

EC2003-682

**COMPANION ANIMAL PROTECTION ACT
HOUSING STANDARDS FOR CATS AND DOGS IN
COMPANION ANIMAL ESTABLISHMENTS REGULATIONS**

Pursuant to section 18 of the *Companion Animal Protection Act* R.S.P.E.I. 1988, Cap. C-14.1, Council made the following regulations:

- | | |
|---|---------------------------------------|
| 1. In these regulations | Definitions |
| (a) "Act" means the <i>Companion Animal Protection Act</i> R.S.P.E.I. 1988, Cap. C-14.1; | Act |
| (b) "cat" means a male or female adult or juvenile cat, and includes a kitten; | cat |
| (c) "cat length" means the length of a cat measured from the tip of the nose to the base of the tail; | cat length |
| (d) "dog" means a male or female adult or juvenile dog, and includes a puppy; | dog |
| (e) "dog length" means the length of a dog measured from the tip of the nose to the base of the tail; | dog length |
| (f) "housing unit" means any cage or other enclosure used to house a cat or dog, but does not include housing in a cage while transporting a dog or cat outside a companion animal establishment; | housing unit |
| (g) "shoulder height" means the height of a cat or dog as measured from a flat surface on which the cat or dog is standing to the highest part of the back at the base of the neck of the cat or dog. | shoulder height |
| 2. (1) Every licensee housing a single cat or dog in a housing unit shall ensure that the floor space of the housing unit housing the cat or dog is at least the minimum floor space, as determined by the Schedule, using the cat or dog length of the animal being housed. | Minimum floor space |
| (2) Every licensee housing a cat or dog that is nursing her young shall ensure that the minimum floor space of the housing unit is the minimum floor space required under subsection (1) plus an additional 10% floor space for each cat or dog in the litter. | Nursing of offspring |
| 3. Every licensee housing one or more cats or dogs in a housing unit shall ensure that the shortest length and width dimensions of the housing unit shall be not less than | Minimum length and width requirements |
| (a) the cat length or dog length of the longest cat or dog housed in the housing unit; or | |
| (b) 35 centimetres, | |
| whichever is greater. | |
| 4. (1) Every licensee housing one or more dogs in a housing unit shall ensure that the minimum height of the housing unit is | Minimum height requirements |
| (a) 1.5 times the shoulder height of the tallest dog housed in the housing unit; and | |
| (b) not less than 20 centimetres from the top of the head of the tallest dog to the ceiling of the housing unit, as measured when the dog is standing. | |
| (2) Every licensee housing one or more cats in a housing unit shall ensure that the minimum height of the housing unit shall be | <i>Idem</i> |

- (a) 1.5 times the shoulder height of the tallest cat housed in the housing unit; and
- (b) not less than 20 centimetres from the top of the head of the tallest cat to the ceiling of the housing unit, as measured when the cat is standing on the perch required under section 7.

5. Where two or more cats or dogs are housed in a single housing unit, the licensee housing the cats or dogs shall ensure that the minimum floor space of the housing unit for each cat or dog is the Two or more cats or dogs in a housing unit

- (a) minimum floor space required by the longest cat or dog housed in the housing unit as required under subsection 2(1); and
- (b) 35% of the floor space required by clause (a) for each additional cat or dog in the housing unit.

6. Every licensee housing a cat or dog in a housing unit shall ensure that the housing unit has Housing unit construction

- (a) at least one wall constructed of transparent material or mesh;
- (b) a solid floor space of at least 1/3 the minimum floor space as required under these regulations; and
- (c) containers for drinking water and food that
 - (i) are affixed to a wall or the floor to prevent tipping, or
 - (ii) are of a design that prevents tipping.

7. (1) Every licensee housing a cat shall ensure that the housing unit has a perch that Perches for cats

- (a) in the case of a single cat, has an area of at least 1/4 the floor space required under subsection 2(1);
- (b) in the case of a cat nursing her young, has an area of at least 1/4 the floor space required under subsection 2(2); and
- (c) in the case of two or more cats being housed in a single housing unit, has an area of at least 1/4 the floor space required under section 5.

(2) The perch required under subsection (1) shall be located at least 20 centimetres above the floor of the housing unit. Height of perch

(3) The perch required under subsection (1) shall be in addition to the floor space for a housing unit required under subsection 2(1). Perch additional space

8. These regulations come into force on December 13, 2003. Commencement

SCHEDULE

Minimum Floor Space

cat length or dog length in centimetres	1-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101-110
minimum floor space in square metres	0.20	0.30	0.42	0.56	0.72	0.9	1.10	1.32	1.56	1.82

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 establishes the minimum floor space requirements for cats or dogs housed in housing units in companion animal establishments.

