

EC2003-279

**SMOKE-FREE PLACES ACT
GENERAL REGULATIONS**

Pursuant to section 20 of the *Smoke-free Places Act* Stats. P.E.I. 2002 (2nd), c.25, Council made the following regulations:

- 1. (1)** In these regulations Definitions
- (a) “door” includes an air curtain, if the door gives access to a patio; door
- (b) “make-up air” means, in respect of the ventilation of a room, air that originates from the outdoors or from outside of the room; make-up air
- (c) “patio” means any outdoor area that is used or operated as part of, or in conjunction with, an eating establishment or licensed premises. patio
- (2)** In the Act and these regulations Definitions
- (a) “independent ventilation system” means a ventilation system which independent ventilation system
- (i) supplies make-up air to a room, and
- (ii) removes air from the room and discharges it directly outdoors;
- (b) “negative air pressure” means, in respect of a room, a state of air pressure in the room, induced by an independent ventilation system, that is less than that in the areas or rooms immediately adjoining the room. negative air pressure
- (3) For the purposes of these regulations, a designated smoking room in which smoking has occurred is deemed to be free from second-hand smoke after the independent ventilation system for the room has completed five full air exchanges after smoking in the room has ceased. Room free from second-hand smoke
- 2. (1)** Where, in the circumstances permitted under the Act and these regulations, an owner of a public place or workplace, or an employer at a workplace, wishes to designate an area in the place as a smoking area, the owner or employer shall effect the designation by conspicuously posting, near each entrance to the smoking area, a sign, as depicted in Schedule A, that identifies the area as a designated smoking area. Designation of a smoking area
- (2) An outdoor area in a public place or workplace may not be designated as a smoking area under section 8 of the Act if the area, or any part of the area, is Restrictions on location
- (a) within either
- (i) 4.5 m or 15 feet of any entrance to the indoor non-smoking areas of the place where no part of the outdoor area is used as a patio, or
- (ii) 2.4 m or 8 feet of any entrance to the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio; or
- (b) within either
- (i) 4.5 m or 15 feet of any outdoor intake of make-up air for the indoor non-smoking areas of the place, where no part of the outdoor area is used as a patio, or

- (ii) 4.5 m or 15 feet of any outdoor intake of make-up air for the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio.
- (3) The restriction set out in subclause (2)(b)(ii) does not apply in respect of any outdoor area that is used as a patio and that was so used before the day this section comes into force. Exception for existing patios
- (4) For the purposes of determining whether an outdoor area has been designated as a smoking area in compliance with subsection (2), the distance of the designated smoking area, or any part of that area, from an entrance or an outdoor intake of make-up air shall be measured from the side of the entrance or intake that is closest to the designated smoking area or any part of that area. Measurement of distance
- 3.** (1) A room in a public place or workplace may not be designated as a smoking area under section 8 of the Act if the floor area of the room exceeds 25% of the total floor area of the public place or workplace that is accessible to the public. Floor area, restrictions
- (2) The floor area of the following rooms and areas in a public place or workplace shall not be included in the calculation under subsection (1) of the total floor area of that place that is accessible to the public: Rooms and areas excluded from total floor area
- (a) washrooms;
 - (b) offices;
 - (c) stairwells;
 - (d) kitchens.
- 4.** (1) Where a public place or workplace has no designated smoking area, a sign indicating that smoking is not permitted in the public place or workplace shall be posted conspicuously near every entrance to the public place or workplace. Signs where no designated smoking area
- (2) A sign posted in accordance with subsection (1) shall be as depicted in Schedule B. *Idem*
- (3) Where a public place or workplace has a designated smoking area, a sign indicating that smoking is not permitted outside the designated smoking area shall be posted conspicuously near every entrance to the public place or workplace. Signs where designated smoking area
- (4) A sign posted in accordance with subsection (3) shall be as depicted in Schedule C. *Idem*
- 5.** (1) A sign posted in accordance with subsection 2(1) and subsections 4(1) and (2) shall measure at least 21 cm or 8 1/2 inches in width and at least 28 cm or 11 inches in height. Minimum dimensions of signs
- (2) The owner of a public place, and the employer at a workplace, shall ensure that the signs required to be posted under the Act and these regulations Obstruction, replacement
- (a) are not obstructed by other signs, advertisements or other things; and
 - (b) are replaced, as soon as is reasonable, if defaced or damaged.
- (3) The information required to be displayed on a sign depicted in Schedules A to C may also be displayed on the sign in such additional language as is preferred by the owner or employer who posts the sign or causes it to be posted. Bilingual signs
- 6.** (1) A room in a public place or workplace may not be designated as a smoking area under section 8 of the Act unless it is equipped with an independent ventilation system that Independent ventilation system
- (a) provides, when in operation, a negative air pressure inside the room of at least 5 pascals;
 - (b) has exhaust openings for the air removed from the room that are located
 - (i) at least 3.6 m or 12 feet above ground, and
 - (ii) at least 1 m or 3.3 feet above the height of the nearest outdoor intake of make-up air; and
 - (c) complies with all relevant provincial and municipal laws.

