

EC2006-685**PROVINCE OF PRINCE EDWARD ISLAND
ESTIMATES OF CAPITAL EXPENDITURE
FISCAL YEAR 2007-2008**

This Council in Committee, having under consideration the Estimates of Capital Expenditure required to carry on the public services of the Province for the fiscal year ending March 31, 2008, and amounting in all to the sum of sixty-eight million, eight hundred and fifty-nine thousand, five hundred dollars (\$68,859,500.00), together with a sum sufficient for similar capital expenditure, to carry on the public services of the Province from the expiration of the fiscal year ending March 31, 2008 up to and until the final passage of the Capital Estimates for the year ending March 31, 2009, it was and is hereby recommended that the Capital Estimates be approved by Her Honour, the Lieutenant Governor of the Province of Prince Edward Island, and be presented to the Legislative Assembly during the present session thereof.

EC2006-686

EXECUTIVE COUNCIL ACT
MINISTER OF DEVELOPMENT AND TECHNOLOGY
AUTHORITY TO ENTER INTO AN AGREEMENT
(SEVENTH PROTOCOL OF AMENDMENT TO THE
AGREEMENT ON INTERNAL TRADE)
WITH THE
GOVERNMENTS OF CANADA, THE OTHER PROVINCES
AND THE TERRITORIES

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Development and Technology to enter into an agreement with the Governments of Canada, the other Provinces and the Territories, as represented by their respective Ministers Responsible for Internal Trade, to amend the agreement on Internal Trade to streamline consultation provisions and standardize procedures for dispute resolution and to provide for notification when awarding procurement contracts without tender using the regional and economic development exception, such as more particularly described in the draft agreement

EC2006-687

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB333/06 of 29 November 2006), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a Revolving Line of Credit loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding three million, two hundred and fifty thousand dollars (\$3,250,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the rate of prime minus one-half of one percent to the Bank of Nova Scotia in Kensington, Prince Edward Island (hereinafter referred to as "the lender"), from the 5th day of December 2006 through to and including 1700 hours on the 31st day of December 2007, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of December 2007.
2. Any advances made by the lender after the 31st day of December 2007 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of December 2007 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of December 2007, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.

4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2006-688

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JOHN ROE GRIFFITH
(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 John Roe Griffith of Wilton, New Hampshire to acquire a land holding of approximately one (1) acre of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Verna Johnston Saunders of Rockwood, Ontario.

EC2006-689

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RICHARD KING AND WHITNEY SCHWAB
(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 Richard King and Whitney Schwab, both of Hillsborough, North Carolina to acquire a land holding of approximately nineteen decimal six (19.6) acres of land in Lot 16, Prince County, Province of Prince Edward Island, being acquired from Carl Barlow and Joan Barlow, both of Southwest Lot 16, 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.

EC2006-690

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BARRY IMPROTE AND LINDA IMPROTE
(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 Barry Improte and Linda Improte, both of Southport, North Carolina to acquire a land holding of approximately three decimal three (3.3) acres of land in Lot 12, Prince County, Province of Prince Edward Island, being acquired from Keith Milligan of Tyne Valley, 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.

EC2006-691

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DONALD E. DOCKRILL
(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 Donald E. Dockrill of Fall River, Nova Scotia to acquire a land holding of approximately sixty-four decimal five (64.5) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from Barbara Dunn of Summerville, Mary Wilson of Cardigan Head, Teresa Fisher of Cardigan Head, Janet Kenny of St. Teresa and Peggy Hicken of Lower Montague, all of 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.

EC2006-692

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CAROLYN E.M. HARTLEY
(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 Carolyn E.M. Hartley of Rancho Mirage, California to acquire a land holding of approximately sixty-eight decimal four three (68.43) acres of land in Lot 21, Queens County, Province of Prince Edward Island, being acquired from Womersley Marketing Services Ltd. of North Granville, 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 Carolyn E.M. Hartley and on all successors in title.

EC2006-693

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LEO A. MCNEILL CONSTRUCTION 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 Leo A. McNeill Construction Ltd. of Richmond, Prince Edward Island to acquire a land holding of approximately seven decimal five (7.5) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Leo A. McNeill and Margaret McNeill, both of Richmond, 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 Leo A. McNeill Construction Ltd. and on all successors in title.

EC2006-694

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LEO A. MCNEILL CONSTRUCTION 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 Leo A. McNeill Construction Ltd. of Richmond, Prince Edward Island to acquire a land holding of approximately one hundred and two (102) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Leo A. McNeill of Richmond, 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 Leo A. McNeill Construction Ltd. and on all successors in title.