SECTION 3 establishes the minimum length and width requirements for housing units.

SECTION 4 establishes the minimum height requirements for housing units.

SECTION 5 provides for minimum floor space requirements where two or more cats or dogs are housed in a single housing unit.

SECTION 6 establishes the standards for the construction of housing units.

SECTION 7 establishes the requirements for cat perches in housing units.

SECTION 8 provides for the commencement of these regulations.

EC2003-683

**COMPANION ANIMAL PROTECTION ACT
REGULATIONS
AMENDMENT**

Pursuant to section 18 of the *Companion Animal Protection Act* R.S.P.E.I. 1988, Cap. C-14.1, Council made the following regulations:

1. Section 5 of the *Companion Animal Protection Act* Regulations (EC249/02) is amended

(a) by renumbering it as subsection (1);

(b) in subsection (1) as renumbered, by the deletion of the words "The licensee" and the substitution of the words "Subject to subsection (3), the licensee"; and

(c) by the addition of the following after subsection (2):

(3) Where there is a conflict between this section and a provision of the Housing Standards for Cats and Dogs in Companion Animal Establishments Regulations (EC682/03), the provision of the Housing Standards for Cats and Dogs in Companion Animal Establishments Regulations shall prevail to the extent of the conflict. Housing standards for cats and dogs regulations prevail

2. These regulations come into force on December 13, 2003.

EXPLANATORY NOTES

This regulation ensures that the Housing Standards for Cats and Dogs in Companion Animal Establishments Regulations prevail over the standards prescribed by section 5 of the *Companion Animal Protection Act* Regulations, should a conflict arise between the two.

EC2003-684

**EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE, FISHERIES, AQUACULTURE
AND FORESTRY
AUTHORITY TO ENTER INTO AN AGREEMENT
(AMENDING AGREEMENT NO. 2
CANADA-PRINCE EDWARD ISLAND AGREEMENT
ESTABLISHING THE BSE RECOVERY PROGRAM)
WITH THE
GOVERNMENT OF CANADA**

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture, Fisheries, Aquaculture and Forestry to enter into an agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food, to amend the Canada-Prince Edward Island Agreement Establishing the BSE Recovery Program to provide additional assistance for the cull animal program, such as more particularly described in the draft agreement.

EC2003-685

EXECUTIVE COUNCIL ACT
ATTORNEY GENERAL
AUTHORITY TO ENTER INTO AN AGREEMENT
(AMENDMENT TO PROJECT FUNDING AGREEMENT
VICTIMS OF CRIME FUND)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Attorney General to enter into an amending agreement with the Government of Canada, as represented by the Minister of Justice, to change certain provisions of the Project Funding Agreement in support of victim services in Prince Edward Island dated December 20, 2000, such as more particularly described in the draft agreement.

EC2003-686

FINANCIAL ADMINISTRATION ACT
CITY OF CHARLOTTETOWN
LOAN GUARANTEE

Having under consideration the recommendation of Treasury Board (reference Minute TB#177/03 of 3 September 2003), 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 guarantee issued by the City of Charlottetown to Capital Area Recreation Inc. (CARI) (hereinafter referred to as “the borrower”) on a demand loan in an amount not exceeding two million five hundred and eighty thousand dollars (\$2,580,000.00) (hereinafter referred to as the “guaranteed indebtedness”) together with interest thereon at the Scotiabank, Charlottetown, Prince Edward Island (hereinafter referred to as “the lender”) prime lending rate minus 1/4% per annum with interest payable monthly, from the 2nd day of December 2003 through to and including 1700 hours on the 31st day of August 2005, 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 August 2005.
2. Any advances made by the lender after the 31st day of August 2005 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 August 2005 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of August 2005, written 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 written demand has been made 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, should the City of Charlottetown demand payment on this guarantee, to offset the default balance from any source of municipal property taxes of the City of Charlottetown.
5. 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.
6. The Provincial Treasurer may add such further terms and conditions to the guarantee as considered appropriate.
7. 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 6 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.

