



# NOW IS THE TIME

## FINAL REPORT OF THE LAND MATTERS ADVISORY COMMITTEE

JULY 2021



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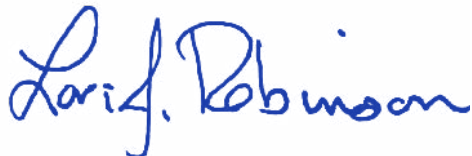
Honourable Bloyce Thompson  
Minister  
Department of Agriculture and Land  
Jones Building  
Charlottetown, PE

Dear Minister Thompson,

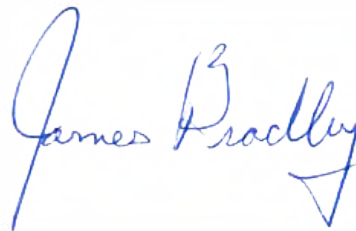
The Land Matters Advisory Committee is pleased to present its Final Report on land-related legislation and policy, in particular the *Lands Protection Act* and the *Planning Act*. The recommendations contained in this report were approved with unanimous support of all Committee members. We sincerely hope that this report will prove useful in moving the province forward and serving the public interest.

The Committee would like to extend its gratitude to the Strategic Policy and Evaluation Division of the Department of Agriculture and Land for providing secretarial support for the duration of the Advisory Committee's work – namely Evan Brown, Thea Du, Shawn Martin, and Lynn Trainor.

Respectfully submitted,



Lori Robinson, Co-Chair, on behalf  
of the Land Matters Advisory  
Committee



James (Jim) Bradley, Co-Chair, on  
behalf of the Land Matters Advisory  
Committee

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## **Abbreviations**

**BMP:** Beneficial management practices

**DAL:** Department of Agriculture and Land

**EC:** Executive Council

**GHG:** Greenhouse gases

**IRAC:** Island Regulatory and Appeals  
Commission

**SOM:** Soil organic matter

**SPA:** Special Planning Area



Outer circle from the top: Ashton Perry, Billy Cameron, Danielle Gillan, Donna Waddell, Hans Connor, James (Jim) Bradley (Co-Chair), Lori Robinson (Co-Chair), Marshall Smallman, Philip Hamming.

Inner circle from the top: Rodney Dingwell, Wendy Reid, Wendell LaBobe, Teresa Mellish.



# Advisory Committee's Message

Land is one of Prince Edward Island's most valuable assets, and yet it is finite and fragile. Although issues of land ownership and land use planning are not new, they have never been more important than now. We have an urgent need to implement province-wide land use planning and put in place transparent land ownership regulation.

This province is blessed with a rich environment and vibrant communities. We are fortunate to have had forward-thinking citizens and leaders who have put in place policies to protect the land and our way of life. However, the policies and regulations that previous generations put in place must now be strengthened and updated.

At increasing speed, we see the loss of valuable agricultural land and viewscapes to coastal and ribbon development, conflicting land uses, urban sprawl, and land speculation. Islanders also have concerns with corporate ownership and control of land, non-resident land ownership, environmental degradation, coastal erosion, and climate change.

For the past several months, the Advisory Committee has heard from Islanders, and has met

with diverse stakeholder groups from across the province. The majority of stakeholders expressed an urgent need for comprehensive, forward thinking, province-wide land use policy. The second most common theme was the need to protect agricultural land for today's farmers and future generations of Islanders. We have created our recommendations based on "what we've heard".

Since the last major land report in 2014, the public's support for action on the issues of land ownership and land use planning has progressed significantly. Islanders have become more aware of the interconnected nature of land use, land ownership, environmental concerns, and the increasing effects of climate change. Islanders are increasingly alarmed by the loss of resource land and the destruction of pastoral viewscapes. Many Islanders believe that unplanned development is to blame for these losses. The public is demanding that something be done before it is too late.

There is a high cost to the status quo. The time for study, consultation and discussion has passed. We only burden the next generation if we fail to act now. As an Island community, we must address the issues of land ownership and land use planning. We must put in place the proper legislation and policies needed to safeguard our Island lands and the unique character of PEI.

Sincerely,

Land Matters Advisory Committee





# Executive Summary

## CONTEXT

The Land Matters Advisory Committee (Committee) was appointed to provide advice and guidance to the Department of Agriculture and Land (DAL) with respect to modernizing Prince Edward Island's (PEI) land-related legislation and policy to ensure that it reflects the current and future needs of the province. The Committee's work is a key component of the Land Matters Project, which addresses the DAL's mandate to engage the public in reviewing and updating the *Lands Protection Act* and the *Planning Act*. The Committee has been tasked with receiving presentations and written submissions from stakeholder groups, and considering other lines of evidence such as the Land Matters PEI public survey. Based on these lines of evidence, the Committee was mandated to present its findings ("what we've heard") and recommendations in a Final Report.

## PROCESS

The Committee began its work by identifying key stakeholders, prioritizing the scope of its work, and receiving briefings on topics relevant to the Committee's mandate. Much of the Committee's time was dedicated to receiving presentations and written submissions from a diverse range of stakeholder groups on topics related to land legislation and policy. During this stage of its work, the Committee also released an Interim Report. The final stage of the Committee's work was its deliberation process, where the Committee discussed its findings and prepared to develop its Final Report. The Committee concluded its work with the review and approval of its Final Report.

## BACKGROUND

Questions of land ownership and land use have long been part of PEI's history and culture. As a result, this Committee is by no means the first to study land-related matters. The Committee notes the extensive body of work completed on

the topics of land ownership and land use over nearly fifty (50) years. This extensive body of work on land ownership (the *Lands Protection Act*) and land use (the *Planning Act*) has made it clear to the Committee that there is an urgent need for action on land-related legislation and policy. Many of the key actions required – such as a province-wide land use plan – are well understood and have been repeatedly recommended since 1973. After many years of study, *now is the time for action*.

## WHAT WE'VE HEARD

### Land Ownership and the *Lands Protection Act*

**Renaming the *Lands Protection Act*:** The Committee heard during stakeholder presentations that the *Lands Protection Act* should be renamed, as its current name may lead to confusion regarding the purpose of the *Act* – to regulate land ownership. Regulating land ownership addresses some, but not all, aspects of land protection.

**Aggregate land holding limits:** The majority of stakeholder groups that addressed this issue recommended maintaining land holding limits at their current level. While the Committee takes note of concerns raised regarding scale and the competitiveness of farms, the Committee did not hear sufficient evidence to support increasing land holding limits. Several factors influence the competitiveness of farms, including (but not limited to) their scale.

**Reviewing aggregate land holding limits:** Multiple stakeholders recommended that the provincial government review land holding limits. The Committee agrees that the needs of agriculture and farmers have changed over time, and that land holding limits should be reviewed at regular intervals. This should be done through an open, evidence-based process involving the public, stakeholders, and subject matter experts.

**Spirit and intent of the *Lands Protection Act*:** Several stakeholder groups referred to the “spirit and intent” of the *Lands Protection Act*. While this term was clearly important to stakeholders, it was not always clear that it held the same meaning for all groups. Nevertheless, the Committee does note that an Act can be amended to ensure that its application remains consistent with its initial intent.

**Enforcement and weaknesses in the *Lands Protection Act*:** There was general agreement among stakeholder groups that enforcement of the *Lands Protection Act* is important, and needs improvement. The Committee has heard that enforcement should be fair and consistent. It was recognized by the Committee that there are weaknesses in the *Lands Protection Act*, and that these weaknesses should be addressed so that the Act can be enforced in a fair and consistent manner.

**Inconsistencies in the interpretation of the *Lands Protection Act*:** The Committee also heard that there may be inconsistencies among various terms and their definitions in the *Lands Protection Act*, which may lead to uncertainty in applying the Act. For example, the Committee heard that there is ambiguity in cases where a corporation may be controlled by an individual (or individuals) who do not actually own shares in that corporation as defined in the Act. This has important implications for enforcement of the Act, and aggregate land holding limits in particular.

**Transparency in the administration of the *Lands Protection Act*:** The Committee heard that transparency in the administration of the *Lands Protection Act* is important. While some information related to land ownership and shareholders is already publicly available online through Geolinc Plus and the PEI Business / Corporate Registry, more can be done. Some stakeholder groups recommended greater transparency surrounding recommendations made by the Island Regulatory and Appeals Commission (IRAC), and decisions ultimately made by Executive Council (EC).

## **Land Use and the *Planning Act***

**Zoning:** The Committee heard that zoning is a key component of a land use planning framework, as it establishes allowable land use(s) in a given area. This is particularly important for the protection of resource land (agriculture and forestry). However, the Committee has heard that zoning is not in place on approximately 90% of PEI’s land and is badly needed.

**Province-wide Land Use Plan and policies:** A province-wide land use plan (and policies) has been recommended since 1973 and is needed now more than ever. This would address many of the key issues identified by the Committee, including resource land protection, urban sprawl, ribbon development, development in areas at risk of coastal erosion and flooding, protection of natural areas, and the replacement of Special Planning Areas.

**Development control:** The Committee has heard that development in PEI has increased significantly in recent years. While this has many positive aspects, development has been poorly managed due to inadequate land use planning and policies. This includes both poorly planned development – such as urban sprawl and ribbon development – as well as lengthy and subjective processing of subdivision and development applications.

**Updating the *Planning Act*:** The *Planning Act* is outdated and must be modernized. The Committee heard from stakeholders that there are key amendments to the *Planning Act* that have been passed by the Legislative Assembly, but have not yet been proclaimed. These and other amendments would ensure that the *Planning Act* meets the current and future needs of PEI.

**Interim measures:** The Committee heard that interim regulatory measures are required in order to prevent a rush of poorly planned development prior to the implementation of a province-wide land use planning framework. These interim measures should be fair, transparent, and should apply province-wide.

**Special Planning Areas:** The Committee has heard Islanders' frustrations regarding Special Planning Areas (SPAs). A key issue is that SPAs border unincorporated areas, which have much weaker regulations in place when compared to SPAs. This contributes to a sense of unfairness. The Committee believes that it is the lack of land use planning in unincorporated areas that is the real issue. When a province-wide land use plan is in place, then the proposed interim measures and SPAs can both be rescinded.

**Planning capacity:** The Committee also heard that the provincial government lacks planning capacity, and planning staff in particular. The provincial government will need to enhance its planning capacity in order to improve land legislation and policy. This can be done through a combination of external support and internal staffing.

