

Royal Gazette

Prince Edward Island

Postage paid in cash at First Class Rates

PUBLISHED BY AUTHORITY

VOL. CXXIX - NO. 36

Charlottetown, Prince Edward Island, September 6th, 2003

**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
ADAMS, Robert Reginald Knutsford Prince Co., PE August 30th, 2003 (35-48)	Norma MacNeill Karen Murray (EX.)	Key McKnight & Maynard PO Box 177 O'Leary, PE
ARSENAULT, Eric Miscouche Prince Co., PE August 30th, 2003 (35-48)	Raymond Arsenault Simon Arsenault (EX.)	David R. Hammond, QC 740A Water Street East Summerside, PE
BLANCHARD, Joseph Isadore Summerside Prince Co., PE August 30th, 2003 (35-48)	Margaret Miernicki Peter Joseph Wayne Blanchard (EX.)	Taylor McLellan PO Box 35 Summerside, PE
BRADY, James Maurice Charlottetown Queens Co., PE August 30th, 2003 (35-48)	Susan Brooke Brady Andrea Margaret Patte Brenda Joyce Brady (EX.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
MacCALLUM, Austin Justin Charlottetown Queens Co., PE August 30th, 2003 (35-48)	Dawn Hooper Kathryn St. Pierre (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
MacKINNON, Aretas Arthur Charlottetown Queens Co., PE August 30th, 2003 (35-48)	Clare A. Mullen Kenneth A. MacKinnon (EX.)	Paul J. D. Mullin, QC 14 Great George Street Charlottetown, PE
NEWSON, Theodore F. Union Road Queens Co., PE August 30th, 2003 (35-48)	Rosalie Cudmore Lorena Dalziel (EX.)	Curley Sanderson 91 Water Street Charlottetown, PE

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YEO, Georgie Greeta Yeo (sometimes known as Georgie Greta Yeo) Summerside Prince Co., PE August 30th, 2003 (35-48)	Allison MacMurdo (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
CARR, Barry Russell Reginald Charlottetown Queens Co., PE August 30th, 2003 (35-48)	Cheryl Ann Tammy Carr (AD.)	Robert R. MacArthur PO Box 127 Cornwall, PE
MUIRHEAD, Jessie Mary Cumberland British Columbia August 30th, 2003 (35-48)	Carol Anne McMurdo (AD.)	Patterson Palmer 82 Summer Street Summerside, PE
BREHAUT, Kathryn Annabelle Murray River RR#1 High Bank Kings Co., PE August 23rd, 2003 (34-47)	Janice Maria Krug (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
FARQUHARSON, Helen B. Brookline Norfolk County Massachusetts, USA August 23rd, 2003 (34-47)	Paul Farquharson (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
HIGGINS, June Henriette Charlottetown Queens Co., PE August 23rd, 2003 (34-47)	Jeffrey E. Lantz (EX.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
KEEP, Ora May RR#1 Pownal Queens Co., PE August 23rd, 2003 (34-47)	Olive Judson (EX.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
LARRABEE, Christene Grace Belle River Queens Co., PE August 23rd, 2003 (34-47)	Eldon J. Larrabee Roger A. Larrabee (EX.)	Campbell Lea PO Box 429 Charlottetown, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
MATHESON, Herbert Angus Charlottetown Queens Co., PE August 23rd, 2003 (34-47)	Donna Switzer (EX.)	Ian W. H. Bailey, QC PO Box 1850 Charlottetown, PE
GAUTHIER, Frank Aeneas Charlottetown Queens Co., PE August 23rd, 2003 (34-47)	Evelyn Gauthier (AD.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
BERNARD, Gladys Summerside Prince Co., PE August 16th, 2003 (33-46)	David Bernard Anne Bernard (EX.)	Lyle & McCabe PO Box 300 Summerside, PE
ELLIS, William O'Leary Prince Co., PE August 16th, 2003 (33-46)	Alvin George (Bud) Ellis (EX.)	Regena Kaye Russell PO Box 383 O'Leary, PE
MacDONALD, Amy Edna Crapaud Queens Co., PE August 16th, 2003 (33-46)	Brian MacDonald Ronald Myers (EX.)	Birt & McNeill PO Box 20063 Sherwood, PE
MacKENZIE, Effie Jean Charlottetown Queens Co., PE August 16th, 2003 (33-46)	J. Scott MacKenzie (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MacPHERSON, Percy Montague Kings Co., PE August 16th, 2003 (33-46)	Margaret Elizabeth Munn (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
MARKS, Judith A. Colbert Washington, USA August 16th, 2003 (33-46)	David E. Marks (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
MOORE, Allen Franklin Victoria West Prince Co., PE August 16th, 2003 (33-46)	Milton Moore (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
DOUCETTE, Louis Joseph Charlottetown Queens Co., PE August 16th, 2003 (33-46)	Yvette Marie Reid Lucille Isabelle Doucette (AD.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
FEEHAN, Henry F. Mount Stewart Queens Co., PE August 16th, 2003 (33-46)	Michael A. Farmer, QC (AD.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MacQUARRIE, Heath Nelson Ottawa Ontario August 9th, 2003 (32-45)	Flora MacQuarrie (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
HENDERSON, Ruth Mary Sackville Westmoreland Co., NS August 9th, 2003 (32-45)	Harold D. Henderson (AD.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacEACHERN, Lester Route 57, Port Murray New Jersey, USA August 9th, 2003 (32-45)	Lisa (Macey) MacEachern (AD.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacPHEE, Everett D. Largo Pinellas County Florida, USA August 2nd, 2003 (31-44)	Alice MacPhee (EX.)	Birt & McNeill PO Box 20063 Sherwood, PE
VESSEY, Irving Dunstaffnage Queens Co., PE August 2nd, 2003 (31-44)	Glen Vessey (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
DE BELLE, Mary Norma Summerside Prince Co., PE July 26th, 2003 (30-43)	George E. C. De Belle (EX.)	Patterson Palmer 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
GALLANT, Francis X. Tignish Prince Co., PE July 26th, 2003 (30-43)	Carl Doucette (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
GAMBLE, Robert Frederick Ottawa Ontario July 26th, 2003 (30-43)	Robert Daniel Gamble Thomas Neil Gamble (EX.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
KAYS, Paul Charlottetown Queens Co., PE July 26th, 2003 (30-43)	Mary Kays (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
KELLY, Ivan Ambrose Scotchfort Queens Co., PE July 26th, 2003 (30-43)	Estelle Bourgeois (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacDONALD, Lela Red House Kings Co., PE July 26th, 2003 (30-43)	Garnet MacDonald Annie Livingstone (EX.)	Allen J. MacPhee Law Corporation PO Box 236 Souris, PE
MacDONELL, Ellen May Charlottetown Queens Co., PE July 26th, 2003 (30-43)	Anne C. Hyde (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacLEAN, M. Dorothy St. Peters Bay Kings Co., PE July 26th, 2003 (30-43)	Janice (Fraser) MacKinnon (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
MacSWAIN, Carol Anne Morell Kings Co., PE July 26th, 2003 (30-43)	Norman MacSwain (EX.)	Curley Sanderson 91 Water Street Charlottetown, PE
NOONAN, Margaret Mary Albany Prince Co., PE July 26th, 2003 (30-43)	Timothy Patrick Noonan (EX.)	Donald Schurman 155A Arcona Street Summerside, PE