EC2003-687

FINANCIAL ADMINISTRATION ACT
CITY OF CHARLOTTETOWN
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#304/03 of 26 November 2003), 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 guarantee issued by the City of Charlottetown to Capital Area Recreation Inc. (CARI) (hereinafter referred to as “the borrower”) on a term loan in an amount not exceeding seven hundred and seventy thousand dollars (\$770,000.00) (hereinafter referred to as the “guaranteed indebtedness”) together with interest thereon at the Scotiabank, Charlottetown, Prince Edward Island (hereinafter referred to as “the lender”), 4.8 % interest payable monthly, from the 2nd day of December 2003 through to and including 1700 hours on the 31st day of December 2008, 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 2008.
2. Any advances made by the lender after the 31st day of December 2008 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 2008 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of December 2008, written 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 written demand has been made 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, should the City of Charlottetown demand payment on this guarantee, to offset the default balance from any source of municipal property taxes of the City of Charlottetown.
5. 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.
6. The Provincial Treasurer may add such further terms and conditions to the guarantee as considered appropriate.
7. 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 6 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.

EC2003-688

FINANCIAL ADMINISTRATION ACT
CITY OF CHARLOTTETOWN
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#304/03 of 26 November 2003), 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 guarantee issued by the City of Charlottetown to Capital Area Recreation Inc. (CARI) (hereinafter referred to as "the borrower") on a term loan in an amount not exceeding two million dollars (\$2,000,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at Royal Bank, Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), 4.42 % fixed interest payable monthly on one million dollars (\$1,000,000.00) and RBC Bankers Acceptance rate plus 55 basis points floating monthly (currently 3.45%) on the remaining one million dollars (\$1,000,000.00), from the 2nd day of December 2003 through to and including 1700 hours on the 31st day of December 2008, 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 2008.
2. Any advances made by the lender after the 31st day of December 2008 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 2008 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of December 2008, written 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 written demand has been made 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, should the City of Charlottetown demand payment on this guarantee, to offset the default balance from any source of municipal property taxes of the City of Charlottetown.
5. 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.
6. The Provincial Treasurer may add such further terms and conditions to the guarantee as considered appropriate.
7. 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 6 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.

EC2003-689

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MELVIN C. GRIFFIN, SYLVIA J. GRIFFIN AND
ROBERT L. BRIMMER
(DENIAL)

Council, having under consideration an application (#N4207) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Melvin C. Griffin and Sylvia J. Griffin, both of Tavernier, Florida and Robert L. Brimmer of Lancaster, Pennsylvania to acquire a land holding of approximately one hundred and eighty-seven (187) acres of land in Lot 34, Queens County, currently owned by John J. Roberts of Charlottetown, Prince Edward Island.

EC2003-690

AN ACT TO AMEND THE PUBLIC PURCHASING ACT
DECLARATION RE

Under authority of section 6 of *An Act to Amend the Public Purchasing Act* Stats. P.E.I. 1996, 4th Session, c. 33 Council ordered that a Proclamation do issue proclaiming "*An Act to Amend the Public Purchasing Act*" to come into force effective 1 January 2004.

EC2003-691

**PUBLIC PURCHASING ACT
REGULATIONS
AMENDMENT**

Pursuant to section 7 of the *Public Purchasing Act* R.S.P.E.I. 1988, Cap. P-32, Council made the following regulations:

1. The *Public Purchasing Act* Regulations (EC43/85) are amended by the addition of the following after section 1:

DEFINITIONS

1.1 In these regulations

Definitions

(a) “local purchase order” means a local purchase order from a book of local purchase orders issued by the Division under section 9(1)(a); local purchase order

(b) “purchasing card” means a purchasing card as issued by the Division under clause 9(1)(a); purchasing card

2. Section 2 of the regulations is amended

(a) by the revocation of subsection (1) and the substitution of the following:

2. (1) A department shall notify the Comptroller of any requirement by completing a purchase requisition that shall contain the information required by the Comptroller. Purchase requisition

(b) in subsection (2), by the deletion of the words “purchase requisition form shall be signed” and the substitution of the words “purchase requisition shall be approved”;

(c) in subsection (3), by the deletion of the words “twelve months” and the substitution of the words “24 months, unless an additional period is authorized by the Minister”; and

(d) by the addition of the following after subsection (3):

(3.1) Subsection (3) does not apply to the delivery of supplies that are subject to a prior agreement approved by the Minister. Exception

3. Section 3 of the regulations is amended

(a) in subsection (1), by the deletion of the word “commodity” and the substitution of the words “type of supplies”;

(b) by the revocation of subsection (3) and the substitution of the following:

(3) A vendor shall provide to the Division proof of the vendor’s ability to provide the particular supplies before the vendor’s name is added to vendors’ list. Ability to provide supplies

(c) in subsection (4), by the deletion of the words “Proof of competence” and the substitution of the words “Proof of ability under subsection (3)”; and

(d) in subsection (7), by the deletion of the words “his supplies” and the substitution of the words “the vendor’s supplies”.

