

Royal Gazette

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Charlottetown, Prince Edward Island, December 2nd, 2000

**CANADA
PROVINCE OF PRINCE EDWARD ISLAND
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that at all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (EX) Administrator/Administratrix (Ad)	Place of Payment
ARSENAULT, Herbert Summerside Prince Co., PE December 2nd, 2000 (49-09)*	Beverley Arsenault Nancy Maxfield (EX.)	Lyle & McCabe PO Box 300 Summerside, PE
BRYANT, Harry T. Louisa Virginia, US December 2nd, 2000 (49-09)*	H. Ross Bryant (EX.)	Campbell, Lea, Michael, McConnell & Pigot PO Box 429 Charlottetown, PE
BUOTE, Peter J. Tignish Prince Co., PE December 2nd, 2000 (49-09)*	Gerald Buote (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
GLOVER, Arthur Cook Schenectady New York, US December 2nd, 2000 (49-09)*	Daphne H. Glover Key Trust Company (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
LEA, Hazel M. Charlottetown Queens Co., PE December 2nd, 2000 (49-09)*	Dr. Robert H. Lea Judy C. Cotton (EX.)	Farmer & MacLeod National Bank Tower 134 Kent Street, Suite 205 Charlottetown, PE
McKENNA, Charles Stewart Freeland Prince Co., PE December 2nd, 2000 (49-09)*	Pius McKenna Mary Jaeger (EX.)	Key, McKnight & Peacock PO Box 177 O'Leary, PE

**Indicates date of first publication in ROYAL GAZETTE*

This is the **official** version of the Royal Gazette. The electronic version may be viewed at:
<http://www.gov.pe.ca/royalgazette>

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POIRIER, Pascal Albin Summerside Prince Co., PE December 2nd, 2000 (49-09)*	Anita Marie Poirier Henri J. Poirier Joseph Paul Arsenault (EX.)	Taylor, McLellan PO Box 35 Summerside, PE
WOOD, Osborne Benjamin London Middlesex Co., ON December 2nd, 2000 (49-09)*	Linda Carol Wood (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
MacDONALD, Joseph Justin Farmington Kings Co., PE December 2nd, 2000 (49-09)*	Terry MacDonald (AD.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
MURRAY, Paul Brian Charlottetown Queens Co., PE December 2nd, 2000 (49-09)*	Marguerite Murray (AD.)	Farmer & MacLeod National Bank Tower 134 Kent Street, Suite 205 Charlottetown, PE
SAVILLE, Johann M. Fortune Kings Co., PE December 2nd, 2000 (49-09)*	George Saville (AD.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
ARSENAULT, Irene Leoville Prince Co., PE November 18th, 2000 (47-08)	Eleanor Arsenault (EX.)	Key, McKnight & Peacock PO Box 177 O'Leary, PE
CAIRNS, Elizabeth Maude Charlottetown Queens Co., PE November 18th, 2000 (47-08)	J. Frederick MacCann Edith J. Ling (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
DesROCHES, Francis Tilmon Conway, Ellerslie RR#2 Prince Co., PE November 18th, 2000 (47-08)	Ida Hardy (EX.)	Lyle & McCabe PO Box 1300 Summerside, PE
GALLANT, Edgar Joseph Nail Pond Prince Co., PE November 18th, 2000 (47-08)	Elizabeth Gallant (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
GAUDET, Eileen L. Charlottetown Queens Co., PE November 18th, 2000 (47-08)	Henry J. Knowles (EX.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE

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GREEN, Ira Summerside (Formerly of Springhill) Prince Co., PE November 18th, 2000 (47-08)	Garfield Green (EX.)	Patterson Palmer Hunt Murphy 82 Summer Street Summerside, PE
MacCLURE, Laurence Scott Stratford Queens Co., PE November 18th, 2000 (47-08)	Shane MacClure (EX.)	Birt & McNeill PO Box 20063 Sherwood, PE
MacLEAN, Jennie P. Summerside Prince Co., PE November 18th, 2000 (47-08)	Clinton MacLean Dianne Holt (EX.)	David R. Hammond, QC 293 Water Street Summerside, PE
POWER, Ruth Alice Charlottetown (Formerly of Stratford) Queens Co., PE November 18th, 2000 (47-08)	Donna Power Arlene Power (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
STYLES, Toni Charles Hopkins Barrie, ON (Formerly of Souris West, PE) November 18th, 2000 (47-08)	Ann Styles (EX.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
ARSENAULT, Wilfred J. Leoville Prince Co., PE November 18th, 2000 (47-08)	George Arsenault (AD.)	Key, McKnight & Peacock PO Box 177 O'Leary, PE
HUGHES, Walter I. Millcove Queens Co., PE November 18th, 2000 (47-08)	Kathleen L. Haley (AD.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
HUNTER, James Erskine Summerside Prince Co., PE November 18th, 2000 (47-08)	Preston Hunter (AD.)	David R. Hammond, QC 293 Water Street Summerside, PE
MORRISON, Stephen Savage Harbour Kings Co., PE November 18th, 2000 (47-08)	James Morrison (AD.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (EX) Administrator/Administratrix (Ad)	Place of Payment
WEBB, Erma Tyne Valley Prince Co., PE November 18th, 2000 (47-08)	Adrienne MacDonald (AD.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
AFFLECK, Preston Alfred Mount Stewart Queens Co., PE November 11th, 2000 (46-07)	Nancy Affleck (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
BANKS, Andrew Montague Kings Co., PE November 11th, 2000 (46-07)	Ruby Banks (EX.)	Alfred K. Fraser, QC PO Box 516 Montague, PE
CAMERON, R. Thelma Mount Mellick Charlottetown RR#1 Queens Co., PE November 11th, 2000 (46-07)	David Arnold Brendon Hennessey (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
CLOW, Austin Joseph Summerside Prince Co., PE November 11th, 2000 (46-07)	Anne MacLean Thomas Clow (EX.)	Donald I. Schurman 21 Harvard Street Summerside, PE
GALLANT, J. Alvin North Rustico Queens Co., PE November 11th, 2000 (46-07)	Aiden Doiron Beverley Doiron (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
O'BRIEN, Earl Michael Elmsdale Prince Co., PE November 11th, 2000 (46-07)	Carrie Elizabeth Kelly (EX.)	Regena Kaye Russell PO Box 383 O'Leary, PE
SEXTON, Ruby Frances Charlottetown Queens Co. PE November 11th, 2000 (46-07)	Frank F. Costello (EX.)	Diamond & McKenna PO Box 39 Charlottetown, PE
TAKERSWKI, Emma Anna Dora (aka TAKOREWSKI, Emma Anna Dora) Mount Stewart Queens Co., PE November 11th, 2000 (46-07)	Theresa Margaret MacDonald (EX.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE

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MacLEAN, Stephen Duncan Iris Queens Co., PE November 11th, 2000 (46-07)	Teresa Arlene MacLean (AD.)	Diamond & McKenna PO Box 39 Charlottetown, PE
MacKINNON, James K. (Jake) St. Peters Bay Kings Co., PE November 4th, 2000 (45-06)	Linda Bradley (EX.)	MacLeod, Crane & Parkman PO Box 1056 Charlottetown, PE
MacNEILL, Harold Richard Unionvale Prince Co., PE November 4th, 2000 (45-06)	Marjorie MacNeill (EX.)	Regena Kaye Russell PO Box 383 O'Leary, PE
MacNEVIN, Sarah "Orilla" O'Leary Prince Co., PE November 4th, 2000 (45-06)	Carter Jeffery (EX.)	Key, McKnight & Peacock PO Box 1570 Summerside, PE
MacRAE, Letha Earlin Charlottetown Queens Co., PE November 4th, 2000 (45-06)	Lee Martin MacRae (EX.)	Campbell, Lea, Michael, McConnell & Pigot PO Box 429 Charlottetown, PE
MELLISH, Merrill Reginald New Perth Kings Co., PE November 4th, 2000 (45-06)	Sherri Lynne Stewart (EX.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
STEWART, Orville John West Point Prince Co., PE November 4th, 2000 (45-06)	Roy Patrick Stewart (EX.)	Regena Kaye Russell PO Box 383 O'Leary, PE
CARTER, Helen Souris Kings Co., PE November 4th, 2000 (45-06)	Terry Carter (AD.)	Allen J. MacPhee, QC PO Box 238 Souris, PE
LANNAN, Laura Madeline New Dominion Queens Co., PE November 4th, 2000 (45-06)	Maureen M. Gregory, QC Albert Kent Lannan (AD.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
CROSSMAN, Horace C. Central Bedeque Prince Co., PE October 28th, 2000 (44-05)	Janie Crossman (EX.)	Patterson Palmer Hunt Murphy 82 Summer Street Summerside, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
DELANEY, William Stanley Chelton Prince Co., PE October 28th, 2000 (44-05)	Donald Claude Delaney (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
FLEMMING, Isabel Dorothy Charlottetown Queens Co., PE October 28th, 2000 (44-05)	Clarence Joseph Flemming Phillip James Flemming (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
GAY, Reaney L. Pownal Queens Co., PE October 28th, 2000 (44-05)	Darin Gay (EX.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
BOUDREAULT, Jean T. Georgetown Kings Co., PE October 28th, 2000 (44-05)	Frederick Boudreault (AD.)	Alfred K. Fraser, QC PO Box 516 Montague, PE
PIRCH, Alfred E. Hermitage Kings Co., PE October 28th, 2000 (44-05)	Karl Pirch (AD.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
ARTHUR, Mildred Agnes Charlottetown Queens Co., PE October 21st, 2000 (43-04)	Debbie MacRae (EX.)	Diamond & McKenna PO Box 39 Charlottetown, PE
BERTRAM, Lydia Velma Hunter River Queens Co., PE October 21st, 2000 (43-04)	Eric Sinclair Sterling Howatt (EX.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
DOUGLAS, Martin Cornwall Queens Co., PE October 21st, 2000 (43-04)	Marlene Douglas (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
DOWNEY, Elmer Joseph Summerside Prince Co., PE October 21st, 2000 (43-04)	Margaret Ann Downey (EX.)	Key, McKnight & Peacock PO Box 1570 Summerside, PE
GALLANT, Mary Bridgett Tyne Valley Prince Co., PE October 21st, 2000 (43-04)	Eileen Arsenault (EX.)	Ramsay & Clark PO Box 96 Summerside, PE

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MacKAY, Gladys F. Charlottetown Queens Co., PE October 21st, 2000 (43-04)	Virginia A. Crabbe M. Leigh Crabbe (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
STEWART, Flora M. High Bank Kings Co., PE October 21st, 2000 (43-04)	CIBC Trust Corporation (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
WORMALD, Shirley Catherine Charlottetown Queens Co., PE October 21st, 2000 (43-04)	Kimberley Ann (Leonard) Falls (EX.)	Campbell,Lea,Michael,McConnell & Pigot PO Box 429 Charlottetown, PE
COOK, Hilda Jean Souris (Formerly of Fortune Bridge) Kings Co., PE October 21st, 2000 (43-04)	Joyce Ramer Keith Dingwell (AD.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
KLEEFISCH, Eleonore Sophie Hedwig Coleman Prince Co., PE October 21st, 2000 (43-04)	Hermann Kleefisch (AD.)	Key, McKnight & Peacock PO Box 177 O'Leary, PE
ARSENAULT, Madelaine M. Abrams Village Prince Co., PE October 14th, 2000 (42-03)	Caroline Arsenault (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
JONES, Margaret Eleanor Charlottetown Queens Co., PE October 14th, 2000 (42-03)	N. Douglas Ross, QC (EX.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
MacDONALD, Annie White Bear River Kings Co., PE October 14th, 2000 (42-03)	Catherine White Cheverie (EX.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
MacLEAN, Ellicott (also known as Emily Ellicott MacLean) Charlottetown Queens Co., PE October 14th, 2000 (42-03)	Richard MacLean (EX.)	Campbell,Lea,Michael,McConnell & Pigot PO Box 429 Charlottetown, PE

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MURRAY, Grace E. Breadalbane Queens Co., PE October 14th, 2000 (42-03)	Wellington A. Murray Wesley L. Younker (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
GAUDET, Eldon Borden-Carleton Prince Co., PE October 7th, 2000 (41-02)	Douglas Gaudet (EX.)	Lyle & McCabe PO Box 1300 Summerside, PE
GODWIN, Jean Katherine Cornwall Queens Co., PE October 7th, 2000 (41-02)	David E. MacLeod (EX.)	MacLeod, Crane & Parkman PO Box 1056 Charlottetown, PE
GREEN, Arnold Winston Kingston Queens Co., PE October 7th, 2000 (41-02)	Clifford Green (EX.)	Robert R. MacArthur PO Box 127 Cornwall, PE
HOGAN, Michael Paul Tignish Prince Co., PE October 7th, 2000 (41-02)	Brian Hogan (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
MacKINNON, Roderick Foster Charlottetown Queens Co., PE October 7th, 2000 (41-02)	Jeff MacKinnon Heidi MacLean (EX.)	Clark Law Office PO Box 2831 Charlottetown, PE
MacNEILL, John Wallace Charlottetown Queens Co., PE October 7th, 2000 (41-02)	Paul A. Weeks (EX.)	Robert R. MacArthur PO Box 127 Cornwall, PE
BEVAN, Kathleen Jean Charlottetown Queens Co., PE October 7th, 2000 (41-02)	Harold (Hal) Bevan Audrey Wigginton (AD.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
STEVENS, Doris Ann Marie Northport Prince Co., PE October 7th, 2000 (41-02)	Edward Stevens (AD.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
HENNESSEY, Robert Allison Charlottetown Queens Co., PE September 30th, 2000 (40-01)	Mary Edith Hennessey (EX.)	MacLeod, Crane & Parkman PO Box 1056 Charlottetown, PE

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CULLEN, Lloyd Joseph Bedford Queens Co., PE September 30th, 2000 (40-01)	Deborah Ann Cullen (AD.)	Philip Mullally, QC PO Box 2560 Charlottetown, PE
CASELEY, Georgie Schurman Margate Prince Co., PE September 23rd, 2000 (39-52)	Gerald Caseley Rendal Caseley (EX.)	Key, McKnight & Peacock PO Box 1570 Summerside, PE
DUFFY, Marjorie Frances Charlottetown Queens Co., PE September 23rd, 2000 (39-52)	Margaret Copland Robert Copland (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
HERMANN, Ernest Roy Pownal Queens Co., PE September 23rd, 2000 (39-52)	Ernest Gordon Hermann (EX.)	McInnes Cooper BDC Place, Suite 620 119 Kent Street Charlottetown, PE
ADAMS, James Keith Sea View, Kensington RR#2 Prince Co., PE September 23rd, 2000 (39-52)	Catherine T. Adams (AD.)	Key, McKnight & Peacock PO Box 1570 Summerside, PE
GALLOWAY, J. Richard (Rick) Cornwall Queens Co., PE September 23rd, 2000 (39-52)	Kelly Anne Galloway (AD.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
McKENNA, Robert David Nainamo British Columbia September 23rd, 2000 (39-52)	J. David McKenna (AD.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
CARTER, Evelyn B. Winsloe Queens Co., PE September 16th, 2000 (38-51)	Sharyn MacPhee Hollis Carter (EX.)	Carr, Stevenson & MacKay PO Box 522 Charlottetown, PE
GAMBLE, R. Harley Belmont Lot 16 Prince Co., PE September 16th, 2000 (38-51)	Robert Gamble (EX.)	Patterson Palmer Hunt Murphy 82 Summer Street Summerside, PE
MacDONELL, Kathleen Jennifer Murray Harbour Kings Co., PE September 16th, 2000 (38-51)	Noelle Barclay Cherryl Charles (EX.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE

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STEWART, Cecilia F. South Lake Kings Co., PE September 16th, 2000 (38-51)	Rupert Stewart (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
TIPPET, George Livingstone Mason Charlottetown Queens Co., PE September 16th, 2000 (38-51)	Royal Trust Corporation of Canada (EX.)	Campbell,Lea,Michael,McConnell & Pigot PO Box 429 Charlottetown, PE
WILSON, John McCully Alberry Plains Queens Co., PE September 16th, 2000 (38-51)	Thelma Smallwood Elizabeth MacQuarrie (EX.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
MOLYNEAUX, Josph Everett Charlottetown Queens Co., PE September 16th, 2000 (38-51)	Marion Molyneaux (AD.)	Philip Mullally, QC PO Box 2560 Charlottetown, PE
BRODERICK, Shirley Jean Brooklyn, Alberton RR#1 Prince Co., PE September 9th, 2000 (37-50)	Richard Charles Broderick (EX.)	Key, McKnight & Peacock PO Box 1570 Summerside, PE
FORD, Vaunda Blanche Ebenezer Queens Co., PE September 9th, 2000 (37-50)	Carman Ford Paul Ford (EX.)	Patterson Palmer Hunt Murphy PO Box 486 Charlottetown, PE
GALLANT, Celena "Lyn" North Rustico Queens Co., PE September 9th, 2000 (37-50)	Dennis Gallant (EX.)	Carr, Stevenson & MacKay PO Box 522 Charlottetown, PE
HOWATT, Jean MacGregor Victoria Queens Co. PE September 9th, 2000 (37-50)	Joan Boswell (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MacDONALD, Rita Charlottetown Queens Co., PE September 9th, 2000 (37-50)	Rita Morrison (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
PHILLIPS, E. Blanche Alberton Prince Co., PE September 9th, 2000 (37-50)	William C. Phillips William J. Phillips (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE

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ARSENAULT, Francis A. Urbainville Prince Co., PE September 9th, 2000 (37-50)	Cyrus F. Arsenault (AD.)	Lyle & McCabe 740 Water Street East Charlottetown, PE
BERNIER, Ann B. Montague Kings Co., PE September 9th, 2000 (37-50)	Eudore J. Bernier (AD.)	Alfred K. Fraser, QC PO Box 516 Montague, PE

NOTICE OF DISSOLVED COMPANIES

Companies Act, R.S.P.E.I. 1988,
Cap. C-14, S.72(5)

PUBLIC NOTICE is hereby given that under the *Companies Act* the following non-profit organizations have been dissolved effective December 2, 2000:

NAME OF THE
NON-PROFIT ORGANIZATION

Aboriginal Women's Association of P.E.I. Inc.
Acadian Mardi Gras Association Ltd.
Acadian Social Club Inc.
The Alberton Historical Preservation Foundation, Inc.
Allergy and Environmental Illness Group Inc.
Association of New London Campbells Inc.
The Beaches, Brackley Stanhope Dalvay Resort Area Inc.
Borden Business Development Corporation
Brudenell Golf Club Association
The Canadian Harness Racing Heritage Museum Inc.
Capeco Ltd.
Central Kings Community Centre Inc.
Central Queens Soccer Association Inc.
Centre Cultural Consolide Inc.
Charlottetown Junior Chamber of Commerce
The Citizens Committee Against the Mandatory Use of Seat-Belts, Inc.
Comite Organisateur de la Finale des Jeux de L'Acadie 1990 Inc.
Community Coastal Action Plan - PEI Inc.
Community Futures Committee of Eastern P.E.I. Ltd.
Computer Industry Association of Prince Edward Island Inc.
The Culinary Masters Society Ltd.
The Denturist Society of Prince Edward Island Inc.
Dunollie Farm Inc.
East Prince Community Advisory Board Inc.
Eastern King's Arena Association
The Field and Stream Inc.
Leighton Ford Island Crusade Inc.
Fountain of Life Fellowship
Friends of Bill and Bob Inc.
Friends of St. Andrew's Ltd.
Gold Cup Parade Committee Inc.
Great George Street Gallery Ltd.
Green Gables Golf Club Inc.
Harrington Community Hall Inc.
Heart to Heart of P.E.I. Inc.
Heritage Bays and Dunes Tourist Association Inc.
Heritage Theatre and Press Ltd.
Holman's of P.E.I. Merchants Association Inc.
Independent Fishermen's Organization of Prince Edward Island
Island Association of Rehabilitation Workshops
Island Mission '92 Inc.
Junior Achievement of Summerside & Area Inc.
Kensington Clubettes Inc.
Kensington Fireman's Club
Kings County Golf Incorporation
Kings Playhouse Foundation (Inc.)
Kinkora Complex Corporation
Kinsmen Club of Borden
Knights of Columbus, Council 2193
L'Ecomusee Acadien de L'ile-Du-Prince-Edouard Incorpore
La Societe De Developpement de la Region Evangeline Ltee.
The Lady Slipper Kennel Club Inc.

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Le Conseil de la Cooperation de L'ile-Du-Prince-Edouard Limitee (C.C.I.P.E.)
Le Festival Acadien de la Region Evangeline
Lets - Charlottetown Inc.
Lot 7 Fire Department
The George Machan Charitable Foundation Inc.
Mic Mac Indian Off-Reserve Council of P.E.I., Ltd.
Minegoo Indian Arts and Crafts Society of Prince Edward Island Inc.
Montage Dance Theatre Inc.
Montague Boys & Girls Club Inc.
The Multi-Music Association Inc.
Murray River Camp of Life Corporation
Murray River Library Limited
National Milton Acorn Festival Inc.
New Beginnings Support Group Ltd.
The New Christian Singers Incorporated
The New Ireland Society Inc.
New London Lions Club
Newport Wharf Improvement Committee Inc.
1992 Canadian Special Olympics Floor Hockey Championship Inc.
The O'Leary Athletic Association Inc.
O'Leary Promotions Inc.
One Parent Family Association of Prince Edward Island
Prince Edward Island Association of Occupational Therapists
Prince Edward Island Auto-Body Repair Association
P.E.I. Celebrations Inc.
Prince Edward Island Colt Stakes Association Inc.
P.E.I. Curling Promotions Inc.
P.E.I. Day Care Centre
The Prince Edward Island Evangelistic Assoc. Inc.
P.E.I. Film Society Inc.
The Prince Edward Island Fluid Milk Processors Association
P.E.I. Indian Arts & Crafts Corporation
P.E.I. Music & Amusement Operators Association Inc.
The Prince Edward Island Native Indian Women's Association
Prince Edward Island Optical Frame Manufacturer's Association Ltd.
Prince Edward Island Retail Gasoline Dealers Association
Prince Edward Island Women's Field Hockey Association Inc.
P.E.I. Woodlot Owners Association
Parkdale Block Parent Program Association
Pride P.E.I. Inc.
Prince County Golf and Country Club
Frankie Reid Bursary Fund Inc.
Rice Point Homeowners' Association
Ricky Development Corporation
River Resorts Tennis Club Inc.
Rochford Square Child Care Centre Inc.
Rustico Golf and Country Club Inc.
Rustico Golf Club Members Association
The St. Felix Subdivision Lot Owners' Association Inc.
St. Margarets Community Club
Sea Breeze Homeowners' Association
Seniors Volunteer Center Inc.
Sherwood Block Parent Program Association Ltd.
Sherwood-Parkdale Metro Junior Hockey Club Inc.
Shooting Federation of P.E.I.
Slemon Park Flying Club
South Shore Medical & Community Services Inc.
Southern Kings Community Development Corporation
Southport Columbian Club Ltd.
Spring Park Block Parent Program Association Inc.
Springhill Community Center Inc.
Summerside Adult Development Centre Inc.

Summerside Firefighters Assoc. Inc.
Summerside Old Timers Hockey Club
Summerside Seniors Drop-In Centre Ltd.
The T. & C. Homeowners' Association
Terry's Twilight Transport Inc.
Theatre Bandwagon Ltd.
Three Rivers Senior Citizens Club
Tours Acadie Inc.
Tween Rivers Sports Club
United Realty Network Inc.
Upper Kildare Shores Homeowners Association
The Upton Room Ltd.
The Rick Vaive Golf Classic Inc.
Victoria Kingergarten Inc.
West Prince Child Emergency Support Club Inc.
West Prince Fitness Centre Incorporated
West Prince Veterinary Hospital Association
Winsloe Community Centre Ltd.

CONSUMER, CORPORATE & INSURANCE SERVICES DIVISION
OFFICE OF THE ATTORNEY GENERAL

4th Floor, Shaw Building
95 Rochford Street
P.O. Box 2000
Charlottetown, PE C1A 7N8
Telephone: (902) 368-4550

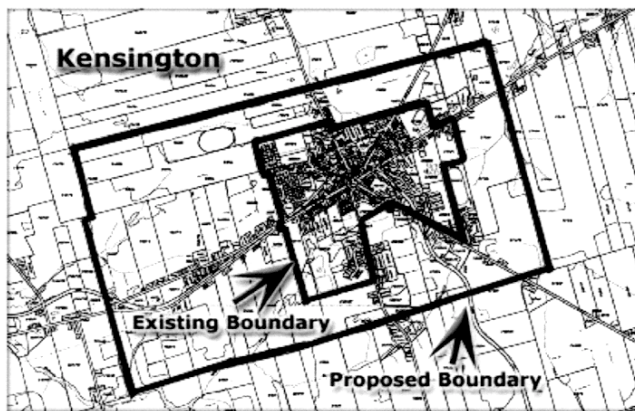
EDISON SHEA
DIRECTOR



Public Hearing

LB00101
MUNICIPAL BOUNDARY EXTENSION
APPLICATION
TOWN OF KENSINGTON

Pursuant to Subsection 12(1) of the Municipalities Act R.S.P.E.I. 1988, Cap M-13, the Town of Kensington has applied to the Minister of Community and Cultural Affairs to extend its municipal boundary to include an area adjacent to the present Town boundary. The area is outlined below:



The application states that the reasons for the expansion are:

1. To increase the tax base.
2. To Increase the population.
3. To increase amount of area for development, both commercial and residential, in the Town.

PUBLIC HEARING

In accordance with Section 13 of the Municipalities Act, the Island Regulatory and Appeals Commission has been directed by the Minister of Community and Cultural Affairs to conduct a public hearing in or near the area to be annexed for the purpose of reviewing the application.

The public hearing will be held in the Cafeteria of the Kensington Intermediate-Senior High School, 19 Victoria Street East, Kensington at 7:00 p.m. on Wednesday, December 6, 2000 and, if necessary, Wednesday, December 13, 2000. Residents of the Town and the area to be annexed and any person affected by the application are invited to attend and make representation concerning the application.

