No.	Total Number				High Agricultural Capability				High Recreation Capability				Shore Frontage			
	1972	1972-1976			1972	1972-1976			1972	1972-1976			1972	1972-1976		
		P	A	D C		P	A	D C		P	A	D C		P	A	D C
1	15	12	8	3 0	8	11	6	1 0	1	2	2	2 0	9	5	4	3 0
2	17	9	8	0 0	12	6	4	0 0	1	3	0	0 0	1	3	0	0 0
3	15	0	2	2 0	12	0	0	2 0	4	0	0	2 0	6	0	0	2 0
4	12	4	10	3 0	8	4	8	2 0	4	0	1	0 0	5	2	0	0 0
5	7	7	4	1 0	6	7	4	0 0	3	5	2	0 0	2	5	0	1 0
6	4	1	5	1 0	4	0	5	0 0	0	0	0	0 0	1	0	0	0 0
7	2	2	4	0 0	2	2	4	0 0	0	1	0	0 0	0	2	0	0 0
8	1	0	0	0 0	1	0	0	0 0	0	0	0	0 0	0	0	0	0 0
9	16	3	5	4 0	9	1	2	2 0	6	2	3	2 0	4	2	2	3 0
10	7	3	3	1 0	1	0	2	0 0	0	0	0	0 0	6	1	2	1 0
11	9	4	4	1 0	8	1	2	0 0	0	0	0	0 0	3	2	0	1 0
12	10	3	6	0 0	2	2	6	0 0	0	0	0	0 0	4	2	5	0 0
13	10	6	7	1 0	3	5	5	0 0	0	0	0	0 0	1	4	1	0 0
14	5	1	4	1 0	4	1	3	1 0	0	1	3	0 0	0	1	3	0 0
15	13	7	4	5 2	7	2	2	2 0	4	1	2	1 0	5	2	2	0 0
16	1	3	2	5 0	1	3	1	4 0	0	1	1	2 0	1	2	1	4 0
17	6	3	5	1 0	4	1	2	0 0	0	0	1	1 0	4	1	2	1 0
18	6	4	12	1 0	6	4	9	1 0	6	2	1	1 0	6	2	5	1 0
19	3	1	3	0 0	3	1	3	0 0	0	0	0	0 0	1	0	0	0 0
20	9	4	14	2 0	7	3	13	2 0	3	2	7	1 0	3	2	5	1 0
21	13	9	11	2 1	12	8	8	2 1	9	6	8	1 0	8	4	4	0 0
22	10	7	19	0 0	8	6	14	0 0	0	0	1	0 0	0	0	1	0 0
23	11	4	7	1 0	11	3	7	1 0	6	2	2	1 0	0	1	1	0 0
24	12	9	14	0 0	12	9	14	0 0	8	7	8	0 0	5	7	7	0 0
25	0	1	6	0 0	0	1	6	0 0	0	0	0	0 0	0	0	0	0 0
26	3	0	3	0 0	3	0	3	0 0	0	0	1	0 0	1	0	1	0 0
27	3	0	5	0 0	2	0	5	0 0	0	0	1	0 0	0	0	0	0 0
28	1	1	8	0 0	1	1	8	0 0	0	0	1	0 0	0	0	2	0 0
29	10	3	6	1 0	8	2	4	0 0	2	0	0	0 0	1	1	0	0 0
30	16	6	12	0 0	14	4	10	0 0	5	3	7	0 0	3	1	4	0 0
31	2	3	4	0 2	2	3	3	0 2	1	2	0	0 1	0	1	1	0 0
32	10	1	3	0 0	10	1	3	0 0	1	0	0	0 0	4	0	1	0 0
33	8	2	4	0 0	8	2	4	0 0	3	2	3	0 0	3	2	3	0 0
34	8	0	6	1 0	7	0	5	1 0	1	0	1	0 0	0	0	2	0 0
35	12	12	4	0 1	9	6	3	0 1	8	5	2	0 0	7	6	2	0 0

Appendix 1.