(2) During the hours that a designated smoking room is open for use, the owner or employer who made the designation shall ensure that the independent ventilation system for the room is in operation. Operation

(3) A room in a public place or workplace may not be designated as a smoking room under section 8 of the Act unless it has a window, in a wall or a door, that Window

- (a) is made of clear glass, plexiglass or plastic; and
- (b) is at least 0.6 m or 2 feet in width and 0.6 m or 2 feet in height.

7. The ventilation system required by a long-term care facility for the purpose of clause 5(2)(a) of the Act is a fan and a direct vent exhaust system that prevents the movement of smoke from the rooms or areas in the facility where smoking is to be or is permitted. Long-term care facility — ventilation system

8. (1) An owner of a public place, or an employer at a workplace, may permit an employee to enter or work in a designated smoking room in the public place or work place if Employees working in or entering designated smoking room

- (a) the employee
 - (i) volunteers to enter or work in the room,
 - (ii) spends no more than 20%, in total, of any workday or shift of the employee in the room, and
 - (iii) does not serve food or beverages in the room, where the room is in an eating establishment or licensed premises;
- (b) the employee is entering the room to
 - (i) respond to an emergency that endangers a person's life or health or property, or
 - (ii) investigate suspected illegal activity; or
- (c) the room is free from second-hand smoke.

(2) Where the owner of a public place, or an employer at a workplace, permits an employee to enter or work in a designated smoking room in the public place or workplace, the owner or employer shall keep a written record of Records

- (a) the name of the employee;
- (b) the length of time spent by the employee in the designated smoking room during each workday or shift of the employee;
- (c) the hours worked by the employee during each workday or shift; and
- (d) any visit to the designated smoking room for a purpose referred to in clause (1)(b).

9. The following persons are deemed to be inspectors by virtue of their office: Inspectors

- (a) liquor control inspectors appointed under the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14;
- (b) occupational health and safety officers appointed under the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.

10. These regulations come into force on June 1, 2003. Commencement

SCHEDULE A

**DESIGNATED
SMOKING AREA**

SMOKING PERMITTED

**WARNING:**

Exposure to tobacco smoke increases health risks including cancer, cardiovascular disease, lung disease and can harm unborn babies.

PEI Smoke-free Places Act

SCHEDULE B

**We are Smoke-free***PEI Smoke-free Places Act*

SCHEDULE C



**This is a Smoke-free Area.
Smoking is not permitted
outside of designated
smoking area**

PEI Smoke-free Places Act

EXPLANATORY NOTES

SECTION 1 sets out definitions of words and terms used in these regulations and the Act.

SECTION 2 explains that the designation of a smoking area requires the conspicuous posting of a sign that identifies the area as a smoking area. The section also sets out restrictions on the designation of an outdoor area that is within a prescribed distance of an entrance or air intake.

SECTION 3 sets out a restriction on the designation of a room as a smoking area if the room has a floor area in excess of the maximum area permitted by the section.

SECTIONS 4 and 5 set out requirements that smoking signs be posted at public places and workplaces.