EC2006-695

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LEO A. MCNEILL CONSTRUCTION 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 Leo A. McNeill Construction Ltd. of Richmond, Prince Edward Island to acquire a land holding of approximately one decimal eight four (1.84) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Leo A. McNeill of Richmond, Prince Edward Island.

EC2006-696

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LEO A. MCNEILL CONSTRUCTION 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 Leo A. McNeill Construction Ltd. of Richmond, Prince Edward Island to acquire a land holding of approximately two decimal eight five (2.85) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Chris McNeill of Richmond, Prince Edward Island.

EC2006-697

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
FORTUNE COVE FARMS 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 Fortune Cove Farms Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately one decimal three one (1.31) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from William Coughlin of Fortune Cove, Prince Edward Island.

EC2006-698

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
O'LEARY PRODUCE CO. 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 O'Leary Produce Co. Ltd. of O'Leary, Prince Edward Island to acquire a land holding of approximately zero decimal eight three (0.83) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Mill River Investments Ltd. of Cornwall, Prince Edward Island.

EC2006-699

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 100397 P.E.I. INC.
 (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 100397 P.E.I. Inc. of Borden-Carleton, Prince Edward Island to acquire a land holding of approximately six decimal one seven (6.17) acres of land in Lot 28, Prince County, Province of Prince Edward Island, being acquired from Gerald Caseley and Lois Caseley, both of Summerside, Prince Edward Island.

EC2006-700

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 100397 P.E.I. INC.
 (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 100397 P.E.I. Inc. of Borden-Carleton to acquire a land holding of approximately seventeen decimal four three (17.43) acres of land in Lot 28, Prince County, Province of Prince Edward Island, being acquired from Harold Noye of Borden-Carleton, Prince Edward Island.

EC2006-701

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 NORTHUMBERLAND COMMUNITY DEVELOPMENT CORPORATION
 (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 Northumberland Community Development Corporation of Murray River, Prince Edward Island to acquire a land holding of approximately one decimal three (1.3) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Prince Edward Island Business Development Inc. of Charlottetown, Prince Edward Island.

EC2006-702

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARGATE FARMS 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 Margate Farms Ltd. of Margate, Prince Edward Island to acquire a land holding of approximately one hundred and seventy nine decimal zero two (179.02) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Willem Van der Veen of Margate, Prince Edward Island.

Further, Council noted that part of the said land holding, being Provincial Property Nos. 440487 and 733980, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2006-703

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TOWN OF SOURIS
(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 Town of Souris, Prince Edward Island to acquire a land holding of approximately three decimal five seven (3.57) acres of land in Lot 45, Kings County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Charlottetown, Prince Edward Island.

EC2006-704

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 266932, LOT 14, PRINCE COUNTY
SUBDIVISION RESTRICTION
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 prohibiting subdivision in respect of approximately sixteen (16) acres of land, being Provincial Property No. 266932, located in Lot 14, Prince County, Prince Edward Island and currently owned by AJL Ltd. of Richmond, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal two five (1.25) acres, and determined that the subdivision restriction shall continue to apply to the remaining land.

This Order-in-Council comes into force on 5 December 2006.

EC2006-705LENDING AGENCY ACT
ARSENAULT SAWMILL LTD.
AUTHORIZATION

Pursuant to subsection 2(2) of the Lending Agency Act Regulations (EC1999-406) Council authorized the Agency to advance a ten year term capital loan in the amount of \$4,800,000.00 to Arsenault Sawmill Ltd.

EC2006-706MEDICAL ACT
COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS
OF PRINCE EDWARD ISLAND
APPOINTMENT

Pursuant to clause 7(1)(c) of the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Neil Robinson Charlottetown (reappointed)	18 November 2006 to 18 November 2009

EC2006-707NATURAL PRODUCTS MARKETING ACT
PRINCE EDWARD ISLAND MARKETING COUNCIL
TEMPORARY APPOINTMENT

Having under consideration clause 20(e) of the *Interpretation Act*, R.S.P.E.I. 1988, Cap. I-8 and under authority of subsection 2(2) of the *Natural Products Marketing Act*, R.S.P.E.I. 1988, Cap. N-3, Council designated Axel Irving as chairperson of the Prince Edward Island Marketing Council, on a temporary basis during the absence of Allison Ellis, for the period December 12, 2006 to March 15, 2007.

EC2006-708PUBLIC DEPARTMENTS ACT
DEPARTMENT OF EDUCATION
ACTING DEPUTY MINISTER
APPOINTMENT
(TO RESCIND)

Council, having under consideration Order-in-Council EC2006-359 of 21 June 2006, rescinded the said Order, thus rescinding the appointment of Ken MacRae as Acting Deputy Minister of Education, effective 5 December 2006.