Lot No.	Total Number				High Agricultural Capability				High Recreation Capability				Shore Frontage							
	1972	1972-1976			1972	1972-1976			1972	1972-1976			1972	1972-1976						
		P	A	D		C	P	A		D	C	P		A	D	C				
36	16	10	6	0	0	10	8	6	0	0	6	1	2	0	0	8	2	2	0	0
37	11	6	7	2	0	6	2	2	0	0	5	2	4	1	0	5	2	4	1	0
38	15	10	2	1	0	9	9	1	0	0	1	3	0	1	0	1	3	0	1	0
39	23	12	16	6	1	20	10	10	3	0	1	2	9	1	0	0	1	4	0	0
40	16	5	2	4	0	14	5	2	4	0	11	4	1	3	0	10	3	1	3	0
41	21	6	2	0	0	15	5	1	0	0	14	3	1	0	0	13	2	1	0	0
42	17	8	13	0	0	12	8	8	0	0	8	6	4	0	0	8	4	3	0	0
43	18	13	9	3	0	12	11	9	0	0	9	5	5	2	0	8	3	5	2	0
44	11	10	9	1	0	6	7	8	0	0	3	1	2	0	0	4	5	3	0	0
45	17	5	5	1	0	16	5	5	1	0	4	1	2	0	0	5	3	4	1	0
46	11	6	1	0	0	11	5	1	0	0	1	2	0	0	0	6	3	0	0	0
47	13	2	2	0	0	11	1	2	0	0	8	1	2	0	0	7	2	1	0	0
48	6	3	3	0	0	6	3	3	0	0	1	0	1	0	0	2	0	1	0	0
49	7	5	8	0	0	7	5	8	0	0	0	0	0	0	0	2	0	2	0	0
50	11	7	4	0	0	11	7	4	0	0	1	1	1	0	0	4	5	1	0	0
51	9	5	5	0	0	9	3	4	0	0	4	1	2	0	0	0	0	0	0	0
52	8	3	5	2	1	6	3	4	2	0	2	2	1	0	0	1	2	0	0	0
53	23	7	8	3	0	19	4	8	1	0	12	2	2	2	0	7	1	3	1	0
54	17	4	3	0	0	12	2	1	0	0	8	4	1	0	0	4	2	0	0	0
55	23	10	3	6	0	19	9	3	5	0	19	7	2	0	0	16	7	2	1	0
56	10	6	3	2	0	6	3	3	2	0	2	4	0	2	0	3	4	0	2	0
57	15	9	15	2	0	15	9	15	2	0	3	0	2	0	0	7	4	6	1	0
58	30	10	12	5	0	18	9	9	2	0	7	3	2	0	0	6	5	2	1	0
59	19	8	10	1	0	14	6	7	1	0	8	3	0	0	0	8	2	3	0	0
60	27	8	10	10	0	19	8	3	3	0	0	2	1	0	0	0	2	1	0	0
61	8	9	19	4	0	8	6	18	4	0	5	5	8	3	0	7	4	6	3	0
62	37	11	13	11	0	28	10	11	5	0	7	3	5	2	0	9	5	4	1	0
63	5	6	16	8	0	3	4	12	4	0	4	1	7	2	0	3	1	6	0	0
64	18	7	9	0	1	12	7	7	0	1	4	0	3	0	0	11	4	7	0	1
65	14	7	5	0	0	13	7	5	0	0	8	2	3	0	0	11	3	3	0	0
66	2	0	2	0	0	2	0	2	0	0	0	0	1	0	0	*	*	*	*	*
67	6	2	17	2	0	4	2	15	2	0	0	0	0	0	0	*	*	*	*	*
Total	771	355	465	111	9	588	283	375	61	5	242	117	132	33	1	270	145	136	36	1

* No Shore Frontage

APPENDIX 2

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976

NUMBER OF PETITIONS SUBMITTED, APPROVED, DENIED AND CANCELLED

BY LOT

Lot No.	Petitions S - Submitted				Petitions A - Approved				Petitions D - Denied				Petitions C - Cancelled											
	1972	1973	1974	1975	1972	1973	1974	1975	1972	1973	1974	1975	1972	1973	1974	1975								
1	5	4	1	-	14	13	1	-	5	2	3	-	3	2	1	-	4	4	-	-	31	25	6	-
2	4	4	-	-	2	2	-	-	3	3	-	-	3	3	-	-	2	2	-	-	14	14	-	-
3	-	-	-	-	1	-	1	-	2	1	1	-	-	-	-	-	-	-	-	-	3	1	2	-
4	3	1	2	-	7	5	2	-	3	2	1	-	2	-	2	-	7	7	-	-	22	15	7	-
5	3	3	-	-	1	1	-	-	5	4	1	-	2	2	-	-	2	2	-	-	13	12	1	-
6	3	2	1	-	-	-	-	-	-	-	-	-	4	4	-	-	2	2	-	-	9	8	1	-
7	1	1	-	-	2	2	-	-	2	2	-	-	-	-	-	-	2	2	-	-	7	7	-	-
8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	5	4	1	-	2	1	1	-	4	2	2	-	-	-	-	-	-	-	-	-	11	7	4	-
10	2	1	1	-	2	2	-	-	1	1	-	-	2	1	1	-	1	1	-	-	8	6	2	-
11	5	4	1	-	2	2	-	-	3	3	-	-	-	-	-	-	-	-	-	-	10	9	1	-
12	2	2	-	-	6	6	-	-	2	2	-	-	-	-	-	-	1	1	-	-	11	11	-	-
13	2	1	1	-	1	1	-	-	2	2	-	-	1	1	-	-	3	3	-	-	9	8	1	-
14	4	3	1	-	1	1	-	-	1	1	-	-	-	-	-	-	1	1	-	-	7	6	1	-
15	2	2	-	-	-	-	-	-	5	4	1	-	3	2	1	-	5	2	2	1	15	10	4	1
16	-	-	-	-	5	2	3	-	3	1	2	-	1	1	-	-	1	1	-	-	10	5	5	-
17	3	3	-	-	5	4	1	-	3	3	-	-	1	1	-	-	-	-	-	-	12	11	1	-
18	9	9	-	-	2	2	-	-	10	9	1	-	6	4	2	-	2	1	1	-	29	25	4	-
19	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-	1	1	-	-	3	3	-	-
20	4	4	-	-	3	2	1	-	3	3	-	-	3	3	-	-	5	5	-	-	18	17	1	-
21	7	5	2	-	8	7	-	1	6	6	-	-	3	3	-	-	2	1	1	-	26	22	3	1
22	5	5	-	-	3	3	-	-	8	8	-	-	1	1	-	-	4	4	-	-	21	21	-	-
23	2	2	-	-	5	3	2	-	2	2	-	-	2	2	-	-	1	1	-	-	12	10	2	-
24	1	1	-	-	5	5	-	-	10	10	-	-	5	4	-	1	4	4	-	-	25	24	-	1
25	-	-	-	-	1	1	-	-	1	1	-	-	-	-	-	-	-	-	-	-	2	2	-	-
26	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	1	1	-	-	2	2	-	-
27	-	-	-	-	1	1	-	-	2	2	-	-	-	-	-	-	1	1	-	-	4	4	-	-