SECTION 6 sets out requirements respecting the ventilation system for a smoking room. The section also requires a clear window for such a room.

SECTION 7 sets out requirements for the ventilation system for a long-term care facility.

SECTION 8 explains the circumstances in which an owner or employer may permit an employee to work in a designated smoking room.

SECTION 9 deems certain officers appointed under other Acts to be inspectors for the purpose of the Act.

SECTION 10 provides for the commencement of these regulations.

EC2003-280

**GASOLINE TAX ACT
REGULATIONS
AMENDMENT**

Pursuant to section 9 of the *Gasoline Tax Act* R.S.P.E.I. 1988, Cap. G-3, Council made the following regulations:

1. (1) Subsection 15(2) of the *Gasoline Tax Act* Regulations (EC283/72) is amended

(a) by the deletion of the period after clause (c) and the substitution of the words “; and”; and

(b) by the addition of the following after clause (c):

(d) by a person who requires marked gasoline for use in a commercial vessel used for

- (i) the carriage of passengers or freight from Prince Edward Island to another province, territory or country, or
- (ii) the dredging of the ocean bed in extra-territorial waters.

(2) Subsection 15(3) of the regulations is amended

(a) by the revocation of clause (f) and the substitution of the following:

(f) for use in operating a curling, skating or hockey rink owned or operated by a municipality or non-profit organization;

(b) by the deletion of the period after clause (m) and the substitution of a semicolon; and

(c) by the addition of the following after clause (m):

- (n) for furnishing power for boats used in the piloting of ships; and
- (o) for furnishing power for equipment used in peat moss operations.

2. These regulations come into force on June 7, 2003.

EXPLANATORY NOTES

SECTION 1 provides that persons may purchase marked gasoline for use in commercial vessels engaged in transportation or dredging. The section also extends the uses that may be made of marked gasoline.

SECTION 2 provides for the commencement of these regulations.

EC2003-281

**INTERPRETATION ACT
FAMILY AND CHILD SERVICES ACT
NOTICE OF HEARING REGULATIONS
REVOCATION**

Pursuant to subsection 33(3) of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, Council made the following regulations:

1. The Notice of Hearing Regulations (EC1212/81) made under the *Family and Child Services Act* R.S.P.E.I. 1988, Cap. F-2 are revoked. *Family and Child Services Act*

2. These regulations are deemed to have come into force on May 10, 2003. *Commencement*

EXPLANATORY NOTES

The Notice of Hearing Regulations made under the *Family and Child Services Act* are revoked.

EC2003-282

**INTERPRETATION ACT
FAMILY AND CHILD SERVICES ACT
TRANSITIONAL PROVISIONS REGULATIONS
REVOCATION**

Pursuant to subsection 33(3) of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, Council made the following regulations:

1. The Transitional Provisions Regulations (EC1213/81) made under the *Family and Child Services Act* R.S.P.E.I. 1988, Cap. F-2 are revoked.
2. These regulations are deemed to have come into force on May 10, 2003.

EXPLANATORY NOTES

The Transitional Provision Regulations made under the *Family and Child Services Act* are revoked.

EC2003-283

**PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TOM LIPSKY
(APPROVAL)**

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Tom Lipsky of Stow, Massachusetts to acquire a land holding of approximately one decimal four (1.4) acres of land in Lot 43, Kings County, Province of Prince Edward Island, being acquired from Luigi Gallo of Millneck, New York.

EC2003-284

**PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DONNA MORELL AND EDWIN WOOLRIDGE
(APPROVAL)**

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Donna Morell and Edwin Woolridge, both of Carleton, Ontario to acquire a land holding of approximately forty-five decimal eight (45.8) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from Victor Gaudet and Colleen Gaudet, both of Ottawa, Ontario PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-285

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DONNA MORELL AND EDWIN WOOLRIDGE
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Donna Morell and Edwin Woolridge, both of Carleton, Ontario to acquire a land holding of approximately zero decimal three eight (0.38) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from Victor Gaudet and Colleen Gaudet, both of Ottawa, Ontario.