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SMITH, Judith Gerardine Charlottetown Queens Co., PE July 26th, 2003 (30-43)	Kirk Cutcliffe (EX.)	Curley Sanderson 91 Water Street Charlottetown, PE
WOOLHOUSE, Margaret Alice Bell Stratford Queens Co., PE July 26th, 2003 (30-43)	Daphne E. Dumont Peter Myles Woolhouse George Bell Woolhouse (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
JOHNSTON, Verne Millar Murray Harbour North Kings Co., PE July 26th, 2003 (30-43)	Wendell Johnston (AD.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
BELL, William Long River Queens Co., PE July 12th, 2003 (28-41)	Evelyn Bell (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
MacDOUGALL, Annie Kathleen Charlottetown Queens Co., PE July 12th, 2003 (28-41)	Jessie E. McCrady (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
MacLEOD, Kenneth L. Brudenell Kings Co., PE July 12th, 2003 (28-41)	Rita Donahoe (EX.)	Alfred K. Fraser, QC PO Box 516 Montague, PE
MacLEOD, Lawrence Wallace Montague Kings Co., PE July 12th, 2003 (28-41)	John Lawrence MacLeod (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
CUDMORE, Leo Charlottetown Queens Co., PE July 5th, 2003 (27-40)	Shelley Cudmore (EX.)	Philip Mullally, QC PO Box 2560 Charlottetown, PE
DesROCHES, Mary Rose Delima Tignish Prince Co., PE July 5th, 2003 (27-40)	Aldona Hall Rev. Albin Arsenault (EX.)	J. Allan Shaw Law Corporation PO Bo x 40 Alberton, PE

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MacLEOD, A. Winnifred Charlottetown Queens Co., PE July 5th, 2003 (27-40)	T. A. Clare Haslam David E. R. Haslam (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
McCOMBS, Annie Vera 51 Breadalbane Street Hamilton, ON July 5th, 2003 (27-40)	Charlene Dianne Schoenholz (EX.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
O'DONNELL, Blanche Elizabeth Charlottetown Queens Co., PE July 5th, 2003 (27-40)	Terrence Murphy (EX.)	Taylor McLellan PO Box 35 Summerside, PE
SHARBELL, Dale Edward Coleman Prince Co., PE July 5th, 2003 (27-40)	Maria Sharbell (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
CUSACK, Mabel Irene Charlottetown Queens Co., PE July 5th, 2003 (27-40)	James Walter Cusack (AD.)	Ian W. H. Bailey PO Box 1850 Charlottetown, PE
JEWELL, Ruby Maude Bedeque Prince Co., PE July 5th, 2003 (27-40)	L. Leigh Jewell (AD.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
FOSTER, Minto G. Charlottetown (Formerly Parkdale) Queens Co., PE June 28th, 2003 (26-39)	Earl Dixon Foster Sandra M. Yeo (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
GALLANT, Joseph T. Charlottetown Queens Co., PE June 28th, 2003 (26-39)	Kathleen (Kay) G. Gallant (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE

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HOGG, Alice Hall Summerside Prince Co., PE June 28th, 2003 (26-39)	Vivian Wright David Schurman (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
KANE, Imelda Ann Montreal Quebec June 28th, 2003 (26-39)	Gemma Catherine O'Sullivan (Kane) (EX.)	Greg B. Collins Law Office National Bank Tower Suite 405, 134 Kent Street Charlottetown, PE
MacLEOD, Robert Martin Fairview Queens Co., PE June 28th, 2003 (26-39)	Edith Clara MacLeod (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
POWER, Mary Janet Summerside Prince Co., PE June 28th, 2003 (26-39)*	Richard MacDonald (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
WEDLOCK, Amanda Juanita Clinton (Formerly of Summerside) Prince Co., PE June 28th, 2003 (26-39)*	Elwin Sherren (EX.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
LAVERTY, Elmer Louis Auburn RR#3 Mount Stewart Queens Co., PE June 21st, 2003 (25-38)	Mary Patricia Laverty Cecil Daniel Laverty (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
RUSSELL, Robert P. Orange Park, County of Clay Florida, USA June 21st, 2003 (25-38)	Ann Russell Leach James P. Russell (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
SHAMA, Peter Edward Charlottetown Queens Co., PE June 21st, 2003 (25-38)	Arthur Shama Nancy Dunbar (EX.)	Philip Mullally, QC PO Box 2560 Charlottetown, PE

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TASSELL, Fannie Annandale Kings Co., PE June 21st, 2003 (25-38)	Jack Tassell (AD.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
TASSELL, William Annandale Kings Co., PE June 21st, 2003 (25-38)	Jack Tassell (AD.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
ARSENAULT, Phyllis St. Peter and St. Paul Prince Co., PE June 14th, 2003 (24-37)	Sylvie Arlene Arsenault Brian Arsenault (EX.)	Key McKnight & Maynard PO Box 177 O'Leary, PE
DEWIS, Douglas Scott Victoria British Columbia June 14th, 2003 (24-37)	Debra Charlene Dewis (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
MacLEAN, Angus L. Murray River Kings Co., PE June 14th, 2003 (24-37)	Jamie A. Miller (EX.)	MacLeod Crane & Parkman PO Box 1056 Charlottetown, PE
TAYLOR, Dorothy Grace Albany, Tryon RR#2 Prince Co., PE June 14th, 2003 (24-37)	Sheldon Earl Howatt Marion Ellen Howatt (EX.)	Taylor McLellan PO Box 35 Summerside, PE
BULGER, David Peter Cape Wolfe Prince Co., PE June 14th, 2003 (24-37)	Leith Bulger Brent Bulger (AD.)	Regena Kaye Russell PO Box 383 O'Leary, PE
MacLEOD, John Kenneth Orwell Cove Queens Co., PE June 14th, 2003 (24-37)	Barbara Drake (AD.)	Barbara Drake Vernon Bridge, PE
DUFFETT, Lillian Doreen Charlottetown Queens Co., PE June 7th, 2003 (23-36)	Doris Harriette Clarke (EX.)	Philip Mullally, QC PO Box 2560 Charlottetown, PE

