

The line has been drawn

By Andy Walker andy@peicanada.com Aug 21, 2019

The fate of the Lands Protection Act now rests squarely in the hands of Premier Dennis King and his government.

In a move that is brazen even by Irving standards, a daughter of Mary Jean Irving now owns 2,200 acres of land in the Summerside-Bedeque area. This is the same land three companies with the Irving family as shareholders tried to purchase in the spring. The previous Liberal government blocked the sale on the day the election writ was issued. Former cabinet minister Richard Brown said he was acting on the recommendation of the Island Regulatory and Appeals Commission.

This time around, IRAC was left out of the equation. The land was formerly owned by Brendel Farms Ltd. -- a family farm corporation owned by Derrick, Dwight, Megan and Crystal Gardiner. The Gardiners incorporated another company called Haslemere Farms and they transferred the land in question to that company. The new company was then sold to Rebecca Irving, who then changed the company name to Red Fox Acres.

Geoffrey Connolly, a Charlottetown lawyer who represented the Irvings, admitted in a media interview the transaction exploited a loophole-- not in the Lands Protection Act as such but in the new Business Corporation Act brought in by the previous Liberal government last year.

Connolly made a point of explaining to the media the land transfer happened while the Gardiners owned the company and Rebecca Irving simply acquired the assets. He also maintains the company is distinct from J.D. Irving and Cavendish Farms. The company's business address is the Charlottetown office of Master Packaging, which has Rebecca's mother as president and CEO.

I agree with NFU District Director Doug Campbell that the move is a "game-changer" for the future of the Lands Protection Act. It is more than that. If it is allowed to stand, the Lands Protection Act is finished as a meaningful piece of legislation. This should not be treated as a one-time event but as the latest salvo in the battle for corporate control of PEI farmland.



So far, the government's response has been less than inspiring. Agriculture and Land Minister Bloyce Thompson has largely been hiding from the media since the story broke, only issuing a statement saying he will be asking IRAC to review the transaction.

The ball is clearly in the government's court and immediate action is required. The transaction has to be reversed and the legal loophole in the Business Corporation Act must be plugged. That same act also saw the province join a national trend of not requiring companies to publicly declare their shareholders-- something that was required previously under the Companies Act. That should be reversed as well.

Premier Dennis King came to office with a promise to ensure both the spirit and the letter to the law were followed when it came to the Lands Protection Act. The line in the sand has been drawn by the Irvings and they can't be allowed to cross it. Either make the act effective or drop the pretext of regulation and repeal the 1982 bill.