Appendix 2

Lot No.	1972	1973	1974	1975	1976	1972-1976			
	S A D C	S A D C	S A D C	S A D C	S A D C	S	A	D	C
28	1 1 - -	1 1 - -	1 1 - -	2 2 - -	1 1 - -	6	6	-	-
29	4 3 1 -	3 3 - -	3 2 1 -	1 1 - -	2 2 - -	13	11	2	-
30	5 5 - -	9 8 - 1	7 7 - -	2 2 - -	1 - 1 -	24	22	1	1
31	2 2 - -	2 1 - 1	2 2 - -	3 2 - 1	3 3 - -	12	10	-	2
32	- - - -	1 1 - -	1 1 - -	2 2 - -	1 1 - -	5	5	-	-
33	- - - -	2 2 - -	1 1 - -	2 2 - -	2 2 - -	7	7	-	-
34	- - - -	- - - -	6 5 1 -	1 1 - -	6 6 - -	13	12	1	-
35	1 1 - -	7 6 - 1	4 4 - -	6 6 - -	4 4 - -	22	21	-	1
36	6 6 - -	2 2 - -	4 4 - -	1 1 - -	4 4 - -	17	17	-	-
37	8 6 2 -	1 1 - -	5 5 - -	4 4 - -	2 2 - -	20	18	2	-
38	5 5 - -	2 - 2 -	4 4 - -	1 1 - -	4 4 - -	16	14	2	-
39	7 6 1 -	11 8 2 1	12 8 4 -	4 3 1 -	2 2 - -	36	27	8	1
40	6 4 2 -	3 2 1 -	1 - 1 -	- - - -	- - - -	10	6	4	-
41	1 1 - -	- - - -	6 5 1 -	2 2 - -	- - - -	9	8	1	-
42	2 2 - -	5 3 2 -	7 7 - -	4 3 1 -	2 2 - -	20	17	3	-
43	5 5 - -	4 2 2 -	9 8 1 -	9 9 - -	3 3 - -	30	27	3	-
44	7 6 1 -	5 4 1 -	3 3 - -	2 1 1 -	3 3 - -	20	17	3	-
45	4 3 1 -	2 2 - -	7 7 - -	- - - -	2 2 - -	15	14	1	-
46	2 2 - -	1 1 - -	4 4 - -	2 2 - -	1 1 - -	10	10	-	-
47	1 1 - -	1 1 - -	- - - -	2 2 - -	1 1 - -	5	5	-	-
48	1 1 - -	1 1 - -	6 6 - -	1 1 - -	- - - -	9	9	-	-
49	2 2 - -	2 2 - -	4 4 - -	1 1 - -	2 2 - -	11	11	-	-
50	3 3 - -	2 2 - -	3 2 - 1	2 2 - -	2 2 - -	12	11	-	1
51	4 4 - -	3 3 - -	2 2 - -	- - - -	4 3 1 -	13	12	1	-
52	6 5 1 -	1 - 1 -	1 1 - -	- - - -	4 4 - -	12	10	2	1
53	3 1 2 -	2 1 1 -	2 1 1 -	2 2 - -	- - - -	9	5	4	-
54	2 2 - -	- - - -	4 4 - -	1 1 - -	2 2 - -	9	9	-	-
55	9 7 2 -	11 6 5 -	10 7 3 -	5 4 1 -	9 9 - -	44	33	11	-
56	2 2 - -	1 1 - -	6 4 2 -	3 3 - -	4 4 - -	16	14	2	-
57	1 1 - -	6 5 1 -	7 6 1 -	6 6 - -	10 9 1 -	30	27	3	-
58	8 6 2 -	9 7 2 -	9 8 1 -	3 3 - -	4 3 1 -	33	27	6	-
59	3 3 - -	4 4 - -	7 6 1 -	4 4 - -	6 6 - -	24	23	1	-
60	8 5 3 -	12 5 7 -	4 2 2 -	3 2 - 1	2 1 1 -	29	15	13	1