4. Section 4 of the regulations is amended

(a) in clause (1)(c), by the deletion of the words “the supplies for the supply of which he was placed” and the substitution of the words “the type of supplies for which the vendor was placed”; and

(b) in subsection (4),

(i) by the deletion of the word “he” and the substitution of the words “the vendor”, and

(ii) by the deletion of the words “his removal” and the substitution of the words “the removal”.

5. Section 5 of the regulations is amended

(a) in subsection (1), by the deletion of the words “his name from a vendors’ list, a vendor may be reinstated if he can provide” and the substitution of the words “a vendor’s name from a vendors’ list, the vendor may be reinstated by providing”;

(b) in subsection (2), by the deletion of the words “his removal” wherever they occur and the substitution of the words “the removal”;

(c) by the revocation of subsection (3) and the substitution of the following:

(3) If the vendor is not reinstated to the vendors’ list after a review under subsection (2), the vendor may, by written request to the Division every six months after the vendor’s removal from the list, have the case reviewed under subsection (2). Six-month reviews

(d) in subsection (5),

(i) by the deletion of the words “he may appeal” and the substitution of the words “the vendor may appeal”, and

(ii) by the deletion of the words “his name” and the substitution of the words “the vendor’s name”.

6. Section 6 of the regulations is amended

(a) by the revocation of subsection (1) and the substitution of the following:

6. (1) The Division may include specifications describing after-sales service and response times in an invitation to tender or bid for supplies for which after-sales service is required. After-sales service specifications

(b) in subsection (2), by the deletion of the words “in excess of \$1500” and the substitution of the words “in excess of \$5,000”;

(c) by the addition of the following after subsection (2):

(2.1) For purchases costing between \$1,500 and \$5,000, a department shall obtain quotations by telephone or other method from at least two vendors. Quotes between \$1,500 and \$5,000

(2.2) Where a department has obtained quotations pursuant to subsection (2.1), the department shall provide evidence satisfactory to the Division that the department has complied with the requirements of subsection (2.1). Evidence of quotations

(d) in subsection (3),

(i) by the revocation of clauses (a) and (b),

(ii) by the revocation of clause (c) and the substitution of the following:

(c) the successful bidder on the last tender for particular supplies

(i) shall be included in the next list of vendors invited to tender or bid for those particular supplies, and

(ii) shall be notified by the Division by telephone or facsimile of the next tender;

(iii) by the revocation of clause (d) and the substitution of the following:

(d) whenever a qualified vendor insists on an opportunity to bid on a particular tender on which the vendor has not been invited to tender or bid, the vendor shall be given that opportunity if the opportunity to do so does not require cancellation of the existing invitation to tender or bid;

(iv) in clause (h),

(A) in subclause (iii), by the deletion of the word “Maritime” and the substitution of the words “Atlantic Canadian”, and

(B) in the words after subclause (v), by the deletion of the word “Division” and the substitution of the words “department or Division”;

(e) in subsection (4), by the deletion of the words “\$25,000” and the substitution of the words “\$5,000”;

(f) by the addition of the following after subsection (4):

(4.1) Public advertising of an invitation to tender or bid may include publication of notice of the invitation to tender or bid

(a) in at least one daily newspaper published in the province; or
(b) by electronic means accessible to vendors.

Manner of public advertising of tender

(g) by the revocation of subsection (5).

7. Section 7 of the regulations is amended

(a) by the revocation of subsections (2) and (3) and the substitution of the following:

(2) Each vendor invited to tender shall be provided with tender information, which shall include the tender description, tender number, tender closing date and the time and the location where tenders will be received.

Tender information

(3) Tenders received by the Division will be dated and time stamped by the Division.

Tenders, date and time

(b) by the addition of the following after subsection (6):

(6.1) No decision or award shall be made at the time of the tender opening.