WRITTEN SUBMISSIONS

Written submissions concerning this application can be sent to:
Philip Rafuse, Land Officer, Land Division
The Island Regulatory and Appeals Commission
P. O. Box 577, Charlottetown PE C1A 7A1
Telephone 902-892-3501 Fax 902-566-4076

The deadline for receipt of written submissions is November 30, 2000. The Commission requests that those who intend to make presentations at the public hearing notify the Commission of their intention to do so by November 30, 2000.

NOTICE OF DISSOLUTION

Partnership Act
R.S.P.E.I. 1988, Cap. P-1

Public Notice is hereby given that a Notice of Dissolution has been filed under the *Partnership Act* for each of the following:

COLES FARM

Owner: Gerald Coles
Wayne Coles
Registration Date: November 16, 2000

FENTON MARITIME AGENCIES

Owner: Peter W. Fenton
Registration Date: November 22, 2000

ISLAND WIDE PRO PAINTERS

Owner: Ricky Bradshaw
Registration Date: November 20, 2000

MOONDUST SANDBLASTING & ISLAND WIDE WHITE WASHING & BARN CLEANING

Owner: Garth Graham
Registration Date: November 16, 2000

PORT MANAGEMENT AND MARINE CONSULTANTS

Owner: Peter W. Fenton
Registration Date: November 22, 2000

ROSEWOOD PROPERTIES

Owner: David Trainor
Greg Caseley
Registration Date: November 21, 2000

SHOUT! WEB SERVICES

Owner: Mike Lecky
Registration Date: November 22, 2000

TV WEEK

Owner: Southam Inc.
Registration Date: November 16, 2000

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NOTICE OF REGISTRATION

Partnership Act
R.S.P.E.I. 1988, Cap. P-1, s.52 and s.54(1)

Public Notice is hereby given that the following Statutory Declarations have been filed under the *Partnership Act*:

AIOKU

Owner: Mike Lecky
Box 474
Charlottetown, PE C1A 7L1
Registration Date: November 23, 2000

CHAMPION LODGE

Owner: Colleen MacDonald
50 Green Street
Charlottetown, PE C1A 2E8
Registration Date: November 20, 2000

CLEAN SWEEP HOME CLEANING

Owner: Brian W. Bridges
290 All Weather Highway
Summerside, PE C1N 4V4
Registration Date: November 17, 2000

COLES FARMS

Owner: Wayne Coles
RR 2
North Wiltshire, PE C0A 1Y0
Registration Date: November 16, 2000

FENTON MARITIME AGENCIES

Owner: The Fenton Group Inc.
Box 665
Charlottetown, PE C1A 7L3
Registration Date: November 22, 2000

ICG PROPANE, A DIVISION OF SUPERIOR PROPANE INC.

Owner: Superior Propane Inc.
1111 - 49 Avenue N.E.
Calgary, AB T2E 8V2
Registration Date: November 17, 2000

ISLAND WIDE PRO PAINTERS

Owner: Herman Bradshaw
268 East Royalty Road
Charlottetown, PE C1A 7S7
Registration Date: November 20, 2000

ISLAND WILDLIFE REMOVAL

Owner: Douglas Jameson
Box 7125
Cornwall, PE C0A 1H0
Registration Date: November 17, 2000

OLD TOWN TAXI

Owner: John Donald Gallant
Box 7508
Kensington, PE C0B 1M0
Registration Date: November 17, 2000

PORT MANAGEMENT AND MARINE CONSULTANTS

Owner: The Fenton Group Inc.
Box 665
Charlottetown, PE C1A 7L3
Registration Date: November 22, 2000

ROSEWOOD PROPERTIES

Owner: David Trainor
Albany, PE
C0B 1A0
Registration Date: November 21, 2000

TV WEEK

Owner: Southam Publications ULC
1450 Don Mills Road
Toronto, ON M3B 2X7
Registration Date: November 16, 2000

TYKA BLUEBERRIES

Owner: Brian Hancock
Box 2643
Charlottetown, PE C1A 8C3
Registration Date: November 20, 2000

WATCH STOP

Owner: Lori Murphy
19 - 175 St. Peters Road
Charlottetown, PE C1A 5P6
Registration Date: November 17, 2000

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**NOTICE OF GRANTING
LETTERS PATENT**

Companies Act
R.S.P.E.I. 1988, Cap. C-14, s.11

Public Notice is hereby given that under the *Companies Act* Letters Patent have been issued by the Minister to the following:

100297 P.E.I. INC.
RR 9
Winsloe, PE C1E 1Z3
Incorporation Date: November 20, 2000

100303 P.E.I. INC.
New Perth, RR 6
Cardigan, PE C0A 1G0
Incorporation Date: November 17, 2000

MOONDUST SANDBLASTING LTD.
Box 591
Kensington, PE C0B 1M0
Incorporation Date: November 16, 2000

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**NOTICE OF CHANGE
OF CORPORATE NAME**

Companies Act
R.S.P.E.I. 1988, Cap. C-14, S. 81.1

Public Notice is hereby given that under the *Companies Act* the following corporation has changed its corporate name:

SCAPA GROUP NORTH AMERICA LTD. -
SCAPA GROUP NORTH AMERICA LTEE.
Former Name

VOITH FABRICS CANADA HOLDINGS,
LTD./GESTION VOITH TOILES CANADA,
LTEE.

New Name
Effective Date: November 20, 2000

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**NOTICE OF
REVIVED COMPANIES**

Companies Act
R.S.P.E.I. 1988, Cap. C-14 s.73

Public Notice is hereby given that under the *Companies Act* the following companies have been revived:

SCHOONER HAVEN HOMEOWNERS'
ASSOCIATION
Effective Date: November 20, 2000

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NOTICE

PUBLIC NOTICE is hereby given that under the provisions of the *Co-operative Associations Act*, a Certificate of Incorporation bearing date the 17th day of November, 2000, has been granted to TIGNISH SENIORS HOME CARE CO-OPERATIVE LTD., with head office at Tignish, Prince Edward Island.

DATED at Charlottetown this 17th day of November, 2000.

Edison Shea, C.A.
Registrar

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NOTICE

PUBLIC NOTICE is hereby given that under the provisions of the *Co-operative Associations Act*, a Certificate of Incorporation bearing date the 9th day of November, 2000, has been granted to ATLANTIC CANADIAN ORGANIC REGIONAL NETWORK CO-OPERATIVE LIMITED, with head office at Charlottetown, Prince Edward Island.

DATED at Charlottetown this 9th day of November, 2000.

Edison Shea, C.A.
Registrar

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NOTICE

PUBLIC NOTICE is hereby given that under the provisions of the *Co-operative Associations Act*, a Certificate of Incorporation bearing date the 16th day of November, 2000, has been granted to LA COOPERATIVE ACADEV LIMITED, with head office at Wellington, Prince Edward Island.

DATED at Charlottetown this 16th day of November, 2000.

Edison Shea, C.A.
Registrar

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PUBLIC NOTICE

Notice is hereby given that in accordance with the *Planning Act*, R.S.P.E.I., 1988, the Minister of Community and Cultural Affairs has given her approval to the Official Plan for the Community of New Haven-Riverdale, effective November 24, 2000.

A copy of the Community of New Haven-Riverdale Official Plan will be registered with the Registrar of Deeds for Queens County, and will also be available for public inspection at the New Haven-Riverdale administration office.

Ron MacMillan, QC
Deputy Minister

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NOTICE OF TAX SALE

There will be sold at a Public Auction at or near the Law Courts Building, at 108 Central Street, in Summerside, Prince Edward Island on Friday, the 15th day of December, 2000, at the hour of 12:30 in the afternoon, real property located at or near Anglo Tignish, in Prince County, Prince Edward Island, being identified as Parcel No. 447367 and assessed in the name of Ashley Howard Gavin. This property is being sold for non-payment of taxes in accordance with Section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Patterson Palmer Hunt Murphy, Attention Lisa L. Goulden at (902) 888-1033, 82 Summer Street, Summerside, Prince Edward Island in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Summerside, Prince County, Province of Prince Edward Island this 28th day of November, 2000.

J.B. Ramsay
Provincial Tax Commissioner
Province of Prince Edward Island

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<http://www.gov.pe.ca/royalgazette>

**CITY OF CHARLOTTETOWN
NOTICE OF PUBLIC MEETING****REGARDING
PERMANENT STREET CLOSURE**

The City of Charlottetown has received a request to permanently close the following Public Streets:

- i) all of Joseph Lane (formerly Park Lane) which extends northerly 208.5 feet from Allen Street to a dead end; and
- ii) a portion of Jordan Crescent being the western access at Allen Street which extends 250.5 feet northerly to a 90 degree turn and then easterly from that point 143.5 feet. A new public street will be constructed from this point back to Allen Street creating the same general configuration as currently exists but of slightly shorter length.

These requests for permanent street closures are due to land consolidation and development in the area.

There will be a Public Meeting on Thursday November 23rd, 7:00 pm, at City Hall for comment to Council on this matter. Further questions or written comments may be directed care of the Charlottetown Public Works Manager, PO Box 98 (199 Queen Street), Charlottetown PE, C1A 7K2.

46-49

The following order was approved by His Honour the Lieutenant Governor in Council dated 21 November 2000.

EC2000-695**PROVINCIAL COURT ACT
JUSTICE OF THE PEACE
APPOINTMENT**

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25

Council appointed Henry Wallace of Alberton in Prince County, Prince Edward Island, as a Justice of the Peace in and for the Counties of Prince, Queens and Kings in the Province of Prince Edward Island for a term of five (5) years, effective 21 November 2000.

Further, Council ordered that the appointment of the said Henry Wallace be limited to emergency matters arising in the Town of Alberton.

Signed,
Lynn E. Ellsworth
Clerk of the Executive Council

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PART II
REGULATIONS

EC2000-691

ENVIRONMENTAL PROTECTION ACT
WASTE RESOURCE MANAGEMENT REGULATIONS

(Approved by His Honour the Lieutenant Governor in Council dated 21 November 2000.)

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

- | | |
|--|---|
| 1. In these regulations | Definitions |
| (a) "Act" means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9; | Act |
| (b) "active area" means any area used for transfer, storage, disposal, separation, processing or treatment of compostable material including the tipping area, the composting area and the curing pad; | active area |
| (c) "active composting area" means any area used for the initial active phase, distinguished by a rapid increase in composting temperature to 55 degrees celsius or higher, of in-vessel composting or open window composting; | active composting area |
| (d) "approval" means Ministerial approval pursuant to section 2; | approval |
| (e) "backyard composting" means the composting at a residential dwelling site of organic waste, including grass clippings, leaves or food waste, where | backyard |
| (i) the waste is generated by the residents of the dwelling unit or neighbouring dwelling units or both, and | |
| (ii) the annual production of compost does not exceed 60 cubic metres; | |
| (f) "biosolids" means organic materials which originated as settled matter in facilities treating municipal or industrial liquid wastes and may be used as feedstock for composting operations; | biosolids |
| (g) "CCME Guidelines" means the Canadian Council of Ministers of the Environment document "Guidelines for Compost Quality" dated March 1996 as amended from time to time; | CCME Guidelines |
| (h) "Canadian Environmental Quality Guidelines" means the Canadian Council of Ministers of the Environment document | Canadian Environmental Quality Guidelines |

	“Canadian Environmental Quality Guidelines” dated 1999 as amended from time to time;
compost	(i) “compost” means a product of composting which is used or sold for use as a soil amendment, artificial topsoil or growing medium or for some other application to land in accordance with these regulations;
compostables	(j) “compostables” means <ul style="list-style-type: none">(i) food scraps including meat and bones,(ii) paper food wrap,(iii) boxboard containers and packaging,(iv) all non-recyclable paper products including, but not limited to, paper towels, paper tubes, paper plates, construction and poster paper, and wax paper,(v) leaves and yard waste, and(vi) any other material that is biodegradable and organic.
composting	(k) “composting” means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and safe use in land applications;
composting area	(l) “composting area” means an area where organic material undergoes the rapid initial stage of composting;
composting facility	(m) “composting facility” means a waste resource management facility where composting occurs;
compostable organic material	(n) “compostable organic material” means vegetative matter, food processing waste, landscaping, garden and horticultural wastes, kitchen scraps, food processing wastes, and other organic wastes which can be readily composted in composting facilities;
corporation	(o) “corporation” means the Island Waste Management Corporation constituted pursuant to section 18 of the Act;
C & D debris	(p) “C & D debris” means materials not of a hazardous nature which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes soil, asphalt, brick, mortar, drywall, plaster, cellulose, fibreglass fibres, gyproc, lumber, and wood but excludes chemically treated lumber and wood;
C & D disposal site	(q) “C & D disposal site” means a construction and demolition debris disposal site used for the disposal of C & D debris;
curing area	(r) “curing area” means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a mature finished compost;

- (s) “Department” means the Department of Fisheries, Aquaculture and Environment; Department
- (t) “food waste” means food waste
- (i) any residual vegetative waste other than leaf and yard materials or woody materials,
- (ii) residual waste of animal origin including meat, fish, bones, carcasses or shells but not including manure, and
- (iii) biosolids from residential, industrial, commercial or institutional sources;
- (u) “foreign matter” means any matter resulting from human intervention and made of organic or inorganic components including metal, glass and synthetic polymers that may be present in compost but foreign matter does not include mineral soils, woody material, and rocks; foreign matter
- (v) “hazardous waste” means any waste material that hazardous waste
- (i) contains a toxic substance specified in the list of Toxic Substances pursuant to the *Canadian Environmental Protection Act* (Canada) or any regulations made pursuant to that Act, or
- (ii) has been listed as a hazardous substance pursuant to the *Transportation of Dangerous Goods Act* (Canada) or any regulations made pursuant to that Act;
- (w) “hazardous waste management facility” means a facility or place operated for the purpose of treatment, disposal, recycling, reclamation, or storage of hazardous waste; hazardous waste management facility
- (x) “industrial waste” means garbage, refuse, sludge, rubbish, tailings debris, litter and other discarded materials resulting from industrial or commercial activities requiring approval under section 9 of the Act; industrial waste
- (y) “in-vessel composting” means any composting method in which composting materials are contained in an enclosed reactor, vessel or building and which utilizes forced ventilation with treatment of ventilation air for odour reduction; in-vessel composting
- (z) “landfill” means a facility for the disposal of remaining waste; landfill
- (aa) “leachate” means the fluid captured above the flexible membrane liner of a landfill; leachate
- (bb) “leaf and yard waste” means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operation, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excluding C & D debris and contaminated organic matter; leaf and yard waste

lifespan	(cc) "lifespan" means the period of time in which a landfill, composting facility, or C & D disposal site is in active operation plus any subsequent period during which effects monitoring is required;
Minister	(dd) "Minister" means the Minister of Fisheries, Aquaculture and Environment;
open windrow composting	(ee) "open windrow composting" means composting in which compostable organic material is open to the atmosphere during the composting process and includes windrow composting in a building but where there is no treatment of ventilation air for odour reduction;
recyclables	(ff) "recyclables" means <ul style="list-style-type: none"> (i) glossy paper, newsprint and flyers, corrugated cardboard, paper egg cartons, computer paper, bond paper, fax paper, and envelopes, (ii) polyethylene terephthalate, high density polyethylene, polyvinyl chloride, low density polyethylene, and polypropylene, (iii) all clear and colored glass bottles and jars, (iv) milk cartons, (v) tetra packs, (vi) food and beverage cans, empty metal aerosol cans, and metal products made of aluminum, steel, brass, and copper, and (vii) all dry cell batteries including nickel-cadmium batteries;
remaining waste	(gg) "remaining waste" means any solid waste material that is not a compostable or recyclable and includes, but is not limited to <ul style="list-style-type: none"> (i) toothbrushes and toothpaste tubes, (ii) glass dishes, (iii) ceramics, (iv) light bulbs, (v) pens, pencils, and crayons, (vi) plastic food wrap, (vii) vinyl, leather, and textiles, (viii) plastic or metal cutlery, (ix) styrofoam, (x) plastics # 6 and #7, (xi) foil liners and bags, and (xii) fly ash and boiler ash produced by the Trigen Energy From Waste Plant;
waste incinerator fly ash	(hh) "waste incinerator fly ash" means the finely-divided particulate matter, generated by the combustion of municipal solid waste, which is captured for disposal.

DISPOSAL OF WASTE

- Prohibition **2.** (1) No person shall dispose of
- (a) remaining waste;

(b) compostable material; or
 (c) recyclables,
 except at the appropriate landfill, recycling plant or composting facility approved to accept each of these materials pursuant to these regulations.

(2) Subject to section 59, no person shall dispose of C & D debris except at a C & D disposal site operated in accordance with these regulations.

Prohibition, C & D disposal sites

(3) No person shall own, construct, manage, operate, alter or modify
 (a) a landfill;
 (b) an ash disposal site; or
 (c) a composting facility which can process more than 60 cubic metres of compost annually
 except where
 (d) approval for the undertaking has been obtained from the Minister; and
 (e) a permit authorizing the undertaking has been issued to the person by the Minister.

Approval, landfill, etc.

(4) Subject to subsection (5), no person shall own, construct, manage, operate, alter or modify a C & D disposal site except where
 (a) approval for the undertaking has been obtained from the Minister; and
 (b) a permit authorizing the undertaking has been issued to the person by the Minister.

Approval, C & D disposal sites

(5) Clause (1)(b) does not apply to composting undertaken in accordance with normal farm practices and Codes of Practice established pursuant to the *Farm Practices Act R.S.P.E.I. 1988, Cap. F-4.1*.

Farm composting

(6) No person shall dispose of waste incinerator fly ash except at an approved hazardous waste management facility.

Prohibition - waste incinerator fly ash

(7) The Minister may
 (a) charge an annual fee for any approval or permit sought pursuant to this section; and
 (b) revoke, at any time, any permit issued pursuant to this section where, in the opinion of the Minister, the person to whom the permit is issued is not in compliance with these regulations.

Fee & revocation of permit

REMAINING WASTE LANDFILL

3. Applications for an approval to construct or operate a landfill shall be accompanied by

Application for approval

- (a) a report detailing information required by sections 4 to 30 of these regulations;
- (b) any other supporting documentation the Minister may require.

LANDFILL DESIGN AND CONSTRUCTION

- | | |
|-------------------------------|---|
| Minimum standards | 4. (1) All of the components, systems, and features of every landfill shall be |
| | (a) designed to function over the lifespan of the landfill; and |
| | (b) of a demonstrable technology. |
| Alternative technology | (2) Alternatives to the landfill components, systems, and features described in these regulations may be employed where they are based on improved technologies or on changing waste characteristics. |
| Alternative design | (3) Where the corporation proposes an alternative design to the minimum standard, it shall be the responsibility of the corporation to demonstrate to the satisfaction of the Minister that the proposed alternative design is capable of achieving an equivalent or higher level of protection than the minimum standards. |
| General landfill requirements | 5. All landfills shall be designed to incorporate the components, systems, and features required by sections 6 to 30. |

LANDFILL LINER SYSTEM

- | | |
|--------------------------------|--|
| Bearing capacity | 6. (1) The subbase of the landfill liner system shall be composed of material of sufficient bearing capacity to support the material to be placed above it during the lifespan of the landfill. |
| Insufficient bearing capacity | (2) Where material is encountered in the subbase which does not meet the bearing capacity, the material shall be excavated and replaced by the corporation with appropriate structural fill material of sufficient bearing capacity. |
| Compacted clay liner component | 7. (1) Every compacted clay liner component of the landfill liner system shall |
| | (a) be protected during and after construction from damage due to frost, desiccation, over-hydration, differential movement and impact; |
| | (b) be no less than 1,000 mm in depth; |
| | (c) be placed in uniform, horizontal lifts of approximately 150 mm maximum loose thickness and constructed to ensure that the minimum hydraulic conductivity of the compacted soil is 1×10^{-7} cm/sec or less; and |
| | (d) be installed in accordance with the requirements set out in Schedule C. |
| Testing | (2) The corporation shall submit test results to the Department in order to ensure the compacted clay liner meets the requirements of subsection (1). |
| Cost of testing | (3) The testing required by subsection (2) shall be |
| | (a) undertaken by a testing agency approved by the Minister; and |

(b) paid for by the corporation.

(4) The compacted clay liner may be modified, if required, with an admixture such as bentonite clay in order to achieve the required hydraulic conductivity. Modification

(5) Where a compacted clay liner is modified pursuant to subsection (4), the hydraulic conductivity shall be uniform throughout the entire thickness of the soil. Uniform conductivity

8. The flexible membrane liner component of the compacted clay liner shall be Flexible membrane liner component

- (a) manufactured of a high density polyethylene of a minimum 80 mm thickness; and
- (b) installed in accordance with the conditions set out in Schedule C.

9. The leachate collection system shall Leachate collection system

- (a) be able to convey all of the leachate to a common point for treatment as required;
- (b) have a hydraulic conductivity of 1×10^{-3} cm/sec or greater;
- (c) be sloped so that it can adequately drain the leachate;
- (d) be provided with adequate protection above the leachate collection system to prevent clogging of the leachate collection system; and
- (e) not exceed a depth of 300 mm or less of leachate head on all portions of the liner, excluding the leachate sumps, during routine operations.

10. (1) The various components of a leachate collection and removal system shall Standards for components

- (a) be chemically compatible with the anticipated waste and leachate characteristics;
- (b) provide access for inspection, monitoring flow, monitoring head, controlling flow and cleaning;
- (c) maintain integrity under both dynamic and static loading events for all phases of landfill development;
- (d) contain geosynthetic fabrics that are specified on the basis of calculations which incorporate the leachate generation and flow rates anticipated to occur during the operating and post-closure phases of the facility; and
- (e) be designed to prevent the passage of fines in the leachate collection and piping systems as well as to mitigate or eliminate the effects of any material capable of reducing the hydraulic flow capacity of the leachate collection and piping systems.

(2) Recirculation of leachate shall be limited to emergency operations and shall be in accordance with the provisions of a contingency plan approved by the Department. Recirculation

- Alarms (3) Tanks, sumps, or other storage units associated with leachate collection and removal systems shall be equipped with high-level alarms.
- Standards for collection pipes **11. Collection pipes shall**
- (a) be a minimum of 150 mm diameter DR35 PVC having 12 mm perforations at the four and eight o'clock positions with perforations spaced a maximum of 150 mm center to center;
 - (b) not require solvent welding;
 - (c) where the collection pipes penetrate liners, be designed to prevent leakage and accommodate landfill settlement;
 - (d) be designed to carry the peak leachate flow and shall have a minimum slope of 1% and a minimum flow velocity of 0.3 m/s;
 - (e) have sufficient wall thickness and bedding to accommodate all static and dynamic loads incurred during construction and operation;
 - (f) where the collection pipe is a perforated (lateral) collector pipe, have a minimum spacing of 45 m within any tributary cell area;
 - (g) where the collection pipe is an unperforated primary (main) collector pipe, be provided with manholes at
 - (i) a maximum of 150 m spacing,
 - (ii) at changes in direction and grade, and
 - (iii) at junctions with secondary collector pipes from all tributary cell areas;
 - (h) be installed with a drop of 300 mm between a secondary collector pipe entering a manhole and the primary collector pipe; and
 - (i) be installed with a minimum drop of 50 mm across primary flows through manholes.
- Standards for manholes **12. All manholes shall**
- (a) be a minimum of 1.2 m in diameter with precast and benched bases and inlet and outlet holes precast and gasketed;
 - (b) have lifting holes grouted and joints sealed with gaskets;
 - (c) be provided with a cast iron cover and frame grouted to the manhole top;
 - (d) where the manhole is over 2 m in depth, be fitted with galvanized steel ladders;
 - (e) extend 150 mm above the finished grade.
- Pump stations **13. (1) Pump stations may be used to extract or transfer leachate where**
- (a) gravity systems are not feasible; and
 - (b) the use of a pump station has been approved by the Department.
- Standards for pump stations (2) Where a pump station has been approved pursuant to subsection (1), the pump station shall
- (a) be designed so as to limit unnecessary perforation of liners by collector pipes or forcemains;
 - (b) be equipped with intrinsically safe or explosion proof equipment;
 - (c) be equipped with manually initiated two speed fans to ventilate wet walls, accessible for maintenance purposes;

- (d) be mechanically ventilated at 5 volume changes per hour and 10 volume changes per hour on high speed;
- (e) meet the requirements of the Environmental Protection Act Sewage Disposal Regulations (EC298/97);
- (f) be designed to prevent overflow of leachate during station failure;
- (g) be installed in a lined excavation;
- (h) have a chamber that is pressure tested to twice the maximum achievable leachate level if the pump station is lying outside of the fill material and liner;
- (i) be constructed of materials that are corrosion resistant or readily replaceable for all infrastructure exposed to leachate or leachate gases; and
- (j) have forcemains of plastic materials such as PVC or polyethylene with a wall thickness capable of withstanding anticipated pressures, with joints tested for leaks at twice the maximum surge pressure before the forcemain is put into place.

- 14.** (1) A minimum 450 mm thick cushion layer shall be placed above the leachate collection layer. Cushion layer
- (2) The cushion layer shall be of structural fill material capable of separating the waste material from the leachate collection layer. Separation
- (3) Waste material, free of large or long objects which could cause stress to the liner, shall be placed above the cushion collection layer. Placement of waste material
- 15.** The purpose of the landfill final cover system is to Landfill final cover system
- (a) control the amount of surface water infiltration into the buried waste material;
 - (b) limit erosion and sedimentation;
 - (c) control the release of methane gas from the landfill; and
 - (d) protect the underlying waste from exposure.
- 16.** The landfill final cover system shall consist of Requirements
- (a) a grading pad;
 - (b) a low hydraulic conductivity layer; and
 - (c) a vegetative layer.
- 17.** The grading pad of the landfill final cover system shall Grading pad - interim cover pad
- (a) be a minimum of 300 mm thick;
 - (b) consist of structural fill material capable of supporting the material above; and
 - (c) allow for the lateral movement of gases.
- 18.** The low hydraulic conductivity layer of the landfill final cover system shall Low hydraulic conductivity layer
- (a) be designed to limit the surface water infiltration into the waste material; and

- (b) consist of either a flexible membrane liner manufactured of a low density polyethylene of a minimum 40 mil thickness or an equivalent flexible membrane liner approved by the Minister.
- Vegetative layer **19.** The vegetative layer of the landfill final cover system shall
- (a) serve to stabilize the final cover system from the forces of wind and water erosion;
 - (b) provide a low-maintenance surface; and
 - (c) consist of a minimum of 300 mm of topsoil with a vegetative surface.
- Settling **20.** All components of the landfill final cover system shall be designed to accommodate settling and consolidation of the waste material below so that ponding of water does not occur on the surface.
- Leachate management system **21.** (1) The leachate management system shall consist of infrastructure and monitoring systems designed to monitor, control and treat leachate prior to discharge into the surrounding environment.
- Requirements (2) Every leachate management system shall
- (a) have a leachate collection and removal network from the waste burial portion of the landfill which shall be hydraulically separated from the landfill's storm water system;
 - (b) function year round;
 - (c) function effectively during the lifespan of the landfill;
 - (d) have a means of monitoring all leachate flow;
 - (e) record both instantaneous and total flows; and
 - (f) have adequate storage capacity.
- Contaminants (3) All leachate shall be treated to remove contaminants prior to discharge into the environment and tested in accordance with the parameters set out in Schedule A.
- Discharge standards (4) The discharge standards for all leachate shall be determined by the Minister based on
- (a) the background water quality in the receiving water;
 - (b) identified current and projected uses of the receiving water;
 - (c) the Canadian Environmental Quality Guidelines;
 - (d) any other environmental quality standards or guidelines deemed appropriate by the Minister.
- Leachates (5) The corporation shall ensure that leachates are not acutely lethal as determined by the Environment Canada Rainbow Trout Acute Lethality Test (Reference Method EPS-1/RM/13, July, 1990).
- Landfill gas management system **22.** (1) Landfill gas production shall be managed to control the discharge of potentially dangerous gases into the atmosphere.