**Re-integration of planning staff:** The Committee notes that planning staff within the provincial government are not currently working under the same Department, and do not report to the same Deputy Minister or Minister. This leads to communication and coordination challenges. Planning staff should be re-integrated into the same Department to enhance their efficacy.

**Inter-departmental land committee:** The Committee also notes that land-related issues involve multiple departments and sectors, and that broad-based collaboration is needed to make necessary improvements to land legislation and policy. An inter-departmental body is required to support the implementation of a province-wide land use planning framework.

## Additional Issues of Importance

**Mi'kmaq inclusion in land-related matters:** The Committee has heard that the Mi'kmaq of PEI ("Epekwitk") have a unique relationship with the land, and value resource sustainability ("netukulimk"). The Committee notes that the Mi'kmaq of Epekwitk have constitutionally recognized and affirmed Aboriginal Rights and

Treaty Rights, as per the *Canadian Charter of Rights and Freedoms* and the *Peace and Friendship Treaties*. The Committee has heard that the Mi'kmaq of Epekwitk are seeking greater inclusion in land-related matters.

**Soil health:** The Committee heard from various stakeholder groups that soil health in PEI has declined significantly in recent decades. Stakeholder groups expressed that enhanced programs and services are needed to further incentivize the adoption of beneficial management practices (BMPs), and the diversification of agricultural production. The Committee also heard that these programs and services should be reviewed and enhanced as part of a long-term strategy for soil health.

## THE LAND MATTERS ADVISORY COMMITTEE RECOMMENDS

### Land Ownership and the *Lands Protection Act*

1. That the provincial government rename the *Lands Protection Act* so that it accurately reflects its stated purpose: to regulate property rights and land ownership. The Advisory Committee proposes the *Land Ownership Act*.
2. That the provincial government maintain aggregate land holding limits at their current level under the *Lands Protection Act*, and that land holding limits be reviewed every five (5) years through an open, evidence-based process involving the public, stakeholders, and subject matter experts – with the next review beginning in 2026.
3. That the provincial government amend the *Lands Protection Act* to define and/or revise the definition of the terms "control", "share", and "hold" within the *Act* to support monitoring, enforcement, and transparency regarding aggregate land holding limits.

4. That the provincial government amend the *Lands Protection Act* to strengthen the definition of the term “principal residence” to establish clear criteria for determining if an individual is a “resident person” as defined in the Act.
5. That the provincial government revise the *Lands Protection Act* to expand the Island Regulatory and Appeals Commission’s authority to conduct investigations and random audits of land applications and transactions. Random audits would take place annually, and the results would be reported to Executive Council.
9. That the provincial government engage a team of Registered Professional Planners in the development, implementation, and administration of a province-wide land use planning framework. If internal planning staff and capacity is not currently sufficient, then the provincial government should obtain external planning support to complete the work.

### **Land Use and the *Planning Act***

6. That the provincial government leverage nearly 50 years of study on the subject of land use to adopt a province-wide land use planning framework, prioritizing resource land and coastal land.
7. That the provincial government review and consider implementing the significant body of work completed to address gaps in the *Planning Act*, including: Bill 21 and Bill 25 and their required regulations; amendments to the *Planning Act* to clarify the Purpose of the Act and Statements of Provincial Interest; and the development of provincial land use policies.
8. That the provincial government immediately implement province-wide interim regulations to further regulate subdivision and development in areas without an official plan until a province-wide land use planning framework is adopted.

10. That the provincial government re-integrate the Municipal Affairs Division of the Department of Fisheries and Communities and the land use planning functions of the Department of Agriculture and Land so that government staff responsible for land use planning and associated functions are under the same Department, Deputy Minister, and Minister.
11. That the provincial government engage affected Departments in the development and implementation of a province-wide land use planning framework via an inter-departmental committee, providing continuity from one provincial government to the next.

### **Additional Issues of Importance**

12. Based on Mi’kmaq constitutionally-protected rights and their deep interest in land sustainability, it is recommended that the Mi’kmaq be offered a substantive role in the development and shaping of land policies and land management on Prince Edward Island.
13. That the provincial government review and enhance soil health programs and initiatives such as the Alternate Land Use Service Program and the recently announced provincial Soil First Farming Initiative.

# Introduction

## Context

The following document is the Final Report of the Land Matters Advisory Committee (“Committee”). The Committee was created by Executive Council (EC) on July 28, 2020. Committee members applied through Engage PEI, and were appointed by the Minister of Agriculture and Land (DAL) on October 13, 2020. As per its Terms of Reference, the Committee has a mandate to provide advice and guidance to the DAL with respect to modernizing Prince Edward Island’s (PEI) land-related legislation and policy to ensure that it reflects the current and future needs of the province. In doing so, the Committee has been tasked with inviting stakeholder organizations to present to the Committee on topics related to its mandate. Based on these presentations, and other lines of evidence, the Committee was mandated to provide recommendations to the DAL through a Final Report. See Appendix A for Terms of Reference.

The DAL has been mandated to engage the public in reviewing and updating the *Lands Protection Act* and the *Planning Act* to reflect the needs of the province, both at present and in the future.

<sup>1</sup> The *Lands Protection Act* and the *Planning Act* govern land ownership and land use, respectively. In response to this mandate, the DAL initiated the Land Matters Project to engage the public and stakeholders in the identification of issues, priorities and solutions for land legislation and policy in PEI. The Committee is a key stage (or phase) in the DAL’s Land Matters Project. The Land Matters Project includes five (5) primary phases:

**Phase 1: Issue Identification and Advisory Committee:** A Land Matters PEI website was launched to collect feedback from the public through a survey. A Land Matters Advisory Committee was appointed to advise government on land policy and legislation, based on feedback from stakeholders.

**Phase 2: Legislation/Policy Formulation:** The Land Matters Advisory Committee hosted presentations from stakeholder groups. The following reports have been released: an Interim Report, a Survey Report, and this Final Report on the Committee’s findings and recommendations.

**Phase 3: Legislation/Policy Adoption:** A Legislative/Policy Work Plan will be developed, taking into consideration the Advisory Committee’s recommendations. Additional engagement will be completed to refine this Work Plan.

**Phase 4: Legislation/Policy Implementation:** The Legislative/Policy Work Plan will be implemented. Legislative amendments will be drafted and introduced in the Legislative Assembly, and policies will be implemented by relevant Departments and organizations.

**Phase 5: Legislation/Policy Evaluation:** The Department of Agriculture and Land will develop an implementation plan for confirmed changes, along with plans to monitor performance, relevance, and impact of land-related legislation.

## Process

### ADVISORY COMMITTEE MEMBERS

Committee members come from a diverse range of backgrounds including agriculture, land-use planning, law, municipal government, business, and representation from L'nuey – a PEI Mi'kmaq rights-based organization (see Table 1). As per the Terms of Reference, the Strategic Policy and Evaluation Division of the DAL provided secretarial support to the Committee upon request. Examples of secretarial support requested by the Committee included assistance with meeting logistics and assistance with developing applied research reports (e.g. survey report, Interim Report, and Final Report).

Advisory Committee Members
Lori Robinson (Co-Chair)
James (Jim) Bradley (Co-Chair)
Billy Cameron
Hans Connor
Rodney Dingwell
Danielle Gillan
Philip Hamming
Wendell LaBobe
Teresa Mellish
Ashton Perry
Wendy Reid
Marshall Smallman
Donna Waddell

**Table 1.** Advisory Committee members. Ordered alphabetically (after Co-Chairs).

### ADVISORY COMMITTEE SCHEDULE AND STAGES

The Committee met a total of nineteen (19) times between October 27, 2020 and May 31, 2021, alternating between Charlottetown and Summerside. The Committee's schedule can be divided into three main stages: initiating the Committee's work, stakeholder presentations, and a deliberation process.

The Committee's early meetings were largely spent initiating the Committee's work. This included identifying key stakeholders, prioritizing the issues and scope of the Committee's work, and receiving briefings from provincial government staff on topics relevant to the Committee's mandate (e.g. *Lands Protection Act*, *Planning Act*, and results from the Land Matters PEI public survey). Decisions related to stakeholder identification, issues, and scope were supported by four (4) surveys of Committee members and subsequent discussion by the Committee. The Committee concluded this stage of its work by inviting stakeholder groups to provide presentations.

Much of the Committee's work was dedicated to hearing from a diverse range of stakeholder groups on issues pertaining to land-related legislation and policy. In order to hear from a broad sample of stakeholder groups, the Committee met weekly, beginning in January 2021. The Committee received twenty-four (24) presentations, and five (5) written submissions. Stakeholder presentations followed a consistent format: stakeholder presentation, question and answer period, and a Committee discussion on key points heard during the presentation. The Committee also received the Land Matters PEI Survey Report, and released an Interim Report of its own during this stage of its work. <sup>viii</sup> See Appendix B and C for the Executive

<sup>viii</sup> Government of Prince Edward Island, Department of Agriculture and Land. (2021). "What We've Heard": Findings from the Land Matters Project Survey. Final Report. Charlottetown, PE: Strategic Policy and Evaluation Division. Available at: [https://www.landmatterspei.ca/sites/www.landmatterspei.ca/files/LandMatters/AF\\_Land%20Matters\\_What%20We%20Heard%20Survey%20Report.pdf](https://www.landmatterspei.ca/sites/www.landmatterspei.ca/files/LandMatters/AF_Land%20Matters_What%20We%20Heard%20Survey%20Report.pdf); What We've Heard so Far: Land Matters Advisory Committee Interim Report. Available at: <https://>



Summary of the Land Matters PEI Survey Report and preliminary findings from the Interim Report, respectively.

To encourage participation while maintaining the Committee's schedule, the Committee also accepted written submissions in lieu of presentations. Written submissions were accepted from groups that wished to present – but could not be scheduled due to scheduling constraints – and from stakeholder groups invited to present, but instead chose to provide a written submission.

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[www.landmatterspei.ca/sites/www.landmatterspei.ca/files/LandMatters/AF\\_Land%20Matters\\_What%20We%20Heard%20interim%20Report.pdf](http://www.landmatterspei.ca/sites/www.landmatterspei.ca/files/LandMatters/AF_Land%20Matters_What%20We%20Heard%20interim%20Report.pdf)

See Appendix D for stakeholder presentations and written submissions provided to the Committee.

The third and final stage of the Committee's work was its deliberation process. The purpose of the deliberation process was for the Committee to discuss what had been heard from stakeholder presentations and written submissions, and to make decisions regarding the Final Report's format, scope, key issues, key findings, and recommendations. Once the Committee had developed and endorsed its recommendations, the Final Report was drafted, reviewed, and given final approval by the Committee.