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
MacDONALD, Mary Lillian Stratford Queens Co., PE June 7th, 2003 (23-36)	Robert B. Harvey (EX.)	Farmer & MacLeod National Bank Tower Suite 205, 134 Kent Street Charlottetown, PE
MacMILLAN, Walter Allison Charlottetown Queens Co., PE June 7th, 2003 (23-36)	Carol MacMillan Heather MacMillan (EX.)	Heather MacMillan 3 Yorkshire Drive. Charlottetown, PE
MacPHEE, Annie E. Souris Kings Co., PE June 7th, 2003 (23-36)	Isabel McLean (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
POTTEN, Elizabeth Anne Riverton Mount Stewart RR#5 Kings Co., PE June 7th, 2003 (23-36)	Cathryn Dagenais (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
STEWART, Lois Jean Elmsdale Prince Co., PE June 7th, 2003 (23-36)	Lea Donald Stewart (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
BRANDER, Christopher John Kensington Prince Co., PE June 7th, 2003 (23-36)	Wallace Brander (AD.)	Patterson Palmer 82 Summer Street Summerside, PE
MacLENNAN, Adam John Kensington Prince Co., PE June 7th, 2003 (23-36)	Gloria MacLennan (AD.)	Key McKnight & Maynard PO Box 177 O'Leary, PE
MacPHERSON, Angus Belmont Middlesex Co. Massachusetts, USA June 7th, 2003 (23-36)	John Flood (AD.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE

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STEWART, Michele Katherine Kensington Prince Co., PE June 7th, 2003 (23-36)	Lucille Stewart (AD.)	Key McKnight & Maynard PO Box 177 O'Leary, PE

PROCLAMATION

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

(Great Seal)

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Hon. J. LÉONCE BERNARD
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING
A PROCLAMATION

WHEREAS in and by section 6 of Chapter 42 of the Acts passed by the Legislature of Prince Edward Island in the 4th Session thereof held in the year 2003 and in the fifty-second year of Our Reign intituled "An Act to Amend the Personal Property Security Act" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council."

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2003, 4th Session, c. 42 should come into force on the 26th day of August, 2003,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being "An Act to Amend the Personal Property Security Act" passed in the fifty-second year of Our Reign shall come into force on the twenty-sixth day of August, two thousand and three of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twenty-sixth day of August in the year of Our Lord two thousand and three and in the fifty-second year of Our Reign.

By Command,

LYNN E. ELLSWORTH
Clerk of the Executive Council

**DISSOLUTION OF THE LEGISLATIVE ASSEMBLY
(61st General Assembly)**

By the Honourable J. Léonce Bernard
Lieutenant Governor of the
Province of Prince Edward Island

Hon. J. LÉONCE BERNARD
LIEUTENANT GOVERNOR

WHEREAS it has been deemed expedient to dissolve the present Legislative Assembly of this Province and forthwith to call a new Legislative Assembly,

I HAVE THEREFORE THOUGHT FIT, by and with the advice and consent of Her Majesty's Executive Council of this Province, to dissolve the said Legislative Assembly, and the same is hereby dissolved accordingly,

AND I DO HEREBY GIVE NOTICE to the Members of the several Electoral Districts within the said Province that they are hereby discharged from further attention in the said Legislative Assembly,

AND I DO FURTHER DECLARE that I have given Order that Writs calling a new Legislative Assembly be issued in due form, the said Writs being dated the 2nd day of September 2003, and Ordinary Polling Day to be the 29th day of September 2003, of which all persons concerned are required to take notice and govern themselves accordingly.

GIVEN under my Hand and the Great Seal of this Province at Charlottetown in the said Province this 2nd day of September in the year of Our Lord two thousand and three and in the fifty-second year of Her Majesty's reign.

By Command

LYNN E. ELLSWORTH
Clerk of the Executive Council

Dated this 2nd day of September 2003,
at Government House,
Charlottetown, Prince Edward Island

C A N A D A

PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER OF THE Supreme Court Act

R.S.P.E.I. 1988, Cap. S-10

NOTICE UNDER THE SUPREME COURT ACT

TAKE NOTICE THAT under Section 49 of the Supreme Court Act, the prejudgment and post judgment rate are as follows:

Prejudgment Interest Rates

January 91 to March 91	13.00%
April 91 to September 91	11.00%
October 91 to June 92	9.00%
July 92 to September 92	8.00%
October 92 to December 92	6.00%
January 93 to March 93	10.00%
April 93 to June 93	8.00%
July 93 to September 93	7.00%
October 93 to December 93	6.00%
January 94 to March 94	6.00%
April 94 to June 94	6.00%
July 94 to September 94	8.00%
October 94 to December 94	7.00%
January 95 to March 95	8.00%
April 95 to June 95	10.00%
July 95 to September 95	7.60%
October 95 to December 95	6.60%
January 96 to March 96	6.10%
April 96 to June 96	5.50%
July 96 to September 96	5.00%
October 96 to December 96	4.30%
January 97 to March 97	3.30%
April 97 to June 97	3.30%
July 97 to September 97	3.30%
October 97 to December 97	3.50%
January 98 to March 98	4.00%
April 98 to June 98	5.00%
July 98 to September 98	5.00%
October 98 to December 98	5.00%
January 99 to March 99	5.30%
April 99 to June 99	5.30%
July 99 to September 99	4.80%
October 99 to December 99	4.80%
January 00 to March 00	5.00%
April 00 to June 00	5.30%
July 00 to September 00	5.80%
October 00 to December 00	5.30%
January 01 to March 01	6.00%
April 01 to June 01	5.80%
July 01 to September 01	4.80%

Postjudgment Interest Rates

January 91 to March 91	13.00%
April 91 to September 91	11.00%
October 91 to June 92	9.00%
July 92 to September 92	8.00%
October 92 to December 92	6.00%
January 93 to March 93	10.00%
April 93 to June 93	8.00%
July 93 to September 93	7.00%
October 93 to December 93	6.00%
January 94 to March 94	6.00%
April 94 to June 94	6.00%
July 94 to September 94	8.00%
October 94 to December 94	7.00%
January 95 to March 95	8.00%
April 95 to June 95	10.00%
July 95 to September 95	9.00%
October 95 to December 95	8.00%
January 96 to March 96	8.00%
April 96 to June 96	7.00%
July 96 to September 96	6.00%
October 96 to December 96	6.00%
January 97 to March 97	5.00%
April 97 to June 97	5.00%
July 97 to September 97	5.00%
October 97 to December 97	5.00%
January 98 to March 98	5.00%
April 98 to June 98	6.00%
July 98 to September 98	6.00%
October 98 to December 98	6.00%
January 99 to March 99	7.00%
April 99 to June 99	7.00%
July 99 to September 99	6.00%
October 99 to December 99	6.00%
January 00 to March 00	6.00%
April 00 to June 00	7.00%
July 00 to September 00	7.00%
October 00 to December 00	7.00%
January 01 to March 01	7.00%
April 01 to June 01	7.00%
July 01 to September 01	6.00%