- (2) Venting or gas collection systems shall be installed to control and monitor the gas production in the landfill. Venting
- (3) All new landfills shall be assessed for the viability of energy recovery from gas production. Energy recovery
- 23.** (1) Surface water management systems shall Surface water management system
- (a) divert surface and storm water from the disposal areas of the landfill;
- (b) control run-off discharge from the landfill;
- (c) control erosion, sedimentation, siltration, and flooding;
- (d) minimize the generation of leachate; and
- (e) be tested in order to ensure compliance with the parameters set out in Schedule A.
- (2) All surface water management systems shall be hydraulically separate from the landfill's leachate management systems. Separation
- 24.** (1) The seasonal high elevation of groundwater shall be maintained at a minimum of 500 mm below the lowest point of the compacted clay liner. Groundwater management system
- (2) Groundwater lowering systems shall provide for positive drainage of the groundwater away from the landfill area. Positive drainage
- 25.** (1) The groundwater monitoring system for landfills shall be approved by the Minister and shall consist of Groundwater monitoring system
- (a) at least one groundwater monitoring well installed hydraulically above the gradient of the landfill, and at least three monitoring wells installed hydraulically below the gradient direction; and
- (b) a monitoring well system containing a sufficient number of multi-level well nests for measurement of vertical gradients.
- (2) Locations of the monitoring wells required by subsection (1) shall be sufficiently close to the active disposal area to allow early detection of contamination and implementation of remedial measures. Location of monitoring wells
- (3) All monitoring wells required by subsection (1) shall be retained throughout the lifespan of the landfill and tested in accordance with the parameters set out in Schedule A. Duration of monitoring
- 26.** (1) All landfills and composting facilities approved after the coming into force of these regulations, and the East Prince Waste Management Facility - Wellington Center, shall have a monitoring station and monitoring systems in place to Disposal material monitoring
- (a) enable inspection of material received by the landfill or composting facility; and
- (b) ensure compliance with the corporation's Program Policies.

Inspection station	(2) All landfills and composting facilities approved after the coming into force of these regulations and the East Prince Waste Management Facility - Wellington Center, shall have an inspection station and weigh scales, provided by and maintained by the corporation, at the entrance to the landfill or composting facility.
Weigh scales	(3) The scales required by subsection (2) shall provide for accurate weighing of the material to be buried or separated, according to Weights and Measures Canada Standards,
Separation distances	27. (1) The distance between the active disposal area of a landfill and the nearest residential, institutional, commercial or industrial building shall be a minimum of 750 m.
Property boundary	(2) The distance between the active disposal area of a landfill and the nearest property boundary shall be a minimum of 100 m.
Water	(3) The distance between the active disposal area and the nearest bank top or high water mark of any surface watercourse or body of water, including salt water, or to any off-site well shall be a minimum of 100 m.
Quality control programs	28. (1) The corporation shall provide to the Minister a description of the quality control programs to be carried out on all aspects of the landfill system and materials.
Quality control	(2) For specific items including, but not limited to, flexible membrane liners and low hydraulic conductivity soil components, quality control shall be carried out by an independent third party approved by the Minister to ensure that the materials are manufactured and installed as specified and in accordance with generally accepted practices and tolerances.
Landfill operation requirements	29. Operation of a landfill shall incorporate, as a minimum, the following operational requirements: <ul style="list-style-type: none"> (a) placement of cover over all exposed remaining waste at least once each day or more often as required; (b) constant supervision during the hours that the landfill is open; (c) inspection of all loads prior to unloading; (d) acceptance of only the material identified in the approval of the application to operate the landfill; (e) control and recovery of litter; (f) stabilization of exposed areas to prevent erosion and sedimentation; (g) control of dust; (h) control of vectors; and (i) placement of appropriate signage at the entrance to the landfill which shall indicate the name of the landfill, hours of operation, emergency contact, and the materials acceptable for disposal at the landfill.

30. (1) The corporation shall submit an Operation and Maintenance Manual for every landfill owned by the corporation which shall include the following:

Operation and
Maintenance
Manuals

- (a) record drawings and specifications for the landfill;
- (b) a copy of the approval including terms and conditions contained in the approval for the landfill, and any amendments to the approval;
- (c) a complete description of the operational requirements;
- (d) monitoring logs including, but not limited to, monitoring well logs, leachate treatment records, gas management records, household hazardous materials handling records, ozone depletion materials renewal records and storm water management records;
- (e) contingency plans as required by section 31;
- (f) copies of all report forms that are to be used at the site; and
- (g) disposal records which include the generator, for single generator loads, and carrier for the materials.

(2) The Operation and Maintenance Manuals shall be left on the landfill premises at all times and shall be available for inspection during operating hours.

Inspection

(3) The Operation and Maintenance Manual shall be submitted to the Minister for approval at least 30 days prior to commencement of operations.

Approval

31. The corporation shall provide a contingency plan that

Contingency plan

- (a) identifies all reasonably foreseeable emergencies, including fire, explosion, leachate leakage, spills, and bomb threats; and
- (b) describes appropriate remedial measures required to prevent damage to the landfill and the surroundings.

32. (1) The corporation shall ensure that records of the operation are completed daily and made available for inspection at all times.

Reports and records

(2) The corporation shall submit a written report to the Minister on or before June 30 of each year for the immediately preceding fiscal year ending March 31, regarding the following items:

Content

- (a) the results of leachate monitoring both pre-treatment and post-treatment including
 - (i) total flows, peak and average flows, and
 - (ii) leachate quality;
- (b) the results of gas production monitoring including total production, peak and average for landfills with landfill gas management systems;
- (c) the results of surface water monitoring and groundwater monitoring;
- (d) waste flow including
 - (i) types of materials accepted at the landfill for the period,
 - (ii) quantities of materials accepted at the landfill for the period,

- (iii) quantities of materials buried,
(iv) quantities of materials separated for reuse and recycling.
- Landfill closure plan **33.** (1) The corporation shall include, in the application for approval, a preliminary closure plan for the landfill.
- Idem*, content (2) The closure plan shall include the following:
(a) the anticipated date of closure;
(b) a description of waste that will remain as part of the closed landfill;
(c) a description of all post-closure control and monitoring programs which will be carried out at the landfill and the length of time they will be carried out;
(d) a description of any decommissioning of components of the landfill;
(e) a closure schedule; and
(f) any other information required by the Minister.
- Notification **34.** At least 180 days prior to the planned closure of a landfill, the corporation shall
(a) notify the Minister in writing of the intent to close the landfill; and
(b) include a detailed description of the final closure plan.

COMPOSTING FACILITIES

- Application **35.** (1) Sections 36 to 58 apply to all composting facilities requiring approval pursuant to section 2.
- Idem* (2) Sections 36 to 58 do not apply to
(a) backyard composting;
(b) composting undertaken according to normal farm practices and Codes of Practice established pursuant to the *Farm Practices Act*; and
(c) the processing of fish waste and sewage sludge at facilities approved by the Minister.
- Applications for approval **36.** (1) No person shall construct or operate a compost facility unless approval has been granted by the Minister.
- Information (2) Unless specifically exempted by the Minister, the corporation is to provide all information necessary to satisfy the requirements of sections 36 to 58.
- Composting facilities under 10,000 tonnes **37.** (1) Composting facilities receiving under 10,000 tonnes of compostables per year shall incorporate the following requirements:
(a) systems designed to minimize odour generation;
(b) measures to control and treat leachate and storm runoff and prevent groundwater contamination;

- (c) a groundwater and surface water monitoring plan approved by the Minister; and
- (d) removal of by-products, including residuals from the site, in a timely manner and disposal thereof in a manner acceptable to the Minister.

- (2) Composting facilities receiving under 10,000 tonnes of compostables per year shall have the following separation distances:
- (a) the distance between the active area and the nearest foundation of an off-site structure used for commercial, industrial, residential or institutional purposes shall be a minimum of 500 m;
 - (b) the distance between the active area and the nearest property boundary shall be a minimum of 30 m; and
 - (c) the distance between the active area and the nearest watercourse or body of water, including salt water, shall be a minimum of 30 m.

Separation distances, facilities under 10,000 tonnes

IN-VESSEL COMPOSTING FACILITIES

- 38.** (1) The receiving and tipping areas of in-vessel composting facilities shall be underlain by an impermeable pad, the surface of which shall be concrete or asphalt.

In-vessel composting facilities

- (2) All drainage from the impermeable pad shall be collected for treatment or for return to the process.

Drainage from impermeable pad

- (3) The receiving and tipping area shall be in an enclosed structure.

Enclosed structure
Composting area

- 39.** (1) The composting areas of in-vessel composting facilities shall be designed to fully contain the compostable organic material and all leachate which may be generated.

- (2) The containment system shall be impermeable, and the surface of the containment system shall be constructed of concrete, asphalt, steel, or other material as approved by the Minister.

Containment system

- (3) All drainage from the composting area shall be collected for treatment or for return to the process.

Drainage

- 40.** (1) The curing area of in-vessel composting facilities shall be underlain by an impermeable pad, the surface of which shall be concrete or asphalt.

Curing area

- (2) All drainage from the impermeable pad shall be collected for treatment or for return to the process.

Drainage

- (3) All curing areas shall utilize permanent roof structures or other proven management techniques to control moisture and minimize odour and leachate generation.

Roof

Leachate management systems	<p>41. (1) Leachate management systems for in-vessel composting facilities shall be developed which shall consist of infrastructure and monitoring systems designed to</p> <ul style="list-style-type: none"> (a) collect; (b) monitor; (c) control; and (d) treat <p>leachate prior to being discharged into the surrounding environment.</p>
Requirements	<p>(2) Leachate management systems shall</p> <ul style="list-style-type: none"> (a) have a leachate collection and removal network in the active area; (b) function year round; and (c) have a means of monitoring all treated leachate discharges.
Discharge standards	<p>(3) The discharge standards for all leachate shall be determined by the Minister based on</p> <ul style="list-style-type: none"> (a) the background water quality in the receiving water; (b) identified current and projected uses of the receiving water; (c) the Canadian Environmental Quality Guidelines; and (d) any other environmental quality standards or guidelines deemed appropriate by the Minister.
Biological test methods	<p>(4) The corporation shall ensure that leachate shall not be acutely lethal as determined by the Environment Canada Rainbow Trout Acute Lethality Test (Reference Method EPS-1/RM/13, July, 1990).</p>
Surface water management	<p>42. (1) The corporation shall submit, for approval from the Minister, a surface water monitoring program for in-vessel composting facilities.</p>
Extent	<p>(2) The extent of surface water monitoring requirements will be based on the design of the composting facility.</p>
Surface water monitoring program	<p>(3) The surface water monitoring program shall</p> <ul style="list-style-type: none"> (a) divert surface and storm water from the active areas; (b) control run-off discharge from the composting facility; (c) control erosion, sedimentation, siltration, and flooding; and (d) minimize the generation of leachate.
Groundwater management	<p>43. (1) The corporation shall submit, for approval from the Minister, a groundwater monitoring program for in-vessel composting facilities.</p>
Extent	<p>(2) The extent of groundwater monitoring requirements will be based on the design of the composting facility.</p>
Requirements where no roof	<p>(3) Where any of the active area is not protected from precipitation with permanently constructed roof structures, the groundwater monitoring program shall include</p>

- (a) at least one groundwater monitoring well installed hydraulically above the gradient of the active area and at least three monitoring wells installed hydraulically below the gradient direction;
- (b) a monitoring well system including a sufficient number of multi-level well nests for measurement of vertical gradients.

(4) The location of every monitoring well required by subsection (3) shall be sufficiently close to the active area to allow early detection of contamination and implementation of remedial measures.

Location of monitoring

(5) Every monitoring well required by subsection (3) shall be retained throughout the lifespan of the composting facility.

Duration of monitoring

44. (1) Mechanical ventilators for in-vessel composting facilities shall be provided for the composting area, areas for the storage of compostable organic feedstock and any other area containing readily putrescible materials such as the storage room for residuals.

Odour control systems

(2) All areas referred to in subsection (1) shall be under a negative atmospheric pressure in order to avoid the escape of odours.

Negative pressure

(3) All ventilation air shall be subject to a treatment system designed to remove odours prior to release into the environment.

Ventilation air

(4) The corporation shall provide a building ventilation system with a capacity for at least 12 air exchanges per hour in every active composting area.

Aeration system

45. (1) The distance between the active area of an in-vessel composting facility and the nearest residential or institutional building shall be a minimum of 500 m.

Separation distances

(2) The distance between the active area and the nearest commercial or industrial building shall be a minimum of 250 m.

Distances, commercial, industrial

(3) The distance between the active area and the nearest property boundary shall be a minimum of 100 m.

Property boundary

(4) The distance between the active area and the nearest watercourse or body of water, including salt water, shall be a minimum of 50 m.

Water course or body

OPEN WINDROW COMPOSTING FACILITIES

46. (1) The receiving and tipping area of open windrow composting facilities shall be underlain by an impermeable pad, the surface of which shall be concrete or asphalt.

Receiving and tipping area

(2) All drainage from the impermeable pad shall be collected for treatment or for return to the process.

Drainage

(3) The receiving and tipping area shall be in an enclosed structure.

Enclosed structure

Composting area	47. (1) The composting areas of open windrow composting facilities shall be underlain by an impermeable pad, the surface of which shall be concrete or asphalt.
Drainage	(2) All drainage from the impermeable pad shall be collected for treatment or for return to the process.
Enclosed structure	(3) All composting areas shall utilize permanent roof structures or proven management techniques in order to control moisture and to minimize odour and leachate generation.
Curing area	48. (1) The curing areas of open windrow composting facilities shall be underlain by an impermeable pad, the surface of which shall be concrete or asphalt.
Drainage	(2) All drainage from the impermeable pad shall be collected for treatment or for return to the process.
Odour and leachate	(3) All curing areas shall utilize permanent roof structures or proven management techniques to control moisture and to minimize odour and leachate generation.
Surface water management	49. Surface water management systems of open windrow composting facilities shall <ol style="list-style-type: none">divert surface and storm water from the active areas;control run-off discharge from the open windrow composting facility;control erosion, sedimentation, siltration, and flooding; andminimize the generation of leachate.
Groundwater monitoring program	50. (1) Every open windrow composting facility shall undertake a groundwater monitoring program consisting of <ol style="list-style-type: none">at least one groundwater monitoring well installed hydraulically above the gradient of the active area, and at least three monitoring wells installed hydraulically below the gradient direction; anda monitoring well system including a sufficient number of multi-level well nests for measurement of vertical gradients.
Location of monitoring	(2) The location of every monitoring well required by subsection (1) shall be sufficiently close to the active area to allow early detection of contamination and implementation of remedial measures.
Duration of monitoring	(3) Every monitoring well required by subsection (1) shall be retained throughout the lifespan of the composting facility.
Odour control	51. (1) The corporation shall provide the Minister with detailed management techniques for the control of odours from the composting process of every open windrow composting facility owned by the corporation.

- (2) All open windrow facilities which
- (a) include more than 1,000 tonnes annually of food waste in their feedstock; or
 - (b) exceed 10,000 tonnes annually of total feedstock,
- shall provide atmospheric dispersion modelling to determine the potential for odour at the property boundary and other receptors near the open windrow composting facility.
- (3) The modelling shall
- (a) categorize the compounds which could result in odour; and
 - (b) establish odour concentrations at the property boundaries and other receptors.
- (4) Baseline odour concentrations of open windrow composting facilities described in subsection (2) shall meet the requirements of the Minister and shall be used in testing for odours after the open windrow composting facility is in operation.
- 52.** (1) The distance between the active area of open windrow composting facilities and the nearest structure, including residential, institutional, commercial or industrial buildings, shall be a minimum of 500 m.
- (2) Where the open windrow composting facility
- (a) includes more than 1,000 tonnes annually of food waste in its feedstock; or
 - (b) exceeds 10,000 tonnes annually of total feedstock,
- the separation distance shall be a minimum of 1,000 m.
- (3) The distance between the active area of an open windrow composting facility and the nearest property boundary shall be a minimum of 100 m.
- (4) The distance between the active area and the nearest watercourse or body of water, including salt water, shall be a minimum of 30 m.
- 53.** (1) Subject to subsection (2), the corporation shall ensure that every composting facility operated by the corporation incorporates all compostable organic feedstock into the composting process the same day that it is delivered to the site.
- (2) Where feedstock, except leaf and yard waste feedstock, is not incorporated into the composting process in the same day it is received at the composting facility, it shall be stored in an enclosed area with a mechanical system for the capture and treatment of odorous emissions.
- (3) Every composting facility shall have constant supervision during the hours that it is open.

Atmospheric dispersion modelling

Modelling

Baseline odour concentrations

Separation distances

Exception - food waste, feedstock

Property boundary

Watercourse

Composting facility objective

Feedstock

Supervision

Approved feedstock	(4) Every composting facility shall accept only the feedstock identified in the approval.
Residual products	(5) Any residual products associated with the composting operation shall be disposed of by the corporation in a manner acceptable to the Minister.
Litter	(6) Litter shall be controlled on the entire composting facility site.
Exposed areas	(7) Exposed areas shall be stabilized to prevent erosion and sedimentation.
Dust	(8) Dust particulate emission shall meet the Ministerial requirements for particulate emissions as prescribed by the Environmental Protection Act Air Quality Regulations (EC377/92).
Vectors	(9) Vectors shall be controlled in accordance with a control plan approved by the Minister.
Signs	(10) Signs shall be placed at the entrance to the site indicating the name of the facility, hours of operation, emergency contact, and the materials acceptable at the site.

COMPOST REPORTING REQUIREMENTS

Operation and Maintenance Manual	<p>54. (1) The corporation shall submit an Operation and Maintenance Manual for every composting facility owned by the corporation which shall include the following:</p> <ul style="list-style-type: none"> (a) record drawings and specifications for the composting facility; (b) a copy of the approval including terms and conditions of the approval for the composting facility; (c) a complete description of the operational practices and procedures; (d) a description of measures to control and monitor the aeration of the compost to ensure that the oxygen content in the compost material is sufficient to prevent the composting mass from becoming anaerobic; (e) a description of measures to control the aeration, blending and mixing of the compost to minimize odorous emissions from the composting operation as well as raw material and compost storage; (f) a description of monitoring programs including sampling protocols, locations and frequency for monitoring wells, leachate treatment and storm water management systems; and (g) contingency plans as required by subsection 55(1).
Inspection	(2) The Operation and Maintenance Manual shall be left on site at all times and shall be available for inspection during operating hours.

(3) The Operation and Maintenance Manual shall be submitted to the Minister for approval at least 30 days prior to commencement of operation. Approval

55. (1) Contingency plans for composting facilities shall identify all reasonably foreseeable emergencies including fire, explosion, leachate leakage or spills and shall describe appropriate responses to prevent an adverse affect on the surrounding environment. Contingency plans

(2) The corporation shall provide contingency plans addressing problems associated with vectors, groundwater contamination, equipment failure, odour generation, and complaints. Contents

56. (1) The type and frequency of monitoring and reporting requirements for composting facilities shall be specified in the terms and conditions of the approval. Monitoring

(2) The corporation shall submit for Ministerial approval an annual report which shall include the following information: Annual report

- (a) surface water monitoring and groundwater monitoring quality data;
- (b) feedstock flow including
 - (i) types of materials accepted at the composting facility for the period,
 - (ii) quantities of materials accepted at the composting facility for the period;
- (c) quantities of materials composted;
- (d) quantities of materials rejected and sent for disposal;
- (e) compost quality testing results; and
- (f) complaint records.

(3) The corporation shall record and respond to complaints regarding the composting operation. Log book *re* complaints

(4) Each complaint and associated measures taken by the corporation shall be recorded in a log book including Record of complaints

- (a) a description of the complaint and the date and time it was received by the corporation;
- (b) wind direction, wind speed, temperature, humidity and other atmospheric conditions at the time of the occurrence which resulted in a complaint; and
- (c) a description of the measures taken to address the cause of the complaint.

57. (1) All compost Compost classification

- (a) shall be classified in accordance with the criteria identified in the CCME Guidelines; and

	(b) shall meet all criteria as established for foreign matter, maturity, pathogens and trace elements set out in Schedule B of these regulations.
Testing	(2) Testing of the compost quality shall be completed for every 1,000 tonnes of compost produced or every three months, whichever occurs earlier, and conducted in accordance with the minimum testing procedures identified in section 4 of the CCME Guidelines.
Classification	(3) Compost which meets the criteria established in the CCME Guidelines as Category B shall be classified in accordance with metal concentrations, product maturity, amount of foreign matter, organic matter content, pH and salinity.
Hazardous or special waste	(4) Compost which is tested and classified as a hazardous or special waste shall be handled and treated in accordance with the requirements of the Act.
Category A compost	58. (1) Compost which meets the criteria established in the CCME Guidelines as Category A may be used in accordance with the uses stated in the CCME Guidelines for Category A compost.
Category B compost	(2) Use of compost which meets the criteria established in the CCME Guidelines as Category B may be used in accordance with the uses stated in the CCME Guidelines for Category B.
Food crops	(3) Notwithstanding subsection (2), no person shall use Category B compost on food crops.

C & D DISPOSAL SITES

Approval not required	59. An approval is not required for a C & D disposal site for the disposal of soil, bricks, mortar, concrete, asphalt pavement, trees, stumps, root balls, and rock, excluding rock containing a sulphide bearing material where <ul style="list-style-type: none"> (a) the materials are placed in an excavation pit approved pursuant to the Environmental Protection Act Excavation Pits Regulations (EC753/90); (b) the quantity being disposed of is less than 30 cubic metres; (c) the disposal is conducted by a person not involved in the business of C & D debris disposal; and (d) the disposal is of a private, non-commercial nature.
Applications	60. (1) Applications for approval to construct or operate a C & D disposal site shall be accompanied by a report documenting the design described in section 62 and other supporting documentation as may be requested by the Minister.

(2) Unless specifically exempted by the Minister, every person seeking approval for a C & D disposal site shall provide all information required by section 62. Exemption

61. (1) Every person who owns a C & D disposal site shall ensure that the site is selected, designed, constructed and operated so that it protects the environment during the life span of the C & D disposal site. C & D disposal sites

(2) A person who generates debris shall employ all reasonable and practical means, including source reduction, reuse or recycling, in order to divert C & D debris from being disposed of at a C & D disposal site. Diversion of debris

62. (1) Every owner of a C & D disposal site shall ensure the C & D disposal site incorporate the following design requirements: Design requirements

- (a) a minimum of 1 metre of soil with a hydraulic conductivity of 1 x 10⁻⁵ cm/sec or less between the lowest elevation of any of the waste and the highest elevation of the groundwater or bedrock;
- (b) a plan for the placement of cover on the debris;
- (c) a controlled site entry and exit infrastructure;
- (d) a drainage plan for surface water including control infrastructure (sedimentation ponds);
- (e) appropriately designed road surfaces;
- (f) signs which indicate the name of the C & D disposal site, hours of operation, emergency contacts and all materials acceptable for disposal at the C & D disposal site;
- (g) ground water monitoring wells including at least one groundwater monitoring well installed hydraulically above the gradient of the site and at least three monitoring wells installed hydraulically below the gradient direction;
- (h) weigh scales approved and functioning pursuant to Weights and Measures Canada Standards, for the purpose of weighing C & D debris received at the C & D disposal site;
- (i) a minimum separation distance of 30 m from the active disposal area to the nearest property boundary or to the road allocation of any common or public highway;
- (j) a minimum separation distance of 30 m from the active disposal area to the nearest bank top or high water mark of any surface water course or body of water, including salt water, or to any off-site well; and
- (k) a minimum separation distance of 150 m from the active disposal area to the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes.

(2) The Minister may require additional design features including, but not limited to, liner systems, leachate management systems and other control infrastructure. Additional requirements

Basis for additional requirements	<p>(3) Additional requirements may be based on the volume of material to be disposed of at the C & D disposal site, the environmental sensitivity of the area or the nature of the materials to be accepted at the C & D disposal site.</p>
Operational requirements	<p>63. (1) Every owner of a C & D disposal site shall ensure that the C & D disposal site incorporates, as a minimum, the following operational requirements:</p> <ul style="list-style-type: none"> (a) placement of cover material in accordance with the plan for cover placement approved by the Minister; (b) direct supervision during the hours that the C & D disposal site is open and is accepting materials; (c) inspection of all loads by the supervisor of the C & D disposal site prior to unloading; (d) acceptance of only C & D debris; (e) no acceptance of industrial waste unless otherwise approved by the Minister in the terms and conditions of the approval; (f) no acceptance of remaining waste, compostables, or recyclables; (g) no acceptance of liquid wastes; (h) litter is controlled; (i) stabilization of exposed areas to prevent erosion and sedimentation; (j) dust, odours and noise are controlled; (k) detailed records are kept which include the generator name, the carrier name and the quantity and types of the materials disposed of or stored; (l) records shall be maintained at the C & D disposal site for a minimum of two years and be available for inspection upon request;
Monitoring program	<p>(2) The owner of the C & D disposal site shall conduct a groundwater and surface water monitoring program at the site.</p>
Groundwater	<p>(3) The owner of the C & D disposal site shall submit a written report to the Minister on or before March 31 of each year for the immediately preceding calendar year, identifying the quantities and types of material disposed of at the owner's C & D disposal site.</p>
Report of material disposed	<p>(4) If additional recycling components are utilized at the C & D disposal site, the quantities of these materials shall also be reported.</p>
Water monitoring program	<p>(5) The owner of the C & D disposal site shall annually report to the Minister the results of the groundwater and ground and surface water monitoring program.</p>
Security	<p>(6) The Minister may require that privately owned, commercially operated C & D disposal sites post financial security.</p>

64. (1) Every owner of a C & D disposal site shall prepare an Operation and Maintenance Manual for each C & D disposal site owned.

