

EC2004-334

FARM PRACTICES ACT
FARM PRACTICES REVIEW BOARD
APPOINTMENTS

Pursuant to subsection 3(1) of the *Farm Practices Act* R.S.P.E.I. 1988, Cap. F-4.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
via clause (a)	
Stephen Knechtel Lewes (reappointed)	31 October 2003 to 31 October 2006
via clause (b)	
Charles Murphy China Point (reappointed)	31 October 2003 to 31 October 2006
Aike Wilting Meadowbank (reappointed)	31 October 2003 to 31 October 2006

EC2004-335

FINANCIAL ADMINISTRATION ACT
FATHERS OF CONFEDERATION BUILDINGS TRUST
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#75/04 of 16 June 2004), 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 bridge financing loan by the Fathers of Confederation Buildings Trust (hereinafter referred to as "the borrower") in an amount not exceeding one million two hundred thousand dollars (\$1,200,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the Royal Bank of Canada's flex financing rate to the Royal Bank of Canada of Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 30th day of June 2004 through to and including 1700 hours on the 30th day of June 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 30th day of June 2005.
2. Any advances made by the lender after the 30th day of June 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 30th day of June 2005 regardless of any advances that may have been made by the lender to the borrower unless on or before the 30th day of June 2005, 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.

EC2004-336

HOLLAND COLLEGE ACT
BOARD OF GOVERNORS OF HOLLAND COLLEGE
APPOINTMENT

Pursuant to clause 6(1)(d) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Scott Stevens Charlottetown (reappointed)	4 September 2004 to 4 September 2007

EC2004-337

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THOMAS LIPSKY
(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 Thomas Lipsky of Stow, Massachusetts to acquire a land holding of approximately fifty-three decimal six five (53.65) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from James C. Trainor of Charlottetown, 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.

EC2004-338

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MICHELLE MOL
(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 Michelle Mol of Whitecourt, Alberta to acquire an interest in a land holding of approximately fifty-three (53) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from Prevost Investment & Development Ltd. of Duncan, British Columbia.

EC2004-339

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
W.A. NIGEL SMART AND LEONA MARIE SMART
(DENIAL)

Council, having under consideration an application (#N4264) 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 W.A. Nigel Smart and Leona Marie Smart, both of Vaudreuil-Dorion, Quebec to acquire a land holding of approximately six decimal three (6.3) acres of land in Lot 24, Queens County, currently owned by Alyre Pineau of Anglo Rustico, Prince Edward Island.

EC2004-340

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 100515 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 100515 P.E.I. Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately fifty-three (53) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from Prevost Investment & Development Ltd. of Duncan, British Columbia.

EC2004-341

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 6219128 CANADA INC.
 (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 6219128 Canada Inc. of Montague, Prince Edward Island to acquire a land holding of approximately two hundred and forty-four (244) acres of land in Lot 61, Kings County, Province of Prince Edward Island, being acquired from Daniel A. MacKinnon of Montague, 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.

EC2004-342

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 CHELTON BEACH HOMEOWNERS' ASSOCIATION
 (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 Chelton Beach Homeowner's Association of Kinkora, Prince Edward Island to acquire a land holding of approximately one (1) acre of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island of Charlottetown, Prince Edward Island.

EC2004-343

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MACLEAN'S READY-MIX CONCRETE 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 MacLean's Ready-Mix Concrete Ltd. of Montague, Prince Edward Island to acquire a land holding of approximately one (1) acre of land in Lot 51, Kings County, Province of Prince Edward Island, being acquired from the Provincial Treasurer of the Province of Prince Edward Island of Charlottetown, Prince Edward Island.

EC2004-344

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 URBAINVILLE 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 Urbainville Farms Ltd. of Wellington, Prince Edward Island to acquire a land holding of approximately forty-three decimal nine six (43.96) acres of land in Lot 16, Prince County, Province of Prince Edward Island, being acquired from Raymond Arsenault of Urbainville, 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.