Appendix 2

Lot No.	1972	1973	1974	1975	1976	1972-1976			
	S A D C	S A D C	S A D C	S A D C	S A D C	S	A	D	C
61	6 3 3 -	8 7 1 -	6 6 - -	5 5 - -	3 3 - -	28	24	4	-
62	17 9 8 -	15 6 9 -	8 7 1 -	3 2 1 -	- - - -	43	24	19	-
63	11 7 4 -	9 5 4 -	10 8 2 -	3 3 - -	9 8 1 -	42	31	11	-
64	2 2 - -	4 3 - 1	8 8 - -	3 3 - -	5 5 - -	22	21	-	1
65	3 3 - -	5 4 1 -	10 9 - 1	1 1 - -	4 3 - 1	23	20	1	2
66	- - - -	- - - -	1 1 - -	1 1 - -	- - - -	2	2	-	-
67	4 2 2 -	3 3 - -	7 7 - -	1 1 - -	4 3 1 -	19	16	3	-
TOTALS:	235 - 189 46	240 6 180 54	289 2 252 35	140 3 125 12	170 2 157 11	1074 903			13 158

Note: In addition, there were 9 petitions for properties within the Charlottetown Royalty and Summerside areas.

APPENDIX 3

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976

NUMBER OF PETITIONS, ACREAGE AND SHORE FRONTAGE

BY LOT

Lot No.	No. of Petitions	<u>PETITIONS APPROVED</u>				<u>PETITIONS DENIED</u>				
		Total Acreage	Cleared Acreage	Wooded Acreage	Shore Frontage (Chains)	No. of Petitions	Total Acreage	Cleared Acreage	Wooded Acreage	Shore Frontage
1	25	1,511	985	526	226	6	406	307	99	125
2	14	955	405	550	72	-	-	-	-	-
3	1	50	-	50	-	2	268	103	165	180
4	15	952	608	344	42	7	409	165	244	-
5	12	854	474	380	273	1	300	-	300	174
6	8	646	402	244	-	1	123	-	123	-
7	7	458	182	276	21	-	-	-	-	-
8	-	-	-	-	-	-	-	-	-	-
9	7	343	112	231	100	4	248	74	174	28
10	6	460	70	390	75	2	199	26	173	62
11	9	740	105	635	60	1	47	-	47	23
12	11	1,241	336	905	260	-	-	-	-	-
13	8	817	417	400	209	1	96	-	96	-
14	6	519	278	241	159	1	32	32	-	-
15	10	820	322	498	80	4	249	52	197	15
16	5	813	300	513	88	5	473	216	257	116
17	11	493	157	336	4	1	27	27	-	-
18	25	1,557	1,009	548	549	4	233	1	232	153
19	3	566	474	92	46	-	-	-	-	-
20	17	1,152	950	202	104	1	105	105	-	-
21	22	1,612	1,260	352	245	3	249	187	62	10
22	21	2,366	1,263	1,103	-	-	-	-	-	-
23	10	840	503	337	22	2	50	45	5	-
24	24	1,144	989	155	233	-	-	-	-	-
25	2	98	78	20	-	-	-	-	-	-
26	2	75	67	8	-	-	-	-	-	-
27	4	410	288	122	6	-	-	-	-	-
28	6	684	161	523	49	-	-	-	-	-
29	11	671	480	191	42	2	133	113	20	23
30	22	1,354	761	593	23	1	90	50	40	-

Appendix 3

Lot No.	No. of Petitions	Total Acreage	Cleared Acreage	Wooded Acreage	Shore Frontage (Chains)	No. of Petitions	Total Acreage	Cleared Acreage	Wooded Acreage	Shore Frontage
31	10	484	354	130	33	-	-	-	-	-
32	5	327	277	50	11	-	-	-	-	-
33	7	600	421	179	82	-	-	-	-	-
34	12	681	469	212	42	1	62	13	49	9
35	21	1,011	406	605	50	-	-	-	-	-
36	17	1,020	273	747	45	-	-	-	-	-
37	18	1,599	707	892	162	2	299	-	299	20
38	14	1,444	548	896	116	2	490	40	450	115
39	27	2,025	680	1,345	189	8	683	152	531	99
40	6	276	178	98	37	4	740	408	332	101
41	8	350	104	246	31	1	91	45	46	15
42	17	1,648	770	878	69	3	163	-	163	5
43	27	1,113	187	926	189	3	94	10	84	20
44	17	3,668	1,508	2,160	34	3	144	-	144	-
45	14	1,052	298	754	58	1	230	50	180	20
46	10	537	141	396	19	-	-	-	-	-
47	5	96	60	36	17	-	-	-	-	-
48	9	496	209	287	18	-	-	-	-	-
49	11	1,032	430	602	10	-	-	-	-	-
50	11	804	532	272	72	-	-	-	-	-
51	12	1,255	514	741	17	1	50	11	39	-
52	10	608	274	334	17	2	98	40	58	-
53	5	499	89	410	23	4	176	-	176	26
54	9	494	100	394	24	-	-	-	-	-
55	33	1,089	329	760	193	11	734	140	594	36
56	14	741	305	436	108	2	157	40	117	15
57	27	1,552	740	812	153	3	208	195	13	12
58	27	1,338	637	701	128	6	660	25	635	11
59	23	1,365	276	1,089	245	1	118	12	106	-
60	15	1,373	359	1,014	98	13	929	477	452	13
61	24	1,862	807	1,055	119	4	124	36	88	20
62	24	1,477	440	1,037	123	19	1,405	72	1,333	18
63	31	2,862	556	2,306	628	11	763	35	728	-
64	21	1,129	369	760	209	-	-	-	-	-
65	20	954	552	402	110	1	75	-	75	38
66	2	175	40	135	12	-	-	-	-	-
67	16	1,842	1,356	486	-	3	600	80	520	-
Total	903	65,079	29,731	35,348	6,479	158	12,830	3,384	9,446	1,502