Operation and
Maintenance
Manual
Requirements

(2) The Operation and Maintenance Manual required by subsection (1) shall include the following:

- (a) record drawings and specifications of the C & D disposal site;
- (b) a complete description of the operational procedures;
- (c) monitoring well logs and surface water monitoring logs, including the location plans showing the monitoring points;
- (d) contingency plans to deal with any waste not acceptable for disposal;
- (e) contingency plans to deal with emergency issues including but not limited to fire, explosions and spills;
- (f) procedures for the maintenance of disposal records including the names of the generator and carrier of the materials; and
- (g) a copy of the approval, including all terms and conditions of the approval.

(3) The Operation and Maintenance Manual shall be submitted to the Minister for approval at least 30 days prior to commencement of operation.

Approval

(4) The Operation and Maintenance Manual shall be kept on site at all times and shall be available for inspection.

Inspection

RECYCLING PLANTS

65. No person shall construct or operate a recycling plant unless approval has been obtained from the Minister.

Prohibition

66. Every person who operates a recycling plant shall, in respect of every recycling plant operated by the person

Requirements

- (a) record the received weight the processed weight, and the shipped weight of the recyclables processed at the recycling plant; and
- (b) submit a written report to the Minister, with a copy to the corporation, on or before June 30 of each year for the preceding fiscal year ending March 31.

67. (1) The report required by clause 66(b) shall state

Report

- (a) the weight in kilograms of each type of recyclable processed at the plant for the year covered by the report; and
- (b) the weight in kilograms of each type of recyclable not processed at the plant for the year covered by the report.

(2) Where a recyclable is reported pursuant to clause (1)(b) as not having been processed, the report shall indicate

Recyclables not
processed

- (a) why the recyclable was not processed;
- (b) how the recyclable was disposed of, if it was; and

(c) what action is being taken by the person to ensure proper processing of all recyclables into reusable products.

OFFENCE

Offence **68.** Every person who operates a landfill, recycling plant, composting facility, or C & D disposal site that is not in compliance with these regulations is guilty of an offence.

Commencement **69.** These regulations come into force on January 1, 2001.

**SCHEDULE A
GROUNDWATER, LEACHATE, AND SURFACE WATER
MONITORING PARAMETERS**

PARAMETER				
Parameter Group	Column 1	Column 2	Column 3	Column 4
	Comprehensive List for Groundwater and Leachate	Indicator List for Groundwater and Leachate	Comprehensive List for Surface Water	Indicator List for Surface Water
Inorganics				
	Alkalinity	Alkalinity	Alkalinity	Alkalinity
	Ammonia		Ammonia	Ammonia
	Arsenic		Arsenic	
	Barium		Barium	
	Boron		Boron	
	Cadmium	Cadmium	Cadmium	
	Calcium	Calcium		
	Chloride	Chloride	Chloride	Chloride
	Chromium		Chromium	
	Conductivity	Conductivity	Conductivity	Conductivity
	Copper		Copper	
	Iron	Iron	Iron	
	Lead	Lead	Lead	
	Magnesium	Magnesium		
	Manganese			
	Mercury		Mercury	
	Nitrate	Nitrate		Nitrate
	Nitrite		Nitrite	Nitrite
	Total Kjeldahl Nitrogen		Total Kjeldahl Nitrogen	Total Kjeldahl Nitrogen
	pH	pH	pH	pH
	Total Phosphorus		Total Phosphorus	Total Phosphorus
	Potassium	Potassium		
	Sodium	Sodium		
	Suspended Solids	Suspended Solids	Suspended Solids	Suspended Solids
	Total Suspended Solids	Total Suspended Solids	Total Suspended Solids	Total Suspended Solids
	Sulphate	Sulphate	Sulphate	Sulphate
	Zinc		Zinc	
Volatile Organics				
	Benzene			
	1,4 Dichlorobenzene			
	Dichloromethane		Dichloromethane	
	Toluene		Toluene	
	Vinyl Chloride			
Other Organics				

			Biochemical Oxygen (BOD)	Biochemical Oxygen (BOD)
	Chemical Oxygen Demand	Chemical Oxygen Demand	Chemical Oxygen Demand	Chemical Oxygen Demand
	Dissolved Organic Carbon	Dissolved Organic Carbon	Dissolved Organic Carbon	
	Phenol		Phenol	Phenol

Field Parameters				
			Temperature	Temperature
	pH	pH	pH	pH
	Conductivity	Conductivity	Conductivity	Conductivity
			Dissolved Oxygen	Dissolved Oxygen
			Flow	Flow

**SCHEDULE B
CONCENTRATIONS OF TRACE ELEMENTS IN COMPOST*:**

	CATEGORY A	CATEGORY B
Trace Elements	Maximum Concentration within Product (mg/kg dry weight)	Maximum Concentration within Product (mg/kg dry weight)
Arsenic (As)	13	75
Cadmium (Cd)	3	20
Cobalt (Co)	34	150
Chromium (Cr)	210	1060**
Copper (Cu)	100	760**
Mercury (Hg)	0.8	5
Molybdenum (Mo)	5	20
Nickel (Ni)	62	180
Lead (Pb)	150	500
Selenium (Se)	2	14
Zinc (Zn)	500	1850

*See CCME Guideline for maximum cumulative additions to soil.

** See CCME Guideline for further description of these values.

SCHEDULE C

QUALITY CONTROL / ASSURANCE PROGRAM

1.0 PURPOSE

1.1 Quality Control

1. For the purpose of this specification, quality control shall be defined as a planned system of inspection and tests to directly monitor and control the quality of the work.
2. The applicant shall submit a quality control, inspection and test program for all landfill components.
3. The applicant shall employ a quality control inspector (Inspector) who may be the same person as the installation supervisor.

1.2 Quality Assurance

1. For the purpose of this specification, quality assurance is defined as a planned system of activities, carried out by the applicant or his representative, that provides assurance that the landfill components were manufactured and installed as specified.
2. The quality assurance program shall include tests similar to those carried out for quality control.

2.0 GEOMEMBRANE

2.1 General

Geomembrane shall be tested for both manufacture and installation. Both destructive and non-destructive tests shall be used.

2.2 Geomembrane Testing

1. A minimum of one complete set of quality control tests on geomembrane rolls shall be performed at the frequencies given in Table 1 to verify that all other specified parameters are in compliance with the material specifications.
2. Test samples which fail to meet strength and environmental specifications shall result in rejection of applicable rolls. Further testing on geomembrane manufactured from the same resin batch shall be conducted to determine acceptability.
3. A quality assurance consultant shall confirm that required quality control has been done and shall certify the quality of the geomembrane, prior to delivering. A quality control certificate is required for each batch of resin and each production shift. The certificate shall include:

- Product Identification
- Roll Numbers
- Sampling Procedures
- Test Methods
- Test Results (including Environmental Stress Cracking or single-point Notched and Constant Tensile Load Time to Failure test data)
- Signature of Responsible Party

The consultant may also request that all production line records be submitted for review.

4. The consultant shall have authority to visit the manufacturing facility at any time to witness production and quality control testing, examine production records and take independent samples.

2.3 Non-Destructive Testing

1. Test Seams (Start-up) - Test seams shall be made to verify that adequate conditions exist for field seaming to proceed. Each seaming apparatus shall produce a test seam at the beginning of each shift. In addition, if a seaming operation has been suspended for more than four hours, or after every 5 hours or if a breakdown of the seaming equipment occurs, a test seam shall be produced prior to resumption of seaming operations.

Test seams shall be made in the field on pieces of the approved geomembrane. Each test seam shall be at least 1.5 m long x 300 mm wide for extrusion and 3 m long by 300 mm wide for fusion, with sufficient overlap for peel testing in the field tensiometer.

Two samples 25 mm wide shall be taken from each end of the test seam using an approved template. The samples shall be tested in the field tensiometer, one from each end in peel and shear respectively. Samples tested in peel shall not fail in the seam. All test samples shall exhibit film tear bond and strength as defined under seam properties, Table 1.

**TABLE 1
GEOMEMBRANE**

Material Property	Minimum Average Roll Values (Metric)	
	1.5 mm(60 mils)	
Nominal Thickness	Units	Value
Thickness, ASTM D751, NDF Mod., Nominal	mm	200
Indent Lowest Individual Reading	mm	137
Density, ASTM D1505	g/cm ³	0.940
Melt Flow Index, ASTM D1238 Cond. E. Max.	g/10 min.	1.0
Carbon Black Content, ASTM D1603	percent	2.0 - 3.0
Carbon Black Dispersion, STM D3015	rating	A2
Minimum Tensile Properties, STM D638 Stress at Yield	N/cm	231
Stress at Break	N/cm	399
Stress at Yield		
nominal gage of 1.30" per NSF Mod.	percent	13
Stress at Break		
nominal gage of 2.5" per NSF Mod.	percent	560
Tear Resistance, ASTM D1004	N/cm	1230
	N	200
Puncture Resistance, FTMS 101, 2065	N/cm	2280
	N	347
ESCR, ASTM D1693, NSF Mod., Pass	hours	1500
Dimensional Stability, ASTM D1204, NSF Mod., Max.	percent	2.0
Low Temperature Brittleness	C	-60
Single-Point Notched Constant Tensile Load time to Failure	(hr)	200
Field Seam Properties		
1. Shear Strength	N/cm	212
2. Peel Strength	N/cm	FTB and 139

1. Film Tear Bond (FTB) is defined as failure of one of the sheets by tearing, instead of separating from the welded seam - that test specimen shall not fail by more than 10% into the seam. For double hot wedge fusion welded seam, both inside and outside tracks shall be tested.

If the seam fails to pass, the seaming apparatus shall not be used for field seaming until any deficiencies have been corrected. This shall be verified by the production and successful testing of two consecutive test seams.

2. Vacuum Testing - All extrusion welded seams and "T" seams shall be evaluated using vacuum box testing.

A sudsy soap solution shall be applied to the test section and the vacuum box placed over the section. The vacuum box shall maintain at least .2 bar vacuum during the test. Once a tight seal has been established, the test section shall be viably examined for a period of not less than 10 seconds to determine whether bubbling of the soapy solution at the seam is occurring. The vacuum box is then moved and the process is repeated on the next adjacent section. A minimum of 100 mm overlap shall be provided between all test sections.

All locations where bubbling of the sudsy solution is observed shall be clearly marked for repairs with a high visibility marker and recorded by number on field test reports. Any failed portion of seam shall be repaired and retested.

3. Air Pressure Testing - Double wedge welded seams shall be sealed off at both ends. If the end of a seam will be an integral part of the geomembrane, the sealing shall be done in such a way that it does not harm the function of the geomembrane. The pressure feed device shall be inserted into the air channel at one end of the seam and pressurized to 1.5 - 2.0 bars. The feed valve shall be closed and the pressure sustained for a period of not less than 3 minutes. The pressure shall then be released by slitting the air channel at the opposite end of the seam. The inspector shall observe the drop in pressure on the manometer to verify the continuity of the air channel.

If a pressure loss of greater than .2 bar is observed or if the required pressure cannot be reached, then the seam shall be rejected, and shall be either reconstructed in its entirety or the leak located and patched. The entire seam shall then be retested according to the procedure outlined above.

4. All seams shall be non-destructively tested by the installer over their full length to verify the integrity of the seam. Non-destructive testing shall be performed concurrently with field seaming. All non-destructive testing shall be observed and documented by the inspector.

5. Seams failing a test shall be repaired and retested.

6. Where there are cap seams which cannot be subjected to a non-destructive test using geomembrane of the same batch under the supervision of the inspector, test the cap seams. Alternatively, remove the seam and adjacent geomembrane panel, replace and test.

2.4 Destructive Testing

1. Destructive testing of field seams shall be performed at selected locations in order to verify seaming properties. All sampling and testing shall be done concurrently with field seaming so that verification of field seam properties is made as the work progresses and corrective action implemented, if necessary.
2. Test samples shall be taken at an average frequency of one test location per 150 m of seam. Sample locations shall be determined by the inspector taking into consideration the difficulty of subsequent repair and testing.
3. Samples shall be cut under the direction of the inspector. Each sample shall be indelibly numbered and identified. Each sample shall be identified with the sample number, seam number, panel number, date, name of welding technician, and welding equipment number.
4. The inspector may increase the amount of destructive testing based on the results of previous testing. Additional samples may also be required when the inspector has reason to suspect the presence of excess crystallinity, contamination, faulty seaming equipment or any reason affecting seam quality.
5. The test sample shall measure approximately 300 mm wide by 1.0 metre long with seam centred lengthwise along the sample.
6. Twenty-five (25) mm wide sample strips shall be cut from the sample using an approved die, and tested by an on-site tensiometer. Two 25 mm wide samples shall be taken from each end for shear and peel testing. The seam shall not fail either test as specified in Section 2.3.
7. The remaining sample shall be tested in an independent tensiometer to qualify seam strength properties and Film Tear Bond (FTB) according to the procedures outlined in this section.

The inspector shall cut ten (10) 25 mm wide replicate specimens from the sample and shall test 5 specimens for seam shear strength and 5 for peel strength. To be acceptable, 5 out of the 5 replicate specimens must pass for each mode of testing. All specimens must fail in Film Tear Bond (FTB); any specimen that fails through the weld, or by adhesion at the weld-sheet interface, is a non-film Tear Bond break and shall be considered a failure.

8. The test method and procedures to be used by the inspector shall employ a grip separation rate of 50 mm/min for peel and shear.
9. The area from which the destructive test sample was taken shall be repaired without delay and shall be non-destructively tested by vacuum box as described in Section 2.3.2.

2.5 Inspection and Acceptance

1. As the work progresses, the inspector shall document all locations requiring repair work and shall verify and document that all repairs have been successfully made. No work on the liner shall be allowed if the inspector is not present. This includes start-up tests, general seaming and patching, and any work on penetrations or structures.
2. Seams are only considered to be accepted after they have passed the specified non-destructive and destructive tests, and the equipment used to produce the seams

has passed the required start-up tests. If a seam fails the above criteria, the seam must be reconstructed.

3. A double hot wedge fusion seam shall be considered acceptable only when both outside and inside track welds are destructively tested and meet the specification criteria.

4. If a seam fails the destructive test, the seam may be reconstructed between the point of failure and any previously accepted test.

5. In lieu of #4 above, the installer may trace the extent of unacceptable seam. Take 25 mm samples at minimum 3 metre distance on each side of failed section. Test in both shear and peel. If one or both tests fail, continue along seam at minimum 3 metre increments. Continue until tests indicate pass results. Then take large samples for field laboratory tensimeter testing. If field laboratory tests pass, make repairs - if they fail, continue.

6. Reconstruction or repair of failed seam lengths shall be either by capping of the failed seam (extrusion or fusion weld) or, in the case of a double fusion weld, by extrusion fillet welding the overlap to the bottom sheet. Cutting off the overlap and topping the failed fusion weld with extrudate will not be permitted.

7. If the overlap of the outside (i.e. visible) weld is less than 30 mm, extrusion welding of the overlap to the bottom sheet in the failed section will not be permitted.

8. Continuity of all reconstructed seams shall be subject to non-destructive testing. If reconstructed length exceeds 50 m, sample shall be taken for laboratory destructive testing.

9. The entire geomembrane surface shall be examined by the inspector to confirm that it is free of any defects, blisters, undispersed raw materials, or contamination by foreign matter. The geomembrane surface shall be cleaned, if required, so that it is free of dust, mud, debris or any other material which may inhibit a thorough examination of the surface. Any suspect areas shall be clearly marked by the inspector and non-destructively tested according to the appropriate specified testing procedure.

10. Overburden shall not be applied to any portion of the liner system until that portion system is inspected and has been approved.

11. Gouges or scratches associated with grinding or from other sources whose depths is in excess of 10% of the geomembrane thickness shall be classified as defects and will require appropriate repairs in accordance with these specifications.

12. Small tears, wrinkles or pinholes shall be repaired by seaming or patching. Other areas shall be patched or capped.

13. Patches shall be round or oval, of the same material and thickness, and shall extend a minimum of 150 mm beyond the damaged or faulty area in all directions.

14. Geomembrane surfaces to be patched, shall be abraded, in accordance with these Specifications. Surfaces must be clean and dry.

15. Use approved extrusion welding equipment.

16. All repairs shall be non-destructively tested.

17. Cut and repair any large wrinkles or "fishmouths" identified by the inspector.

3.0 COMPACTED CLAY LINER

3.1 Compacted Clay Liner Quality Control

Quality control of low permeability fill material and placement shall be based on the following minimum procedures and criteria:

1. Prior to constructing the compacted clay liner, a test section shall be constructed in two lifts to the specified thickness, consisting of not less than three panels 3 m wide and 10 m long.
2. Mixing methods shall be modified as necessary to achieve specified coefficient of permeability.
3. Placement and compaction methods shall be modified as necessary to achieve specified coefficient of permeability.
4. Samples and measurements of test section shall be taken. Physical parameters to be tested in the laboratory include grain size, moisture content, Atterberg Limits, moisture density relationship and hydraulic conductivity. Compacted in-situ density (by Nuclear Method ASTM D2922) and permeability by air entry infiltrometer shall be measured.
5. The method of construction, verified by the applicant shall then be submitted to the Department of Fisheries, Aquaculture and Environment. Once submitted, no deviation from the method of construction will be allowed by the contractor unless written approval is obtained from the Minister.
6. The installer shall employ a certified geotechnical company with laboratory testing capabilities that can supply the qualified personnel and equipment necessary to perform the required tests.
7. The geotechnical company shall perform all required tests on the compacted clay liner material at the mixing/stockpile area. The results of these tests shall be approved prior to the material being used for liner construction.
8. The geotechnical company shall perform all tests on the compacted clay liner subgrade. The results of these tests shall be available for inspection as required.
9. The geotechnical company shall perform all required tests on the compacted clay liner material while it is being placed, and after it is complete, as defined in this specification. The results of these tests shall be submitted for approval immediately upon completion of the Test.
10. The geotechnical company shall certify that all specified requirements are met.

3.2 Compacted Clay Liner Quality Assurance

1. Quality Assurance of compacted clay liner material and placement shall be based on the following minimum procedures and criteria:

1. An independent inspector shall perform all required tests on the compacted clay liner material at the stockpile area. The results of these tests shall be submitted for approval prior to the material being used for liner construction.

2. The inspector shall perform all required tests on the compacted clay liner material while it is being placed, and after it is complete. The results of these tests shall be submitted for approval immediately upon completion of the tests.
3. The average results of any ten consecutive density tests shall be equal to or greater than the specified density.
4. Results of not more than two in any ten consecutive density tests may be less than the specified density.
5. Results of any ten consecutive moisture content tests shall be within the specified moisture content limits.
6. Results of not more than two in any ten consecutive moisture content tests may lie outside the specified content limits.
7. Permeability evaluated from results of tests shall be equal to or less than the specified permeability.
8. Average of results of any ten consecutive grain size tests shall be within the specified limits for grain size.
9. The testing shall include the items identified in Table 2 as a minimum:

**TABLE 2
COMPACTED CLAY LINER TESTING**

ITEM	TESTING	MINIMUM FREQUENCY
Clay Prior to Placement	Moisture Content	750 m ³
	Moisture-density curve	1 test/4000 m ³
	Grain Size	1 test/750 m ³
	Atterberg Limits (liquid limit and plasticity index)	1 test/4000 m ³
	Lab permeability (remolded samples)	1 test/7500 m ³
In Place Liner	Density	Every 200 m ² of exposed lift surfaces
	Moisture Content	100 m ³
	Atterberg Limits (liquid limit and plasticity index)	2 tests/hectare/lift
	Grain size (to the 2-micron particle size)	2 tests/hectare/lift
	Moisture-density curve	1,500 m ³ or a minimum of 1 every 3 days placement
	Laboratory permeability of undisturbed soil sample	2 tests/hectare/lift - undisturbed Shelby sample
	In-situ permeability	5 tests/hectare/lift - undisturbed Shelby sample

10. Any portions of the completed liner which do not achieve compacted dry density and moisture contents in the range specified shall be replaced.

2. Method of testing of the compacted clay liner shall be as follows:

1. The maximum density of low permeability fill and the optimum water content for compaction will be determined in accordance with ASTM D698, Method D.
2. Bulk density will be determined in the field in accordance with ASTM D2922 or with ASTM D1556, whichever is most suitable, to obtain a representative density of the fill tested.
3. Particle size analysis of the soil will be performed in accordance with ASTM D422.
4. Samples for hydraulic conductivity testing of the compacted soil shall be collected in thin walled Shelby tubes from the compacted liner and tested in the laboratory. Confining pressure during the permeability testing will be equal to the applicable surcharge load.

EXPLANATORY NOTE

These regulations provide for the disposal of waste pursuant to the *Environmental Protection Act*.

Certified a true copy,

Lynn E. Ellsworth

Clerk of the Executive Council

EC2000-693

PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS

(Approved by His Honour the Lieutenant Governor in Council dated 21 November 2000.)

Pursuant to sections 8 and 8.1 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

PART I INTERPRETATION

Definitions	1. In these regulations
accessory building	(a) “accessory building” means a building whose use is incidental and subordinate to, and consistent with, the main or approved use of the lot upon which the building is located;
Act	(a.1) “Act” means the <i>Planning Act</i> R.S.P.E.I. 1988, Cap. P-8;
alter	(a.2) “alter” means to make a change in the size, shape, bulk, or structure, whether interior or exterior, of a building or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement;
amusement type attraction	(a.3) “amusement type attraction” means a commercial or recreational establishment where buildings or structures have been

erected or are proposed for the purpose of amusement in the form of a circus, carnival, midway show, sideshow, or similar exhibition where one of the following classes of recreation are provided:

- (i) any mechanically or electrically operated amusement ride,
- (ii) any mechanical or electronic machine or device intended for use as a game, entertainment or amusement, or
- (iii) any petting zoo or farm;

(a.4) “approved subdivision” means a lot or lots for which final approval has been granted pursuant to section 27; approved subdivision

(b) “arterial highway” means any highway that has been designated as an arterial highway under the provisions of the Roads Act Highway Access Regulations; arterial highway

(b.1) “baymouth barrier sand dune” means a sand dune or sand spit formation situated along the perimeter coastline which is connected to the coast at one end and partially encloses a coastal bay or estuary; baymouth barrier sand dune

(b.2) “beach” means that portion of land between the ordinary or mean high water mark and the water’s edge and includes a distance of three miles seaward of the mean high water mark, and may contain sand, gravel, rock, clay or other earthen material; beach

(b.3) “buffer” means an area of land which serves to protect another area from the encroachment or effects of development; buffer

(c) “building” means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home or mobile home; building

(c.1) “building height” (in storeys) means the number of storeys contained between the roof and the floor of the first storey; building height

(c.2) “campground or RV park” means a tract or parcel of land used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called an RV park but shall not include industrial, work or construction camps or permanent mobile home parks; campground or RV park

(c.3) “central waste treatment system” means a waste treatment system as defined in the *Environmental Protection Act R.S.P.E.I.* 1988, Cap. E-9 and controlled by a public or private utility; central waste treatment system

(c.4) “central water supply system” means a water works for the collection, treatment, purification, storage, supply or distribution of water to central water supply system

- (i) five or more households, or
- (ii) a public building or place of assembly;

(d) “change of use” means change of use

	(i) the change of use of a parcel of land from one class of use to another, recognizing as standard classes residential, commercial, industrial, resource (including agriculture, forestry and fisheries), recreational, and institutional uses,
	(ii) a change in the intensity of the use of a parcel of land, structures, or buildings, within a specific class of use as described in subclause (i), including a change in the number of dwelling units,
	(iii) in relation to a road, it has the meaning set out in the Roads Act Highway Access Regulations;
child	(d.1) “child” includes a person to whom a parent has demonstrated a settled intention to treat as a child of his or her family;
cluster subdivision	(d.2) “cluster subdivision” means a grouping of lots, including road systems and utilities systems, surrounded by open space areas;
coastal area	(d.3) “coastal area” means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the province, lying within 1640 feet (500 metres) inland and seaward of the mean high water mark of all coastal and tidal waters;
collector highway	(e) “collector highway” means any highway that has been designated as a collector highway under the provisions of the Roads Act Highway Access Regulations;
commercial	(e.1) “commercial” means the use of a building or lot for the storage, display or sale of goods or services, and includes hotels, motels, inns, or rental cottages;
commercial eco-tourism use	(e.2) “commercial eco-tourism use” means the use of any land or building for any retail or service use, except any amusement type attraction, associated with the development of the Greenwich, Prince Edward Island National Park that is intended to <ul style="list-style-type: none"> (i) promote the cultural and natural history of the area without altering the integrity of the area’s ecosystem, and (ii) create economic opportunities that make the conservation of natural resources beneficial to residents of the area;
commercial tourist use	(e.3) “commercial tourist use” includes the use of any land, building, or structure for the storage, display, or sale of goods or services and includes hotels, motels, country inns, Bed & Breakfast establishments and rental cottages, but does not include campgrounds or RV parks, or amusement type attractions;
common elements	(f) “common elements” means all the property except the dwelling units within a residential recreation resort;
condominium	(f.1) “condominium” means a dwelling unit as designated under the <i>Condominium Act</i> R.S.P.E.I. 1988, Cap. C-16;