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

October 01 to December 01	4.30%	October 01 to December 01	6.00%
January 02 to March 02	2.50%	January 02 to March 02	4.00%
April 02 to June 02	2.30%	April 02 to June 02	4.00%
July 02 to September 02	2.50%	July 02 to September 02	4.00%
October 02 to December 02	3.00%	October 02 to December 02	4.00%
January 03 to March 03	3.00%	January 03 to March 03	4.00%
April 03 to June 03	3.00%	April 03 to June 03	4.00%
July 03 to September 03	3.50%	July 03 to September 03	5.00%
October 03 to December 03	3.30%	October 03 to December 03	5.00%

TAKE FURTHER NOTICE THAT under Section 21 of the Supreme Court Act, the Finance Committee has fixed the rate of interest of be paid on money paid into the Supreme Court of Prince Edward Island for the month of September 2003 as follows:

1. All money paid into Court for investment purposes shall earn interest at the rate of 1.36% per annum for each day that it is held in Court during the month of September 2003.
2. Certain money paid into Court for purposes other than investment may earn interest as follows:
 - (a) any amount exceeding \$5,000.00 may earn interest if it remains on deposit for a period of three months. Interest shall not be paid on amounts less than \$5,000.00.
 - (b) there will be no interest calculated on money paid into Court under Section 2 above for the month of September 2003.

DATED at Charlottetown this 2nd day of September 2003.

E. Dorothy Kitson
Registrar

EPPEI 03-13
EGG PRODUCERS OF PRINCE EDWARD ISLAND

BOARD ORDER: EPPEI 03-13
 EFFECTIVE: August 31, 2003
 ISSUED: August 27, 2003

Under the Prince Edward Island Egg Commodity Marketing Plan and the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, the Egg Producers of Prince Edward Island makes the following Order:

PRICE DETERMINATION ORDER - AMENDMENT

Application

1. This Order amends the prices contained in Section 4 of Board Order 86-7.

Prices
amended

2. Section 4 of Board Order 86-7 is hereby amended by the deletion of clauses (a) (b) and (d) and the substitution therefore of the following:

(a) minimum Canada Grade A Producer Price by the dozen:

Ex Large	\$1.56
Large	\$1.56
Medium	\$1.49
Small	\$1.06

(b) minimum Canada Grade A Wholesale Carton Price:

Extra Large	\$2.07
Large	\$2.04
Medium	\$1.97
Small	\$1.54

(d) minimum Canada Grade A Spot Price:

Extra Large	\$1.95
Large	\$1.92
Medium	\$1.85
Small	\$1.42

3. This Order shall come into force on the **31st** day of **August, 2003**.

Dated at Charlottetown, Prince Edward Island, this 27th day of August, 2003.

Leith Murray, Chairman
 Donald Drake, Secretary

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:

- Name: CAPTAIN STEWART'S FAMILY RESTAURANT
Owner: Jihad Haddad
Registration Date: August 25, 2003
- Name: WILLIS SIDING & HOME IMPROVEMENTS
Owner: Kendall Willis
Registration Date: August 26, 2003
- Name: MEXICO LINDO
Owner: Blaine MacKinnon
Registration Date: August 27, 2003
- Name: MEXICO LINDO HOME
Owner: Blaine MacKinnon
Registration Date: August 27, 2003
- Name: RASHAD'S CONVENIENCE & LUNCH COUNTER
Owner: Mehdi Mehmoodi
Registration Date: August 27, 2003
- Name: COUNTRY CHARM BED & BREAKFAST
Owner: Olive MacKinnon
Registration Date: August 27, 2003

36

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:

- Name: WILLIS SIDING & HOME IMPROVEMENTS LTD.
RR 4
Cornwall, PE C0A 1H0
Incorporation Date: August 26, 2003

- Name: BARRETT HOLDINGS LIMITED
494 Granville Street
Summerside, PE C1N 4K4
Incorporation Date: August 26, 2003
- Name: 100463 P.E.I. INC.
RR 2
Crapaud, PE C0A 1J0
Incorporation Date: August 27, 2003
- Name: E.K. HOLDINGS LTD.
494 Granville Street
Summerside, PE C1N 4K4
Incorporation Date: August 25, 2003
- Name: AEOLUS WIND PEI, INC.
119 Kent Street, Suite 620
Charlottetown, PE C1A 1N3
Incorporation Date: August 27, 2003
- Name: TESTORI HOLDINGS INC.
Slemon Park, Box 40
Summerside, PE C1N 4P6
Incorporation Date: August 28, 2003

36

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 Declarations have been filed under the *Partnership Act*:

- Name: BAYVIEW VACATION HOME
Owner: Angela Harms
5530 Stairs Place
Halifax, NS B3K 2C8
Registration Date: August 26, 2003
- Name: DTS - DATA TELECOMMUNICATION SPECIALISTS
Owner: Shirley Marie Deveau
21 Birchmount Drive
Charlottetown, PE C1A 6M9
Registration Date: August 26, 2003
- Name: BRICK SISTERS
Owner: Laurie MacKinley
RR 4
Cornwall, PE C0A 1H0
Registration Date: August 26, 2003

Name: JEFF MORRIS MUSIC
 Owner: Jeff Morris
 20 Water Street
 Charlottetown, PE C1A 1A1
 Registration Date: August 27, 2003

Name: RASHADS CONVENIENCE &
 LUNCH COUNTER
 Owner: Pendar Mahmoodi
 33 Kensington Road, Apt. 36
 Charlottetown, PE C1A 5H6
 Registration Date: August 27, 2003

Name: JASMINE'S PHOTO ART
 Owner: Stephanie Pilon
 RR 1
 Souris, PE C0A 2B0
 Registration Date: August 28, 2003

Name: SECOND CITY CLOTHING
 Owner: Nancy Keough
 RR 2
 Summerside, PE C1N 4J8
 Registration Date: August 29, 2003

Name: HI-LITE FITNESS
 Owner: Kate Flanagan
 51 Confederation Street
 Charlottetown, PE C1A 5V5
 Registration Date: August 6, 2003

Name: VERMEER SALES & SERVICE
 Owner: Canadian Underground Equipment Inc.
 3200, 10180 - 101 Street
 Edmonton, AB T5J 3W8
 Registration Date: August 25, 2003

Name: BAY SCENE COTTAGE
 Owner: Frank Shreenan
 50 Woodlawn Drive
 Charlottetown, PE C1A 6K9
 Cathy Shreenan
 50 Woodlawn Drive
 Charlottetown, PE C1A 6K9
 Registration Date: August 29, 2003

Name: MEXICO LINDO
 Owner: Melesio H. Cuevas Herrera
 298 University Avenue
 Charlottetown, PE C1A 4M4
 Blaine MacKinnon
 298 University Avenue
 Charlottetown, PE C1A 4M4
 Registration Date: August 27, 2003