APPENDIX 4

NON-RESIDENT LAND OWNERSHIP PETITIONS, 1972-1976

NUMBER OF PETITIONS AND ACREAGE BY PROPERTY SALES VALUE CATEGORY

BY LOT

Lot No.	Total Number of Petitions	No. of Petitions With Sales Value Information	Less Than \$50/Acre		\$50-\$150 /Acre		\$150-\$300 /Acre		\$300-\$600 /Acre		More Than \$600/Acre	
			no.	acres	no.	acres	no.	acres	no.	acres	no.	acres
1	31	21	4	355	9	674	4	129	2	56	2	50
2	14	5	3	182	1	100	-	-	-	-	1	15
3	3	3	1	50	2	268	-	-	-	-	-	-
4	22	15	7	327	6	540	-	-	1	42	1	14
5	13	9	1	18	1	100	4	358	-	-	3	14
6	9	6	2	186	2	126	-	-	1	248	1	17
7	7	3	-	-	2	194	-	-	-	-	1	7
8	-	-	-	-	-	-	-	-	-	-	-	-
9	11	10	1	38	6	359	2	120	1	10	-	-
10	8	6	2	211	2	154	1	100	-	-	1	20
11	10	7	4	283	1	61	-	-	-	-	2	35
12	11	10	1	100	3	801	2	154	2	115	2	21
13	9	6	4	501	-	-	1	110	1	3	-	-
14	7	5	1	32	1	79	3	281	-	-	-	-
15	15	8	3	179	5	403	-	-	-	-	-	-
16	10	9	-	-	6	1,013	2	223	1	35	-	-
17	12	11	2	190	3	109	1	48	1	27	4	38
18	29	23	-	-	5	214	6	497	6	344	6	191
19	3	2	-	-	-	-	1	35	1	272	-	-
20	18	13	-	-	-	-	5	451	3	260	5	216
21	26	26	2	124	2	148	10	1,253	6	251	6	111
22	21	20	4	257	8	561	8	1,500	-	-	-	-
23	12	10	2	233	4	245	3	208	1	25	-	-
24	25	22	2	49	2	137	1	50	5	305	12	330
25	2	1	-	-	-	-	1	78	-	-	-	-
26	2	1	-	-	-	-	-	-	1	55	-	-
27	4	2	-	-	-	-	2	283	-	-	-	-
28	6	5	-	-	-	-	2	159	-	-	3	513
29	13	13	1	50	3	285	2	96	4	352	3	21
30	24	19	4	332	8	739	2	97	-	-	5	135

Lot No.	Total Number of Petitions	No. of Petitions With Sales Value Information	Appendix 4									
			Less Than \$50/Acre	\$50-\$150 /Acre	\$150-\$300 /Acre	\$300-\$600 /Acre	More Than \$600/Acre					
31	12	12	-	-	1	60	3	320	2	90	6	151
32	5	4	-	-	-	-	2	162	1	67	1	25
33	7	5	-	-	-	-	1	95	3	329	1	55
34	13	10	-	-	3	352	-	-	2	114	5	76
35	22	14	-	-	5	478	5	201	2	100	2	59
36	17	12	3	190	2	81	4	350	2	96	1	31
37	20	17	5	693	5	534	1	80	3	98	3	70
38	16	10	3	508	4	606	2	436	1	30	-	-
39	36	30	8	674	11	1,051	8	444	2	43	1	60
40	10	8	1	136	2	93	3	545	2	128	-	-
41	9	7	1	37	-	-	1	25	2	182	3	24
42	20	13	3	188	1	10	4	149	4	282	1	65
43	30	17	6	291	4	149	1	40	3	62	3	42
44	20	11	2	87	8	453	-	-	1	100	-	-
45	15	8	1	130	5	583	-	-	-	-	2	73
46	10	2	1	38	-	-	-	-	1	15	-	-
47	5	2	-	-	1	16	1	1	-	-	-	-
48	9	6	-	-	3	166	1	62	2	154	-	-
49	11	7	2	383	2	169	1	77	1	189	1	8
50	12	5	-	-	2	122	1	130	1	23	1	10
51	13	7	2	189	3	307	1	100	1	10	-	-
52	12	8	1	50	5	533	-	-	1	50	1	10
53	9	8	3	162	1	284	3	157	-	-	1	14
54	9	3	1	40	-	-	1	25	-	-	1	50
55	44	37	9	661	13	528	2	75	3	133	10	96
56	16	12	1	50	5	320	2	178	1	8	3	122
57	30	20	2	53	3	294	6	406	5	223	4	30
58	33	24	6	632	10	705	3	150	3	108	2	27
59	24	17	4	410	4	220	3	119	3	168	3	21
60	29	22	14	927	4	584	1	75	3	350	-	-
61	28	19	3	681	3	297	5	247	2	120	6	119
62	43	33	20	1,763	6	258	3	159	1	15	3	38
63	42	33	16	992	3	172	6	612	3	650	5	595
64	22	14	1	40	2	261	3	165	3	79	5	86
65	23	13	-	-	1	75	4	225	5	310	3	161
66	2	0	-	-	-	-	-	-	-	-	-	-
67	19	19	2	400	7	964	6	860	2	180	2	38
Total 1,074		780	172	14,102	211	18,035	151	12,900	108	6,906	138	3,904