- (f.2) “deck” means a structure intended as outdoor living space, either attached or adjacent to a building; deck
- (f.3) “detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to detrimental impact
- (i) real property value;
- (ii) competition with existing businesses;
- (iii) viewscales; or
- (iv) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*;
- (g) “development” means the carrying out of any construction operation, including excavation in preparation for building, on, over or under land, or the making of material change in the use, or the intensity of the use, of any land, buildings or premises, and includes the placing of structures on, over or under land; development
- (g.1) “dwelling” means a building or portion thereof designed, arranged or intended for residential occupancy, and dwelling
- (i) “dwelling unit” means one or more rooms used or intended for domestic use of one or more individuals living as a single housekeeping unit with cooking and toilet facilities,
- (ii) “single unit dwelling” means a building containing one dwelling unit and does not include mobile homes, but does include mini homes,
- (iii) “duplex dwelling” means a building that is divided into two dwelling units,
- (iv) “multiple unit dwelling” means a building containing three or more dwelling units;
- (g.2) “entrance way” means a driveway providing access to and from a parcel of land to a road; entrance way
- (g.3) “estuary” means that portion of a surface water system where salt water mixes with, and is measurably diluted by fresh water, and extends from the area where the system meets the Northumberland Strait or the Gulf of St. Lawrence to the most inland extent of tidal water; estuary
- (h) “existing parcel of land” means any parcel of land or lot in existence prior to February 3, 1979; existing parcel of land
- (h.1) “farm parcel” means land comprising an area of 50 acres (20.2 hectares) or more including any complementary buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of livestock or production of raw dairy products, and may comprise a lesser area when operated as a farm enterprise by a *bona* farm parcel

	<i>fide</i> farmer as defined in the <i>Real Property Assessment Act</i> R.S.P.E.I. 1988, Cap. R-4;
farm dwelling	(h.2) “farm dwelling” means a single year-round residential dwelling that is located on a farm parcel, and is owned and occupied by the principal owner of the farm parcel, a person whose primary occupation is to work on the farm parcel, or the son or daughter of the principal owner of the farm parcel;
first storey	(h.3) “first storey” means the uppermost storey having its floor level not more than 6.5 feet (2 metres) above grade;
floor area	(i) “floor area” means the area provided on each of one or more levels, measured from the outside walls of the building;
forested riparian zone	(i.1) “forested riparian zone” means a strip of forested land area on the upland side of, and immediately adjacent to, a watercourse boundary or the edge of a wetland;
frontage	(i.2) “frontage” means all land abutting on one side of a highway measured along the common or actual property line;
garden suite	(i.3) “garden suite” means a temporary development consisting of a detached dwelling unit which <ul style="list-style-type: none"> (i) has a width no greater than 24 feet (7.31 metres), (ii) is no greater than one storey in height, (iii) has a roof pitch no greater than 4/12, (iv) is constructed and erected in such a manner as to be capable of being readily removed from the site, (v) does not exceed 800 square feet (92.9 square metres) in area, or is a mobile home, and (vi) is for the sole and exclusive use as an accessory dwelling to a single unit dwelling or mobile home on the same lot or parcel of land by <ul style="list-style-type: none"> (A) the parents or grandparents of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land, (B) any person who is physically or intellectually challenged or experiences a chronic disability or who, due to illness, frailty or age, requires home care, and is under the care of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land, or (C) a caregiver for a family member of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land who qualifies under paragraph (A) or (B) and who also resides in the garden suite;
grade	(i.4) “grade” (as it applies to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions

such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground;

(j) “Highway Access Regulations” means the Highway Access Regulations (EC580/95) made under the *Roads Act* R.S.P.E.I. 1988, Cap. R-15; Highway Access Regulations

(j.1) “industrial use” means the use of a building or lot for the storage, distribution, processing, assembly or recycling of wholesale products, goods or materials, or for activities relating to transportation, extraction, manufacturing, construction, warehousing, assembly or general repair; industrial use

(j.2) “institutional use” means the use of land or buildings for non-profit or public purposes including but not limited to, hospitals, government buildings, religious institutions, churches, public schools, colleges, cultural centres, libraries and public recreational and park buildings; institutional use

(j.3) “light industrial use” means use of land or buildings for fabrication, manufacturing, assembly, treatment or warehousing of goods, but does not include industrial processing or other process which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent; light industrial use

(k) “loading space” means an off-street space designed for the purpose of loading or unloading produce or materials; loading space

(k.1) “local highway” means any highway that has been designated as a local highway under the provisions of the Highway Access Regulations; local highway

(k.2) “lot” means a parcel of land which is held in separate ownership from the adjoining land, and lot

(i) “lot area” means the total area included within the lot lines,

(ii) “corner lot” means a lot situated at the junction of two or more roads where the interior angle of intersection does not exceed 135 degrees,

(iii) “lot line” means any boundary of a lot,

(iv) “flankage lot line” means, on a corner lot, the lot line that divides a lot from the road other than the road toward which the front of the main building is facing,

(v) “front lot line” means the lot line that divides a lot from the road, and in the case of a corner lot means the lot line that divides a lot from the road which the front of the main building is facing,

(vi) “rear lot line” means the lot line opposite the front lot line,

(vii) “side lot line” means a lot line other than a front, flankage, or rear lot line;

mini home	(l) “mini home” means a transportable dwelling suitable for long term occupancy, designed to be transported on wheels and axles attached temporarily for moving purposes;
mobile home	(l.1) “mobile home” means a transportable dwelling suitable for long term occupancy, designed to be transported on permanently fixed wheels, axles and chassis;
mobile home park	(l.2) “mobile home park” means a lot of land planned and developed for the placement of mobile homes and mini homes;
non-essential highway	(m) “non-essential highway” means any highway that has been designated as a non-essential highway pursuant to the Highway Access Regulations;
off-shore island	(m.1) “off-shore island” means any of the following islands: <ul style="list-style-type: none">(i) Glenfinnan Island(ii) Governor’s Island(iii) St. Peter’s Island(iv) Holman Island(v) Murray Islands:<ul style="list-style-type: none">(A) Reynolds Island(B) Herring Island(C) Cherry Island(D) Thomas Island(E) Gordon’s Island(vi) Boughton Island(vii) Grover (Ram) Island(viii) Little Courtin Island(ix) Bunbury Island(x) Bird Island(xi) Oulton’s Island(xii) Cascumpeque Sand Hills(xiii) Conway Sand Hills(xiv) Hog Island Sand Hills(xv) George Island
open space	(m.2) “open space” means that portion of a lot at ground level, unoccupied by any building or structures, that is available to all the occupants of buildings or structures on the lot, but does not include space used for service driveways, off-street parking space, or loading space;
panhandle lot	(n) “panhandle lot” means a lot that does not have the minimum frontage on a road required by these regulations, but has a driveway or right-of way connection providing access to a public road or privately owned subdivision road;

- (n.1) “parcel” means a lot, block or other division of land or property which is recognized as a separate unit of land for the purposes of these regulations; parcel
- (n.2) “parking lot” means an area of land other than a highway or access driveway, or an area within a structure, used for the parking of vehicles; parking lot
- (o) “parking space” means a space on a parking lot for the parking or storage of a vehicle; parking space
- (o.1) “perimeter coastline” means the coastal area of the Prince Edward Island landmass that borders directly on waters of the Northumberland Strait, the Gulf of St. Lawrence, Egmont Bay, Bedeque Bay, Hillsborough Bay, Cardigan Bay, Boughton Bay, Howe Bay, Rollo Bay, and Colville Bay, as outlined in black on the map attached as Appendix 2 to the *Environmental Protection Act*; perimeter coastline
- (p) “primary sand dune” means that portion of a sand dune which lies immediately inland of the beach, and extends from the landward limit of the beach to the foot of the landward slope of the first sand dune ridge or mound of sand bordering the beach, and may be unvegetated, or may support marram grass, and associated plant species as the dominant plant type; primary sand dune
- (p.1) “private road” means a road, street or right-of-way which is not a public road; private road
- (p.2) “professional engineer” means an engineer who is a member in good standing of the Association of Professional Engineers of Prince Edward Island and holds a license to practise issued by the Association; professional engineer
- (q) “public road” means all parts of the townships of the province reserved in the grants of patents thereof for public roads, all roads laid out by virtue of any statute and all roads whereon public money has been expended for common and public highways except where the roads have been altered or closed, or shall be altered or closed according to law; but farm lanes shall in no circumstances be deemed common and public highways; public road
- (q.1) “recreational use” means the use of land or buildings, or land integrated with development, for passive or active recreational entertainment, pursuit or sport, including golf courses, parks, playgrounds and their amenities; recreational use
- (r) “recreation resort” means land having an area of not less than 20 acres (8.1 hectares), together with buildings intended for recreation use having a total area of not less than 2,500 square feet (232.3 square metres) which operate 12 months of the year; recreation resort

residential recreation resort	(r.1) "residential recreation resort" means a residential subdivision containing not less than 20 lots or 20 residential units, intended for year-round use, and located on lands containing or adjoining a recreation resort;
resource use	(r.2) "resource use" means the use of land or buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product;
resource industrial use	(r.3) "resource industrial use" means the use of land or buildings for any industrial development directly associated with agriculture, fisheries or forestry industries;
Rural Development Zone	(r.4) "Rural Development Zone" means the area of land indicated as such on Map No. 3 in Appendix A;
rural tourism use	(s) "rural tourism use" means the use of a building or land for non-recreational commercial uses related to tourism, including rental accommodations and campgrounds;
sand dune	(s.1) "sand dune" means a wind or wave deposited formation of vegetated or drifting wind-blown sand that lies generally parallel to, and landward of the beach, and between the upland limit of the beach and the most inland extent of sand deposits;
scenic heritage road	(s.2) "scenic heritage road" means a public road designated as such in these regulations, and includes the verge, ditch and land within 150 feet (45.7 metres) of the road boundary;
seasonal highway	(t) "seasonal highway" means any highway that has been designated as a seasonal highway under the provisions of the Highway Access Regulations;
secondary sand dune	(t.1) "secondary sand dune" means that portion of a sand dune which lies adjacent to and inland of a primary sand dune and which may support such vegetation types as marram grass, bayberry, hudsonia, lichen, and occasionally scattered white spruce and does not include that portion of a sand dune where white spruce and bayberry are the dominant species;
sewage disposal system	(t.2) "sewage disposal system" means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or approved central waste treatment system;
standpipe system	(u) "standpipe system" means a pipe and attendant hose valves and hose used for conveying water to various parts of a building for fire fighting purposes;
storey	(u.1) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it,

and if there is no floor above it, that portion between the top of such floor and ceiling above it;

(u.2) “St. Peters Village Zone” means the area of land indicated as such on Map No. 3 in Appendix A; St. Peters Village
Zone

(v) “structure” means any construction fixed to, or sunk into land or water, but excludes: concrete and asphalt paving or similar surfacing, sewage disposal systems, water wells, fences, utility poles, clothes line poles, or flag poles or recreational equipment accessory to a dwelling unit; structure

(v.1) “subdivide” means to divide a parcel of land by means of a plan of subdivision, plan of survey, agreement, deed or any instrument, including a caveat, transferring or creating an estate or interest in part of the parcel; subdivide

(v.2) “summer cottage” means a single unit dwelling that is occupied primarily during the summer months, and located on a lot or parcel served by a private road or a public road; summer cottage

(w) “travel trailer” means a vehicle designed to be used as temporary accommodation for travel, recreation and vacation purposes; travel trailer

(w.1) “variance” means a minor variance from the provisions of these regulations; variance

(w.2) “watercourse” means the full length and width, including the sediment bed, bank and shore, of any stream, spring, creek, brook, river, lake, pond, bay, estuary, or coastal water body or any part thereof, whether the same contains water or not; watercourse

(x) “wetland” means all freshwater and tidal areas that are or may be submerged or periodically submerged under freshwater or saltwater, including all bodies of water or areas commonly referred to as bogs, marshes, salt marshes, swamps, sloughs, and flats; wetland

(y) “wildlife” has the same meaning as in the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1; wildlife

(z) “yard” means an open space adjoining a building, and yard

(i) “flankage yard” means the side yard of a corner lot facing a street other than the street towards which the front of the main building is facing;

(ii) “front yard” means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;

(iii) “rear yard” means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot; and

(iv) "side yard" means a yard extending from the front yard to the rear yard between a side lot line of the lot and the nearest main wall of the main building, exclusive of any chimney breast.

PART II APPLICATION OF REGULATIONS

- Application **2.** (1) These regulations apply to all areas of the province except, subject to subsection (2), those municipalities with official plans and bylaws.
- Special planning areas within municipalities (2) Where a special planning area established pursuant to section 8.1 of the Act includes a municipality or part thereof with an official plan and bylaws, no council shall issue a permit unless the proposed development complies with the regulations established for that special planning area.

PART III STANDARDS

A - GENERAL

- General requirements - subdivisions **3.** (1) No person shall be permitted to subdivide land where the proposed subdivision would
- (a) not conform to these regulations or any other regulations made pursuant to the Act;
 - (b) precipitate premature development or unnecessary public expenditure;
 - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services; or
 - (d) have a detrimental impact.
- Idem.* development permits (2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would
- (a) not conform to these regulations or any other regulations made pursuant to the Act;
 - (b) precipitate premature development or unnecessary public expenditure;
 - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services;
 - (d) have a detrimental impact; or
 - (e) result in a fire hazard to the occupants or to neighbouring buildings or structures.
- Forested area adjacent to watercourse or wetland (3) Where a parcel of land includes a forested area immediately adjacent to a watercourse or the edge of a wetland, no subdivision or development permit shall be approved until a forested riparian zone has been established pursuant to the *Environmental Protection Act*.
- Entrance ways (4) Notwithstanding any other provisions of these regulations, no development permit shall be issued in respect of a development involving

the change of use of an entrance way or the creation of an entrance way to any highway where an entrance way permit is required unless an entrance way permit has first been granted by the Minister of Transportation and Public Works.

4. (1) An approved subdivision or development permit may be made subject to any conditions necessary to ensure compliance with these regulations, other regulations made pursuant to the Act, or any relevant sections of the *Environmental Protection Act*, *Roads Act*, *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24, or the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11.

Approval with conditions

(2) Where an approved subdivision or development permit is granted subject to conditions in accordance with subsection (1), the owner shall ensure that the subdivision or development complies with the conditions.

Owner ensures compliance

(3) The conditions of approval may include a requirement that the owner enter into a development agreement specifying any special measures that must be carried out in order to ensure compliance with the regulations referred to in subsection (1).

Development agreement

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

Other approvals required

- (a) where an environmental assessment or an environmental impact statement is required under the *Environmental Protection Act*, approval has been given pursuant to that Act;
- (b) where the Fire Marshal's approval is required pursuant to the *Fire Prevention Act*, approval has been given pursuant to that Act;
- (c) where approval is required pursuant to the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 or regulations made pursuant to that Act, approval has been given pursuant to that Act and any applicable regulations made pursuant to that Act;
- (d) where, pursuant to the *Roads Act*, an entrance way permit or approval is required, the required permit or approval has been obtained; and
- (e) where a Quality Control Plan is required under the Barrier-Free Design Regulations (EC139/95) made under the *Provincial Building Code Act*, until the Quality Control Plan has been submitted and accepted in accordance with the regulations.

6. (1) No development for any year round use shall be permitted on a lot or parcel served by a private road.

Development, private road

(2) Notwithstanding subsection (1), the following types of development may be permitted on a lot or parcel served by a private road:

Permitted development types

- (a) single family dwellings, provided the lot or parcel is not part of a subdivision approved for summer cottage use;
- (b) farm buildings;
- (c) summer cottages;

(d) residential recreation resorts.

Inspection	7. An application for a subdivision approval or development permit shall constitute authorization for inspection of the land, building, structure or premises in question.
Non-conforming use	8. (1) Subject to subsections (2) and (3), any legal use of a building or structure existing prior to the enactment of these regulations that contravenes the provisions of these regulations may continue as a non-conforming use.
Expansion	(2) A non-conforming use may be enlarged or expanded provided that the enlargement or expansion does not increase the level of non-compliance.
Abandonment	(3) If, in the opinion of the Minister, a non-conforming use has been discontinued or abandoned, the building or structure shall not be used except in conformance with the requirements of these regulations.
Non-compliance	9. Where a subdivision or development has occurred contrary to sections 12 or 31, but which otherwise conforms with the requirements of these regulations, a subdivision approval or a development permit may be granted by the Minister following application by the owner.
Variance	10. (1) A variance from the provisions of these regulations may be granted where <ul style="list-style-type: none"> (a) the variance does not violate the intent and purpose of the regulations; (b) the variance is for a unique circumstance and is not a difficulty common to properties in the area; and (c) the circumstance for which the variance is requested is not the result of an intentional disregard for the requirements of the regulations.
Variance of up to 10%	(2) A variance of up to 10% from the provisions of these regulations may be granted where <ul style="list-style-type: none"> (a) the variance meets the provisions of subsection (1); and (b) there is, in the opinion of the Minister, no reasonable alternative available.
Variance of more than 10%	(3) A variance of more than 10% from the provisions of these regulations may be granted where <ul style="list-style-type: none"> (a) the variance meets the provisions of subsection (1); (b) there is, in the opinion of the Minister, no reasonable alternative available; and (c) the owners of adjoining properties have consented to the variance in writing.

(4) Notwithstanding subsections (1), (2) and (3), no variance from the sight distance standards set out in the Highway Access Regulations shall be granted. No variance for sight distance

11. (1) The Minister may hold a public meeting regarding any subdivision or development proposed under these regulations. Public meeting

- (2) Where a public meeting is called in accordance with subsection (1): Requirements
- (a) the Minister shall appoint a person to chair the meeting;
 - (b) the meeting shall be advertised at least twice in a newspaper circulating in the area of the proposed subdivision or development, giving the date, time, and location of the meeting;
 - (c) the first advertisement required by clause (b) shall be placed not less than 7 clear days prior to the meeting;
 - (d) written notice of the meeting shall be provided to the owner and, where applicable, to the council of the municipality in which the proposed subdivision or development is located;
 - (e) the owner shall make available for public examination the information required by these regulations or by the Act to be included with the application, at least 7 clear days prior to the public meeting, at a location chosen by the Minister; and
 - (f) the owner or a representative of the owner shall attend the meeting to answer questions from the public respecting the proposed subdivision or development.

B - SUBDIVISIONS

12. (1) No person shall subdivide land for development purposes without first obtaining final approval for the subdivision. Subdivision approval

(2) Notwithstanding subsection (1), where a parcel is naturally subdivided into two or more units by a public road, a watercourse, or other body of water, each of the units shall be treated as a separate parcel. Naturally subdivided

(3) Where one or more of the parcels described in subsection (2) is to be conveyed independently of any of the other parcels under the same ownership, an approved subdivision shall not be required. Independent sale

13. Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for Principles

- (a) compatibility with surrounding uses;
- (b) the topography of the site;
- (c) surface drainage on the site and its impact on adjacent parcels of land;
- (d) traffic generation onto adjacent highways;
- (e) availability, adequacy and the economical provision of utilities and services;
- (f) the ability to further subdivide the land or adjoining land;

- (g) the provision of lots suitable for the intended use;
- (h) waste water management;
- (i) water supply; and
- (j) natural features.

Application for
approved
subdivision

14. (1) Application for an approved subdivision shall be made on a form prescribed by the Minister, and shall include the following:

- (a) name, address, and telephone number of the applicant;
- (b) property number;
- (c) existing use of the land being subdivided;
- (d) number of lots proposed, and proposed uses;
- (e) signature of the owner of the land being subdivided; and
- (f) all required fees.

Five or fewer lots

(2) An application for an approved subdivision of five lots or fewer shall be accompanied by

- (a) a copy of a property map showing the true shape and dimensions of the property being subdivided, the proposed lots, and all roads or rights-of-way proposed for access to the lots; and
- (b) any additional information the Minister considers necessary.

More than five lots

(3) An application for an approved subdivision of more than five lots shall be accompanied by

- (a) a plan or plans showing
 - (i) the true shape and dimensions of the property being subdivided, the proposed lots, and all roads or rights-of-way proposed for access to the lots,
 - (ii) a key plan indicating the general location of the proposed subdivision,
 - (iii) the north point,
 - (iv) the scale,
 - (v) the location of all existing buildings or structures on the lots being proposed or within 100 feet (30.4 metres) of the proposed subdivision,
 - (vi) existing and proposed services including central or municipal waste treatment systems, and central or municipal water supply systems,
 - (vii) existing or proposed accesses to a highway,
 - (viii) land proposed as open space, recreation, park or other public use,
 - (ix) watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to the proposed subdivision,
 - (x) proposed or existing private rights-of-way or easements,
 - (xi) elevation contours and the drainage pattern within the proposed lots and within 300 feet (91.4 metres) of the boundaries of the proposed subdivision,
 - (xii) the proposed use of the lots,

- (xiii) a description of the land use of adjoining lands; and
- (b) any additional information the Minister considers necessary.

(4) For the purpose of determining the number of lots, all parcels to be subdivided from the original parcel shall be counted. Number of lots

(5) Where a parcel has been subdivided incrementally so as to bring the number of lots to more than five lots created since February 3, 1979, all provisions of these regulations for subdivisions of more than five lots shall apply. Incremental subdivision

15. (1) Except for subdivisions having five or fewer lots, the owner shall set aside open space in the subdivision for recreation or park use equal to a minimum of 10% of the total area of the lots being subdivided. Open space

(2) Open space set aside in accordance with subsection (1) shall be held in common by the owners of lots in the subdivision. *Idem*, held in common

(3) Where a buffer held in common ownership is required in accordance with subsection 16(6), the buffer may be counted as part of the open space required by this section. Common ownership

16. (1) Where a subdivision is located in a coastal area, the subdivision shall include the following: Buffer inside coastal area

- (a) a buffer adjacent to a beach, having a minimum width of 60 feet (18.3 metres) or 60 times the annual erosion rate in the area, whichever is greater, measured from the top of the bank adjacent to the beach;
- (b) a buffer adjacent to a watercourse or wetland, having a minimum width of 60 feet (18.3 metres) measured from the mean high water mark of the watercourse or from the edge of the wetland;
- (c) a buffer adjacent to a primary or secondary sand dune, having a minimum width of 60 feet (18.3 metres) measured from the inland boundary of the dune;
- (d) access to the beach or watercourse for the use of the owners of the lots if the property being subdivided includes frontage on a beach or watercourse.

(2) Notwithstanding subsection (1), where the lots are to be serviced by a central waste treatment system and a central water supply system, the Minister may permit the reduction of the width of the buffers mentioned in clauses (1)(a) and (1)(b) to 35 feet (10.7 metres). Exception

(3) Where a subdivision is located outside the coastal area, the subdivision shall include the following: Buffer outside coastal area

- (a) a buffer adjacent to a watercourse or wetland having a minimum width of 32.8 feet (10.0 metres) measured from the mean high water mark of the watercourse or from the edge of the wetland;

- (b) access to the watercourse for the use of the owners of the lots if the property being subdivided includes frontage on a watercourse.
- Development prohibited in buffer (4) No person shall undertake any development, including a sewage disposal system, in a buffer.
- Ownership of buffer (5) In subdivisions having five or fewer lots, buffers may be included and deeded as part of each lot, where each lot
- (a) meets the minimum lot size standards exclusive of the area required for the buffer; and
 - (b) has dimensions sufficient to permit the building setbacks required by these regulations.
- Idem* (6) In subdivisions having more than five lots, buffers shall be separate from the lots, and designated for the common use of the lot owners.
- Increased buffer (7) Notwithstanding subsection (1), if after consultation with the Minister responsible for the *Environmental Protection Act*, it is determined that the buffer widths required by subsection (1) are not sufficient to protect a beach, wetland, or watercourse from the adverse impacts of contaminants discharged from the proposed buildings or structures, the Minister may require, as a condition of approval, that the buffers have such greater width as the Minister considers necessary.

- 17.** (1) Roads within subdivisions shall have a minimum width of 66 feet (20.1 metres), and shall be designed to meet the following requirements: Subdivision roads
- (a) wherever practical, be joined to existing roads in adjacent approved subdivisions, or make provision for joining to future subdivisions on adjacent properties;
- (b) where a subdivision is approved in phases, and the first phase results in a dead-end street, or a subdivision road joins to another property on which the road has not yet been completed, a temporary turning area with a minimum turning radius of 40 feet (12.2 metres), shall be provided until such time as an approved cul-de-sac has been constructed or the road is joined to another road.
- (2) All subdivision roads shall be public roads. Public roads
- (3) Notwithstanding subsection (2), a subdivision road may be privately owned if it serves a subdivision approved for summer cottage use or a residential recreation resort. Privately owned exceptions
- 18.** (1) Subdivisions having more than 20 lots shall be approved in phases. Phasing
- (2) The total number of lots approved in any one phase of a subdivision shall not exceed 20. Number of lots
- (3) For an approved subdivision, no succeeding phase shall be approved until 50% of the lots in each preceding phase have buildings constructed upon them in accordance with the approved use of the lot. Fifty per cent - before next phase
- 19.** (1) No approval shall be granted for a lot in a subdivision unless the lot has been categorized in accordance with section 23, and conforms with the requirements set out in Table 1 and Table 2 respectively. Minimum lot standards
- (2) A lot that does not meet the category standards set out in section 23 shall not be approved. *Idem*
- (3) With respect to the minimum circle diameter requirement set out in column (f) of Table 1 and column (e) of Table 2, where applicable, the space encompassed by the circle shall be in a location on the lot which will accommodate an on-site sewage disposal system. Sewage disposal system
- (4) Notwithstanding the minimum lot size requirements set out in Table 1 and Table 2, for infilling purposes a lot may be reduced to a minimum area of 10,000 square feet (929 square metres) provided that Smaller lot permitted as infilling
- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by an on-site water supply system and a central waste treatment system;
- (b) only one additional lot from the existing parcel is created by any proposed subdivision; and

- (c) there is no practical alternative to reducing the lot area.
- Reduced circle requirement (5) Notwithstanding the minimum circle diameter requirement set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where
- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewage disposal systems;
 - (b) the lot meets Category I standards in accordance with clause 23(1)(a), and the minimum lot area requirements set out in column (e) of Table 1 or column (d) of Table 2 respectively;
 - (c) a circle with a minimum diameter of 125 feet (38 metres) will fit within the boundaries of the lot; and
 - (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement.
- Previously approved lots (6) The minimum lot size standards set out in Tables 1 and 2 do not apply to lots approved prior to June 12, 1993.
- Revision of previously approved lots (7) Revisions to increase the size of lots approved prior to June 12, 1993 or existing parcels of land may be approved, but the minimum lot size standards set out in Tables 1 and 2 shall not apply to such revisions.
- Panhandle lots **20.** (1) A lot that does not have frontage on a public road or privately owned subdivision road in accordance with column (c) in either Table 1 or Table 2 may be approved where
- (a) the lot has access to a public road or privately owned subdivision road by way of either a driveway that is part of the lot, or a right-of-way;
 - (b) the access driveway or right-of-way has a minimum width of 24 feet (7.3 metres);
 - (c) no other panhandle lot has been subdivided from the existing parcel of land; and
 - (d) the lot size in all other respects meets the requirements of these regulations.
- Driveway area discounted (2) Where the boundaries of a panhandle lot include an access driveway, the area of the driveway shall not be counted for the purpose of determining whether the lot meets the minimum lot size standards required by these regulations.
- Additional panhandle lots (3) Notwithstanding clause (1)(c), up to two additional panhandle lots may be subdivided from an existing parcel of land provided that
- (a) no more than one of the additional lots is intended solely for the cultivation of a natural resource and will have an area greater than 10 acres (4.05 hectares);
 - (b) no more than one of the additional lots is intended to contain a commercial or industrial development already in existence on the

property being subdivided, and establishment of a separate lot is essential for financial reasons.