Name: GOLDSHIELD ELITE
 Owner: W.T. Rawleigh Co.
 1959 Upper Water Street
 Halifax, NS B3J 2X2
 Registration Date: August 27, 2003

Name: STANLEY RIVER SUNRISE
 COTTAGE
 Owner: Monica Joostema
 Box 19
 North Wiltshire, PE C0A 1Y0
 Peter H. Joostema
 Box 19
 North Wiltshire, PE C0A 1Y0
 Registration Date: August 26, 2003

Name: FEDERAL EQUIPMENT
 Owner: KCL West Holdings Inc.
 204 Lambert Street
 Whitehorse, YK Y1A 3T2
 Registration Date: August 28, 2003

Name: COUNTRY CHARM BED AND
 BREAKFAST
 Owner: 100463 P.E.I. Inc.
 446 Fox River Road
 Murray Harbour, PE C0A 1V0
 Registration Date: August 29, 2003

36

**NOTICE
 MARRIAGE ACT**
 Prince Edward Island
 [Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has had **registration cancelled** for the purpose of solemnizing marriage in the province of Prince Edward Island:

Rev. Mark Collins
 P.O. Box 340
 O'Leary, PE C0B 1V0

T.A. Johnston
 Director of Vital Statistics

36

**NOTICE
MARRIAGE ACT**
Prince Edward Island
[Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has had **registration cancelled** for the purpose of solemnizing marriage in the province of Prince Edward Island:

Captain Maurice Collins
Summerside Corps
P.O. Box 66
Summerside P.E. C1N 4P6

T.A. Johnston
Director of Vital Statistics

36

**NOTICE
MARRIAGE ACT**
Prince Edward Island
[Subsection 8(1) of the Act]

Notice is hereby published that, under the authority of the *Marriage Act*, the following clergy has had **registration cancelled** for the purpose of solemnizing marriage in the province of Prince Edward Island:

Rev. Philip Green
38 Eustane Street
Summerside PE C1N 2V7

T.A. Johnston
Director of Vital Statistics

36

**NOTICE
CHANGE OF NAME**

Be advised that a name change under the *Change of Name Act* S.P.E.I. 1997, C-59 was granted as follows:

Former Name: **Alyssa Kaitlin Leslie MacDonald**
Address: 5 MacPherson Ave.
Stratford, PE C1B 1E2
Present Name: **Alyssa Kaitlin Leslie May**

August 28, 2003

T.A. Johnston
Director of Vital Statistics

36

**NOTICE
CHANGE OF NAME**

Be advised that a name change under the *Change of Name Act* S.P.E.I. 1997, C-59 was granted as follows:

Former Name: **Alicia Kellie MacNeill**
Address: 5 St. Catherines Ave.
Stratford, PE C1B 1K1
Present Name: **Alicia Kellie McNally**

August 28, 2003

T.A. Johnston
Director of Vital Statistics

36

**INDEX TO NEW MATTER
September 6th, 2003**

COMPANIES ACT NOTICES

Granting Letters Patent

100463 P.E.I. Inc.	857
Aeolus Wind PEI, Inc.	857
Barrett Holdings Limited	857
E.K. Holdings Ltd.	857
Testori Holdings Inc.	857
Willis Siding & Home Improvements Ltd.	857

PARTNERSHIP ACT NOTICES

Dissolutions

Captain Stewart's Family Restaurant	857
Country Charm Bed & Breakfast	857
Mexico Lindo Home	857
Mexico Lindo	857
Rashad's Convenience & Lunch Counter	857
Willis Siding & Home Improvements	857

Registrations

Bay Scene Cottage	858
Bayview Vacation Home	857
Brick Sisters	857
Country Charm Bed and Breakfast	858
DTS - Data Telecommunication Specialists	857
Federal Equipment	858
Goldshield Elite	858
Hi-Lite Fitness	858
Jasmine's Photo Art	858
Jeff Morris Music	858
Mexico Lindo	858
Rashads Convenience & Lunch Counter	858
Second City Clothing	858

Stanley River Sunrise Cottage	858
Vermeer Sales & Service	858

MISCELLANEOUS NOTICES**Change of Name**

May, Alyssa Kaitlin Leslie	859
McNally, Alicia Kellie	859

Legislative Assembly

Dissolution of the Legislative Assembly (61st General Assembly)	853
--	-----

Marriage Act

Registration Cancelled	
Collins, Rev. Mark	858
Collins, Captain Maurice	859
Green, Rev. Philip	859

Supreme Court Act

Prejudgment and Post Judgment Rates 02 September 2003	854
--	-----

BOARD ORDERS**Egg Producers of Prince Edward Island**

Price Determination Order Amendment 31 August 2003	856
--	-----

PROCLAMATIONS

An Act to Amend the Personal Property Security Act	852
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The ROYAL GAZETTE is issued every Saturday from the office of Beryl J. Bujosevich, Queen's Printer, PO Box 2000, Charlottetown, PEI C1A 7N8. All copy must be received by the Tuesday preceding day of publication. The subscription rate is \$45.00 per annum, postpaid.

PART II
REGULATIONS

EC2003-465

FAMILY LAW ACT
ADMINISTRATIVE RECALCULATION OF CHILD SUPPORT
REGULATIONS

(Approved by His Honour the Lieutenant Governor in Council dated 26 August 2003.)

Pursuant to subsection 61(5) of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, Council made the following regulations after consultation with the Chief Justice of Prince Edward Island and the Chief Justice of the Trial Division.

- | | |
|--|--------------------------|
| 1. (1) In these regulations | Definitions |
| (a) “Act” means the <i>Family Law Act</i> R.S.P.E.I. 1988, Cap. F-2.1; | Act |
| (b) “agreement” means a separation or parental agreement entered into under the Act, before, on or after the date these regulations come into force, that requires | agreement |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the Child Support Guidelines, of the child support payable under the agreement; | |
| (c) “anniversary date” means, in respect of an agreement, a child support order, recalculation order, or a notice given under subsection 6(1), the date in a year on which | anniversary date |
| (i) the agreement or order was made, or | |
| (ii) the notice was sent, in a prior year; | |
| (d) “Child Support Guidelines” means the Child Support Guidelines as defined in the Child Support Guidelines Regulations; | Child Support Guidelines |
| (e) “child support order” means an order made by the court under the Act, before, on or after the date these regulations come into force, that requires | child support order |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the Child Support Guidelines, of the child support payable under the order; | |
| (f) “Deputy Registrar” means the Deputy Registrar of the Family Section of the Supreme Court Trial Division appointed under section 20.2 of the <i>Supreme Court Act</i> R.S.P.E.I. 1988, Cap. S-10; | Deputy Registrar |