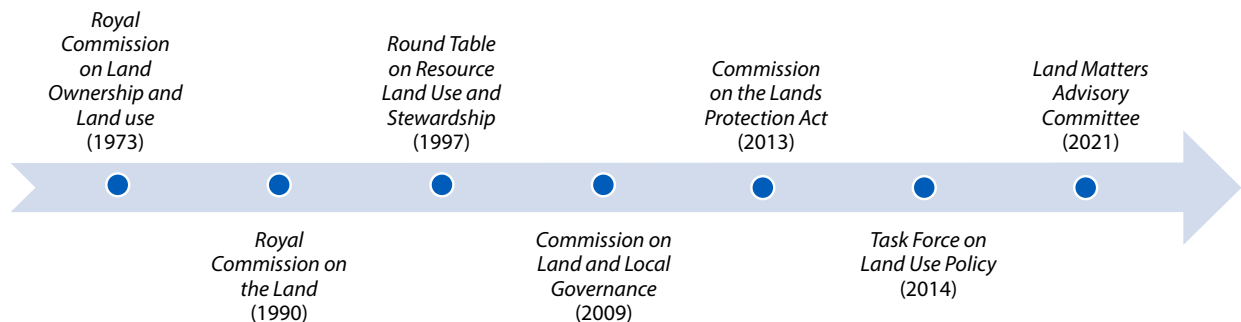


## Background

Questions of land ownership and land use have long been part of PEI's history and culture. As a result, this Committee is by no means the first to study land-related matters. The Committee takes note of the extensive body of work completed on the topics of land ownership and land use over nearly fifty (50) years. They include: the Royal Commission on Land Ownership and Land Use (1973), the Royal Commission on the Land (1990), the Round Table on Resource Land Use and Stewardship (1997), the Commission on Land and Local Governance (2009, the "Thompson Report"), the Commission on the *Lands Protection Act* (2013, the "Carver Report"), the Task Force on Land Use Policy (2014), and now the Land Matters Advisory Committee (2021).<sup>ix</sup> See Figure 1 for a timeline of past work.

The final reports produced through past projects have been a valuable resource to the Committee, and have meaningfully informed its work. This extensive body of work on land ownership and land use has made it clear to the Committee that there is an urgent need for action on land-related legislation and policy. Many of the key recommendations contained in these reports – such as the need for a province-wide land use plan – are well understood, and have been repeatedly recommended since 1973. After many years of study, *now is the time for action*.

<sup>ix</sup> Past reports are available at the Land Matters PEI website: <https://www.landmatterspei.ca/theplan>



**Figure 1.** A timeline of land-related reports and studies over the past five (5) decades.

“Indecision,” noted one investigator, “is a form of land-use planning, but it is usually the most costly one.”

- Edward MacDonald, If You're Stronghearted

## Now is the Time

The Committee has noted that some recommendations related to land legislation and policy have been made repeatedly for many decades. This begs the questions: Why another report? Why now? The Committee believes that now is the time. In recent years, key changes have taken place in PEI that have created the conditions for decisive, meaningful progress to be made on land-related issues. These changes include:

**Population growth:** For several years, PEI has led all Canadian provinces in population growth.<sup>2</sup> This is clearly positive, as it has helped grow PEI's economy, its communities, and has helped fund essential services like health and education. However, population growth is also placing unprecedented development pressures on PEI, a province with inadequate land use planning policies in place to efficiently and sustainably manage development. PEI's success with population growth has finally forced us to confront the need for action on province-wide land-related legislation and policy.

**Housing affordability:** In recent years, housing prices in PEI have increased significantly – impacting housing affordability (home ownership and rental housing).<sup>3</sup> This is related to population growth, and strong demand for housing coupled with inadequate supply. Action on land-related legislation and policy can support efficient, sustainable development of housing, and contribute to improved housing affordability.

**Resource land protection:** Agriculture is the backbone of PEI's economy and holds an important place in PEI's culture. Due to the absence of modern land-related legislation and policy, agricultural and

forested land is being lost due to urban sprawl, ribbon development, and inadequate land use planning. This has been happening for many years, but has now reached a crisis point. Action is needed on land-related legislation and policy in order to protect resource land, to reduce land use conflicts, and to support farmers.

**Climate change:** In recent years, the pressing reality of climate change has come clearly into focus. PEI's largest source of greenhouse gas (GHG) emissions is transportation (e.g. personal vehicles), at 44% of total emissions.<sup>4</sup> Province-wide land use planning aligns with the provincial government's *Path Towards Net Zero (2040) Proposed Framework* and its *Sustainable Transportation Action Plan*<sup>5</sup>. As an Island province, PEI is also vulnerable to coastal erosion and flooding (both coastal and in-land). Action is needed on land-related legislation and policy to reduce GHG emissions, and to support climate adaptation and mitigation through sustainable development.

Examined individually, these recent changes may seem unrelated. However, when examined together, it is clear to the Committee that these key changes are connected and underline the urgent need for action on land-related legislation and policy. The Committee believes that these matters are of great importance to Islanders, and that the tide has turned in support of meaningful action on land-related legislation and policy. *Now is the time.*

# Key Issues

The following key issues were identified by the Committee based on stakeholder presentations, written submissions, and the Committee's deliberations. These issues are summarized below, and will be expanded upon in subsequent sections of this report.

## LAND OWNERSHIP AND THE LANDS PROTECTION ACT

**The name of the *Lands Protection Act*:** The Committee has heard that the name for the *Lands Protection Act* is inaccurate, and may lead to confusion as to which issues are (and are not) addressed by the Act. Indeed, the stated purpose of the *Lands Protection Act* is to regulate property rights, particularly the amount of land that may be held by a person or corporation.<sup>viii</sup> However, this does not fully address all aspects of land protection, as may be the public's perception of the Act. Land protection also includes land use planning, environmental protection, and the protection of natural areas – all of which are addressed by other legislation, regulations, and policy. Another example of this is the Land Identification Program, which is administered under the *Lands Protection Act*, and may lead the public to believe that land is adequately protected in PEI. In fact, this program provides only short-term land protection (10 years) and would no longer be needed if province-wide land use planning was in place.

**Aggregate land holding limits and their review:** One of the issues most frequently cited by stakeholder groups was the maximum aggregate land holding limits established under the *Lands Protection Act*. Indeed, this is arguably the most important feature of the *Lands Protection Act* – regulating how much land an individual or corporation may own. While there was not consensus among stakeholder groups on the appropriate level for land holding limits, this is clearly an issue which is central to the topic of

land ownership in PEI. Multiple stakeholders also proposed that land holding limits be reviewed at regular intervals through a transparent process.

**Weaknesses in the *Lands Protection Act*:** The Committee heard from many stakeholder groups that there are “loopholes” in the *Lands Protection Act*. While the Committee agrees in principle with this point, the term “weaknesses” is preferred to that of “loopholes.” The Committee finds that the term “loopholes” has become something of a buzzword, but is often not supported with clear guidance on how to improve land-related legislation and policy. As with most government Acts and Regulations, weaknesses may become evident over time and should be addressed through regular revision and amendments. This is the case with the *Lands Protection Act*. Specific weaknesses in the Act are cited in the “Land Ownership and the *Lands Protection Act*” section of this report.

**Enforcement and monitoring of the *Lands Protection Act*:** The Committee heard from several stakeholder groups that the enforcement of the *Lands Protection Act* is an issue. The Committee notes that, while some enforcement challenges may be a result of weaknesses in the Act, others may be due to the efficacy of enforcement. Whether due to legislative or administrative challenges, enforcement of the *Lands Protection Act* emerged as a key issue.

**Transparency in the administration of the *Lands Protection Act*:** The Committee heard that greater transparency is needed in the administration of the *Lands Protection Act*. It is noted that accurate, up-to-date information regarding land ownership is not always easily accessible to the public. It is also noted that, while the Island Regulatory and Appeals Commission (IRAC) is responsible for administration of the Act, decisions with respect to application approval are ultimately made by EC. Greater transparency would promote accountability and public confidence in the administration of the *Lands Protection Act*.

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viii See s. 1.1 of the *Lands Protection Act*.

## LAND USE AND THE *PLANNING ACT*

**Province-wide land use planning:** One of the most frequently cited issues raised by stakeholder groups was the lack of province-wide land use planning in PEI. A province-wide land use planning framework could include Statements of Provincial Interest, province-wide land use policies, land use plans, land use maps, land use zones, bylaws, and other elements – many of which do not currently exist on 90% of land in PEI. The Committee takes note that PEI is decades behind most Canadian jurisdictions in land use planning. The lack of a province-wide land use plan means that on approximately 90% of land in PEI, only minimal development requirements are in place.<sup>6</sup> Stakeholders expressed that this contributes to the following issues:

**Resource land protection:** The Committee has heard from stakeholder groups that resource land is being lost to development for uses not related to agriculture or forestry. This is happening because there is no designated use for most resource land. Agricultural and forestry stakeholder groups were clear in stating that agricultural land is being lost and should be protected through enhanced land use planning.<sup>ix</sup>

**Urban sprawl and ribbon development:** The Committee also heard from stakeholder groups that urban sprawl and ribbon development along roadways are an issue. It is noted that this is due in large part to gaps in the *Planning Act*, and the lack of province-wide land use planning. The Committee has heard that urban sprawl and ribbon development contributes to the loss of agricultural land, land use conflicts between farmers and homeowners, and negatively impacts the viability of rural and urban municipalities.

**Coastal erosion and development in flood-risk areas:** The Committee has heard that coastal erosion and development in flood-risk areas are key issues related to climate change. Despite this, development continues to take place in areas at-risk of coastal erosion and flooding (both coastal and inland). It is noted that this poses risks to the environment as well as public health and safety. Currently, the *Planning Act* does not adequately address this issue.

**Interim measures and Special Planning Areas:** The Committee heard that, unless interim regulatory measures are put in place, initiating the development of a province-wide land use plan may lead to a rush of unplanned development. It is noted that since 1994, most Special Planning Areas (SPA's) were intended to be an interim measure until a province-wide land use plan was developed – but we are still waiting. The committee understands that the existence of SPAs (where stringent regulations exist) next to unincorporated areas (where regulations are inadequate) can contribute to perceptions of unfairness. However, the real issue is the lack of province-wide land use planning. This is required so that interim measures like SPAs can be replaced.