21. (1) Where a lot is intended for use by a public utility, or any non-residential use where water and sewage servicing is not required for the proposed development of the lot, an exemption from the requirements of these regulations in relation to lot category, minimum lot area, frontage, and diameter of circle to be contained within the lot boundaries may be approved by the Minister.

Public utility lots and lots not requiring water and sewage servicing

(2) Where an exemption has been approved pursuant to subsection (1), a change of use to permit a development requiring water and sewage servicing shall be approved only if the lot meets the minimum standards set out in Table 1 or Table 2.

Change of use of excepted lot

22. Except as provided for in sections 19, 20, and 21, no person shall, by the sale of a part of any lot, diminish a lot below the standards set out in Table 1 or Table 2.

Diminishing lot below standards

23. (1) Lots shall be categorized according to the following standards:

(a) Category I, where the lot has a depth of permeable natural soil of 2 feet (0.61 metre) or greater, and where the depth to bedrock and the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;

(b) Category II, where the lot has a depth of permeable natural soil greater than 1 foot (0.3 metre), but less than 2 feet (0.61 metre), and where the depth to bedrock and the depth to the maximum groundwater elevation is 4 feet (1.22 metre) or greater;

(c) Category III, where the lot has a depth of permeable natural soil of 1 foot (0.3 metre) or greater, and where either or both of the following conditions exist:

(i) the depth to bedrock is 2 feet (0.61 metre) or greater, but less than 4 feet (1.22 metre),

(ii) the depth to the maximum groundwater elevation is 2 feet (0.61 metre) or greater, but less than 4 feet (1.22 metre).

Lot categories

**TABLE 1 - MINIMUM LOT SIZE STANDARDS
RESIDENTIAL LOTS**

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. / 76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.
			more than 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.

central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			2	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			3	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			4	55,000 sq. ft. / 5,110 sq. m.	275 ft. / 83.8 m.
			more than 4	55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
			2	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			3	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			4	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			more than 4	30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

**TABLE 2 - MINIMUM LOT SIZE STANDARDS:
NON-RESIDENTIAL LOTS**

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Minimum Lot Area	(e) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot
on-site water and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision st.)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.

on-site water and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

Access **24.** No person shall create a lot which prevents access from an adjacent lot or parcel of land to a public road.

Subdivide along highways; minimum sight distance **25.** (1) Along any arterial, collector, local, or seasonal highway, no person shall subdivide a parcel of land unless all proposed entrance ways, including the entrance way for any remaining portion of the parcel being subdivided, meet the minimum sight distance standards set out in the Highway Access Regulations.

Arterial highways (2) Along any arterial highway, no person shall subdivide a parcel of land unless

- (a) an entrance way permit, where required, has been issued by the Minister of Transportation and Public Works; and
- (b) only one lot is to be subdivided from an existing farm parcel, and is intended for the establishment of either
 - (i) one new farm dwelling, where there is no more than one existing farm dwelling on the parcel of land, or

(ii) a separate parcel that includes an existing farm dwelling and the existing farm dwelling access, to allow the owner of the farm parcel to retain the farm dwelling, and sell the remainder of the farm parcel.

(3) Along any collector highway

Collector highways

(a) no person shall subdivide a parcel of land unless it is an existing parcel of land, and has a frontage of less than 1,330 feet (405.3 metres), in which case only one lot only may be subdivided;

(b) no person shall subdivide two or more lots from a parcel of land unless

(i) it is an existing parcel of land, and has a frontage of 1,330 feet (405.3 metres) or more, in which case one lot may be severed in respect of each interval of 660 feet (219.8 metres), or

(ii) a subdivision road is prepared to serve the lots;

(c) one lot in addition to those permitted in accordance with clauses

(a) and (b) may be subdivided from an existing parcel of land

(i) to accommodate an existing farm dwelling, or

(ii) to accommodate an existing dwelling where the principle owner of the parcel is deceased and subdivision of the lot is required to settle the estate of the principle owner;

(d) where a lot is subdivided pursuant to subclause (c)(i) or (ii), the dwelling on the lot shall be served by the existing dwelling access, and no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

(4) Along any seasonal highway, no person shall subdivide a parcel of land unless an entrance way permit, where required, has been issued by the Minister of Transportation and Public Works.

Seasonal highways

(5) Along any non-essential highway, no person shall subdivide a parcel of land unless access to an arterial, collector, local, or seasonal highway is provided in accordance with the requirements of these regulations.

Non-essential highways

26. (1) In the case of a one lot subdivision, preliminary approval shall not be granted until the soil has been tested and found to be acceptable for on-site sewage disposal, where appropriate.

Preliminary approval

(2) Preliminary approval for a subdivision or portion thereof may be granted, and the approval shall state any conditions that must be met in relation to

Conditions

(a) soil and water testing, and the provision of sewage disposal and water services;

(b) setting aside land for any of the following purposes:

(i) provision of shore access, where a subdivision is adjacent to any beach or watercourse in the coastal area, for the use of residents in the subdivision,

	<ul style="list-style-type: none"> (ii) preservation of a natural area or historically significant artifact, structure, or land area that is, in the opinion of the Minister, of provincial significance, (iii) provision of open space and buffers, (iv) construction of roads, (v) provision of easements for servicing, and for management of surface water runoff; <p>(c) posting a performance bond, cash bond, or other financial guarantee for the purpose of ensuring that the subdivision is developed in accordance with any conditions attached to preliminary approval;</p> <p>(d) any other measures the Minister considers necessary to bring the proposal into compliance with the regulations.</p>
Expiry	(3) Preliminary approval shall expire 24 months from the date of issue if the applicant fails to meet the conditions of preliminary approval established in accordance with subsection (2).
Final Approval	<p>27. (1) Final approval shall be granted for a subdivision or portion thereof when the owner has</p> <ul style="list-style-type: none"> (a) met all the conditions of preliminary approval established in accordance with subsection 26(2); (b) completed an agreement with the Department of Transportation and Public Works respecting road construction if the subdivision includes a road that is to be a public road; (c) submitted a stormwater management plan acceptable to the Department of Fisheries, Aquaculture and Environment, for the construction and post construction phases of the subdivision; and (d) submitted a survey plan showing the location of survey pins, and certified as accurate by an accredited member of the Association of Prince Edward Island Land Surveyors.
Where survey not required	(2) Notwithstanding clause (1)(d), where a subdivision creates a lot or lots greater than 10 acres in size, a certified survey plan shall not be required where a plan drawn accurately to scale on a provincial property map is submitted.
<i>Idem</i>	(3) Notwithstanding clause (1)(d), a certified survey plan shall not be required for the remaining portion of the original parcel from which a subdivision is created.
Preliminary approval prior to these regulations	(4) Where a subdivision was granted preliminary approval prior to the coming into force of these regulations but was not granted final approval, final approval shall be granted only if the lots meet the minimum standards set out in Tables 1 and 2.
Designation of permitted uses	28. (1) Final approval shall specify the permitted uses of the lots and parcels within the subdivision.

(2) No person shall use a lot or parcel for any use other than that which is specified on the approved subdivision.

Offence

29. (1) No person shall deviate from an approved subdivision, including changing the use from the approved use, until a revised plan and application for a change of use has been submitted and approved.

Change of use

(2) Where a subdivision has received final approval, whether in a single phase or in two or more phases, no change of use from the designated use of any lot shall be permitted unless the owners of the adjoining lots and a majority of the owners of lots conveyed in the approved subdivision have consented in writing.

Consent of majority of lot owners required

(3) For the purpose of determining the opinion of the majority referred to in subsection (2), only one objection or favourable response per lot will be counted.

Voting

30. An existing approved subdivision or portion thereof may be rescinded or altered if the subdivision has been carried out contrary to the application, the conditions of approval, or these regulations.

Rescind or alter approval

C - DEVELOPMENT PERMITS

31. (1) No person shall, without first obtaining a development permit

- (a) commence the construction of any building or structure;
- (b) locate any building or structure, or change the location of any building or structure on a lot;
- (c) make any structural alterations that will change the exterior dimensions of any building or structure;
- (d) change the use of any building or structure or land, or part thereof;
- (e) intensify any non-conforming use;
- (f) locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided;
- (g) create a mobile home park.

Where development permit required

(2) Notwithstanding subsection (1), a development permit shall not be required for prefabricated buildings manufactured in-plant, or the location of the units at the place of manufacture for either storage or display purposes.

Prefabricated buildings

32. An application for a development permit shall be made on a form prescribed by the Minister, and shall be accompanied by

- (a) a copy of a property map;
- (b) an application fee; and
- (c) any additional information the Minister considers necessary.

Application for a development permit

33. (1) A development permit shall be valid for a period of 24 months from the date of issue.

Duration

Revocation or alteration	(2) Notwithstanding subsection (1), a development permit may be revoked or altered within 24 months of the date of issuance or extension if construction has commenced in a location or manner contrary to the application or these regulations.									
Proposed use contrary to plan	34. No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan.									
Entrance way; sight distance	35. Subject to section 8, no development permit shall be issued for any parcel of land where the entrance way does not conform to the sight distance standards for entrance ways set out in the Roads Act Highway Access Regulations.									
Minimum building standards	<p>36. No person shall construct or alter a building without meeting the following minimum building standards:</p> <ul style="list-style-type: none"> (a) all side walls and end walls shall be covered with a standard building siding; (b) tar paper or rolled roofing shall not be used as a permanent exterior siding ; and (c) roofs shall be covered with standard roofing materials. 									
Application of regulations to existing lots	37. The minimum frontage and area provisions of these regulations do not apply to any lot existing on June 12, 1993, and a development permit may be issued for an existing lot that does not meet these standards provided that the lot meets the minimum requirements for sewage disposal in accordance with the Environmental Protection Act Sewage Disposal Regulations (EC298/97).									
Side and rear yards	<p>38. (1) No person shall locate a building or development closer than 15 feet (4.6 metres) to a side or rear lot line except as follows:</p> <ul style="list-style-type: none"> (a) an accessory building, if located in a rear yard, may be located no closer than 3 feet (0.9 metre) to a side or rear lot line; (b) a building or development may be located no closer than 8 feet (2.4 metres) to a side or rear lot line, provided the lot or parcel of land is located within the boundaries of one of the following municipalities: <table border="0" style="margin-left: 40px; margin-top: 10px;"> <tr> <td style="padding-right: 40px;">Cardigan</td> <td style="padding-right: 40px;">Miminegash</td> <td>Morell</td> </tr> <tr> <td>Mount Stewart</td> <td>Murray River</td> <td>Murray Harbour</td> </tr> <tr> <td>Tyne Valley</td> <td>Victoria</td> <td>St. Peters Bay</td> </tr> </table>	Cardigan	Miminegash	Morell	Mount Stewart	Murray River	Murray Harbour	Tyne Valley	Victoria	St. Peters Bay
Cardigan	Miminegash	Morell								
Mount Stewart	Murray River	Murray Harbour								
Tyne Valley	Victoria	St. Peters Bay								
Exception	(2) Notwithstanding subsection (1), where there are extraordinary circumstances associated with the use of the building or development, larger side or rear yards may be required if considered necessary by the Provincial Fire Marshal.									
Building setbacks; highways	39. (1) No person shall locate a building or development closer than the following distances to a highway or public road:									

(a) along any arterial highway, collector highway, local highway, or seasonal highway, 83 feet (25.3 metres) to the centre line of the highway or 50 feet (15.2 metres) to the highway boundary, whichever is greater;

(b) along any public road which is an interior subdivision road, 50 feet (12.5 metres) to the centre line of the road or 17 feet (5.2 metres) to the road boundary, whichever is greater.

(2) Notwithstanding subsection (1), no person shall locate a building or development closer than 50 feet (12.5 metres) to the centre line of a highway or 17 feet (5.2 metres) to a highway boundary, where

Reduced setback in selected municipalities

(a) the highway speed limit where the lot or parcel of land is located is 50 kilometres per hour or less; and

(b) the lot or parcel of land is located within one of the following municipalities:

Abrams Village	Hunter River	St. Peters Bay
Bedeque	Miminegash	Tyne Valley
Cardigan	Morell	Victoria
Central Bedeque	Mount Stewart	York
Crapaud	Murray Harbour	Ellerslie-Bideford
Murray River		

(3) Along any private road or right-of-way in an approved subdivision for summer cottage use, no person shall locate a building or development closer than

Private road or right-of-way

(a) 50 feet (12.5 metres) to the centre line of a private road or right-of-way having a width of 66 feet (20.1 metres); or

(b) 17 feet (5.2 metres) to the boundary of a private road or right-of-way having a width of less than 66 feet (20.1 metres).

(4) Where a loading space is proposed in the front yard of a repair shop, store, warehouse or any other commercial or institutional building, the building shall have a minimum setback of 150 feet (45.7 metres) from the edge of the right-of-way.

Where loading space proposed

(5) The nearest exterior portion of a building or structure shall be located no closer than

Setback from beach, sand dune, wetland or watercourse

(a) 75 feet (22.9 metres), or 60 times the annual rate of erosion, whichever is greater, to a beach, measured from the top of the bank;

(b) 100 feet (30.5 metres) to a migrating primary or secondary sand dune, measured from the inland boundary of the dune;

(c) 75 feet (22.9 metres) to the inland boundary of a wetland or watercourse.

(6) Notwithstanding subsection (5), if after consultation with the Department of Fisheries, Aquaculture and Environment, it is determined that the setbacks listed therein are not sufficient to protect the beach,

Where greater setback required

	wetland or watercourse from the adverse impacts of contaminants discharged from the proposed buildings or structures, it may be required as a condition of approval that the development be located at a greater distance from the beach, wetland or watercourse.
Miscellaneous structures	(7) Subsection (5) shall not apply to buildings or structures used for fishing or bait sheds, aquaculture operations, boat launches, walkways, bridges, or wharves and piers and any associated buildings or structures, except where the Minister requires that these buildings or structures be located at some fixed distance from the top of the bank.
“top of the bank”	(8) For the purposes of this section, the words “top of the bank” mean, where there is no embankment, the landward boundary of the beach.
Development, primary and secondary dunes	40. (1) No person shall develop or construct a road on any primary, secondary, or baymouth barrier sand dunes.
Other dunes	(2) A development permit may be issued for a building or structure on sand dunes other than primary, secondary and baymouth barrier dunes where <ul style="list-style-type: none"> (a) the development is unlikely to disturb more than 10% of the sand dune located on the parcel; (b) the lot exceeds the minimum lot size requirements in Table 1 by 15,000 square feet (1393.5 square metres), except where the sand dune is naturally vegetated with spruce, fir, pine, cedar or larch tree species, and the coverage of those species exceeds 75% of the dune area; and (c) the development is unlikely to adversely alter the natural, topographical and biological features of the sand dune.
Grouped buildings	41. Other than farm buildings, no person shall build or place more than one building on a parcel of land for commercial, industrial, recreational or institutional use, unless a site plan for such buildings has been approved by the Provincial Fire Marshal.
More than one dwelling on a lot - exception	42. (1) No person shall locate more than one building or structure for use as a part-time or year-round dwelling on a lot or existing parcel of land except <ul style="list-style-type: none"> (a) in conjunction with a farm parcel, and where the use of the dwelling is clearly incidental to the use of the main building; or (b) as a garden suite in conjunction with a single unit dwelling in accordance with subsection (2); or (c) in the case of a tourist operation, where rental accommodations are grouped on a lot or existing parcel of land in accordance with all other requirements of these regulations.
Requirements	(2) Notwithstanding subsection (1), one garden suite may be located as a second dwelling unit on a lot or parcel of land subject to the following requirements:

- (a) a single unit dwelling unit already exists on the lot or existing parcel of land;
- (b) the garden suite meets all the requirements of any applicable sections of these regulations;
- (c) the garden suite utilizes the existing access to the lot or existing parcel of land;
- (d) where the garden suite is to be located on a lot in a multiple lot approved subdivision, the owners of the adjoining lots and a majority of the owners of lots conveyed in the subdivision have consented in writing;
- (e) the owner of the single unit dwelling applies for and receives a development permit for the garden suite;
- (f) the garden suite and the single unit dwelling are connected to a common water supply system and a common sewage disposal system, where feasible, and where these systems are considered capable of handling the increase;
- (g) the garden suite is approved by the Provincial Fire Marshal.

(3) The development permit for a garden suite referred to in clause (2)(e) shall be valid for two years, but may be extended provided that the garden suite continues to meet all applicable requirements of these regulations. Time period

(4) When the garden suite no longer complies with any requirements under subsections (2) and (3), the owner of the single unit dwelling shall, within 90 days, remove the garden suite from the site. Removal

(5) Upon written request by the owner or spouse of the owner of the single unit dwelling, the 90 day removal period stated in subsection (4) may be extended by an additional 90 days. Extension

43. No person shall construct or structurally alter a building for use as a multiple unit dwelling containing more than four units unless the proposal meets one of the following sets of criteria: Multiple unit dwellings

- (a) the lot or existing parcel of land is serviced by a municipal waste treatment system and meets the minimum standards set out in Table 1 for either lots with on-site water supply and central waste treatment system, or for fully serviced lots;
- (b) the lot or existing parcel of land is located in a residential recreation resort, and meets all other requirements of sections 48 to 54; or
- (c) the dwelling units are in a single storey building intended for senior citizens housing, and the proposal is appropriate for a rural area.

44. Off-street parking and loading areas shall be in accordance with the following requirements: Parking

- (a) the minimum number of parking spaces shall be provided for the proposed use, as listed in Table 3;
- (b) every parking space shall have access to a clear manoeuvring lane;
- (c) every parking space shall have minimum dimensions of 9 feet (2.7 metres) by 18 feet (5.5 metres);
- (d) every loading space shall have minimum dimensions of 70 feet (21.3 metres) by 12 feet (3.7 metres);
- (e) notwithstanding clause (a), for any use other than residential, when an applicant submits a parking generation analysis based on the standards of the Institute of Transportation Engineers, and after consultation with the Minister of Transportation and Public Works, an alternative parking plan may be approved by the Minister.

TABLE 3
PARKING STANDARDS

(a) Type of Use	(b) Number of Parking Spaces	(c) Loading Area
Residential	1.5 per dwelling unit (minimum of 2)	n/a
Auditorium, theatre, church or hall	1 per 4 seats	n/a
Hotel, motel, or tourist home	1 per guest room	n/a
Restaurants (including take outs)	1 per 100 square feet (9.3 square metres) minimum of 10	n/a
Business and professional offices	1 per 300 square feet (27.9 square metres) of floor area	n/a
Warehouse and storage facilities and other industrial uses	1 per employee	1 per loading bay
Other Commercial Uses	1 per 300 square feet (27.9 square metres) of floor area	
Other Institutional or Recreation Uses	1 per 400 square feet (37.2 square metres) of floor area	n/a
Other industrial uses	1 per employee	1 per loading bay

Travel trailer

45. (1) No person shall place a travel trailer as the main or accessory use on any lot or parcel of land without first obtaining a development permit, other than in a travel trailer park where utility services are provided.

Permit

(2) A permit issued in accordance with subsection (1) shall be valid for a period of not more than 120 days, and shall not be renewed.

(3) A travel trailer placed in accordance with this section shall be removed from the lot or parcel of land immediately following expiry of the development permit. Removal

46. (1) No person shall place a mobile home on a lot unless the structure is certified by a Standards Council of Canada accredited testing agency in accordance with CSA Standard CAN-Z-240. Mobile Homes

(2) Other than in an approved mobile home park, no person shall place a mobile home without first obtaining a development permit. Permit

(3) Where a subdivision has been approved for single family dwelling or summer cottage use, either in a single phase or two or more phases, no person shall place a mobile home on a lot in the subdivision unless the owners of all adjoining approved lots and at least 75% of the owners of all other lots or parcels within 300 feet (91.4 metres) of the centre of the proposed location of the mobile home, including any lots or parcels outside the approved subdivision but within the specified distance, have consented in writing. Mobile home on single family dwelling or cottage lot

(4) For the purpose of determining the opinion of the majority referred to in subsection (3), only one objection or favourable response per lot or parcel will be counted. Voting

47. (1) An application for a mobile home park shall be made on a form prescribed by the Minister, and shall be accompanied by a detailed site plan, drawn to scale, that includes the following information: Mobile home park

- (a) the location and size of all mobile home sites;
- (b) the location and width of all roads provided within the park for access to the mobile home sites;
- (c) the proposed location of mobile homes;
- (d) the proposed location and size of any buildings or other structures to be located within the park; and
- (e) any additional information the Minister considers necessary.

(2) No person shall establish a mobile home park that does not comply with the following standards: Standards

- (a) the mobile home park shall be
 - (i) either serviced by a central waste treatment system and a central water supply system, or
 - (ii) where a water supply system or a waste treatment system of a municipality is available, the mobile home park shall be connected to the available municipal systems;
- (b) a paved road shall be provided to serve each mobile home space, and shall connect to a public highway at a location which meets the sight distance standards for entrance ways set out in the Roads Act Highway Access Regulations;
- (c) each mobile home space shall meet the following requirements:

- (i) minimum area of 5,000 square feet (464.5 square metres),
- (ii) minimum frontage of 25 feet (7.6 metres),
- (iii) minimum distance of 30 feet (9.1 metres) between mobile home units,
- (iv) minimum distance of 15 feet (4.5 metres) between mobile home units and mobile home park boundary line,
- (v) minimum parking space in accordance with the residential standard set out in section 44 and Table 3;
- (d) a minimum area of 500 square feet (46.4 square metres) per mobile home space shall be set aside as an open space and recreation area, and in parks with more than 50 units, two such areas must be provided.

Location of mobile homes in park (3) No person shall locate a mobile home in a mobile home park other than in accordance with the conditions of approval of the plan.

D - RESIDENTIAL RECREATION RESORT

Residential recreation resort **48.** No person shall subdivide or develop a parcel of land for use as a residential recreation resort development without first receiving approval.

Water servicing **49.** (1) All lots in a residential recreation resort shall be serviced by a central water supply system that meets the requirements of the *Environmental Protection Act*.

Sewage servicing (2) A residential recreation resort may be serviced by

- (a) a central waste treatment system, or
- (b) a combination of a central waste treatment system and on-site sewage disposal systems

that have been approved by the Department of Fisheries, Aquaculture and Environment.

Private road permitted (3) A residential recreation resort may be serviced by a private road, where the road

- (a) has a right-of-way with a minimum width of 66 feet (20 metres);
- (b) is connected to a public highway maintained by the province on a year-round basis; and
- (c) is constructed under the supervision and certification of a professional engineer, in accordance with the applicable standards pertaining to the intended use.

Road maintenance **50.** (1) Where a residential recreation resort is serviced by a private road pursuant to subsection 49(3), that road shall not be maintained by a department or agency of the province.

Access (2) Responsibility for ensuring access to any lot in a residential recreation resort is a matter for determination between the owner of the road connecting the residential recreation resort to a public highway, and the purchaser of any lot therein.

- 51.** (1) Preliminary approval may be granted for any portion of a subdivision for a residential recreation resort to permit the survey and pinning of lots, construction of roads, and installation of a central water supply system and central waste treatment system. Preliminary approval
- (2) Preliminary approvals granted pursuant to subsection (1) shall expire 24 months from the date of issue. Expiration
- 52.** No person shall convey any lot prior to the granting of final approval of the residential recreation resort. Conveyance of lots
- 53.** Final approval shall not be granted for any residential lots within a residential recreation resort unless Final approval
- (a) the construction of the recreation resort is complete;
 - (b) a declaration and description of the residential recreation resort has been registered pursuant to the *Condominium Act*;
 - (c) the developer conveys ownership of the following to the condominium corporation:
 - (i) all private roads and rights-of-way pertaining thereto following construction,
 - (ii) all common open spaces and buffers and any rights-of-way thereto,
 - (iii) all applicable sewage collection and disposal systems, and water supply and distribution systems,
 - (iv) all other common elements.
- 54.** In a residential recreation resort, the erection of a building for year-round residential use containing more than four dwelling units may be approved, where the building shall Buildings with more than four dwelling units
- (a) be equipped with an automatic fire extinguishing system installed in accordance with the National Fire Protection Association Standard NFPA13;
 - (b) not exceed three storeys in building height, or have a maximum height more than fifteen metres above grade, unless equipped with a standpipe system designed and installed in accordance with the National Fire Protection Association Standard NFPA14;
 - (c) not have a building height exceeding the capability of the serving fire department to gain direct access to each storey from the exterior of the building; and
 - (d) be easily and readily accessible for fire fighting vehicles and equipment on a year-round basis from a road adjoining the boundary of the building lot.