Director of Maintenance Enforcement	(g) "Director of Maintenance Enforcement" means the Director of Maintenance Enforcement appointed under section 2 of the <i>Maintenance Enforcement Act</i> R.S.P.E.I. 1988, Cap. M-1;
Federal Guidelines	(h) "Federal Guidelines" means the Federal Child Support Guidelines established by regulation pursuant to section 26.1 of the <i>Divorce Act</i> (Canada);
party	(i) "party" means, in respect of an agreement or a child support order, a person who is required to pay or is entitled to receive child support under the agreement or child support order;
payor	(j) "payor" means the party who is obliged to pay child support under an agreement or a child support order;
Recalculation Office	(k) "Recalculation Office" means the Recalculation Office established as a child support service under subsection 2(1);
Recalculation Officer	(l) "Recalculation Officer" means the Recalculation Officer appointed under subsection 3(1);
recalculation order	(m) "recalculation order" means an order issued under subsection 8(1) or 14(1);
special or extraordinary expense	(n) "special or extraordinary expense" means an expense referred to in section 7 of the Federal Guidelines.
References to income information	(2) For the purposes of these regulations, unless the context indicates otherwise, a reference to the income information of or for the payor, in respect of the review and recalculation in any year of the payor's obligation to pay child support, is a reference to <ul style="list-style-type: none"> (a) the income tax return that the payor filed with the Canada Customs and Revenue Agency for the immediately preceding year; and (b) any notice of assessment or reassessment issued to the payor by the Canada Customs and Revenue Agency for the immediately preceding year.
Shared custody	(3) For the purposes of these regulations, the parties under an agreement or a child support order shall be deemed to have shared custody of a child to whom an agreement or a child support order applies if each party has a right of access to or physical custody of the child for not less than 40 per cent of the time over the course of a year.
Applicable table	(4) For the purposes of these regulations, a reference to the applicable table in respect of the recalculation of a payor's obligation to pay child support under an agreement or order is, <ul style="list-style-type: none"> (a) in the case where the payor ordinarily resides in Prince Edward Island at the time of the recalculation, a reference to the table set out in Schedule I of the Child Support Guidelines Regulations; (b) in the case where the payor ordinarily resides in a place in Canada other than in Prince Edward Island at the time of the

recalculation, a reference to the table in Schedule I of the Federal Guidelines for the province or territory in which the payor ordinarily resides;

(c) in the case where the payor ordinarily resides outside of Canada, or where the payor's residence is not known, at the time of the recalculation, a reference to

(i) the table set out in Schedule I of the Child Support Guidelines Regulations, if the recipient of the child support under the agreement or order ordinarily resides in Prince Edward Island at the time of the recalculation, or

(ii) the table in Schedule I of the Federal Guidelines for the province or territory in which the recipient of the child support under the agreement or order ordinarily resides at the time of the recalculation, if the recipient does not ordinarily reside in Prince Edward Island.

RECALCULATION OFFICE

2. (1) The Recalculation Office, a project of the Office of the Attorney General, is established as a child support service. Child support service
- (2) The duties of the Recalculation Office shall include the following: Duties
- (a) assisting the court in the administration of the child support provisions of agreements and child support orders;
- (b) monitoring compliance with the child support provisions of agreements and child support orders that require the periodic filing of income information by the payor;
- (c) reviewing and recalculating the amount of child support payable under an agreement or a child support order.
3. (1) There shall be a Recalculation Officer who shall be an employee of the Office of the Attorney General. Recalculation Officer
- (2) The Recalculation Officer shall exercise the general direction and supervision of the Recalculation Office. Direction of the Recalculation Office
- (3) The Recalculation Officer may, in the exercise and performance of his or her powers and duties under these regulations, Use of computer programs and experts
- (a) use such computer programs or other technical aids; and
- (b) engage the services of or seek assistance from such accountants or other experts, as the Recalculation Officer considers appropriate.

REVIEW AND RECALCULATION

4. (1) Subject to these regulations, a party under an agreement or a child support order who wishes to have the Recalculation Officer review and recalculate the amount of child support payable under the agreement or child support order must make an application to the Recalculation Officer by filing with the Recalculation Office Applications
- (a) an application in a form approved by the Recalculation Officer;

- (b) a copy of the agreement or child support order, as the case may be; and
- (c) a copy of the income information for the payor under the agreement or child support order, if the agreement or order was made before September 6, 2003.
- Recalculation Officer (2) Subject to subsection (3), on receipt of an application referred to in subsection (1), the Recalculation Officer shall review and recalculate, in accordance with section 5, the amount of child support payable under an agreement or a child support order.
- Refusal of application (3) The Recalculation Officer shall, on receipt of an application referred to in subsection (1), refuse to review and recalculate the amount of child support payable under an agreement or a child support order if
- (a) the agreement or child support order indicates that the amount of child support payable under it has been determined
- (i) by taking into consideration
- (A) the prevention of the undue hardship of a party or a child, or
- (B) the fact that the parties have shared custody of a child to whom the agreement or order applies, or
- (ii) after first determining the payor's annual income pursuant to sections 17 or 19 of the Federal Guidelines, or
- (iii) pursuant to the clauses 3(2)(b) or 4(b), or section 5, of the Federal Guidelines; or
- (b) in the opinion of the Recalculation Officer, the application
- (i) is made in respect of a matter for which an application should be made to the court under sections 33 or 37 of the Act, or
- (ii) is not made in accordance with the requirements of subsection (1).
- Requests respecting special or extraordinary expenses (4) For greater certainty, where an agreement or a child support order includes an amount of child support for a special or extraordinary expense, the Recalculation Officer shall refuse to review and recalculate that amount of child support payable under the agreement or child support order for the special or extraordinary expense.
- Notice of refusal (5) Where, on receipt of an application, the Recalculation Officer refuses to review and recalculate the child support payable under the agreement or child support order, the Recalculation Officer shall send, by regular mail, to the parties under the agreement or child support order a written notice that advises the parties of the refusal and of the reasons for the refusal.
- Review and recalculation (with income information) 5. (1) Where, at least 30 days before the anniversary date of an agreement or a child support order, the Recalculation Office has been provided with the income information of the payor
- (a) by the payor, if the agreement or child support order was made on or after September 6, 2003; or

(b) by the applicant, if the agreement or order was made before September 6, 2003, the Recalculation Officer shall, before the anniversary date of the agreement or child support order, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided.

(2) Where, in respect of an agreement or a child support order made on or after September 6, 2003, the payor has not, at least 30 days before the anniversary date of the agreement or child support order, provided the Recalculation Office with the income information required by the agreement or child support order, the Recalculation Officer shall review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (3).

Review and
recalculation
(without income
information)

(3) For the purposes of subsection (2), the income of the payor is deemed to be the sum of

Deemed income of
payor

(a) the payor's income for the most recent preceding year during which the Recalculation Office was provided, in or pursuant to the agreement or child support order, with income information for the payor; and

(b) 10 per cent of the payor's income referred to in clause (a).