EC2004-345

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 374322, LOT 37, 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 thirty-three (33) acres of land, being Provincial Property No. 374322 located in Lot 37, Queens County, Prince Edward Island and currently owned by Blue Heron Hideaways Inc. of Meadowbank, Prince Edward Island.

Council noted that this amendment will enable subdivision of two parcels of land, one approximately twelve (12) acres and the other approximately eleven (11) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the two new parcels as well as to the remaining land PROVIDED THAT such identification will permit operation of the existing tourist accommodation business on the 12 acre lot.

This Order-in-Council comes into force on June 22, 2004.

EC2004-346

**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 25:

26. (1) An interest to be acquired through purchase by Ocean Choice PEI Inc. in property owned by Babineau Fisheries at Souris of approximately 0.82 acres, being Provincial Property Number 182246-000, is exempt from the application of section 5 of the Act. Property owned

(2) The interests to be acquired by assignments of lease to Ocean Choice PEI Inc. in the following properties, located in various parts of the province as indicated and totalling approximately 6.95 acres, are exempt from the application of section 5 of the Act: Property leased

- (a) property leased by Babineau Fisheries at Souris, approximately 0.17 acres, being Provincial Property Number 103630-134;
- (b) property leased by Polar Foods International Inc. at St. Peters, approximately 6.2 acres, being Provincial Property Number 540641-014;
- (c) property leased by Abegweit Seafoods at Tignish, approximately 0.58 acres, being Provincial Property Number 531897-101.

2. These regulations come into force on July 3, 2004.

EXPLANATORY NOTES

These regulations exempt the properties listed from section 5 of the *Prince Edward Island Lands Protection Act*.

EC2004-347

**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND
BY
OCEAN CHOICE PEI INC.**

Pursuant to subsection 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:

The exemption from the application of section 5 of the Act was granted in respect of the acquisition by Ocean Choice PEI Inc. of approximately 0.82 acres of land, as well as the transfer of leases for buildings on approximately 6.95 acres of land, all being a consequence of the acquisition by Ocean Choice PEI Inc. of Polar Foods International Inc.

2. Reasons for the exemption:

It was of significant economic importance to the Province, and particularly to the lobster fishery, that acquisition of the assets of Polar Foods International Inc. by Ocean Choice PEI Inc. be completed in time for the storage and processing facilities to open concurrent with the opening of the spring lobster season. To this end, several properties were granted exemption from the application of section 5 of the Act in an earlier decision. The properties included here were identified by the parties in a subsequent review.

The exemption was granted by way of an amendment to the *Prince Edward Island Lands Protection Act Exemption Regulations*, issued as Order-in-Council EC2004-346 on the 22nd day of June, 2004, a copy of which is attached to this statement.

EC2004-348

**LIQUOR CONTROL ACT
PRINCE EDWARD ISLAND LIQUOR CONTROL COMMISSION
APPOINTMENT**

Pursuant to section 4 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Ralph Billard	22 June 2004
Murray River	to
(vice Diane Douse, term expired)	22 June 2007

EC2004-349

**PLANNING ACT
SUBDIVISION AND DEVELOPMENT REGULATIONS
AMENDMENT**

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

1. Section 1 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended

(a) by the addition of the following after clause (i.4):

- (i.5) "habitable building" means habitable building
- (i) a dwelling, or
 - (ii) a building designed, arranged, intended or used
 - (A) for a commercial tourist use, or
 - (B) for an institutional use;

(b) by the addition of the following after clause (1.2):

(1.3) "nacelle" means the housing unit for electrical components of a nacelle wind turbine that is installed at the top of a wind turbine tower;

(c) by the addition of the following after clause (r.03):

(r.04) "rotor blades' arc" means the largest circumferential path rotor blades' arc travelled by the rotor blades connected to a wind turbine;