APPENDIX 5

Cap. 4.

XXI° VICTORIAE

1859.

CAP. IV

An Act to enable Aliens to hold Real Estate

(Passed May 19, 1859)

Be it enacted by the Lieutenant Governor, Council and Assembly, as follows:

- I Aliens may take, hold, convey, and transmit Real Estate in this Island: Provided always, that no Alien, nor any person in trust for him, shall take or hold more than two hundred acres of land within this Island.
- II No title to Real Estate shall be invalid on account of the alienage of any former owner or holder thereof.
- III Nothing in this Act shall have the effect of confirming or rendering valid the title or claim of any Alien now invalid or incapable of being enforced on account of alienage.
- IV This Act shall not go into operation, nor be of any force or effect, until Her Majesty's assent thereto shall be known, and notification thereof published in the Royal Gazette newspaper of this Island.

APPENDIX 6

Cap. 44

THE REAL PROPERTY ACT

1939

4. Aliens may take, hold, convey, and transmit real estate in this Island: provided always, that no alien, nor any person in trust for him, shall take or hold more than two hundred acres of land within this Island except with the consent of the Lieutenant-Governor-in-Council.

5. No title to real estate shall be invalid on account of the alienage of any former owner or holder thereof.

APPENDIX 7

Cap. 27

THE REAL PROPERTY ACT

13 Eliz. 11

1964

CHAPTER 27

AN ACT TO AMEND THE REAL PROPERTY ACT

(ASSENTED TO MARCH 24th, 1964)

Be it enacted by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) Section 3 of The Real Property Act R.S.P.E.I. 1951 Cap. 138 is amended by deleting the words "two hundred" before the word "acres" in the third line thereof and substituting therefor the word "ten".
- (2) Section 3 of the said Acts is further amended by adding after the word "land" in the third line thereof the words "take or hold land with a shore frontage exceeding five chains".

APPENDIX 8



Page 1 of 4

Copy of an Order of His Honour the Lieutenant Governor in Council dated 25 August 1977.

No. EC710/77

PLANNING ACT LAND IDENTIFICATION REGULATIONS

Made by the Lieutenant Governor in Council under sections 6 and 46 of the Planning Act, (R.S.P.E.I. 1974, Cap. P-6).

1. These Regulations may be cited as the "Land Identification Regulations".

Definitions

2. In these regulations

"Act" means the Planning Act, (R.S.P.E.I. 1974, Cap. P-6);

"agricultural use" means use for the purposes of farming;

"agricultural land" means land which has been farmed, is being farmed, or may be farmed and includes any complementary buildings and other improvements thereon;

"Commission" means the Land Use Commission;

"company" has the same meaning as in section 4 of the Real Property Act, (R.S.P.E.I. 1974, Cap. R-4);

"farming" in relation to land, means tillage of the soil and includes livestock raising, bee keeping, poultry raising, dairying, fruit growing, woodlot management and fur farming;

"non-development use" means use for purposes, including forestry, wildlife, agriculture, recreation, permanent or seasonal residence, that do not involve commercial or industrial development or subdivision.

"purchaser" means a purchaser of land in a case referred to in section 3.



Application of Land Identification Program

3. The land identification program established by these regulations applies to the acquisition of land in the following cases:
- (a) where land is to be acquired by a person who is not a resident of the province, or a company and, pursuant to the powers conferred by subsection 6(5) of the Act, the Lieutenant Governor in Council has made it a condition of the issue of a permit under section 3 of the Real Property Act, or of approval of the sale or purchase under section 4 of the Act, that the land be identified under the program for agricultural use or non-development use; and
 - (b) where land owned by the Land Development Corporation is to be sold pursuant to the powers conferred by the Land Development Corporation Act (R.S.P.E.I. 1974, Cap. L-2) and the regulations thereunder and the Commission has determined that the land be identified under the program for agriculture use or non-development use.

Objects of Program

4. The objects of the land identification program are
- (a) to preserve agricultural land for agricultural use and to prevent the development of agricultural land for purposes prejudicial to the maintenance of a viable and vigorous agricultural industry in the province; and
 - (b) to prevent development of land identified for non-development use.