(4) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Recalculation to be
rounded to nearest
dollar

6. (1) Where, after recalculating the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

No change in
amount payable –
notice

(a) shall not issue a recalculation order in respect of the application; and

(b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating the amount of child support payable under an agreement or a child support order the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by registered mail, a written notice to the parties to the agreement or child support order that advises them of

Change in amount
payable – notice of
recalculation

- (a) the recalculated amount;
- (b) the payor's obligation under section 9 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 37 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in Form 1 of the Schedule with the Recalculation Office to preclude, subject to subsection 8(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 7(3), to object to the recalculation on the basis that his or her income was less than the deemed income for the payor under subsection 5(3).

Notice of objection pending application to court for variation

7. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 37 of the Act, the party may, within 30 days after receipt of a notice referred to in subsection 6(2), file with the court and the Recalculation Office a notice of objection, completed on a copy of Form 1 of the Schedule, that indicates that the party will, within 60 days of filing the notice of objection with the court and the Recalculation Office,

- (a) make the application to the court under section 37 of the Act for a variation of the amount of child support payable under the agreement or child support order;
- (b) obtain a hearing date from the court for the application; and
- (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.

Effect of notice of objection

(2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 8 occurs.

Objection to deemed income

(3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 6(2), object to the recalculation by filing with the court and the Recalculation Office

- (a) a notice of objection, completed on a copy of Form 1 of the Schedule, objecting to the recalculation on that basis; and
- (b) a copy of the income information for the payor for the immediately preceding year.

Recalculation with new information

(4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall

- (a) recalculate, in accordance with subsections 5(1) and (4), the amount of child support payable using the income information provided by the payor; and
- (b) comply with the requirements of section 6.

8. (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 6(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation if

Recalculation order

- (a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 7(1) with the court and the Recalculation Office; or
- (b) where a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 7(1) with the court and the Recalculation Office, the party has
 - (i) failed, within 60 days after filing the notice of objection with the court and the Recalculation Office, to do or obtain any of the things referred to in clauses 7(1)(a) to (c),
 - (ii) withdrawn the application referred to in clause 7(1)(a), or
 - (iii) failed, within 120 days after filing the notice of objection with the court and the Recalculation Office, to have a court hearing of the application referred to in clause 7(1)(a).

(2) A recalculation order made by the Recalculation Officer must be made in writing and indicate

Form and content of order

- (a) the recalculated amount of child support;
- (b) the date the payor is liable, pursuant to section 9, to pay the recalculated amount; and
- (c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.

(3) The Recalculation Officer shall

Filing and delivery of order

- (a) file a copy of the recalculation order with the deputy registrar of the court;
- (b) send, by regular mail, a copy the recalculation order to each of the parties; and
- (c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.

9. After a recalculation order has been made by the Recalculation Officer in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the month immediately following the month during which the recalculation order is made.

Effect of recalculation order

Annual Review and Recalculation

- Annual review and recalculation **10.** (1) Subject to subsection (2), every year following the year in which a recalculation order is issued under subsection 8(1), or a notice is given under subsection 6(1), in respect of an agreement or a child support order, the Recalculation Officer shall, without application by a party, review and recalculate in accordance with section 11 the amount of child support payable under the agreement or child support order.
- Termination of annual review and recalculation (2) The Recalculation Officer shall cease to review and recalculate, in accordance with subsection (1), the amount of child support payable under an agreement or a child support order following
- (a) the expiry of the payor's obligation under the agreement or child support order to pay the amount of child support; or
 - (b) the receipt by the Recalculation Office of
 - (i) a court order made under section 37 of the Act, or
 - (ii) a copy of an agreement made by the parties,
 that precludes the recalculation, in accordance with these regulations, of child support payable.
- Review and recalculation (with income information) **11.** (1) Where the Recalculation Office has been provided with the income information of the payor under an agreement or a child support order at least 30 days before the anniversary date of the most recent
- (a) recalculation order, if any, that has been issued; or
 - (b) notice, if any, that has been sent under subsection 6(1),
- in respect of the agreement or child support order, the Recalculation Officer shall, before that anniversary date, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided.
- Review and recalculation (without income information) (2) Where the Recalculation Office has not been provided with the income information of the payor under an agreement or a child support order at least 30 days before the anniversary date described in subsection (1), the Recalculation Officer shall, before that anniversary date, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (3).
- Deemed income of payor (3) For the purposes of subsection (2), the income of the payor is deemed to be the sum of
- (a) the payor's income for the most recent preceding year during which
 - (i) the Recalculation Office was provided, in or pursuant to the agreement or child support order, with income information for the payor, or

- (ii) a recalculation order was issued in respect of the agreement or child support order, as determined using that income information or the amount of the deemed income set out in that recalculation order, as the case may be; and
- (b) 10 per cent of the payor's income referred to in clause (a).

(4) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Recalculation to be rounded to nearest dollar

12. (1) Where, after recalculating under section 11, the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

No change in amount payable- notice

- (a) shall not issue a recalculation order in respect of the recalculation; and
- (b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating under section 11, the amount of child support payable under an agreement or a child support order the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by registered mail, a written notice to the parties to the agreement or child support order that advises them of

Change in amount payable- notice of recalculation

- (a) the recalculated amount;
- (b) the payor's obligation under section 15 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 37 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in Form 1 of the Schedule with the Recalculation Office to preclude, subject to subsection 14(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 13(3), to object to the recalculation on the basis that his or her income was less than the deemed income for the payor under subsection 11(3).

13. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 37 of the Act for a variation of the amount of child support payable under the agreement or child support order, the party may, within 30 days after receipt of a notice referred to in subsection 12(2), file with the court and the Recalculation Office a notice of objection, completed on a copy of Form

Notice of objection pending application to court for variation

- 1 of the Schedule, that indicates that the party will, within 60 days of filing the notice of objection with the court and the Recalculation Office,
- (a) make the application to the court under section 37;
 - (b) obtain a hearing date from the court for the application; and
 - (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.
- Effect of notice of objection (2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 14 occurs.
- Objection to deemed income (3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 12(2), object to the recalculation by filing with the Recalculation Office
- (a) a notice of objection, completed on a copy of Form 1 of the Schedule, objecting to the recalculation on that basis; and
 - (b) a copy of the income information for the payor for the immediately preceding year.
- Recalculation with new information (4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall
- (a) recalculate, in accordance with subsections 11(1) and (4), the amount of child support payable using the income information provided by the payor; and
 - (b) comply with the requirements of section 12.
- Recalculation order **14.** (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 12(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation if
- (a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 13(1) with the court and the Recalculation Office; or
 - (b) where a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 13(1) with the Recalculation Office, the party has
 - (i) failed, within 60 days after filing the notice of objection with the court and the Recalculation Office, to do or obtain any of the things referred to in clauses 13(1)(a) to (c),
 - (ii) withdrawn the application referred to in clause 13(1)(a), or
 - (iii) failed, within 120 days after filing the notice of objection with the court and the Recalculation Office, to have a court hearing of the application referred to in clause 13(1)(a).