(d) by the addition of the following after clause (v.2):

(v.3) “total height” means, in respect of a wind turbine tower, the height from grade to the highest vertical extension of the wind turbine tower, and includes the distance from grade to the top of the wind turbine tower plus the distance from the top of the wind tower to the highest point of its rotor blades’ arc;

total height

(e) by the addition of the following after clause (y):

(y.1) “wind turbine” means a turbine that converts wind energy into mechanical or electrical energy by means of one or more rotor blades that rotate around a hub connected to a gearbox and generator inside a nacelle;

wind turbine

(y.2) “wind turbine tower” means a structure that supports a wind turbine and the rotor blades which turn the wind turbine;

wind turbine tower

(y.3) “wind energy conversion system development” means a development that is designed, intended or developed for the production of mechanical or electrical energy from wind energy by means of one or more wind turbines and includes

wind energy conversion system development

- (i) any associated wind turbine towers,
- (ii) any associated buildings or structures that are required for the transmission of that mechanical or electrical energy or for the maintenance of the development, and
- (iii) any access road to the development.

2. Subsection 6(2) of the regulations is amended

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

(b) by the addition of the following:

(f) a wind energy conversion system development.

3. The regulations are amended by the addition of the following after section 54:

E - WIND ENERGY CONVERSION SYSTEM DEVELOPMENTS

54.1 (1) In this section

Definitions

(a) “permit holder” means the person who holds a development permit for a wind energy conversion system development;

permit holder

(b) “sign” means any visual communication device, notice or medium created or manufactured for the purpose of providing information of any kind and includes any electric sign, flag or notice.

sign

(2) No permit holder shall locate a wind turbine tower closer than the distance equal to three times the total height of the wind turbine tower from any existing habitable building.

Setback from habitable buildings

(3) Subject to subsection (4), no permit holder shall locate a wind turbine tower closer than the distance equal to the total height of the wind turbine tower from

Set back from lot lines and roads

(a) any part of a lot line of a lot that is not owned by the permit holder; or

(b) the nearest boundary of a public road, private road or right-of-way, except for any access road to the wind energy conversion system development.

(4) A permit holder may locate a wind turbine tower closer than the distance equal to the total height of the wind turbine tower from any part of a lot line of a lot that is not owned by the permit holder if the permit holder first obtains the written consent of the owner of that lot.

Exception - consent of owner of lot within the setback

(5) No person shall locate a habitable building closer to an existing wind turbine tower than the distance equal to the total tower height of the wind turbine tower.

Set back for new habitable buildings

(6) Sections 12 to 30 do not apply in respect of the subdivision of a parcel of land for the purposes of a wind energy conversion system development. Application of subdivision provisions

(7) Subject to subsections (8) and (9), no permit holder shall cause, or permit, a sign to be displayed on any part of a wind turbine tower that is owned, constructed or located by the permit holder. Signs

(8) A permit holder may cause, or permit, a single sign to be displayed on the side of a wind turbine tower if the sign Sign of side of tower

(a) sets out the name, or contains the logo, of the permit holder or the manufacturer of the wind turbine tower;

(b) is located within 10 feet of the grade or base of the wind turbine tower; and

(c) is less than 1.5 square metres (16.15 square feet) in area.

(9) A permit holder may cause, or permit, a single sign to be displayed on the nacelle of a wind turbine tower if the sign sets out the name, or contains the logo, of the permit holder or the manufacturer of the nacelle. Sign on nacelle of tower

4. In section 68 of the regulations, Table 12 is amended by the addition of the following to the item governing applications for development permits:

	wind energy conversion system development	\$1,000 per wind turbine tower
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5. These regulations come into force on July 3, 2004.

EXPLANATORY NOTES

SECTION 1 adds definitions for terms used elsewhere in the regulations in respect of a wind energy conversion system development.

SECTION 2 clarifies that a wind energy conversion system development is permitted on a lot or parcel served by a private road.