EC2003-286

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HERITAGE FARMS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Heritage Farms Ltd. of Kelvin Grove, Prince Edward Island to acquire a land holding of approximately one hundred and thirty decimal four nine (130.49) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from the Estate of Sidney Allan Mill of Summerside, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2003-287

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M.S. WOODSIDES LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M.S. Woodsides Ltd. of Margate, Prince Edward Island to acquire a land holding of approximately zero decimal seven eight (0.78) acres of land in Lot 20, Queens County, Province of Prince Edward Island, being acquired from Rockland Arsenault and Lori Lisk, both of Kensington, Prince Edward Island.

EC2003-288

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARWOOD PROPERTIES INC.
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marwood Properties Inc. of Georgetown, Prince Edward Island to acquire a land holding of approximately seventy-five (75) acres of land in Lot 45, Kings County, Province of Prince Edward Island, being acquired from Lorne MacIsaac and Theresa Jane MacIsaac, both of Souris, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act AND PROVIDED THAT Marwood Properties Inc. submits a Forest Management Plan to the Department of Agriculture and Forestry that is acceptable to the said Department.

EC2003-289

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THE MID-ISLE MOTEL LIMITED
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to The Mid-Isle Motel Limited of Central Bedeque, Prince Edward Island to acquire a land holding of approximately five decimal two eight (5.28) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from Reids' Chelton Beach Units Inc., Robert Reid and Norma Reid, all of Central Bedeque, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said The Mid-Isle Motel Limited and on all successors in title.

EC2003-290

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THE MID-ISLE MOTEL LIMITED
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to The Mid-Isle Motel Limited of Central Bedeque, Prince Edward Island to acquire a land holding of approximately one decimal one eight (1.18) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from Reids' Chelton Beach Units Inc., Robert Reid and Normal Reid, all of Central Bedeque, Prince Edward Island.

EC2003-291

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 905687, LOT 48, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately forty-five (45) acres of land, being Provincial Property No. 905687 located in Lot 48, Queens County, Prince Edward Island and currently owned by Sunny Isle Farms Limited of Charlottetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately nineteen (19) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land. Further, Council determined that access to the parcels shall be via right-of-way rather than conveyance of ownership of an access route.

This Order-in-Council comes into force on 27 May 2003.

EC2003-292

REVENUE ADMINISTRATION ACT
REGULATIONS
AMENDMENT

Pursuant to section 28 of the *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2, Council made the following regulations:

1. The *Revenue Administration Act* Regulations (EC390/91) are amended by the addition of the following after section 8:

8.01 (1) The Minister may cancel or suspend a permit issued under section 13.1 of the *Revenue Tax Act* Regulations (EC262/60) if the permit holder fails to comply with any provision of the *Revenue Administration Act* or a revenue Act, or any regulations made thereunder. Cancellation of permits

(2) The Minister may, after cancelling or suspending a permit, reinstate the permit if the Minister is satisfied that the permit holder has complied with every provision of the *Revenue Administration Act* or a revenue Act, or any regulations made thereunder, with which the permit holder had previously failed to comply. Reinstatement of cancelled permit

2. The regulations are amended by the addition of the following after section 17:

18. (1) An application under subsection 19(1) or 19(5) of the *Revenue Administration Act* for a refund of an amount paid as tax shall be made, in writing, to the Commissioner and shall include Refund

(a) the reason for requesting the refund; and

(b) such information or documents, including invoices and receipts, as the Commissioner may require, respecting the payment of the amount of tax for which the refund is requested.

(2) Any information or documents required by the Commissioner in respect of an application under subsection (1) shall be provided or presented by the applicant in such form or manner as the Commissioner may require. Form

3. Forms 3, 4 and 5 of the Schedule to the regulations are revoked.

4. These regulations come into force on June 7, 2003.

EXPLANATORY NOTES

SECTION 1 provides that the Minister may cancel or suspend a Revenue Tax Exemption Permit for non-compliance with relevant legislation, and sets out the conditions for reinstatement.

SECTION 2 provides for the manner in which a refund of a revenue tax must be requested.

SECTION 3 revokes Forms 3 to 5 of the Schedule.

SECTION 4 provides for the commencement of these regulations.