**Environmental protection and protection of natural areas:** The most frequently referenced theme in the Land Matters PEI public survey was environmental protection. Stakeholder groups also referred to environmental protection as an important issue. The Committee has heard from stakeholders that the provincial government is on track to meet its 7% protected land target<sup>x</sup> and intends to exceed this target. The committee is of the view that improved land use planning and zoning will contribute to the provincial government's ability to protect natural areas and environmentally sensitive lands.

ix These groups include: PEI Federation of Agriculture, PEI Potato Board, Dairy Farmers of PEI, and the PEI Institute of Agrologists.

x Department of Environment, Energy and Climate Action; Forest, Fish and Wildlife Division.

**Weaknesses in the *Planning Act*:** The Committee has heard that there are weaknesses in the *Planning Act* that must be addressed in order to meet the planning needs of PEI. It is noted that the *Planning Act* lacks Statements of Provincial Interest, which articulate provincial priorities for planning across PEI. It is also noted that the *Planning Act* lacks provincial land use policies. Finally, the Committee notes that current regulations in the Act, such as the Subdivision and Development Regulations, lack content and need to be more fully developed.

**Public engagement on province-wide land use planning and the *Planning Act*:** The Committee heard from stakeholder groups that public engagement on land use planning is important. It is noted that public engagement and participation are key to the development of a land use plan. It is also noted that a great deal of public engagement has taken place on this topic over nearly fifty (50) years. The Committee's preferred approach to this issue is focused and structured public engagement, based on a clear work-plan. This means that any future public engagement should be focused on proposed and actionable deliverables, such as province-wide land use policies, regulations, plans, etc.

**Planning capacity:** The Committee heard from stakeholder groups that the government of PEI lacks planning capacity, primarily in the form of staffing. It is apparent that recruitment and retention issues exist. It is also noted that adequate planning capacity is a pre-condition for making improvements to land legislation and policy.

## **ADDITIONAL ISSUES**

**Mi'kmaq inclusion in land-related matters:** The Committee has heard that the Mi'kmaq of PEI have unique interests related to land, and value resource sustainability ("netukulimk"). It is noted that the Mi'kmaq of PEI have constitutionally recognized and affirmed Aboriginal and Treaty Rights, as per the *Canadian Charter of Rights and Freedoms*, and the *Peace and Friendship Treaties*.<sup>7</sup> The Committee has also heard that the Mi'kmaq of PEI are seeking inclusion in land-related matters.

**Soil health:** The Committee heard from various stakeholder groups that soil health in PEI has declined in recent decades. Stakeholder groups expressed that greater support is needed to support soil health, including incentive programs to adopt beneficial management practices (BMPs), diversifying agricultural production, and developing a long-term strategy for soil health. While agri-environmental practices are not directly addressed in the *Lands Protection Act* or the *Planning Act*, the Committee notes that land ownership and land use have important implications for soil health.

**Public education and engagement on land legislation and policy:** The Committee finds that public education on land legislation and policy is an issue. This applies to both land use and land ownership. It is noted that myths and misunderstandings exist regarding land use planning. For many, the high costs associated with the lack of land use planning are invisible, and the benefits are largely unknown to the general public. With respect to land ownership, the lack of public education on the application of land legislation and policy can negatively impact public trust.

**Inter-departmental coordination:** The Committee has heard from several provincial Departments and Divisions regarding land legislation and policy. It is apparent to the Committee that land legislation and policy crosses over Departmental lines. As a result, inter-departmental coordination on land-related matters is an issue. Implementing improvements to land-related legislation and policy will require inter-departmental coordination.



## Other Issues of Concern

The Committee also made note of other issues of concern expressed by stakeholder groups. While the Committee has not provided recommendations on these issues they are documented in this report for further consideration.

**Access to farm land:** The Committee has heard that farmers are having difficulty accessing land for purchase or lease. There are many perceived factors contributing to this issue: rising land prices, land development speculation, and the loss of resource land to non-agricultural uses. The Committee notes that implementing land use planning through the *Planning Act*, and improved enforcement of the *Lands Protection Act* would partially address this issue. Further action on this issue could involve financing tools, which are beyond the scope and ability of this Committee.

**New entrants to agriculture and succession planning:** The Committee heard that it is difficult for new farmers to successfully enter the agriculture industry. Reasons cited include access to land, capital costs, and competitiveness challenges. The Committee also heard that in the coming years many farmers will be looking to retire and do not have a succession plan in place. This may result in selling the entire farm operation “turn-key”, which is generally not financially feasible for new entrants. Further action on this issue could involve a combination of policy, programs, financing tools, and legal support.

**Land bank:** The topic of a land bank is related to the issues of access to farm land and support for new entrants. The Committee heard a range of views from stakeholder groups on this matter. However, it is important to note that key agricultural stakeholder groups – such as the PEI Federation of Agriculture, Dairy Farmers of PEI, and others – expressed to the Committee that there are more effective means of supporting access to land, new entrants to agriculture, and succession planning. In the end, the Committee concluded that there was not sufficient evidence to support recommending the creation of a land bank.



**Brief, time-limited exemptions to aggregate land holding limits:** The Committee heard that it can be difficult for farmers to purchase additional land while remaining compliant with the *Lands Protection Act's* aggregate land holding limits. For example, this can occur when a farmer would like to purchase land near their existing farm operations but are close to reaching their aggregate land-holding limits. Some stakeholder groups suggested that farmers be allowed a brief, time-limited exemption to the aggregate land holding limits to allow for the purchase of additional land – on the condition that they sell any excess land to come back into compliance with the Act. Further action on this issue would require more extensive analysis on how this provision would be monitored and enforced. This analysis is beyond the scope of the Committee.

**The need for a Land Titles System:** The Committee heard that the provincial government's current land registry system is outdated and is not always accessible as it can require in-person, manual searches of records. The Committee has heard that a Land Titles System – as has been adopted in New Brunswick, Nova Scotia, and other provinces – would be an improvement. As an online system, a Land Titles System would be more efficient and accessible.

**The role of Executive Council in land-related decisions:** The Committee heard from stakeholders that decision-making on land-related legislation and policy should be more transparent. The Committee also heard that many land-related decisions, such as those pertaining to applications, are administrative in nature, and best left to subject matter experts within the civil service. The Committee notes that decisions related to application approvals are ultimately made by EC, which is subject to Cabinet confidentiality.

**Water:** Some stakeholder groups referred to water-related topics and issues. The Committee takes note of water-related matters and the importance of water to Islanders. With that said, the mandate of the Committee is to modernize PEI's land-related legislation and policy - in particular the *Lands Protection Act* (land ownership) and the *Planning Act* (land use). As a result, the *Water Act* and water-related matters are not within the scope of the Advisory Committee's mandate, and are best addressed through the *Water Act* and its Regulations.





# Land Ownership and the *Lands Protection Act*

Questions related to land, and land ownership, have been prominent throughout PEI's history. Indeed, land ownership has come to dominate public debate regarding the "land question." Debate surrounding land ownership has typically focused on how much land an individual or corporation should be able to own, and non-resident land ownership. Land ownership on PEI can be complex, to say the least, and involves both technical issues and values-based issues. For example, concentration of land ownership and market power may be considered a technical issue, while non-resident ownership of land may be considered a values-based issue.

Issues of land ownership are addressed primarily through the *Lands Protection Act*. The *Lands Protection Act* regulates property ownership rights in PEI, with a specific focus on the amount of land an individual or corporation can own. It is in place

to address three main challenges that the Island has faced with regard to property rights: historical difficulties arising from absentee landowners; the Island's small size and high population density; and the unique ecology, environment and land of the Island, which requires careful stewardship to ensure its protection. The *Lands Protection Act* was enacted in 1982, and has been amended on several occasions over the years.<sup>8</sup>

## KEY ISSUES

Of the Key Issues raised by the Committee, the following are most relevant to land ownership and the *Lands Protection Act*:

- ◆ The name of the *Lands Protection Act*;
- ◆ Aggregate land holding limits and their review;
- ◆ Weaknesses in the *Lands Protection Act*;
- ◆ Transparency in the administration of the *Lands Protection Act*; and
- ◆ Enforcement and monitoring of the *Lands Protection Act*.



## Renaming the *Lands Protection Act*

### WHAT WE'VE HEARD

The term “land protection” figures prominently in Island vocabulary. Given PEI’s small size, population density, and its unique ecology, land protection is indeed important. However, it is apparent that land protection means many different things to many different people. This has important implications for the name of the *Lands Protection Act*.

**Renaming the *Lands Protection Act*:** The Committee heard during stakeholder presentations that the name of the *Lands Protection Act* may lead to confusion regarding the purpose of the Act. The stated purpose of the *Lands Protection Act* is to regulate property rights, particularly the amount of land that may be held by a person or corporation.<sup>viii</sup> The Committee has also heard that framing the “land question” solely around land ownership – to the exclusion of land use and land conservation – does not address all aspects of land protection.

#### Recommendation #1

That the provincial government rename the *Lands Protection Act* so that it accurately reflects its stated purpose: to regulate property rights and land ownership. The Advisory Committee proposes the Land Ownership Act.

#### Rationale

While land ownership is an important aspect of land protection, other aspects of land protection exist – such as land use planning and land conservation. The Committee believes that the current name of the *Lands Protection Act* has contributed to a lack a clarity regarding which aspects of land protection the Act does (and does not) address. By renaming the Act to more accurately reflect its stated purpose, the general public and decision-makers alike will be better able to determine which legislation addresses which aspect of land protection.

viii See S. 1.1 of the *Lands Protection Act*

## Aggregate Land Holding Limits

### WHAT WE'VE HEARD

As was mentioned in the Key Issues section of this report, aggregate land holding limits was one of the issues most frequently cited by stakeholder groups. Aggregate land holding limits refer to the “maximum amount of land that may be held by a person or corporation.”<sup>9</sup> The Act states that “no person shall have an aggregate land holding in excess of 1,000 acres” and “no corporation shall have an aggregate land holding in excess of 3,000 acres.”<sup>10</sup> The Committee heard a great deal of feedback from stakeholder groups on land holding limits, their appropriate level, as well as monitoring and enforcement of land holding limits. This feedback from stakeholder groups has been summarized below.

#### Maintain Aggregate Land Holding Limits

Most stakeholder groups that referred to aggregate land holding limits recommended that they be maintained at their current level.<sup>ix</sup> In supporting this recommendation, some stakeholder groups cited concerns related to the trend towards a higher concentration of land ownership by fewer farms. This was also linked to difficulties faced by new entrants to agriculture. Other stakeholder groups who had recommended that land holding limits be maintained stated that enforcement should be improved before considering an increase to land holding limits.

ix National Farmers Union, Coalition for the Protection of PEI Land, Dairy Farmers of PEI, PEI Woodlot Owners Association, Coalition for the Protection of PEI Water, and the PEI Federation of Agriculture (maintain by review).