(2) A recalculation order made by the Recalculation Officer must be made in writing and indicate Form and content of order

- (a) the recalculated amount of child support;
- (b) the date the payor is liable, pursuant to section 15, to pay the recalculated amount; and
- (c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.

(3) The Recalculation Officer shall Filing and delivery of order

- (a) file a copy of the recalculation order with the deputy registrar of the court;
- (b) send, by regular mail, a copy the recalculation order to each of the parties; and
- (c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.

15. After a recalculation order has been made by the Recalculation Officer under section 14 in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the month immediately following the month during which the recalculation order is made. Effect of recalculation order

16. These regulations come into force on September 6, 2003. Commencement

SCHEDULE

FORM 1

Court File #
R.O. #

IN THE SUPREME COURT OF PRINCE EDWARD ISLAND
(FAMILY SECTION)

BETWEEN:

Applicant

- and -

Respondent

NOTICE OF OBJECTION

I,,
object to the recalculated amount of child support as determined by the
Recalculation Officer and set out in the Recalculation Notice dated
.....
(month) (day) (year)

THE REASON for my objection is as follows (must
check one):

- Q 1. Although I did not file a copy of my Income Tax Return/Notice of Assessment/Reassessment within the prescribed time frame, my income is less than the amount deemed by the Recalculation Officer, as evidenced by my (year) Income Tax Return/Notice of Assessment/Reassessment attached.
- Q 2. Although the payor did not file a copy of his/her Income Tax Return/Notice of Assessment/Reassessment within the prescribed time frame, his/her income is more than the amount deemed by the Recalculation Officer, as evidenced by the

payor's (year) Income Tax Return/Notice of Assessment attached.

Q 3. There has been a material change in circumstances since the most recent Income Tax Return/Notice of Assessment/Reassessment filed with the Recalculation Office. I intend to file a variation application with the Supreme Court of Prince Edward Island within sixty (60) days of the date of this objection seeking a variation of the Q Court Order Q Separation Agreement dated

Dated at Prince Edward Island this..... day of, 200...

..... NAME Telephone: Address:

TO: Supreme Court of Prince Edward Island AND TO: Sir Louis Henry Davies Law Courts

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. .

42 Water Street
Charlottetown, PE C1A 7N8
(Name and address of other party)

TO: Recalculation Office
Sir Louis Henry Davies Law Courts
42 Water Street
Charlottetown, PE C1A 7N8

For Office Use Only:

The Court hearing of this matter has been set for(date)
commencing at (time) at the Supreme Court of Prince
Edward Island (Family Section) at the Sir Louis Henry Davies Law
Courts, 42 Water Street, Charlottetown, Prince Edward Island.

EXPLANATORY NOTES

These regulations establish a provincial child support service to conduct the administrative recalculation of child support payable under an agreement or a child support order. This service will provide an automatic, inexpensive and less adversarial process to enable parents to have their child support orders and agreements updated, where appropriate, as outlined in the regulations.

Certified a true copy,
Lynn E. Ellsworth
Clerk of the Executive Council

EC2003-469**RETAIL BUSINESS HOLIDAYS ACT
EXEMPTION REGULATIONS
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 26 August 2003.)

Pursuant to section 7 of the *Retail Business Holidays Act* R.S.P.E.I. 1988, Cap. R-13.02, Council made the following regulations:

1. Section 3 of the *Retail Business Holidays Act Exemption Regulations (EC554/93)* is revoked and the following substituted:

3. Harness racing and pari-mutuel betting at the Charlottetown Driving Park on October 12, 2003 are exempt from the application of section 2 of the Act. One day racing, betting exemption

2. These regulations come into force on September 6, 2003.

EXPLANATORY NOTES

The amendment allows a race card to be held at the Charlottetown Driving Park on the specified date.

Certified a true copy,
Lynn E. Ellsworth
Clerk of the Executive Council

EC2003-470**ROADS ACT
HIGHWAY ACCESS REGULATIONS
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 26 August 2003.)

Pursuant to subsection 29(1) of the *Roads Act* R.S.P.E.I. 1988, Cap R-15, Council made the following regulations:

1. Schedule C-3, LOCAL (CLASS 3) HIGHWAYS, of the *Roads Act Highway Access Regulations (EC580/95)* is amended**(a) by the addition of the following:**

(199.1) **Cyrus Road RI31109:** The unpaved portion of the Cyrus Road in the settlement of Urbainville commencing at the intersection of Route 125 for a distance of 0.14 km.

(285.1) **Josie Shang Road RI11030:** The Josie Shang Road commencing at the intersection of Route 14 in the settlement of Nail Pond for a distance of 0.3 km.

(289.1) **Kitson Road RI13114:** The unpaved portion of the Kitson Road in the settlement of Red Point commencing at the end of the Local Class 2 section of Kitson Road RI13114 for a distance of 0.7 km.

(335.1) **McCardle Road RI41043:** The unpaved portion of the McCardle Road in the settlement of Chelton commencing at the end of the Local Class 1 section of the McCardle Road RI41043 for a distance of 1.0 km to the shore.

(b) in subsection 1(356), by the deletion of the words “1.6 km” and the substitution of the words “2.2 km to the shore”.

2. Subsection 1(302) of Schedule D, SEASONAL HIGHWAYS, of the *Roads Act Highway Access Regulations (EC580/95)* is amended by the deletion of the words “the intersection of Route 14 to the end of the road, a distance of 1.0 km” and the substitution of the words “a point 0.3 km from the intersection of Route 14 to the end of the road, a distance of 0.7 km”.

3. These regulations come into force on September 6, 2003.

EXPLANATORY NOTES

SECTION 1 provides for the classification of portions of the Cyrus Road extension, Kitson Road, McCardle Road and Muttart Shore Road as public roads, to be classified as Local (Class 3) Highways.

SECTION 2 reclassifies the Josie Shang Road, Road Index 11030, in the settlement of Nail Pond, 300 metres of road commencing at the intersection of Route 14, from a Seasonal Road to C-3, Local (Class 3) Highway.

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
F-2.1	Family Law Act Administrative Recalculation of Child Support Regulations		[new] [eff] Sept. 6/03	EC2003-465 (26.08.03)	273-286
R-13.02	Retail Business Holidays Act Exemption Regulations	EC554/93	s.3 [R&S] [eff] Sept. 6/03	EC2003-469 (26.08.03)	286
R-15	Roads Act Highway Access Regulations	EC580/95	Schedule C-3 s.(199.1) [added] s.(285.1) [added] s.(289.1) [added] s.(335.1) [added] s.1(356) Schedule D s.1(302) [eff] Sept. 6/03	EC2003-470 (26.08.03)	287-288