No decision at tender opening

(c) in subsection (7), by the deletion of the words “his tender” and the substitution of the words “the tender”;

(d) by the revocation of subsection (8);

(e) in subsection (9),

(i) in the words before clause (a), by the deletion of the words “if the vendor has preceded his late written quotation with a telegraphic message by facsimile, telex or telegram” and the substitution of the words “if the vendor has preceded the late written quotation with a facsimile message”, and

(ii) in clause (a), by the deletion of the word “received” and the substitution of the words “received in its entirety”;

(f) in subsection (12), by the deletion of the words “shall be rejected” and the substitution of the words “may be rejected”; and

(g) in subsection (13),

(i) by the deletion of the words “may amend his tender” and the substitution of the words “may amend the tender”, and

(ii) in clauses (a), (b) and (c), by the deletion of the words “letter, or telegraphic message” and the substitution of the words “letter or a facsimile message”.

8. Section 8 of the regulations is amended

(a) by the addition of the following after subsection (1):

(1.1) The Division may ask a vendor to provide the Division with proof of the vendor’s ability to provide the particular supplies that are the subject of the invitation to tender before a tender is awarded.

Proof of ability

(1.2) The Division may establish standards and specifications for proof of ability under subsection (1.1), including evidence that a vendor can provide the required volume of supplies within the time required by the tender or within a time that the Division considers reasonable in the circumstances.

Standards and specifications re: ability

(b) in subsection (2), by the deletion of the words “Director of the Division or his designate” and the substitution of the words “Comptroller or the Comptroller’s designate” and

(c) by the addition of the following after subsection (2):

(2.1) Where less than two competitive bids meeting the tender's specifications are received, the Comptroller or the Comptroller's designate may choose to cancel the tender.

Cancellation of
tender

9. Section 9 of the regulations is amended

(a) in subsection (1),

(i) by the deletion of the words "\$250" and the substitution of the words "\$500",

(ii) in clause (a), by the deletion of the words "books of local purchase orders" and the substitution of the words "a book of local purchase orders or a purchasing card",

(iii) in clause (b), by the addition of the words "or purchasing cards" after the words "local purchase orders",

(iv) in clause (c),

(A) by the addition of a comma after the words "if supplies are available under contract", and

(B) by the addition of the words "or purchasing cards" after the words "local purchase orders", and

(C) by the addition of the words "or the purchasing card" after the words "local purchase order", and

(vi) by the addition of the following after clause (d):

(d.1) in the case of a purchasing card, the transaction shall be completed so that it provides a description of the item or items purchased, the unit price and the total amount purchased with the card;

(b) in subsection (3), by the deletion of the words "\$250" wherever they occur and the substitution of the words "\$500"; and

(c) in subsection (4), by the deletion of the words "and the Director of Purchasing".

10. Section 11 of the regulations is amended

(a) by renumbering it as subsection 11(1);

(b) by the revocation of clauses (a) and (b) and the substitution of the following:

(a) the following items:

(i) CDs (compact discs),

(ii) DVDs (digital video discs),

(iii) film,

(iv) film strips,

(v) pre-recorded tapes,

(vi) printed test materials,

(vii) recordings,

(viii) subscriptions to magazines, newspapers or periodicals,

(ix) textbooks,

(x) videotapes;

(c) by the revocation of clauses (d) to (f);

(d) by the revocation of clause (g) and the substitution of the following:

(g) supplies purchased using the open competitive processes of other public sector organizations;

(e) by the revocation of clauses (i) and (j) and the substitution of the following:

(i) construction materials that are used for highway construction and maintenance;

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

(k) supplies that the Deputy Minister of the requisitioning department considers necessary to be obtained by sole source, as documented by the Deputy Minister, for any of the following reasons:

- (i) to ensure compatibility with present supplies,
- (ii) competition is not practical for technical reasons,
- (iii) the goods or services are controlled by a statutory monopoly,
- (iv) the goods originate from a commodity market,
- (v) the work for which the goods or services is being purchased is being done on leased property,
- (vi) the work is under warranty or a maintenance contract,
- (vii) the contract is awarded to the winner of a design contest,
- (viii) for first time purchase of goods or of prototypes, but not for subsequent purchases,
- (ix) the goods are purchased at exceptionally low prices, such as in a bankruptcy situation,
- (x) the goods are original works of art,
- (xi) the goods are real property,
- (xii) the supplies are not included in the above list but, in the opinion of the Deputy Head of the requisitioning department and the Deputy Provincial Treasurer, the supplies have certain characteristics that can only be provided by one manufacturer or supplier.