## Review Aggregate Land Holding Limits

Several stakeholder groups recommended that land holding limits be reviewed at regular intervals to ensure that they reflect the current needs of the agriculture industry and the province. Stakeholders noted that current land holding limits were established in 1982, and that the needs of agriculture have changed over time.<sup>x</sup> In support of their recommendation, stakeholders cited competitiveness challenges faced by some farms in PEI, which can be relatively small compared to their Canadian and global counterparts. Competitiveness challenges are addressed in greater detail below. The Committee takes note of the changing needs of agriculture, and stakeholders' recommendations that land holding limits be reviewed or re-evaluated at regular intervals.

## Increase Aggregate Land Holding Limits

One stakeholder group recommended that land holding limits be increased for individuals and corporations.<sup>xi</sup> Arguments put forward to support this recommendation include competitiveness challenges faced by some farms, and supporting the adoption of BMPs that promote sustainability. The Committee takes note of competitiveness challenges, and that the economies of scale are among the many factors that influence the competitiveness and profitability of farms. Other factors include efficiency, innovation adoption, on-farm productivity, value-added activities, and market access. The Committee also notes that the adoption of BMPs can be supported through a variety of measures, including incentive programs, soil building initiatives, and support for reducing GHG emissions.

## Non-Arable Lands and Leased-Out Lands

Notwithstanding these varied views on land holding limits, stakeholder groups were united in their support for current provisions in the *Lands Protection Act* which permit the exclusion of a certain acreage of non-arable land or a certain acreage of leased out land from the calculation of a

person or corporation's aggregate land holding. The Committee notes that, in effect, these provisions can increase the limits to a maximum of 1,900 acres for a person and 5,700 acres for a corporation.

### Recommendation #2

That the provincial government maintain aggregate land holding limits at their current level under the *Lands Protection Act*, and that land holding limits be reviewed every five (5) years through an open, evidence-based process involving the public, stakeholders, and subject matter experts – with the next review beginning in 2026.

### Rationale

The Committee heard a considerable amount of feedback from stakeholder groups with respect to land holding limits under the *Lands Protection Act*. The majority of stakeholder groups that addressed this issue recommended maintaining land holding limits at their current level. While the Committee takes note of the range of views on this issue, the Committee did not hear sufficient evidence to support increasing land holding limits. Several factors influence the competitiveness and sustainability of farms, including (but not limited to) their scale.

Multiple stakeholders recommended that the provincial government review land holding limits. The Committee agrees that the needs of agriculture and farmers have changed over time, and that land holding limits should be reviewed at regular intervals. The Committee recommends that this should be done through an open, evidence-based process involving the public, stakeholders (agricultural and non-agricultural), and subject matter experts (farmers, agrologists, economists, planners, etc.). In the interest of providing stability to the agriculture industry, the Committee recommends that this review take place every five (5) years, with the first review taking place in 2026.

x PEI Potato Board and the PEI Federation of Agriculture.

xi PEI Potato Board.

# Enforcement, Monitoring and Transparency in the Administration of the *Lands Protection Act*

## WHAT WE'VE HEARD

Among the more frequently cited themes related to land ownership and the *Lands Protection Act* were: spirit and intent, enforcement and loopholes (weaknesses), transparency, and inconsistencies in the interpretation of the Act.

### Spirit and Intent

Several stakeholder groups referred to the importance of the “spirit and intent” of the *Lands Protection Act*. This is said to reflect the original intent of the Act, as opposed to the “letter of the law.” While this term was clearly important to stakeholders, it was not always clear that it held the same meaning for all groups. For example, many groups referred to the importance of the spirit and intent of the *Lands Protection Act*, despite having opposing views on the key issues. Nevertheless, the Committee does note that an Act can be amended to ensure that its application remains consistent with its initial intent.

### Enforcement and Weaknesses in the *Lands Protection Act*

There was general agreement among stakeholder groups that enforcement of the *Lands Protection Act* is important, and needs improvement. When discussing enforcement, stakeholder groups often referred to “loopholes” (weaknesses) in the Act, and the importance of fairness and consistency in the application of the Act and its regulations. Other stakeholder groups recommended that enforcement of the existing legislation be improved before any other revisions, such as land holding limits, are made to the Act. Finally, it is noted that individual resident persons seeking to acquire an interest in land are not currently required to apply to IRAC for approval, whether the interest is being acquired personally or through the purchase of shares in a corporation.

### Inconsistencies in the Interpretation of the *Lands Protection Act*:

The Committee heard that there may be inconsistencies among various terms and definitions in the Act, and that this may lead to uncertainty surrounding spirit and intent, enforcement, and transparency. For example, the Committee has heard that there is ambiguity in cases where a corporation may be controlled by an individual (or individuals) who do not actually own shares in that corporation as defined in the Act. This has important implications for determining when two or more corporations should be “deemed” as one.

### Transparency in the Administration of the *Lands Protection Act*

Several stakeholder groups spoke to the importance of transparency in the administration of the *Lands Protection Act*. In some cases, this meant ensuring that information related to land ownership (including shareholders) be readily accessible to the public. While it is noted that information related to land ownership and shareholders is already publicly available online through Geolinc Plus and the PEI Business / Corporate Registry, more can be done.<sup>xii</sup> Stakeholders also called for transparency regarding recommendations made by IRAC to EC, and transparency surrounding land transactions and investigations of potential violations of the Act. Greater transparency in the overall administration of the *Lands Protection Act* may promote accountability and public trust in land legislation and policy.

#### Recommendation #3

That the provincial government amend the *Lands Protection Act* to define and/or revise the definition of the terms “control”, “share”, and “hold” within the Act to support monitoring, enforcement, and transparency regarding aggregate land holding limits.

<sup>xii</sup> The PEI Business/Corporate Registry provides shareholder/ownership information on businesses and corporations constated under the laws of the Province of Prince Edward Island.



### **Rationale**

It has become clear to the Committee that amendments to the *Lands Protection Act* are required to support enhanced enforcement of the Act. Ensuring that there is clarity when making determinations regarding ownership of corporate land holdings is one measure that can be taken.

While “share” and “hold” are both terms that are currently defined in the Act, “control” is not. The Committee has heard that there may be instances where an individual or individuals “control” a corporation, and may reap all the financial benefits as a result of this control, but do not own or “hold” any “shares” as defined in the Act. Making these terms consistent and removing this ambiguity will improve the interpretation of what constitutes ownership in a corporation. This would have implications for the calculation of the aggregate land holdings of both individuals and corporations, and would support enforcement of the Act.

### **Recommendation #4**

That the provincial government amend the *Lands Protection Act* to strengthen the definition of the term “principal residence” to establish clear criteria for determining if an individual is a “resident person” as defined in the Act.

### **Rationale**

The Committee has heard that non-resident land ownership remains a concern, and that weaknesses in the Act may exist that inhibit the regulation of non-resident land ownership. While the term “resident person” is reasonably well-defined in the *Lands Protection Act*, it also includes the term “principal residence.” The term “principal residence” is defined as “the usual place where a person makes his or her home.”<sup>xiii</sup>

This definition is seen as open to interpretation. A strengthened definition of the term “principal residence” may assist in removing uncertainty with respect to what this definition was originally intended to accomplish – determining if an

<sup>xiii</sup> See s. 1(1)(k) of the *Lands Protection Act*.

individual is indeed a resident person. This, too, would address weaknesses in the Act, and support enhanced enforcement.

### **Recommendation #5**

That the provincial government revise the *Lands Protection Act* to expand the Island Regulatory and Appeals Commission’s authority to conduct investigations and random audits of land applications and transactions. Random audits would take place annually, and the results would be reported to Executive Council.

### **Rationale**

The Committee has heard from stakeholder groups that IRAC must be able to effectively conduct investigations and audits of land applications and transactions. The Committee notes that the *Lands Protection Act* does currently provide the Minister, IRAC or any person authorized by the Minister, the power to conduct an investigation for the purpose of determining if a person or corporation has contravened the Act. However, if this authority needs to be strengthened, then the Committee recommends that this step be taken.<sup>xiv</sup>

The Committee also believes that random audits of land applications and transfers would promote accountability and enforcement. The Committee recommends that random audits of land applications and transfers take place annually, and that the results of these audits be reported to EC. If additional resources are required to support the implementation of random audits, then the Committee recommends that additional resources be made available to the body responsible for such audits.

<sup>xiv</sup> See s. 15(1) of the *Lands Protection Act*. natura

# Land Use and the Planning Act

The *Planning Act* of PEI governs the regulation of planning at provincial and municipal levels. It is in place to regulate a number of land-related activities including permitted land uses, structures within zones, and development in coastal areas.<sup>11</sup>

According to PEI's *Registered Professional Planners Act*, planning is "the process of organizing, managing, allocating and using land, resources, facilities and services to support the social and economic efficiency, health and well-being of communities and regions and the maintenance, improvement and protection of the developed and the natural environment." Land use planning on PEI is present within both provincial and municipal jurisdictions.<sup>viii</sup> Within municipal jurisdictions, land use planning is guided by an official plan and bylaws. Within provincial jurisdiction – 90% of PEI's land mass – land use planning is carried out on an ad-hoc, case-by-case basis with no plan and limited policies by which to guide development. As a result, development decisions are often made in isolation from long-term economic, environmental, or social considerations.

viii See s. 1(h) of the Registered Professional Planners Act.

Based on information presented, the Committee discussed that PEI must consider the trade-offs related to moving forward with more robust land use planning. Continuing with the status quo may be more convenient in the short-term, as it requires little change. However, the status quo imposes substantially higher fiscal costs and negative impacts to the environment, coastal and flood-risk areas, rural and urban municipalities, and resource land.

## KEY ISSUES

Of the Key Issues raised by the Committee, the following are most relevant to land use and the *Planning Act*:

- ◆ The lack of province-wide land use planning, and its related sub-issues;
  - Resource land protection (agriculture and forestry);
  - Urban sprawl and ribbon development;
  - Coastal erosion and development in flood-risk areas;
  - Interim measures and Special Planning Areas; and
  - Environmental protection and protecting natural areas.
- ◆ Weaknesses in the *Planning Act*;
- ◆ Public Engagement on province-wide land use planning and the *Planning Act*; and
- ◆ Planning capacity.