EC2006-709

UNIVERSITY ACT
BOARD OF GOVERNORS OF THE
UNIVERSITY OF PRINCE EDWARD ISLAND
APPOINTMENTS

Pursuant to clause 8(1)(a) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Gerard MacDonald Mount Stewart (vice Mike Murphy, term expired)	23 December 2006 to 31 May 2009
Doug MacDougall Grand River (vice John B. MacDonald, resigned)	5 December 2006 to 31 May 2009
Cecil Taylor Charlottetown (vice James MacIntyre, term expired)	5 December 2006 to 31 May 2009

EC2006-710

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND ENERGY CORPORATION
GUARANTEE OF ENERGY SAVINGS BONDS

Having under consideration the recommendation of Treasury Board (reference Minute TB339/06 of 29 November 2006), pursuant to clause 8(3)(b) of the *Energy Corporation Act*, R.S.P.E.I. 1988, Cap. E-7, and subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to unconditionally guarantee payment of indebtedness of Prince Edward Island Renewable Energy Corporation (hereinafter referred to as "the borrower"), a subsidiary of the Prince Edward Island Energy Corporation, incurred through the sale and issuance of PEI Energy Savings Bonds ("Bonds", and, individually, a "Bond") by the Borrower, such indebtedness not to exceed twenty million dollars (\$20,000,000.00) together with interest thereon (hereinafter referred to as the "guaranteed indebtedness"), the said guarantee to be subject to and conditional upon the following terms and conditions:

1. Interest payable with respect to the Bonds shall be fixed at five per cent (5%) per annum, and may be payable annually or compounded and paid on maturity of the Bonds.
2. With respect to Bonds issued with interest payable annually ("Annual Interest Bonds"), the payment of interest shall be made on the anniversary date of issuance of each Annual Interest Bond, and form part of the guaranteed indebtedness. The principal of Annual Interest Bonds shall be repaid on the 5th anniversary date of issuance of each Annual Interest Bond.
- 3 With respect to Bonds issued with interest compounding annually ("Compound Interest Bonds"), the principal and accrued interest of Compound

Interest Bonds shall be repaid on the 5th anniversary date of issuance of each Compound Interest Bond

4. Indebtedness incurred through the sale and issuance of Bonds after the 31st day of December 2011 shall not form part of the guaranteed indebtedness.
5. The guarantee shall terminate upon redemption of all issued and outstanding Bonds.
6. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.

EC2006-711

PRINCE EDWARD ISLAND LANDS PROTECTION ACT STATEMENT OF REASONS FOR AN AMENDMENT TO EXEMPTION REGULATIONS (EC368/88)

Pursuant to section 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I. 1988, Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly.

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

An exemption from the application of sections 4 and 5 of the Act was granted for shareholders of an approved cooperative venture in respect of land holdings identified in an approval issued by Lieutenant Governor in Council under subsection 1.1(6) of the *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)*.

2. Reason for the exemption:

The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* exempt approved cooperative ventures in the primary resource sector from the application of clause 2(b) and section 5 of the Act.

The Exemption Regulations were amended to clarify the intent and implementation of the current regulations to be applied to corporations applying to become an “approved cooperative venture” as defined in the regulations. The amendments clarify the definitions of “arm’s length” and “cooperative venture”, add a provision to exempt shareholders of a cooperative venture from sections 4 and 5 of the Act, and change references to “members” to references to “shareholders”.

These amendments were approved via Order-in-Council EC2006-291 dated 16 May 2006.

EC2006-712

PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN AMENDMENT
TO
EXEMPTION REGULATIONS (EC368/88)

Pursuant to section 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I. 1988, Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly.

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

An amendment was made to the *Prince Edward Island Lands Protection Act* Exemption Regulations (EC368/88) to exempt an approved cooperative venture's aggregate land holdings from the application of section 2(b) of the Act.

2. Reason for the exemption:

The *Prince Edward Island Lands Protection Act* Exemption Regulations (EC368/88) exempt approved cooperative ventures in the primary resource sector from the application of clause 2(b) and section 5 of the Act.

This amendment approved via Order-in-Council EC2006-466 dated 15 August 2006 removes reference to specific land holdings identified in an approval granted under subsection 1.1(6) of the regulations, thereby clarifying the intent of the regulations which is to exempt the aggregate land holdings of an approved cooperative venture from the application of clause 2(b) of the Act.