Exclusions

5. The program does not apply where
- (a) the land consists of a parcel of less than ten acres or in the case of land to be acquired under the Real Property Act (R.S.P.E.I. 1974, Cap. R-6) having a shore frontage, a shore frontage of less than five chains;
 - (b) planning approval has been granted for the development of the entire parcel of land for purposes other than agricultural use; or
 - (c) an official plan is in effect affecting the land.

Parties to Agreement

6. Land is identified under the program by an identification agreement entered into by the Commission and the purchaser.



Particulars of Agreement

7. The identification agreement shall
- (a) include a description of the land identified under the agreement;
 - (b) contain a covenant by the purchaser to use the land for agricultural use or, as the case may be, non-development use, subject to the provisions of these regulations and to forfeit to Her Majesty in right of the province all other uses of the land identified under the agreement;
 - (c) contain a clause specifying when the agreement becomes effective.

Development

8. (1) Land identified under an identification agreement for agricultural use may be developed
- (a) for the purpose of enhancing the agricultural use of the land;
 - (b) for the purpose of erecting one permanent or seasonal residence, subject to the requirements of the Act.
- (2) Land identified under an identification agreement for agricultural use may, with the approval of the Minister, be subdivided for the purpose of enhancing the agricultural use of the land.
- (3) Any development or subdivision of land identified under an identification agreement pursuant to subsections (1) and (2) does not affect the status of the land as identified land or the continuation in force of the identification agreement.

Maintenance of Identified Land for Agricultural Use

9. (1) Land identified under an identification agreement for agricultural use shall, during the subsistence of the agreement, be maintained in a condition that is compatible with its use for the purpose of agriculture and without prejudice to the generality of the foregoing, the land may
- (a) be used for purposes of agriculture by the purchaser, his successors, assigns, agents or lessees; or
 - (b) be leased to a farmer for purposes of agriculture through the Land Development Corporation.



- (2) If, in the opinion of the Commission, land identified under the program is not being maintained in accordance with subsection (1) and the failure to so maintain the land may have a detrimental impact on neighbouring land, the Commission may authorize a person to carry out reasonable maintenance operations to preserve the capacity of the land for use for agricultural purposes.
- (3) The cost of maintenance under subsection (2) shall be borne by the purchaser, his heirs, successors or assigns.

Enforcement

10. The covenants contained in an identification agreement are binding on the purchaser and his successors in title and may be enforced by injunction at the instance of the Commission on behalf of Her Majesty in right of the province in accordance with the procedure set out in the Civil Procedure Rules.

Duration, Termination, Alteration & Cancellation of Agreement

11. (1) An identification agreement shall have effect in the first instance for a period of ten years and shall be renewed automatically at the end of each year for a further period of one year unless notice of termination is served on the Commission not less than ninety days prior to the next anniversary date.
- (2) If notice of termination is served on the Commission in accordance with subsection (1), the agreement shall cease to have effect on the expiration of ten years from the anniversary date next following the date of receipt of the notice.
- (3) An identification agreement may be altered or cancelled in accordance with subsection 6(4) of the Act.

Savings

12. Nothing in these regulations or in an identification agreement shall be construed to preclude or prejudice
 - (a) the acquisition or expropriation for the purposes of public works or other public purposes, whether by agreement or pursuant to powers conferred by any statutory provision, of any land identified under these regulations;
 - (b) the implementation of an official plan affecting any land identified under these regulations; or
 - (c) any previous approval for development or subdivision granted pursuant to the Act.

Commencement

13. These regulations shall come into operation on 3 September 1977.

Certified a true copy

Douglas B. Boylan
Clerk of the Executive Council

APPENDIX 9

UPDATE: LAND IDENTIFICATION PROGRAM

The Non-Resident Land Ownership study covers the first five years of the non-resident land ownership program on Prince Edward Island from its inception in 1972 to December 31, 1976.

Since that time, the Land Identification Program was implemented under The Planning Act (R.S.P.E.I. 1974, Cap. P-6), Section 6(5):

"6(5) Where the sale or purchase of real property is subject to the approval of the Lieutenant-Governor-in-Council under the Real Property Act, R.S.P.E.I. 1974, Cap. R-4 or under this Act, the Lieutenant Governor in Council may make it a condition of consenting to the sale that the land be identified under one of the land identification programs and if the prospective vendors or purchasers agree to the identification of the real property, they shall enter an agreement with the commission to execute an identification agreement in the manner described in subsection (3) before receiving approval of the sale or purchase; upon approval the landowner shall execute an identification agreement in the manner prescribed in subsection (3)."

A non-resident purchaser may now be required by the Lieutenant Governor in Council to enter into an agreement with the Land Use Commission to guarantee the satisfactory use of that land as a condition of approval for the acquisition of the property.

This program, the responsibility of the Prince Edward Island Land Use Commission and administered by the Land Use Service Centre, has alleviated many of the problems identified during the initial five years of the non-resident land ownership program with regard to the use of land in this province by non-resident owners.