## Province-Wide Land Use Planning and the *Planning Act*

On the topic of land use planning and the *Planning Act*, the themes most frequently cited by stakeholder groups were zoning, a province-wide land use plan and policies, development control, and updating the *Planning Act*.

### WHAT WE'VE HEARD

#### Zoning

Zoning is a method of planning in which a governing authority divides land into areas called zones, each of which designates allowable land uses (e.g. residential, commercial, industrial, resource, etc.). Zoning may specify a variety of outright and conditional uses of land, and may regulate lot size, the scale and form of buildings, and subdivision parameters in order to reduce land use conflict and guide growth and development.

The Committee has heard that land under the jurisdiction of the province of PEI – approximately 90% of its land mass – does not have zoning. Zoning only appears in municipalities with official plans. Without zoning, development control becomes a subjective, lengthy process that may allow for issues such as: industrial uses next to residential houses, overextension of infrastructure, or the loss of agricultural land to subdivision and development. Zoning regulations in areas without official plans may be created under the current *Planning Act* but have yet to be developed. <sup>ix</sup>

A primary concern presented by many stakeholder groups is the loss of agricultural and forested land to inappropriate development. The Committee heard support from the PEI Federation of Agriculture, the Dairy Farmers of PEI, the PEI Potato Board, and the PEI Woodlot Owners to have woodland and agricultural land zoned as “resource land” to restrict land being taken out of production. As PEI is a small, densely populated province, it needs zoning and land use planning even more than most other jurisdictions in Canada.

#### Province-Wide Land Use Plan and Policies

The Committee heard from numerous stakeholders that if we continue on our current path it will negatively affect the economic, environmental, and social wellbeing of our province. Negative impacts of the status quo are summarized in the Key Issues section and include the loss of resource land and our pastoral landscape. The Committee has heard that a province-wide land use planning framework is needed to address these issues, and could include the following elements: province-wide land use policies, land use maps, land use zones, land use bylaws, and other elements identified by Professional Planners.

The Committee has heard from stakeholders that there is an urgent need for enhanced land use policies as well. These policies would integrate economic, environmental, and social considerations into planning, and would support orderly and sustainable development across PEI. Areas of focus recommended by the Prince Edward Island Institute of Professional Planners are housing, protection of food production lands, island-wide settlement patterns, resiliency for climate change, and protecting natural resource assets. Developing a province-wide land use planning framework and policies will take time to do properly, and will require long-term commitment and support from the provincial government.

The Committee heard from some stakeholder groups that municipal amalgamation is an additional means of supporting land use planning. The Committee has heard that there is desire among smaller municipalities to expand their boundaries so that they are more economically and socially viable. The Committee notes that, at the local level, the province is not always the most appropriate level of government to provide land use planning, and that municipal (and possibly regional) levels of government must also be involved. The Committee finds that both levels of government have an important role to play in land use planning.

<sup>ix</sup> See s. 8.1 of the *Planning Act*.



Finally, a question often received by Committee members is “why another land report?” This suggests a certain amount of fatigue surrounding the land question. In fact, an invited stakeholder group, the Institute of Island Studies, declined to present as they believed that enough information has already been collected and analyzed over the past fifty (50) years to provide a foundation for better land use planning.

#### **Recommendation #6**

That the provincial government leverage nearly 50 years of study on the subject of land use to adopt a province-wide land use planning framework, prioritizing resource land and coastal land.

#### **Rationale**

Views towards regulating land use appear to be changing from opposition to support. Key agriculture stakeholder groups are now supporting land use planning in the face of ribbon development, inappropriate subdivisions, and the loss of agricultural land. The PEI Federation of Agriculture, the PEI Potato Board, the Dairy Farmers of PEI, the PEI Institute of Agrologists, and the PEI Association of Woodlot Owners all expressed to the Committee their support for land use planning and zoning as preferential to a land bank. Development pressures related to PEI’s impressive population and economic growth mean that land use planning is all the more important. Finally, climate change is now a pressing reality, and requires province-wide land use planning to reduce GHG emissions, and to mitigate and adapt to its impacts.

#### **Development Control**

Development Control is the process of regulating the development and use of land by a governing authority (province or municipality). This includes applications to subdivide, develop, re-zone, or otherwise alter land. Under provincial jurisdiction, development control is guided by the *Planning Act* and its regulations – notably the Subdivision and Development Regulations. Municipalities with official plans are guided by their own land use bylaw.

The Committee heard from multiple presenters that ribbon development, urban sprawl, and generally unplanned development are key issues, driven largely by residential and commercial expansion in unincorporated areas. Further, land administration and development control processes can be lengthy and subjective, due to the outdated state of the *Planning Act*. The Committee also heard that PEI is facing serious development pressure. Development value is three (3) times higher now than it was in 2013.<sup>x</sup> Combined with the weaknesses in the *Planning Act*, its regulations, and the lack of land use policy, this has led to unsustainable development trends.

#### **Updating the *Planning Act***

The *Planning Act* was enacted in 1968 and is responsible for governing land use in the province and providing municipalities with their own jurisdiction.<sup>12</sup>

In 2016 and 2017, Bills 21 and 25 were introduced and passed by the Legislative Assembly. These Bills provide a variety of amendments to strengthen the *Planning Act*. However, both Bills remain un-proclaimed.<sup>xi</sup> The Committee heard that in the short-term, these Bills should be implemented as they provide significant revisions to the Act and regulations. In the medium term, the Act should be reviewed and improved in sections not addressed by Bills 21 or 25. These improvements include: clarifying the purpose of the Act, including Statements of Provincial Interest, and developing provincial land use policies.

#### **Recommendation #7**

That the provincial government review and consider implementing the significant body of work completed to address gaps in the *Planning Act*, including: Bill 21 and Bill 25 and their required regulations; amendments to the *Planning Act* to clarify the Purpose of the Act and Statements of Provincial Interest; and the development of provincial land use policies.

x PEI Institute of Professional Planners.

xi While Bill 21 remains un-proclaimed, many amendments presented within the Bill have been enacted. Most of Bill 25 has not yet been enacted.

### **Rationale**

If the *Planning Act* and its regulations were updated, the development approval process would be much more objective and efficient. Bills 21 and 25 (un-proclaimed), a clarified purpose for the Act, Statements of Provincial Interest, and land use policies would provide clearer direction and incorporate sound planning principles into development control. These changes would also eliminate unnecessary government expenditure on repetitive administration. Most importantly, these amendments would support the economic, environmental, and social wellbeing of PEI.

## **Interim Measures and Special Planning Areas**

On this topic, the themes most frequently cited were interim measures and SPAs.

### **WHAT WE'VE HEARD**

#### **Interim Measures**

Interim Measures refer to any temporary limitations, regulations, and/or prohibitions on land use. They are considered a necessary stop-gap until a province-wide land use plan is adopted. Several stakeholder groups suggested zoning only agricultural and forested lands as “resource land” as an interim measure. However, it was heard from the Land Division of the DAL that this would be relatively complicated to implement as a stand-alone interim regulation, and would not address conflicts with other land uses (e.g. residential).

Instead, the Committee believes that resource land zones should be established as part of a comprehensive land use policy and province-wide land use planning framework. As an interim measure, the provincial government should implement province-wide interim regulations of subdivision and development on unincorporated land. Province-wide implementation of these interim regulations would prevent further loss of resource land, and would create a fair and level-playing field for all Islanders.

### **Special Planning Areas**

SPAs are a set of regulations established in particular areas of the province with special planning considerations, and are subject to enhanced regulations. The Committee has heard that the general public’s view of SPAs can be quite negative, as this temporary measure has now been in place for almost thirty (30) years as Islanders await a province-wide land use plan. Responses received through the Land Matters PEI survey were consistent with this view. Much of this is related to perceptions of unfairness from those living within SPAs versus those living just outside of SPAs, in unincorporated areas.

The Committee notes that some stakeholder organizations expressed support for the SPAs and their stronger regulations, which serve to protect agriculture land and discourage inappropriate development.<sup>xii</sup> However, they recognized the disparity between SPAs and unincorporated areas with minimal development regulations in place.

#### **Recommendation #8**

That the provincial government immediately implement province-wide interim regulations to further regulate subdivision and development in areas without an official plan until a province-wide land use planning framework is adopted.

#### **Rationale**

Interim measures are intended to prevent a rush of poorly planned development prior to the implementation of a province-wide land use planning framework. These province-wide interim measures would also address issues with SPAs. Land within a SPA is perceived to be valued at a lower level than land outside SPAs, where there are less restrictive regulations. While many see this as unfair, the real issue is the lack of regulation on unincorporated land outside of SPAs. It is the lack of land use planning that creates this disparity. Interim regulations will provide strengthened regulations in unincorporated land outside of SPAs. Finally, it is important to note that both the interim measures and SPAs would be replaced by province-wide land use planning framework, once implemented.

<sup>xii</sup> L.M. Montgomery Land Trust and the Dairy Farmers of PEI.

# Planning Capacity and Support

## WHAT WE'VE HEARD

### Staffing Capacity

The Committee has heard that many planners have left the provincial government as a result of being overwhelmed by the lack of adequate planning legislation and policy. The PEI Institute of Professional Planners, Municipal Affairs Division, and the Land Division identified this lack of planning staff as a barrier. Without proper staffing capacity, the province will have great difficulty developing a province-wide land use planning framework or land use policies.

The Committee has also heard that improvements to land use legislation and policy will require increased staffing resources. Further, the province should ensure that a team of Professional Planners are engaged in any work related to changes to the *Planning Act* and its regulations, the development of provincial land use policies, and efforts to support municipalities.

### Recommendation #9

That the provincial government engage a team of Registered Professional Planners in the development, implementation, and administration of a province-wide land use planning framework. If internal planning staff and capacity is not currently sufficient, then the provincial government should obtain external planning support to complete the work.

### Rationale

The Committee has heard that the provincial government needs to better support the profession of planning. Addressing challenges associated with land use will require planners and adequate planning capacity. In the short-term, the provincial government may find it necessary to engage external planning support. In the longer-term, the provincial government should focus on recruitment and retention of professional planners.

### Re-integration of Planning Staff

The Committee heard that Government divisions responsible for land use planning (Land Division and Municipal Affairs Division) are not currently under the same Department, Deputy Minister, or Minister. This leads to communication and coordination challenges. Re-integrating Divisions responsible for land use planning would contribute to the efficacy of land use planning within the provincial government.