(g) by the revocation of clause (l) and the substitution of the following:

(l) goods or services of a confidential nature;

(h) by the revocation of clause (m);

(i) by the revocation of clause (n) and the substitution of the following:

(n) goods intended for resale;

(j) by the revocation of clause (p);

(k) by the addition of the following after clause (p):

- (q) emergencies such as acts of God, furnace replacement, building collapse, but not including urgent situations resulting from lack of appropriate planning;
- (r) cooperation agreements where the organization uses different rules from those allowed for in the trade agreements;
- (s) goods or services dealing with situations that compromise security or order;
- (t) in situations where fewer than two competitive bids were received in response to a tender call;
- (u) goods or services acquired for an entity that is not covered by any trade agreement, including entities operating sporting or convention facilities, commercial entities and others approved by the Division;
- (v) procurement from philanthropic organizations, as determined by the Division;
- (w) contracts between public bodies or non-profit organizations;
- (x) representational goods or services used outside a party's territory;
- (y) goods, the interprovincial movement of which are restricted by or inconsistent with a trade agreement.

(l) by the addition of the following after subsection (1):

(2) Documentation satisfactory to the Division must be supplied by the Deputy Minister of the department that intends to purchase goods or services under the exemptions listed in clauses (q) to (y). Exemption documentation

11. These regulations come into force on January 1, 2004.

EXPLANATORY NOTES

SECTION 1 adds the definition of “local purchase order” and “purchasing card” to the regulations.

SECTION 2 requires that the Comptroller be notified of purchase requisitions and allows the Minister to extend tenders for 24 months (or more at the Minister’s discretion) rather than for 12 months.

SECTIONS 3 to 5 add gender-neutral references.

SECTION 6 provides for after-sales service specifications, allows departments to purchase goods between \$1,500 and \$5,000 with evidence of having received competitive quotations, reduces the requirement for public tender from \$25,000 to \$5,000, ensures compliance with interprovincial trade agreements and allows advertisements for tenders to be made in newspapers or electronically.

SECTION 7 allows for submission of tenders by facsimile.

SECTION 8 allows for the Division to require proof from a vendor of the vendor’s ability to provide supplies before the Division awards a tender and allows the Division to cancel non-competitive tenders.

SECTION 9 changes the limit on local purchase orders to \$500 from \$250 and adds a reference to a purchasing card.

SECTION 10 updates the list of exemptions consistent with the interprovincial trade agreements.

SECTION 11 provides for the commencement of these regulations.

EC2003-692

**PROVINCIAL COURT ACT
JUDICIAL REMUNERATION REVIEW COMMISSION
APPOINTMENTS**

Pursuant to subsection 4.2(1) of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council made the following appointments:

NAME	TERM OF APPOINTMENT
via clause (a)	
Wayne L. McMillan Charlottetown (vice Scott Peacock, term expired)	2 December 2003 to 30 June 2006
via clause (b)	
Keith M. Boswell Victoria (vice Gordon MacKay, Q.C., term expired)	2 December 2003 to 30 June 2006

EC2003-693

**SUMMARY PROCEEDINGS ACT
TICKET REGULATIONS
AMENDMENT**

Pursuant to clause 10(3)(b) of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the *Summary Proceedings Act* Ticket Regulations (EC321/01) is amended by the addition of the following before the table entitled "Dog Act R.S.P.E.I. 1988, Cap. D-13":

**COMPANION ANIMAL PROTECTION ACT
R.S.P.E.I. 1988, Cap. C-14.1**

1 Wilfully causing companion animal unnecessary pain, suffering or injury	3(1)	\$200
--	------	-------

**COMPANION ANIMAL PROTECTION ACT
HOUSING STANDARDS FOR CATS AND DOGS IN COMPANION ANIMAL
ESTABLISHMENTS REGULATIONS
(EC682/03)**

1 Failing to provide minimum floor space in cat or dog housing unit	2	200
2 Failing to provide minimum length or width dimension in housing unit	3	200
3 Failing to provide minimum height requirement in housing unit	4	200
4 Failing to provide minimum floor space in cat or dog housing unit housing multiple cats or dogs	5	200
5 Failing to use proper materials in construction of housing unit	6	200
6 Failing to provide proper perch, or perches, in housing unit housing a cat or multiple cats	7	200

2. These regulations come into force on December 13, 2003.

EXPLANATORY NOTES

The amendments add offence provisions in the *Summary Proceedings Act* Ticket Regulations for the *Companion Animal Protection Act* and regulations.