**PART IV
SPECIAL REGULATIONS**

**A - PRINCETOWN POINT - STANLEY BRIDGE
SPECIAL PLANNING AREA**

Princetown Point- Stanley Bridge Special Planning Area	55. The Princetown Point - Stanley Bridge area as shown in Appendix A, Map No. 1 is designated as a special planning area, and in addition to any other provisions of these regulations, sections 56 to 58 inclusive apply.
Subdivision within 1,000 feet of the shore	56. (1) Within the Princetown Point - Stanley Bridge Special Planning Area residential subdivisions of more than three lots shall be permitted only within 1,000 feet (304.8 metres) of the shore.
Exception	(2) Where topographical or environmental conditions are unsuitable within the 1,000 foot (304.8 metre) development area, a subdivision may be permitted outside the development area provided that the subdivision is located as near as possible to the development area.
Area not subdivided	(3) Within any area that may be subdivided in accordance with subsection (1) or (2), a portion shall remain unsubdivided.
Dimensions	(4) The unsubdivided area referred to in subsection (3) shall include (a) a length equal to the full depth of the area being subdivided, measured from the perimeter coastline to the point of the parcel farthest from the shore; and (b) a width equal to 34% of the width of the shoreline, measured as a straight line between the two points where the side boundaries of the property meet the perimeter coastline.
Lots more than 1,000 feet from the shore	(5) No more than three lots shall be subdivided from any property, or a portion of any property, outside the 1,000 foot (304.8 metre) development area specified in subsection (1).
Commercial operation, development restrictions	57. (1) Development for a commercial operation shall not be permitted within the following areas: (a) within 30 feet (9.1 metres) of the highway, where access is directly from that portion of Route 6 and Route 20 known as the Blue Heron Drive; (b) within 15 feet (4.6 metres) of the highway, where access is directly from a local highway.
Development defined	(2) "Development" as referred to in subsection (1) shall include a parking area, but shall not include an access driveway or a sewage disposal system.
Scenic viewscape zone	58. In the scenic viewscape zone, as indicated in Appendix A, Map No. 2, approved subdivisions and development permits shall be subject to the following conditions:

- (a) all new electrical and telephone utility lines shall be placed underground, or where this is not possible, the poles and lines shall be placed on the side of the highway opposite to that along which the scenic viewscape is located;
- (b) no structure shall be constructed, erected, or placed closer than 200 feet (61 metres) to the highway along which the scenic viewscape is located.

B - GREENWICH SPECIAL PLANNING AREA

59. The September 26, 1996 designation of the Greenwich Special Planning Area as shown in Appendix A, Map No. 3, is continued, and in addition to any other provisions of these regulations, section 60 applies. Greenwich Special Planning Area

60. (1) Land uses and subdivision within the Greenwich Special Planning Area shall conform to the following Tables: Permitted land uses and subdivision

**TABLE 4
Greenwich Special Planning Area Permitted Land Uses**

Rural Development Zone					
residential use	single family unit accessory buildings	single unit summer cottage	rental summer cottage	garden suite	duplex dwelling
commercial use	commercial eco-tourism use	retail	food service	residential recreation resort	
industrial use	resource industrial use		accessory buildings		
institutional use	not permitted				
recreational use	permitted				

St. Peters Village Zone					
residential use	single family unit	single unit summer cottage	2 to 4 unit apartment	rental summer cottage	garden suite
	accessory buildings				
commercial use	commercial eco-tourism use	residential recreation resort	retail	food service	campground or RV park
	commercial tourist use	offices	accessory buildings		
industrial use	light industrial use		accessory buildings		
institutional use	interpretation facility	institutional use	accessory buildings		
recreational use	permitted				

**TABLE 5
Greenwich Special Planning Area Subdivision Of Land**

Proposed Use	Number of Lots per Existing Parcel of Land	
	St. Peters Village Zone	Rural Development Zone
residential use	no limit	1 lot per existing parcel
commercial tourist use	no limit	1 lot per existing parcel
light industrial use	no limit	not permitted
resource industrial use	no limit	no limit
institutional use	by development agreement	not permitted

Provisions for subdivision for family members

(2) Notwithstanding subsection (1), residential subdivision in the Rural Development Zone of more than one lot per existing parcel of land, for residential use only, may be approved in the following situations:

- (a) where
- (i) the requirement of one lot per existing parcel of land is insufficient to permit an owner of the parcel to provide lots for the owner's children,
 - (ii) each lot to be subdivided is to be conveyed to a person who is a child of the owner of the parcel,
 - (iii) a statutory declaration declaring that the lots to be subdivided will be conveyed to and built upon by children of the owner of the parcel has been submitted by the owner of the parcel with the application to subdivide,
 - (iv) no more than one lot is to be subdivided for each child of the owner, and

- (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a building permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child’s own use; and
- (b) where
 - (i) central sewage service provided by a municipal sewage utility or central water service provided by a municipal water utility is available or both are available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal sewage or water utility to provide central sewage service or central water service or both is available to all lots prior to the conveyance of any lot from the subdivision.

(3) Notwithstanding this section, a subdivision approved prior to the coming into force of these regulations may be redesigned where the resulting redesigned subdivision meets the requirements of these regulations. Redesigned subdivisions

(4) The following Table sets out special requirements for buildings erected within the Greenwich Special Planning Area: Special requirements

**TABLE 6
Greenwich Special Planning Area Special Requirements for
St. Peters Village Zone and Rural Development Zone**

St. Peters Village Zone			
Requirements	Residential use	Commercial use	Industrial use
Highway set backs (from highway boundary)	17' (5.2 m)	17' (5.2 m)	17' (5.2 m)
Side yard set backs (from property boundary)	15' (4.6 m)	15' (4.6 m)	15' (4.6 m)
Lot coverage	one or more buildings not exceeding 50% of the area of the lot in total	one or more buildings not exceeding 75% of the area of the lot in total	one or more buildings not exceeding 75% of the area of the lot in total

Architectural standards:			
Height above grade	35' (10.7 m) (3 storeys)	35' (10.7 m) (3 storeys)	35' (10.7 m) (3 storeys)
Exterior materials	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone
Minimum roof slope (standard gabled)	4/12	4/12	4/12
Roof slope materials	shingles	shingles	unrestricted

Rural Development Zone			
Requirements	Residential use	Commercial use	Industrial use
Highway set backs (from highway boundary)	150 ft. / 47.7 m.	250 ft. / 76.2 m.	250 ft. / 76.2 m.
Side yard set backs (from property boundary)	50 ft. / 15.2 m.	50 ft. / 15.2 m.	50 ft. / 15.2 m.
Lot coverage	one or more buildings not exceeding 10% of the area of the lot in total	one or more buildings not exceeding 10% of the area of the lot in total	one or more buildings not exceeding 10% of the area of the lot in total
Architectural standards:			
Height above grade	35 ft. / 10.7 m. (3 storeys)	35 ft. / 10.7 m. (3 storeys)	35 ft. / 10.7 m. (3 storeys)
Exterior materials	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone
Minimum roof slope (standard gabled)	4/12	4/12	4/12
Roof slope materials	shingles	shingles	unrestricted

Exception,
previously approved
lots and existing
parcels of land

(5) Notwithstanding subsection (4), in the Rural Development Zone the setback requirements of sections 38 and 39 shall apply where

- (a) a lot approved prior to July 1, 2000 or an existing parcel of land has dimensions insufficient to permit the setback and lot coverage requirements of subsection (4); or
- (b) an accessory building is to be constructed on a lot or existing parcel of land containing existing buildings for residential or agricultural use that do not meet the setback requirements of subsection (4).

Exemptions from
roof slope

(6) Notwithstanding subsection (4) outlining the requirements for minimum roof slopes (standard gabled) other roof types permitted are

- (a) mansard;
- (b) four square;

- (c) gambrel; and
- (d) any other roof type approved by the Minister.

(8) Notwithstanding subsection (6), flat roofs are permitted where the flat roof is for use on an industrial building. Exception , flat roofs

(8) Building permits for expansions or renovations to existing buildings shall be permitted subject to the following regulations: Expansions or renovations to existing buildings

- (a) siding material or roofing material for expansions or renovations shall be either the same type as the existing building being expanded or renovated or shall be applied to the whole of the structure; and
- (b) roof pitches and types for expansions or renovations shall be either the same pitch and type as the existing building being expanded or renovated or shall be applied to the whole of the structure.

(9) Before a building permit is issued for any institutional use, auto body shop, or salvage yard within the St. Peters Village Zone, the Minister shall require the developer to enter into a comprehensive site development agreement respecting any or all of the following parameters: Comprehensive site development agreement

- (a) parking;
- (b) building form, including height, bulk, and exterior materials;
- (c) vehicular movement;
- (d) pedestrian circulation;
- (e) signage;
- (f) utilities, including sewerage, water and storm water management;
- (g) on-site landscaping, including measures to buffer adjacent properties; and
- (h) set back distances from road and property lines.

C - BORDEN REGION SPECIAL PLANNING AREA

61. The September 7, 1996 designation of the Borden Region as a special planning area, as shown in Appendix A, Map No. 4 is continued, and in addition to any other provisions of these regulations, section 62 applies. Borden Region Special Planning Area

62. (1) For the purposes of this section Definitions

- (a) “Confederation Bridge development corridor” or “the corridor” means that area of land indicated as such in Appendix A, Map No. 5; Confederation Bridge development corridor
- (b) “light industrial development” means the use of land for fabrication, manufacture, assembly, treatment or warehousing of light industrial development

	goods, but does not include industrial processing or other processes which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent;
recreational development	(c) “recreational development” means the use of land for passive or active recreational entertainment pursuit or sport, but does not include a recreational development or facilities used for commercial purposes;
resource development	(d) “resource development” means the use of land for production and harvesting or extraction of any agricultural, fisheries or forestry product;
resource-based development	(e) “resource-based development” means the use of land for agriculture, fisheries or forestry development; and includes the processing of agriculture, fisheries or forestry products and any accessory commercial operation for the sale of agriculture, fisheries or forestry products;
rural commercial	(f) “rural commercial” means any commercial retail or service operation directly associated with the agriculture, fisheries and forestry industries;
rural industrial	(g) “rural industrial” means any industrial development directly associated with the agriculture, fisheries and forestry industries.
Application of regulations	(2) Where the Minister is the authority having jurisdiction, the provisions of these regulations apply to all lands within the corridor.
Exception	(3) Notwithstanding subsection (2), where a development agreement is made pursuant to subsection (6), sections of these regulations relating to the parameters listed in subsection (6) do not apply.
Permitted land uses	(4) Land use within the corridor shall conform with the following table:

TABLE 7
PERMITTED LAND USES WITHIN THE CONFEDERATION BRIDGE
DEVELOPMENT CORRIDOR

(Excluding PEI 1, PEI 3, Scenic Viewscapes and Rural Development Areas)

Category	Exclusions
residential	- mobile home parks /courts; - residential developments greater than 4 units.
commercial	- motor vehicle storage or sales lots; - motor vehicle body repair operations; - motor vehicle salvage and recycling operations; - campgrounds; - amusement parks.

industrial (other than resource based)	- salvage and recycling operations.
public service / institutional	- highway maintenance facilities.
recreational	- none
resource-based development	- none

(5) Except as provided for in a comprehensive site development agreement made pursuant to subsection (6), new developments shall conform to the following maximum building height requirements:

Building height requirements

single family residential	35 ft. / 11.5 m.
two family residential	35 ft. / 11.5 m.
multiple family residential	45 ft. / 14.8 m.
commercial	45 ft. / 14.8 m.
light industrial	45 ft. / 14.8 m.
public service/institutional	45 ft. / 14.8 m.
public utility structure	no limit
recreational development	45 ft. / 14.8 m.
resource-based	no limit

(6) The authority having jurisdiction shall require new developments, excepting single and two family residential developments, barns, livestock shelters and silos, to enter into a comprehensive site development agreement respecting the following parameters:

Site development agreements, new development

- (a) parking;
- (b) building form, including height, bulk, and exterior materials;
- (c) vehicular movement;
- (d) pedestrian circulation;
- (e) signage;
- (f) utilities, including sewerage, water and storm water management;
- (g) on-site landscaping, including measures to buffer conflicting uses; and
- (h) setback distances from road and property lines.

(7) In addition to the development standards contained in these regulations, and excepting single and two family residential and resource-based developments, the following site development guidelines for specific development locales (Tables 8 and 9) and specific development features (Table 10) shall, as is feasible, be incorporated into the site development concept plan of any new development:

Site development guidelines

TABLE 8 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT LOCALES WITHIN THE COMMUNITY OF BORDEN-CARLETON

Locale	Guidelines
intersections	<ul style="list-style-type: none"> - intersections should become major nodes and focal points for development; - landscaping and surface treatment (different paving materials and patterns, pedestrian facilities, etc.) should be used to enhance importance of these locations; - dominant feature of corner lots should be buildings; - corner lot setbacks should be designed to incorporate landscaping, pedestrian amenities or interesting architectural features, while still maintaining safe traffic sight lines.

TABLE 9 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT LOCALES WITHIN THE CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR

Locale	Guidelines
Scenic Viewscapes	<ul style="list-style-type: none"> - developments occurring on lands within the Scenic Viewscapes (as indicated on Map No. 7) should take the visual quality of the panoramic view of the coastal area into consideration, and should, where practical and feasible, set any new structures on the land parcel in such a manner as to minimize any detrimental impact to the viewcape.

TABLE 10 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT FEATURES WITHIN THE CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR

Feature	Guidelines
parking	<ul style="list-style-type: none"> - parking should be located at the sides or rear of buildings; - parking areas should be separated from adjacent roads; - loading and delivery areas should be unobtrusive; - landscaping should be used to define access points or divide large parking lots into smaller lots; - parking lots should be screened from street by placement of buildings or, where parking area is located in front of building, the use of berms and landscaping (visibility of entrance way locations and traffic sight-lines will have to be considered and respected); - linked parking areas serving several developments should be used in order to reduce the number of turns onto and off adjacent road; - parking layouts should facilitate safe movement of pedestrians by providing walkways separate from vehicle lanes; - pedestrian lanes should cross roads at the fewest possible points; - parking spaces adjacent to pedestrian lanes should be a minimum of 1.5 ft. / 0.5 m. longer to allow for car overhang; - disabled parking spaces should be provided at strategic locations; - parking for commercial developments should be provided at the rate of 5.5 spaces per 1000 ft. of gross leasable area; - parking lots should be hard surfaced and curbed.

building form	<ul style="list-style-type: none"> - building design should maintain and reinforce local character (e.g., building heights, roof shapes, colour schemes, and exterior finishes) rather than a corporate image; - all visible sides of building should be finished; - finishes of retaining walls should be compatible with those of nearby buildings; - building entrances should be well-defined and accessible to pedestrians, including the disabled.
vehicular movement	<ul style="list-style-type: none"> - driveways should be shared by adjacent developments; - the number of driveways serving a new development should be minimized; - the number of conflict points should be minimized; - driveways should be clearly visible and properly signed.
pedestrian circulation	<ul style="list-style-type: none"> - continuous access from property to property should be provided and be designed to accommodate the disabled; - crosswalks should be conveniently located at intersections and other appropriate crossing points, and should be safe, clearly marked and lit for night use; - where required (e.g., pedestrian walkways and vehicular access points), high level lighting should be complemented with lighting standards (9.8 - 13 ft. / 3 - 4 m above grade).
signage	<ul style="list-style-type: none"> - the number of signs per property should be limited to those absolutely necessary, generally one; - the number of messages per sign should be limited to those which can be read at normal driving speed without impairing safety; - the size of signs and lettering should be determined by the permitted driving speed and should be no greater than what is required for visibility; - signage should be consolidated; - free-standing signs should be installed on a landscaped or decorative base; - portable signs should not be used; - signs should complement the architectural design and materials of the adjacent building(s); - signs should be integrated into the on-site landscaping.
public services	<ul style="list-style-type: none"> - new electrical utility lines should be buried; - existing overhead wiring should be buried, relocated or improved; - where required, storm sewers should be installed.
on-site landscaping	<ul style="list-style-type: none"> - any area on a site not utilized for buildings, storage, parking, walkways or roads should be landscaped utilizing a combination of appropriate tree, shrub and grass species or other natural materials; - on-site landscaping utilized for screening purposes should be of a size and type as to provide the required screening on a year-round basis; - any existing on-site landscaping should be maintained; - landscaped berms should be utilized to separate developments from major thoroughfares, and between conflicting adjacent uses (e.g, residential and industrial); - where non-residential uses are located adjacent to a residential area, they should be screened using berms, fencing or landscaping; - fencing should be compatible with adjacent buildings in terms of colour and materials; - service areas should be incorporated into the building design or screened from view through use of berms, fencing or landscaping; - adequate site drainage, so as to minimize potential flooding of adjacent properties, should be incorporated into site development plans.

(8) Pursuant to clause 8.1(d) of the Act, the following properties or portions thereof, identified by their Provincial Property Identification Number (PIN), are designated as Scenic Viewscapes, as indicated in Appendix A, Map No. 6:

Scenic viewscapes

405548 and 814715

Uses permitted (9) Within any Scenic Viewscope, the following uses and no others shall be permitted:

- (i) resource development;
- (ii) recreational development; and
- (iii) scientific studies and conservation-related activities.

Rural Development Areas (10) Pursuant to clause 8.1(d) of the Act, the following properties or portions thereof, identified by their Provincial Property Identification Number (PIN), are designated as Rural Development Areas, as indicated in Appendix A, Map No. 6:

209973	590331	210609	379354	210013	769471	209775
209973	590331	210609	379354	210013	769471	209775
601674	214114	546754	209726	536482	214965	214999
536482	209718	209700	405548	215301	215376	215293
215368	215257	215319	215269	212761	214906	215343
215327	215137	568733	215202	215160	215244	509331
215194	215186	620328	215178	591859	214890	620310
214940	789370	769026	215236	404459	214981	734194
215046	212746	214957	214973			

Subdivision, rural development area (11) Within any Rural Development Area, a subdivision shall conform to the following table:

TABLE 11 - PERMITTED LAND USES AND SUBDIVISION LIMITATIONS IN A RURAL DEVELOPMENT AREA

Proposed use	No. of lots permitted per existing parcel of land
resource development	- no limit
residential: on-site sewerage system central water and sewerage system	- 1 lot per existing parcel of land; - no limit, provided an irrevocable agreement has been signed between the developer and the Community of Borden-Carleton to provide central waste treatment and water supply service to the approved subdivision from the municipal utility prior to the conveyance of any lot from the subdivision.
rural industrial: resource-based other	- no limit; - 1 lot per existing parcel of land.
rural commercial: resource-based other	- 1 lot per existing parcel of land; - 1 lot per existing parcel of land to a maximum of 1 acre in size.
public service and institutional	- 1 lot per existing parcel of land
recreational	- 1 lot per existing parcel of land

Notes:

1. Notwithstanding Table 11, the total number of lots for residential (on-site sewerage), rural industrial (other), rural commercial (resource-based), rural commercial (other), public service and institutional, and recreational shall not exceed one.
2. The requirements of Table 11 do not apply to approved subdivisions or development permits granted prior to September 7, 1996.

(12) Those properties, or portions thereof, identified in Appendix A, PEI 1 properties Map No. 7 as PEI 1

- (a) are designated for future residential, retail commercial and commercial service purposes; and
- (b) shall be within the exclusive jurisdiction of the Minister.

(13) Those properties, or portions thereof, identified in Appendix A, PEI 3 properties Map No. 7 as PEI 3

- (a) are designated for future commercial and light industrial purposes; and
- (b) shall be within the exclusive jurisdiction of the Minister.

**D - STRATFORD REGION, CHARLOTTETOWN REGION,
CORNWALL REGION AND SUMMERSIDE REGION
SPECIAL PLANNING AREAS**

63. (1) The July 9, 1994 designation of the following areas as special planning areas is continued: Special Planning Areas

- (a) the area adjacent to the Town of Stratford as shown in Appendix A, Map No. 8;
- (b) the area adjacent to the City of Charlottetown as shown in Appendix A, Map No. 9;
- (c) the area adjacent to the Town of Cornwall as shown in Appendix A, Map No. 10;
- (d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

(2) In addition to all other relevant conditions and requirements contained in these regulations, the provisions of this section apply within the Stratford Region Special Planning Area, the Charlottetown Area Special Planning Area, the Cornwall Region Special Planning Area and the Summerside Region Special Planning Area. Application of section

(3) The specific objectives for development within the Stratford Region Special Planning Area, the Charlottetown Region Special Planning Area, the Cornwall Region Special Planning Area, and the Summerside Region Special Planning Area are Objectives

- (a) to minimize the extent to which unserviced residential, commercial and industrial development may occur;
- (b) to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and

(c) to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

Approval of one lot
per parcel

(4) Subdivisions of one lot per existing parcel of land may be approved for the following purposes:

- (a) residential use, which may include the following:
 - (i) single family dwelling use,
 - (ii) duplex dwelling use,
 - (iii) summer cottage use, or
 - (iv) multiple unit dwelling use or mobile home park where
 - (A) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available; and
 - (B) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to the lot or mobile home park;
- (b) recreational use;
- (c) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
- (d) non-resource-commercial or non-resource-industrial use, where the lot is intended for other than agricultural, forestry or fisheries purposes, where the lot has an area no greater than one acre;
- (e) institutional use, where the lot has an area no greater than three acres;
- (f) rural tourism use, where the lot has an area no greater than three acres.

Exception

(5) Notwithstanding clause (4)(a), where the intended residential use is single family dwelling use, subdivisions of more than one lot per existing parcel of land, may be approved in the following situations:

- (a) where the requirements of clause (4)(a) are insufficient to permit an owner of the parcel to provide lots for the children of the owner, and
 - (i) each lot to be subdivided is to be conveyed to a person who is a child of the owner of the parcel,
 - (ii) a statutory declaration declaring that the lots to be subdivided will be conveyed to and built upon by children of the owner of the parcel has been submitted by the owner of the parcel with an application to subdivide,
 - (iii) no more than one lot is to be subdivided for each child,
 - (iv) where more than one parcel of land is owned by any person, the total number of lots which may be subdivided from all existing parcels pursuant to this subsection is equal to or less than the number of children of the person,
 - (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed

until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;

(b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;

(c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision.

(6) Notwithstanding clause (4)(d), in the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development. *Idem*

(7) Pursuant to the uses and limitations contained in subsection (4), development permits may be approved for *Development permits*

(a) existing parcels of land on July 9, 1994;

(b) subdivisions approved prior to July 9, 1994;

(c) subdivisions approved pursuant to subsections (4) and clauses (5)(a) and (b);

(d) subdivisions approved pursuant to clause (5)(c), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;

(e) subdivisions approved for lands owned by the Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

(8) Where a lot has been approved pursuant to clause (5)(b) to accommodate an existing farm dwelling, no development permit shall be issued for a dwelling on the remainder of the subdivided parcel. *Existing farm dwelling*

- Municipal official plan (9) Subdivisions or development permits approved under subsections (4), (5) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and development regulations made pursuant to the municipal official plan.
- Municipality with official plan (10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and
- (a) are consistent with the objectives set out in subsection (3);
 - (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
 - (c) zone land for new or additional residential use sufficient to allow a subdivision of residential lots to a maximum amount which shall be determined by multiplying the average annual number of residential development permits issued during the period from 1980 through 1997 by 30;
 - (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use pursuant to clause
 - (e) to no more than five lots per existing parcel of land, except where
 - (i) central water service, central sewerage service or both of them, by a municipal water utility, municipal sewerage utility, or both of them is available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service or both of them, to all lots prior to the conveyance of any lot from the approved subdivision;
 - (f) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use.

E - OFF-SHORE ISLANDS

- Subdivide land or construct building **64.** Upon and within any off-shore island no person shall
- (a) subdivide a parcel of land;
 - (b) construct or locate a building or development on a sand dune or wildlife habitat; or
 - (c) construct or locate on a parcel of land a building or development intended for any use other than a summer cottage having its own water supply and sewage disposal system constructed in accordance with the requirements of the *Environmental Protection Act*.

F - SCENIC HERITAGE ROADS

- Designated roads **65.** The following highways are designated as scenic heritage roads:
- (a) in Kings County

- (i) the road known as the County Line Road, dividing Kings and Queens Counties, commencing at Caledonia and running North for 1.6 miles (2.6 kilometres),
 - (ii) the road known as the Mellish Road commencing in New Perth and running south for 1.9 miles (3.1 kilometres) to meet the McDonald Road,
 - (iii) the road known as the New Harmony Road, including all of the length of the road extending between Route 304 and the Greenvale Road, a distance of approximately 0.7 mile (1.2 kilometres);
- (b) in Queens County
- (i) the road known as the Millman Road running south from Irishtown for 1.2 miles (2 kilometres) to meet Route 234,
 - (ii) the Warburton Road commencing at the intersection with Route 2 in Fredericton to the intersection with Route 239 in Millvale,
 - (iii) the Princetown Road commencing at the intersection with the Warburton Road to the intersection with Route 232 in South Granville,
 - (iv) the road known as the Perry Road near St. Patricks, running south from Route 239 for 1.2 miles (2 kilometres) to meet Route 228,
 - (v) the road known as Jack's Road, commencing at the junction with Route 1, extending northeast to the junction with Route 207, a distance of approximately 2.5 miles (4.1 kilometres),
 - (vi) the road known as the Junction Road, commencing from a point 1,345 feet (410 metres) northwest from the junction with Route 225, running northwest to a point 2,788.7 feet (850 metres) southeast of the junction with Route 264, a distance of approximately 1.4 miles (2.2 kilometres),
 - (vii) the road known as the Klondyke Road, including all of the length extending between Route 23 and Route 24, a distance of approximately 3 miles (4.9 kilometres);
- (c) in Prince County
- (i) the road known as Wall's Road, from a point 2,788.7 feet (850 metres) north of the junction with Route 111, running northwest to the junction with Route 113, a distance of approximately 0.8 mile (1.3 kilometres).

66. No person shall, without the written permission of the Minister

- (a) cut or remove trees, shrubbery or plant life from any scenic heritage road;
- (b) alter the landscape of any scenic heritage road.