### Recommendation #10

That the provincial government re-integrate the Municipal Affairs Division of the Department of Fisheries and Communities and the land use planning functions of the Department of Agriculture and Land so that government staff responsible for land use planning and associated functions are under the same Department, Deputy Minister, and Minister.

### Rationale

The separation of planning staff is impeding work and isolating the few planners that remain within the provincial government. To increase inter-departmental communication, improve land administration, and better aid planners, these Divisions should be re-integrated under the same Department. This will enhance the efficacy of planning within the provincial government.



## Inter-Departmental Land Committee

The Committee has heard from stakeholder groups that the provincial government should create an agency or Department that consolidates the administration of land use and ownership legislation, which would include administration of the *Lands Protection Act* and the *Planning Act*. The Committee also heard that no single agency can address all aspects of land administration, and that what is required is collaboration across Departments and a flexible suite of legislative and fiscal tools and incentives. A more coordinated, integrated approach is important.

### Recommendation #11

That the provincial government engage affected Departments in the development and implementation of a province-wide land use planning framework via an inter-departmental committee, providing continuity from one provincial government to the next.

## Rationale

There have been several government bodies involved in administering land legislation and policy (e.g., the Land Use Commission, IRAC, etc.) The Committee discussed that a new body is not a preferred solution, as land use policy has implications for Departments and agencies across government. Due to the interconnected nature of land administration, the provincial government should focus on fixing inter-departmental communication and collaboration instead of establishing a new agency. This will require an inter-departmental committee to facilitate collaboration, support evidence-based decision making, and ensure continuity.





# Additional Issues of Importance

As articulated in the Key Issues section of this report, the Committee identified additional issues of importance. These issues are Mi'kmaq inclusion in land-related matters and soil health.

While land is important to all Islanders, it has a distinct cultural and spiritual significance for the Mi'kmaq of PEI ("Epekwitk"). As part of this relationship with the land, the Mi'kmaq of Epekwitk place great value on resource sustainability ("netukulimk"), which means "achieving adequate standards of community nutrition and economic well-being", without jeopardizing "the integrity, diversity, or productivity of our environment."<sup>13</sup> The Mi'kmaq of Epekwitk also have constitutionally recognized and affirmed Aboriginal Rights and Treaty Rights, as per the *Canadian Charter of Rights and Freedoms* and the *Peace and Friendship Treaties*. In 2019, the Mi'kmaq of Epekwitk, the Government of Prince Edward Island, and the Government of Canada signed a Framework Agreement (Ila'matulti'k / We Reconcile) which established a negotiation process regarding these rights.<sup>14</sup>

The Committee identified soil health as an additional issue of importance. It is well-understood that soil organic matter (SOM) has declined significantly in recent decades. Peer-reviewed research on this topic in PEI has found that "areas with a history of intensive agricultural activity were associated with the lowest SOM levels (2%–3%) at the beginning of the study, and SOM levels in those areas either remained unchanged or declined (<2%) at the end of the study."<sup>15</sup> However, it is now believed that the decline in SOM has been halted in recent years due in large part to the adoption of agricultural BMPs such as winter cover cropping, the use of manure and soil amendments, reduced tillage, erosion control methods, and other practices.<sup>16</sup>

## KEY ISSUES

Of the Key Issues raised by the Committee the following are most relevant to the Additional Issues of Importance described above:

- ◆ Mi'kmaq inclusion in land-related matters; and
- ◆ Soil health.



## Mi'kmaq Inclusion

### WHAT WE'VE HEARD

The Committee has heard that Mi'kmaq of Epekwitk have a unique relationship with the land, and that resource sustainability (“netukulimk”) and land sustainability are important. The Committee also notes that the Mi'kmaq of Epekwitk also have constitutionally recognized and affirmed Aboriginal Rights and Treaty Rights, as per the *Canadian Charter of Rights and Freedoms* and the *Peace and Friendship Treaties*. The Committee has heard that the Mi'kmaq of Epekwitk are seeking greater inclusion in land-related matters.

#### Recommendation #12

Based on Mi'kmaq constitutionally-protected rights and their deep interest in land sustainability, it is recommended that the Mi'kmaq be offered a substantive role in the development and shaping of land policies and land management on Prince Edward Island.

#### Rationale

Discussion of “the land question” in PEI has not always included the perspectives and interests of the Mi'kmaq of Epekwitk. The Committee notes that the Mi'kmaq of Epekwitk have a unique perspective to share with regards to land sustainability (“netukulimk”). The Committee also notes that the Mi'kmaq of Epekwitk have constitutionally recognized and affirmed Aboriginal Rights and Treaty Rights, and that these rights are being addressed in-part through the negotiation process established by the 2019 Framework Agreement (Ila'matulti'k / We Reconcile). Based on these factors, the Committee believes that the Mi'kmaq of Epekwitk should be actively included in land-related matters.

## Soil Health

### WHAT WE'VE HEARD

Consistent with the research cited above, the Committee heard from various stakeholder groups that soil health in PEI has declined significantly in recent decades. Stakeholder groups expressed that greater support is needed to improve soil health. This means building upon existing programs and projects, such as the Alternative Land Use Services Program, the Agriculture Stewardship Program and its BMP Sub-Program, the Perennial Crop Development Program, the implementation of 4R Nutrient Stewardship (“Farming 4R Island”), and others. The Committee has heard that programs such as these can incentivize the adoption of BMPs, and the diversification of agricultural production. Finally, the Committee heard from stakeholders that these programs and services should be reviewed and enhanced as part of a long-term strategy for soil health.

#### Recommendation #13

That the provincial government review and enhance soil health programs and initiatives such as the Alternate Land Use Service Program and the recently announced provincial Soil First Farming Initiative.

#### Rationale

Soil health is a precondition for the economic, environmental, and social wellbeing of PEI. While soil health is not directly addressed in the *Lands Protection Act* or the *Planning Act*, the Committee notes that land ownership and land use have important implications for soil health. For example, land legislation and policy can ensure that resource land is preserved and kept in use for agriculture or forestry. Further, soil health programs and services should be reviewed and enhanced as part of a long-term strategy for soil health. The Committee believes that this will help turn the tide, and reverse decades of declining soil health.



**“If we want things to stay as they are, things will have to change.”**

--Giuseppe Tomasi di Lampedusa

## Conclusion

As Islanders, land is one of our most valuable assets, and yet it is finite and fragile. As a result, questions of land ownership and land use have long been part of PEI's history and culture. While these issues are not new, they have never been more important.

The Committee has heard from a diverse range of Islanders and stakeholder groups on matters related to land ownership and land use. Throughout the Committee's work, it has been clear that Islanders care deeply about the land, and the future of our province. As concerned citizens, we have humbly done our best to study these urgent issues and to offer recommendations that will serve the public interest. As Islanders, we want to leave this place better off than it was before.

Much has changed since the last major land report in 2014. PEI is now a fast-growing province, grappling with the absence of tools necessary to ensure orderly development, the subsequent loss of resource land, and the pressing reality of climate change. Islanders' views on land use and land ownership have also changed as they become more aware of the interconnected nature of land use, land ownership, environmental concerns, and climate change. Key agricultural stakeholder groups are now voicing their support for land use policy as a way to protect resource land.

There is a high cost to the status quo. The provincial government must be prepared to act decisively, and to put in place visionary land legislation and policy that meets the current and future needs of PEI.

*Now is the time for action.*





# Appendices

## Appendix A: Advisory Committee Terms of Reference



### Land Matters Project Advisory Committee

#### TERMS OF REFERENCE

##### **1.0 Mandate**

- 1.1 The Land Matters Project Advisory Committee's overarching mandate is to provide advice and guidance to the Department of Agriculture and Land (DAL) with respect to modernizing Prince Edward Island's land-related legislation and policy to ensure that it reflects the current and future needs of the province.
- 1.2 This advice will be contained in a final report.

##### **2.0 Responsibilities**

The Committee will:

- 2.1 Invite individuals/organizations to present to the Advisory Committee on topics related to the project (i.e., land ownership, land use, etc.);
- 2.2 Support virtual presentations when needed to comply with COVID19 public health restrictions
- 2.3 Provide recommendations for potential areas of focus for public engagement based on information provided to the Committee by:
  - Agriculture stakeholders
  - Those involved in the development of past land reports;
  - Government of Prince Edward Island officials;
  - Island Regulatory and Appeals Commission; and
  - Others identified by the Advisory Committee.
- 2.4 Consider and comment on data obtained through the Land Matters survey and through consultation processes;
- 2.5 Advise on opportunities for effective engagement mechanisms, to ensure meaningful dialogue with residents of PEI with respect to land-related legislation and policy;
- 2.6 Review and provide input to various reports that may result from the Project;
- 2.7 Produce public-facing interim and final reports that includes:
  - Summary of the Committee's activities
  - Details of all presentations received
  - Specific recommendations for updating legislation/regulations including evidence for these recommendations
  - Specific recommendations for updating land policy including evidence for these recommendations

##### **3.0 Authority**

- 3.1 The Committee has authority to make recommendations to Government.

#### 4.0 Membership

- 4.1 Two (2) co-chairs will be selected by the Minister.
- 4.2 Ten (10) members will be selected through EngagePEI.
- 4.3 One (1) ex officio member who is Indigenous (Mi'kmaw) will be selected by the Minister.
  - 4.3.1 Understanding the importance of Aboriginal and Treaty Rights - and the 2019 Mi'kmaq, Prince Edward Island and Canada Framework Agreement - this ex-officio member will have the same roles and responsibilities as all other Committee members.

#### 5.0 Decision-making

- 5.1 Quorum: To meet quorum, a minimum of 6 members and 1 co-chair must be present.
- 5.2 When decisions are required to be made, a consensus process will be used for making decisions. A consensus process aims at bringing the group to mutual agreement by addressing all concerns.
- 5.3 In the event that consensus cannot be achieved, members will vote on decisions, and a simple majority (more than half of members) will determine decisions.
- 5.4 All members, including Co-Chairs and the Ex-Officio member, will be voting members.
- 5.5 In the event of a tied vote, members will vote again until a simple majority is obtained.

#### 6.0 Meeting Arrangements

- 6.1 A combination of in-person and virtual meeting arrangements will be made available. In-person meeting will be in accessible locations.
- 6.2 Physical-distancing and other Chief Public Health Office directives for gatherings will be followed

#### 7.0 Code of Conduct

Members shall:

- 7.1 Endeavour to represent the broader interests of members and/or stakeholders
- 7.2 Seek to balance their contribution as both an advisor and learner
- 7.3 Be willing to be a dissenting voice, endeavor to build on other member's ideas, offer alternative points of view as options and invite others to do so too
- 7.4 Respect diversity of opinions, thoughts, beliefs, and backgrounds in an effort to encourage an inclusive environment for the Committee's work

#### 8.0 Timeline

- 8.1 The Committee will endeavor to release its final report containing recommendations for land-related policy and legislation development following the conclusion of the Advisory Committee's work, which will span approximately four months.