REFERENCES

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Dots on map are proportional to property sizes.

La grosseur des points est proportionnelle aux dimensions des propriétés.

**NON-RESIDENT PROPERTIES (1972)
AND NON-RESIDENT LAND
OWNERSHIP PETITIONS (1972-1976)**

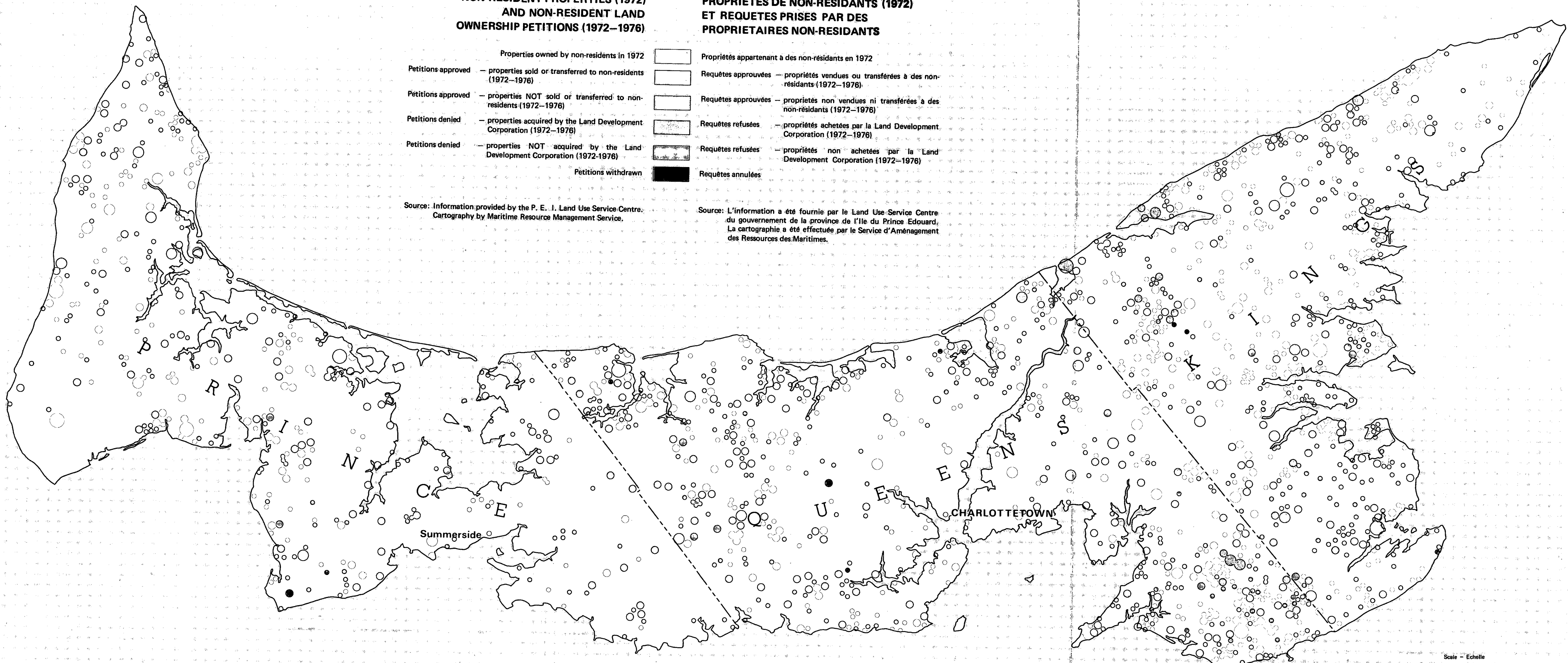
- Properties owned by non-residents in 1972
- Petitions approved — properties sold or transferred to non-residents (1972-1976)
- Petitions approved — properties NOT sold or transferred to non-residents (1972-1976)
- Petitions denied — properties acquired by the Land Development Corporation (1972-1976)
- Petitions denied — properties NOT acquired by the Land Development Corporation (1972-1976)
- Petitions withdrawn

**PROPRIETES DE NON-RESIDANTS (1972)
ET REQUETES PRISES PAR DES
PROPRIETAIRES NON-RESIDANTS**

- Propriétés appartenant à des non-résidents en 1972
- Requêtes approuvées — propriétés vendues ou transférées à des non-résidents (1972-1976)
- Requêtes approuvées — propriétés non vendues ni transférées à des non-résidents (1972-1976)
- Requêtes refusées — propriétés achetées par la Land Development Corporation (1972-1976)
- Requêtes refusées — propriétés non achetées par la Land Development Corporation (1972-1976)
- Requêtes annulées

Source: Information provided by the P. E. I. Land Use Service Centre.
Cartography by Maritime Resource Management Service.

Source: L'information a été fournie par le Land Use Service Centre
du gouvernement de la province de l'Île du Prince Édouard.
La cartographie a été effectuée par le Service d'Aménagement
des Ressources des Maritimes.



Scale - Echelle
kilometres 5 0 5 10 kilometres
miles 5 0 5 10 miles

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