Minister's
permission required
for alterations

G. MORELL RIVER CONSERVATION ZONE

Morell River Conservation Zone	<p>67. (1) The designation of the Morell River Conservation Zone as shown in Appendix A, Map No. 12 is continued, with the following objectives:</p> <ul style="list-style-type: none"> (a) to maintain the recreational value of the Morell River; (b) to retain its unspoiled state for the use and enjoyment of present and future generations; and (c) to protect it from encroachment of undesirable and incompatible land uses.
Application	<p>(2) This section applies only to the Morell River Conservation Zone and no other requirements of these regulations apply to the Morell River Conservation Zone.</p>
Definitions	<p>(3) For the purposes of this section</p>
Conservation Zone	<p>(a) "Conservation Zone" means the Morell River Conservation Zone established pursuant to this section;</p>
development	<p>(b) "development" means</p> <ul style="list-style-type: none"> (i) a change in the use of land or buildings, (ii) the erection or construction of any structure, including any building, mobile building, trailer or billboard, or (iii) any other act or work, including the cutting of trees, which affects, or may affect the environment or the landscape or the appearance of the same;
established uses	<p>(c) "established uses" means those uses of land or buildings lawfully existing on or before June 19, 1975;</p>
permit	<p>(d) "permit" means a permit issued pursuant to subsection (6).</p>
Development requires a permit	<p>(4) No person shall undertake development in the Conservation Zone without a permit.</p>
Obligations of property owner	<p>(5) No owner of property located within the Conservation Zone shall permit development to be undertaken on that property unless</p> <ul style="list-style-type: none"> (a) the development is authorized by permit; and (b) the owner of the property has inspected the permit.
Minister may grant permit	<p>(6) The Minister may grant a permit for development within the Conservation Zone where</p> <ul style="list-style-type: none"> (a) the proposed development <ul style="list-style-type: none"> (i) is a scientific project with the object of improving the river, and (ii) has been approved in writing by <ul style="list-style-type: none"> (A) the Morell River Land Use Steering Committee, (B) the Department of Fisheries and Oceans Canada, (C) the Fish and Wildlife Division of the Department of Fisheries, Aquaculture and Environment, and

- (D) the Planning and Inspection Services Division of the Department of Community and Cultural Affairs; or
- (b) the proposed development
 - (i) is the selective cutting of trees aimed at improving a tree stand, and
 - (ii) the development has been approved in writing by
 - (A) the Forestry Division of the Department of Agriculture and Forestry, and
 - (B) the Morell River Land Use Steering Committee.

(7) Established uses shall be permitted to continue within the Conservation Zone, but no person shall expand, relocate, structurally alter or otherwise undertake development with respect to an existing use. Established uses

**PART V
FEES**

68. Fees for subdivision and development applications are prescribed in Table 12. Fees

TABLE 12 - FEES

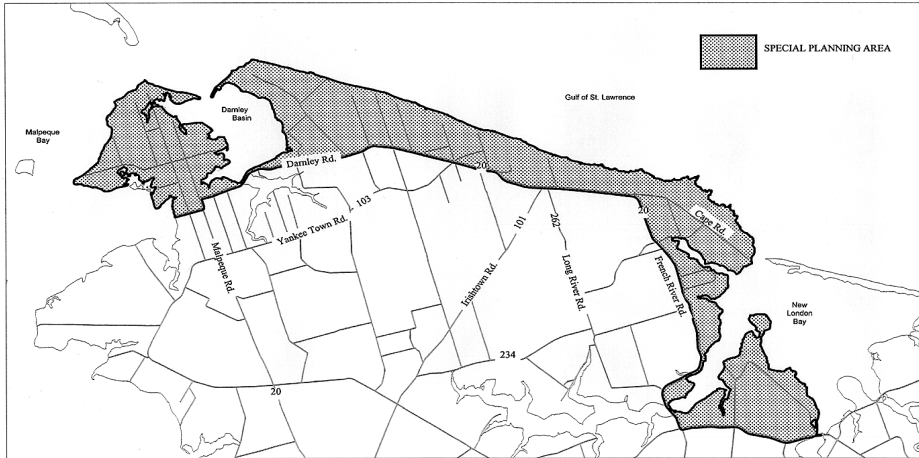
Application -	Fee
for subdivision approval	
(a) one to five lots	\$75 - first lot plus \$10 for each additional lot
(b) six or more lots	
(c) change of use of a lot or lots in an approved subdivision	\$150 - six lots plus \$35 for each additional lot
	\$75

for development permit	
(d) new building or structure with a floor area of 500 sq. ft. / 46.45 sq. m. or less (e) structural renovation or alteration of an existing building where floor area will not be increased (f) addition to an existing building or structure where the addition will have a floor area of 1,076 sq. ft. / 100 sq. m. or less (g) change of use of an existing building or structure with a floor area of 1,076 sq. ft. / 100 sq. m. or less	\$25
(h) new single unit residential building, or new building or structure with a floor area greater than 1,076 sq. ft. / 100 sq. m. for which a fee is not otherwise prescribed in (n) or (o) (i) addition to an existing building or structure where the addition will have a floor area greater than 1,076 sq. ft. / 100 sq. m. (j) change of use of an existing building or structure with a floor area greater than 1,076 sq. ft. / 100 sq. m. (k) travel trailer as a main or accessory use on a lot (l) mobile home park or campground	\$80
(m) new commercial rental cottages, per cottage	\$80 per cottage, to a maximum of \$320
(n) new residential building containing two or more units, commercial, industrial or institutional building or structure, or farm building or structure intended for livestock or feed or machinery storage, with a floor area of 5,000 sq. ft. / 464.5 sq. m. or less	\$130
(o) new commercial, industrial, institutional or farm building or structure with a floor area greater than 5,000 sq. ft. / 464.5 sq. m.	\$500

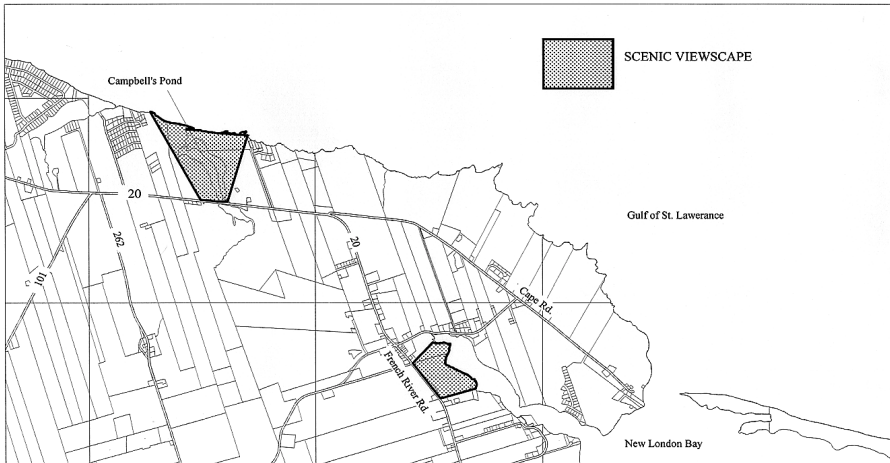
Withdrawal of application

69. Where an applicant withdraws an application before a decision is made on it, the Minister may authorize a refund of any fee paid pursuant to section 68 where, in the opinion of the Minister, the withdrawal of the application will avoid public expense.

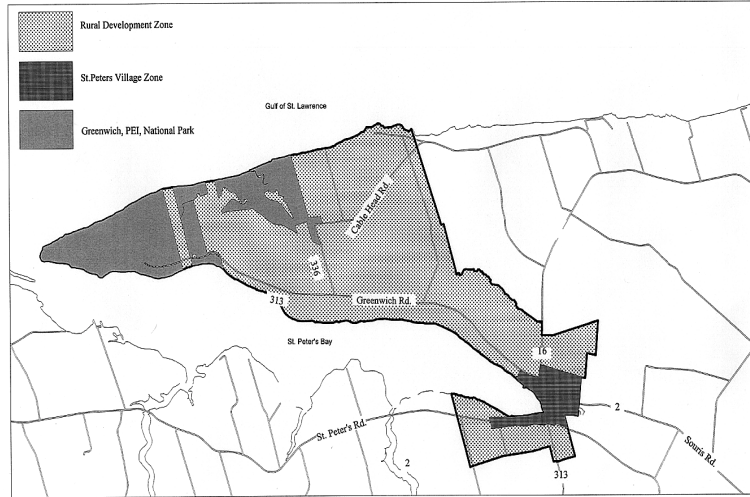
APPENDIX A
MAP #1 - PRINCETOWN POINT - STANLEY BRIDGE SPECIAL PLANNING AREA



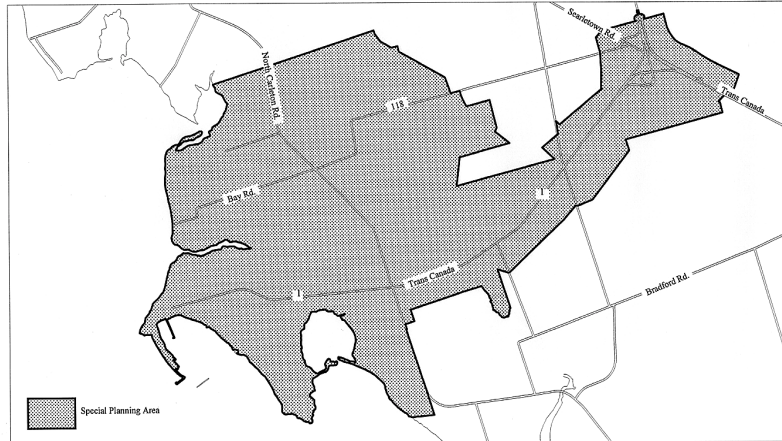
APPENDIX A
MAP #2 - SCENIC VIEWSCAPE ZONE



APPENDIX A
MAP #3 - GREENWICH SPECIAL PLANNING AREA



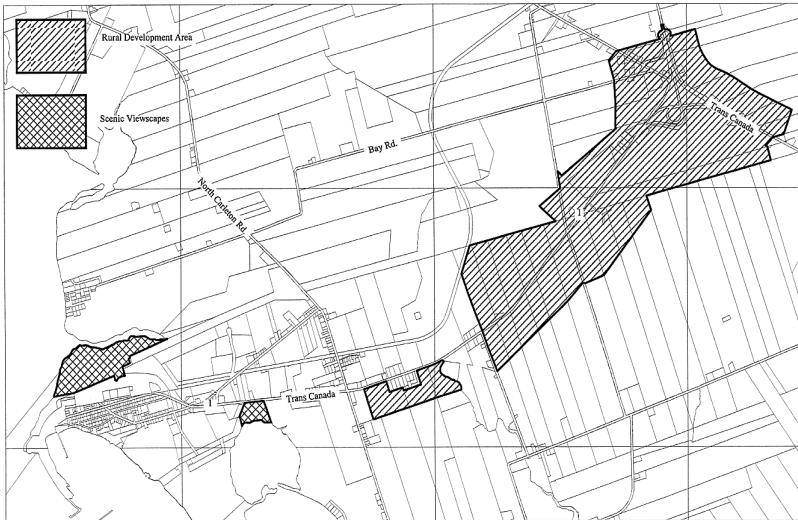
APPENDIX A
Map #4 - BORDEN REGION SPECIAL PLANNING AREA



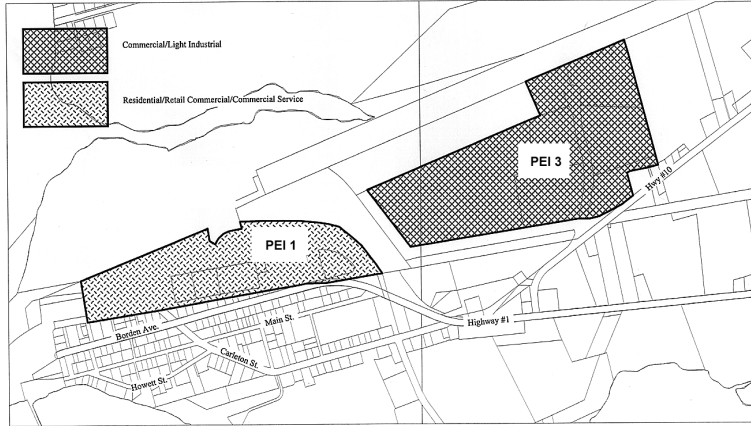
APPENDIX A
MAP #5 - CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR



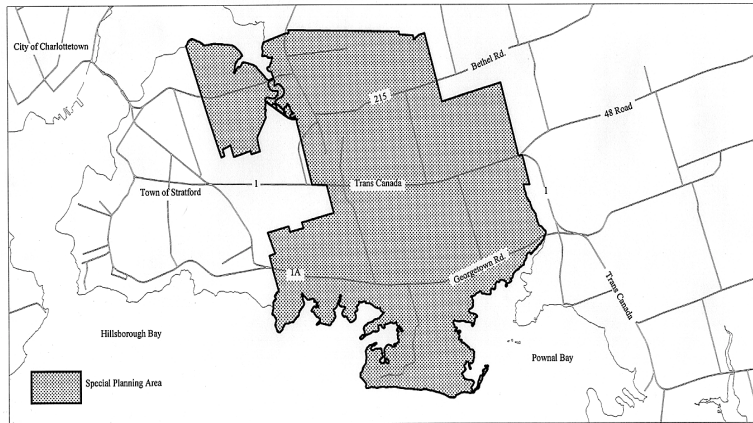
APPENDIX A
MAP # 6 - PROPERTIES DESIGNATED AS SCENIC VIEWSCAPES AND RURAL DEVELOPMENT AREAS



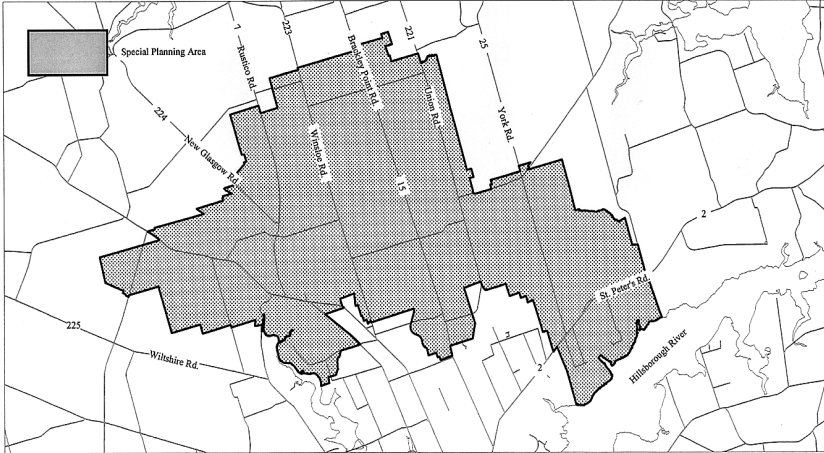
APPENDIX A
MAP #7 - PROPERTIES DESIGNATED FOR FUTURE RESIDENTIAL/RETAIL COMMERCIAL/
COMMERCIAL SERVICE AND COMMERCIAL/ LIGHT INDUSTRIAL PURPOSES



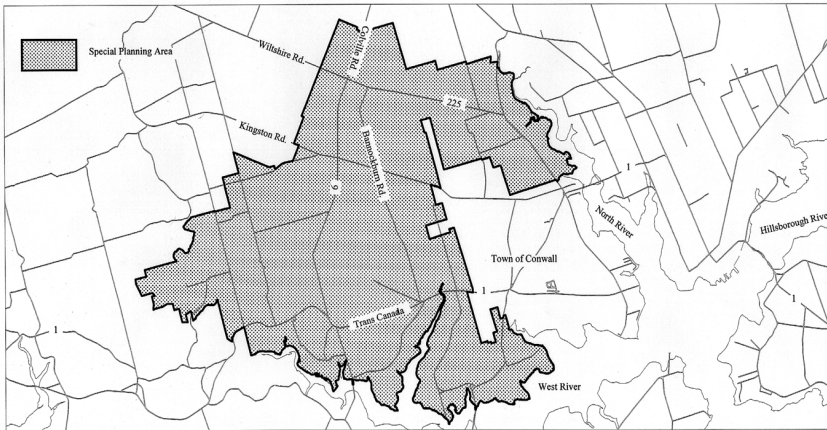
APPENDIX A
MAP #8 - STRATFORD REGION SPECIAL PLANNING AREA



APPENDIX A
MAP #9 - CHARLOTTETOWN REGION SPECIAL PLANNING AREA

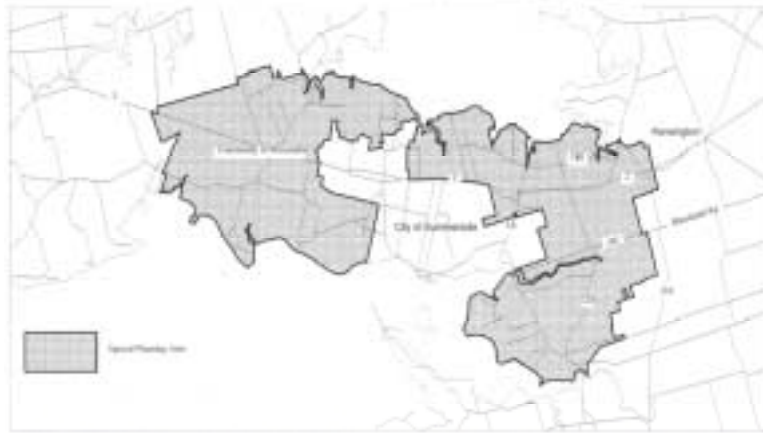


APPENDIX A
MAP #10 - CORNWALL REGION SPECIAL PLANNING AREA



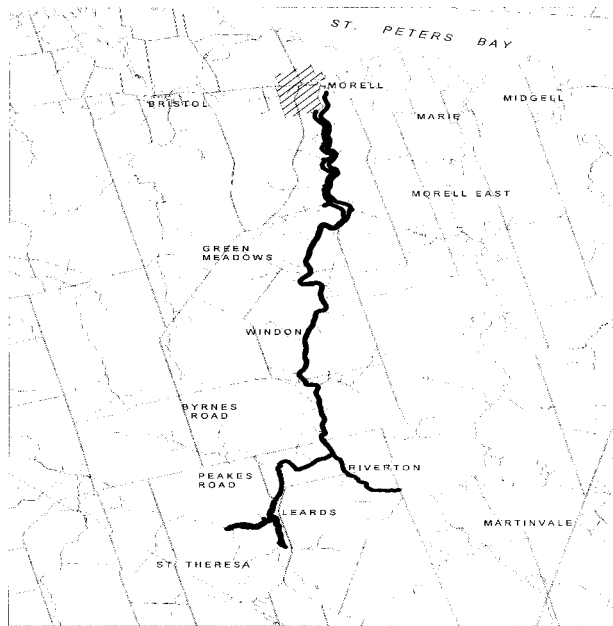
APPENDIX A

MAP #11 - SUMMERSIDE REGION SPECIAL PLANNING AREA



APPENDIX A

MAP #12 - MORELL RIVER CONSERVATION ZONE



-  MORELL RIVER CONSERVATION ZONE*
-  VILLAGE OF MORELL MUNICIPAL BOUNDARIES

* Conservation zone includes three chains on either side of the river.

- 70.** The following regulations made under the *Planning Act* are revoked: Revocation
- (a) General Regulations (EC601/77);
 - (b) Coastal Area Regulations (EC159/92);
 - (c) Off-Shore Islands Regulations (EC123/89);
 - (d) Scenic Heritage Roads Regulations (EC608/87);
 - (e) Fees Regulations (EC676/95).

- 71.** These regulations come into force on December 2, 2000. Commencement

EXPLANATORY NOTES

These regulations govern the subdivision and development of land in all areas of Prince Edward Island where the Department of Community and Cultural Affairs is the approving authority, and represent a reorganization, consolidation and replacement of the Planning Act Regulations, the Coastal Area Regulations, the Off-Shore Islands Regulations, the Scenic Heritage Roads Regulations and the Fees Regulations.

Certified a true copy,

Lynn E. Ellsworth

Clerk of the Executive Council

EC2000-694

PLANNING ACT PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS AMENDMENT

(Approved by His Honour the Lieutenant Governor in Council dated 21 November 2000.)

Pursuant to clause 7(1)(c) of the *Planning Act* R.S.P.E.I., Cap. P-8, Council made the following regulations:

1. Section 4 of the Planning Act Province-Wide Minimum Development Standards Regulations (EC703/95) is amended by the addition of the following:

(4) Notwithstanding the minimum circle diameter requirements set out in column (e) of Table 1 and column (d) of Table 2, a lot that does not

Reduced circle
requirement

meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where

- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
- (b) the lot meets Category I standards in accordance with clause 6(a) and the minimum lot area requirements set out in column (d) of Table 1 and column (c) of Table 2 respectively;
- (c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
- (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement.

2. Section 6 of the regulations is amended by the revocation of clause (c) and the substitution of the following:

(c) Category III, where the lot has a depth of permeable natural soil of 1 ft./0.3 m. or greater, and where either or both of the following conditions exist:

- (i) the depth to bedrock is 2 ft./0.61 m. or greater, but less than 4 ft./1.22 m.;
- (ii) the depth to the maximum ground water elevation is 2 ft./0.61 m. or greater, but less than 4 ft./1.22 m.

3. Section 7 of the regulations is revoked.

4. Tables 1 and 2 of the regulations are revoked and the following substituted:

**TABLE 1
MINIMUM LOT SIZE STANDARDS
RESIDENTIAL DEVELOPMENTS**

a) servicing	b) lot category	c) number of dwelling units	d) minimum lot area sq.ft. / sq.m.	e) minimum circle diameter to be contained within the boundaries of the lot feet / metres
on-site water and on-site sewerage system	I	1	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		2	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		3	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		4	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		more than 4	40,000 sq.ft. / 3,717 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	200 ft. / 61 m.

on-site water and on-site sewerage system	II	1	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		2	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		3	45,000 sq.ft. / 4,180.5 sq.m.	225 ft. / 68.6 m.
		4	50,000 sq.ft. / 4,645 sq.m.	250 ft. / 76.2 m.
		more than 4	50,000 sq.ft. / 4,645 sq.m., plus 1,500 sq.ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water and on-site sewerage system	III	1	51,000 sq. ft. / 4,738 sq.m.	225 ft. / 68.6 m.
		2	56,000 sq. ft. / 5,202 sq.m.	250 ft. / 76.2 m.
		3	61,000 sq. ft. / 5,667 sq.m.	275 ft. / 83.8 m.
		4	66,000 sq. ft. / 6,131 sq.m.	300 ft. / 91.4 m.
		more than 4	66,000 sq. ft. / 6,131 sq.m. plus 1,500 sq. ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
central water supply and on-site sewerage system	I	1	20,000 sq.ft. / 1,858 sq.m.	125 ft. / 38.1 m.
		2	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		3	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		4	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		more than 4	35,000 sq.ft. / 3,251.5 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	175 ft. / 53.3 m.
central water supply and on-site sewerage system	II	1	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.

		2	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		3	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		4	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		more than 4	40,000 sq.ft. / 3,717 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	200 ft. / 61 m.
central water supply and on-site sewerage system	III	1	40,000 sq. ft. / 3,717 sq.m.	200 ft. / 61 m.
		2	45,000 sq.ft. / 4,180.5 sq.m.	225 ft. / 68.6 m.
		3	50,000 sq.ft. / 4,645 sq.m.	250 ft. / 76.2 m.
		4	55,000 sq.ft. / 5,110 sq.m.	275 ft. / 83.8 m.
		more than 4	55,000 sq.ft. / 5,110 sq.m., plus 1,500 sq. ft. / 457 sq.m. for each additional unit	275 ft. / 83.8 m.
on-site water supply and central waste treatment system	I or II	1	15,000 sq.ft. / 1,393.5 sq.m.	100 ft. / 30.5 m.
		2	20,000 sq.ft. / 1,858 sq.m.	125 ft. / 38.1 m.
		3	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		4	30,000 sq.ft. / 2,787 sq. m.	160 ft. / 48.8 m.
		more than 4	30,000 sq.ft. / 2,787 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	1	20,000 sq.ft. / 1,858 sq.m.	125 feet / 38.1 m.

		2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
		3	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		4	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		more than 4	35,000 sq.ft. / 3,251.5 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	any number	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

**TABLE 2
MINIMUM LOT SIZE STANDARDS
NON - RESIDENTIAL DEVELOPMENTS**

a) servicing	b) lot category	c) minimum lot area sq. ft. / sq. m.	d) minimum circle diameter to be contained within the boundaries of the lot feet / metres
on-site water and on-site sewerage disposal system	I	25,000 sq. ft. / 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
on-site water and on-site sewerage disposal system	II	35,000 sq. ft. / 3,251.5 sq. m. (1)	175 ft. / 53.3 m.
on-site water and on-site sewerage disposal system	III	51,000 sq.ft. / 4,738 sq. m.	225 ft. / 68.6m.
central water supply and on-site sewerage disposal system	I	20,000 sq. ft. / 1,858 sq. m. (1)	125 ft. / 38.1 m.
central water supply and on-site sewerage disposal system	II	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewerage disposal system	III	35,000 sq.ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.

central water supply and waste treatment systems	I, II or III	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction
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5. These regulations come into force on December 2, 2000.

EXPLANATORY NOTES

SECTION 1 makes provision for lots that were created prior to June 12, 1993, where the intention was to further subdivide the lot. These parcels meet the acreage requirement of the present regulations but do not meet the circle requirement after the regulations were amended in 1993. This regulation allows an exception to the present regulations to allow a reduced circle in cases where the lot is a Category I lot and is for a single family dwelling use.

SECTION 2 alters the requirements of Category III in section 6 of the regulations.

SECTION 3 makes a necessary amendment to reflect the changes to the regulations.

SECTION 4 revises Tables 1 and 2 by the addition of a Category III lot in all areas. This allows the province to approve on-site sewerage disposal systems on lots where appropriate soil, bedrock, and ground water conditions exist.

Certified a true copy,

Lynn E. Ellsworth
Clerk of the Executive Council

PART II
REGULATIONS INDEX

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
E-9	Environmental Protection Act Waste Resource Management Regulations		[new] [eff] Jan. 1/2001	EC2000-691 (21.11.00)	219-254
P-8	Planning Act General Regulations	EC601/77	[rev] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	313
	Coastal Area Regulations	EC159/92	[rev] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	313
	Off-Shore Islands Regulations	EC123/89	[rev] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	313
	Scenic Heritage Roads Regulations	EC608/87	[rev] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	313
	Fees Regulations	EC676/95	[rev] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	313
	Subdivision and Development Regulations		[new] [eff] Dec. 2/2000	EC2000-693 (21.11.00)	254-313
	Province-Wide Minimum Development Standards Regulations	EC703/95	s.4(4) [added] s.6(c) [R&S] s.7 [rev] Table 1 [R&S] Table 2 [R&S] [eff] Dec. 2/2000	EC2000-694 (21.11.00)	313-318