#### 9.0 Honorarium ("Category C Board" Policy)

- 9.1 Co-Chairs will receive an honorarium of \$113/diem
- 9.2 Members and ex officio member will receive an honorarium of \$73/diem


#### 10.0 Applied Research and Administrative Resources

- 10.1 The Strategic Policy and Evaluation Division and Land Division at the DAL will provide applied research- and administrative-related resources to the Committee. This will include:
  - Developing applied research reports (e.g., summary report of feedback received through the Land Matters survey, final report for the Committee, etc.)

- Assistance with meeting logistics (e.g. identifying and securing meetings spaces, scheduling presenters, taking minutes during meetings, etc.)

**11.0 Review and Approvals**

\_\_\_\_\_  
Signature  Date Oct 23/20  
Deputy Minister,  
Agriculture and Land

\_\_\_\_\_  
Signature  Date Oct 23/20  
Lori Robinson,  
Co-Chair, Land Matters  
Project Advisory  
Committee

\_\_\_\_\_  
Signature  Date Oct 23/20  
Jim Bradley,  
Co-Chair, Land Matters  
Project Advisory  
Committee

# Appendix B: Executive Summary of the Land Matters PEI Survey Report

## EXECUTIVE SUMMARY

### Background

The Prince Edward Island (PEI) Department of Agriculture and Land (DAL) has been mandated to “engage the public in reviewing and updating the *Lands Protection Act* [and *Planning Act*] so it best reflects the needs of our province presently and into the future” (Government of Prince Edward Island, Department of Agriculture and Land, 2019). The DAL initiated the “Land Matters” project to undertake this work. The Land Matters project includes five (5) phases:

- ◆ Phase 1: Issue Identification and Advisory Committee;
- ◆ Phase 2: Legislation/Policy Formulation;
- ◆ Phase 3: Legislation/Policy Adoption;
- ◆ Phase 4: Legislation/Policy Implementation; and
- ◆ Phase 5: Legislation/Policy Evaluation.

Between July 8, 2020 and September 15, 2020, the DAL administered an online survey to provide members of the public with an opportunity to communicate what they perceived to be the primary issues, priorities, and methods/actions for developing land policy in PEI. The survey report will be used as one line of evidence to inform the work of the Land Matters Project Advisory Committee.

This report provides a snapshot of the land policy priorities and actions that matter to survey respondents (N=292)

### Research Questions

The research questions for the survey were:

1. What do respondents believe are key issues that future PEI land policy should respond to?
2. What do respondents believe are general priorities for future land policy?
3. What methods or actions do respondents propose to address the key issues?

### Methodology and Methods

The survey was administered in English and French and was distributed and returned primarily online through the Land Matters website. Paper copies were also made available at various client contact points across PEI. Respondents were recruited through a variety of communications activities, including: Invitation and reminder letters/emails to stakeholders, promotional materials in multiple media outlets and publications, announcements on DAL and Government of PEI communication channels, and other activities.

## Analysis

Data gathered through closed-ended (quantitative) survey questions was analyzed using Survey Monkey's built-in analytics. Open-ended (qualitative) survey questions were thematically analyzed using NVivo software.

## Key Findings

The survey report is inclusive of survey data collected between July 8 and September 15 from 292 respondents. Forty-four percent (44%) of respondents reported being "slightly familiar" or "not at all familiar" with the *Lands Protection Act*, and almost sixty-five percent (65%) of respondents reported being "slightly familiar" or "not at all familiar" with the *Planning Act*.

In most cases, the issues identified by respondents were the same as priorities. With regards to Priorities, respondents made approximately 629 references to a priority for future land legislation and/or policy in PEI. They have been organized into the following themes:

- ◆ Environmental protection (221 references),
- ◆ Changes to land administration (172),
- ◆ Protection of agricultural land and the farm (91),
- ◆ Addressing non-resident / "foreign" ownership (60),
- ◆ Limiting corporate ownership of land (40), and
- ◆ Other (45).

With regards to Methods and Actions, respondents made approximately 724 references to a method or action to address the key issues. They have been organized into the following themes:

- ◆ Environmental protection (248 references),
- ◆ Changes to land administration (245),
- ◆ Protecting agricultural land and the farm (78),
- ◆ Limiting corporate ownership of land (40),
- ◆ Limiting non-resident / "foreign" ownership (39),
- ◆ Increasing land limits (16), and
- ◆ Other (58).

## Conclusions

This report summarizes the findings of a public survey that was administered to identify land priorities and actions that matter to residents of PEI. Responses have been analyzed and summarized into themes and sub-themes. Each theme and sub-theme are described, and examples of responses within each theme (and sub-theme) are quoted.

The survey report will be used as one line of evidence to inform the Land Matters project, including the work of the Advisory Committee.



# Appendix C: Preliminary Findings from the Land Matters Advisory Committee's Interim Report

## Preliminary Findings

As of February 24, 2021, the Land Matters Advisory Committee has received presentations from a total of fourteen (14) internal and external stakeholder groups and will receive additional presentations following the release of this Interim Report. As a result, findings contained in this report should only be considered preliminary. The Advisory Committee's Final Report will contain detailed findings, based on all presentations received by the Committee.

As of the publication date of this report, the Advisory Committee has heard the following key messages from stakeholder groups, through their presentations to the Advisory Committee:

- ◆ That both land use and land ownership are key to land policy and legislation;
- ◆ That a provincial land use planning framework is essential, and has been recommended several times through previous land-related Task Forces, Commissions, Royal Commissions, and other reports;
- ◆ That fiscal policy (e.g. taxation, expenditure) can support land use planning;
- ◆ That special planning areas have strengths, challenges, and opportunities for improvement;
- ◆ That municipalities play a significant role in land policy through official plans, zoning, and bylaws;
- ◆ That the preservation of agricultural land, and keeping this land in agricultural production, is important;
- ◆ That a range of views exist regarding aggregate land ownership limits, such as the preferred level of aggregate land limits, as well as if or how they may be reviewed;
- ◆ That enforcement of existing land legislation and policies is important, but may need improvement;
- ◆ That further transparency regarding land ownership may support the enforcement of existing land legislation and policies;
- ◆ That good stewardship of land – including agri-environmental practices and effective land use planning – is a priority;
- ◆ That land legislation and policy can support climate change adaptation and mitigation related to coastal erosion and rising sea-levels, as well as reducing greenhouse gas emissions.

Many of these preliminary findings are consistent with the findings of the What We Heard: Findings from the Land Matters Project Survey report, which is now available online. The Department of Agriculture and Land administered this survey to provide members of the public with an opportunity to identify what they perceive to be key issues, priorities, and actions for developing land policy in PEI. Findings from the survey report will be used as one line of evidence to inform the work of the Land Matters Advisory Committee, and subsequent steps in the Land Matters Project.

## Appendix D: Stakeholder Invitations, Presentations, and Written Submissions

Stakeholder Presentations	Status
Department of Agriculture and Land – the <i>Planning Act</i>	Invited, presentation delivered November 10, 2020
Department of Agriculture and Land – the <i>Lands Protection Act</i>	Invited, presentation delivered November 10, 2020
Department of Agriculture and Land – preliminary Land Matters PEI survey results	Invited, presentation delivered November 10, 2020
Department of Fisheries and Communities, Local Governance	Invited, presentation delivered November 24, 2020
Department of Agriculture and Land – Special Planning Areas	Invited, presentation delivered November 24, 2020
National Farmers Union	Invited, presentation delivered January 12, 2021
UPEI Climate Lab	Invited, presentation delivered January 19, 2021
Coalition for the Protection of PEI Lands	Invited, presentation delivered January 19, 2021
East Prince Agri-Environment Association	Invited, presentation delivered January 26, 2021
Federation of PEI Municipalities	Invited, presentation delivered January 26, 2021
L.M. Montgomery Land Trust	Invited, presentation delivered February 9, 2021
PEI Institute of Agrologists	Invited, presentation delivered February 9, 2021
PEI Potato Board	Invited, presentation delivered February 23, 2021
PEI Federation of Agriculture	Invited, presentation delivered February 23, 2021
PEI Woodlot Owners Association	Invited, presentation delivered March 9, 2021
Dairy Farmers of PEI	Invited, presentation delivered March 9, 2021
PEI Institute of Professional Planners	Invited, presentation delivered March 16, 2021
Law Society of PEI, Real Property Committee	Invited, presentation delivered March 16, 2021
Department of Agriculture and Land – Land Use Planning, development/ approval processes	Invited, presentation delivered March 23, 2021
Department of Agriculture and Land – the <i>Lands Protection Act</i>	Invited, presentation delivered March 23, 2021
Department of Environment, Energy and Climate Action – Forest, Fish, and Wildlife Division	Invited, presentation delivered March 25, 2021
Coalition for the Protection of PEI Water	Invited, presentation delivered March 25, 2021
Department of Environment, Energy, and Climate Action – Climate Change and Environment Division	Invited, presentation delivered March 30, 2021
L'nuey	Invited, presentation delivered March 30, 2021
Association of Municipal Administrators of PEI	Invited, did not present <sup>viii</sup>
Association of PEI Land Surveyors	Invited, did not present
Farm Credit Corporation	Invited, did not present
Island Regulatory and Appeals Commission (IRAC)	Invited, did not present
PEI Agriculture Awareness Committee	Invited, did not present
PEI Real Estate Association	Invited, did not present
PEI Young Farmers	Invited, did not present
UPEI Faculty of Environmental Studies	Invited, did not present
Written Submissions	Status
Institute of Island Studies	Invited to present, written submission provided
PEI Watershed Alliance	Invited to present, written submission provided
Island Nature Trust	Contacted Committee to submit written submission
PEI Government Sustainable Transportation Action Plan Working Group	Contacted Committee to submit written submission
Concerned Island Farmers	Contacted Committee to submit written submission

viii “Invited, did not present” means a group did not respond, responded but did not confirm an available date, or declined.

# Endnotes (References)

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# NOW IS THE TIME

FINAL REPORT OF  
THE LAND  
MATTERS ADVISORY  
COMMITTEE

JULY 2021