SECTION 3 sets out the setbacks required in respect of location of wind turbine towers, and in respect of new habitable buildings. The section also clarifies that certain provision of the regulations respecting subdivisions do not apply to wind energy conversion system developments. In addition, the section sets out restrictions on the signs that may be displayed on a wind turbine tower or on a nacelle.

SECTION 4 adds a fee for the issuance of a development permit for a wind energy conversion system development.

SECTION 5 provides for the commencement of these regulations.

EC2004-350

PROVINCIAL COURT ACT JUSTICE OF THE PEACE APPOINTMENT

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Shelley Ann Nicholson of Kensington in Prince County, Prince Edward Island, as a Justice of the Peace in and for the Counties of Prince, Queens and Kings in the Province of Prince Edward Island for a term of five (5) years, effective 22 April 2004.

Further, Council ordered that should Shelley Ann Nicholson cease to be employed by the Province of Prince Edward Island as an employee of the Office of the Attorney General, that her appointment as a Justice of the Peace shall terminate coincident with the date her employment with the Office of the Attorney General terminates.

EC2004-351

**REAL PROPERTY TAX ACT
REGULATIONS
AMENDMENT**

Pursuant to section 43 of the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, Council made the following regulations:

1. Section 16 of the *Real Property Tax Act* Regulations (EC512/72) is revoked and the following substituted:

16. (1) The Minister shall pay, within a year, to a municipality the amount required, under section 22 of the Act, to be distributed to the municipality in respect of the taxes it has levied for that year in accordance with the following payment schedule:

Payment of taxes to municipalities

- (a) on June 1, one-third of the taxes levied;
- (b) on September 1, one-third of the taxes levied;
- (c) on December 1, one-third of the taxes levied.

(2) The Minister shall pay, within a year, to the Island Waste Management Corporation the amount required, under section 22 of the Act, to be distributed to the Island Waste Management Corporation in respect of the waste management fees it has levied for that year in accordance with the following payment schedule:

Payment of waste management fees

- (a) on June 1, one-third of the waste management fees levied;
- (b) on September 1, one-third of the waste management fees levied;
- (c) on December 1, one-third of the waste management fees levied.

2. The regulations are amended by the addition of the following after section 24.1:

24.2 (1) The amount of the tax credit that a person may receive under section 5.2 or 5.3 of the Act is

Tax credit, sloped land, buffer zones

- (a) \$1.50 per acre for property receiving farm assessment; or
- (b) \$5.00 per acre for property receiving farm use assessment.

(2) A person is not eligible to receive a tax credit for a calendar year under section 5.2 or 5.3 of the Act unless the person

Idem

- (a) has completed an environmental farm plan that includes all of the agricultural land owned by the person; and
- (b) has completed, and submitted to the Department of Agriculture, Fisheries, Aquaculture and Forestry a statement, in a form approved by the Minister, in which the person certifies that he or she has complied with the following:
 - (i) sections 11.1 to 11.5 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9,
 - (ii) the provisions of the *Fisheries Act* (Canada) that pertain to livestock access,
 - (iii) the Guidelines for Manure Management for Prince Edward Island published in 1999 by the Department of Agriculture, Fisheries, Aquaculture and Forestry and the Department of Technology and Environment.

(3) A person is not eligible to receive a tax credit for a calendar year under section 5.4 of the Act in respect of an environmentally friendly farm building or structure unless the person

Environmentally friendly farm buildings or structures

- (a) has complied with the requirements of subsection (2); and
- (b) is eligible for funding, in respect of the building or structure, under the Sustainable Resource Conservation Program of the Department of Agriculture, Fisheries, Aquaculture and Forestry.

(4) In this section, an “environmental farm plan” means an environmental farm plan as defined in the *Agricultural Crop Rotation Act* General Regulations.

“environmental farm plan”, defined

(5) For the purpose of section 5.4 of the Act and these regulations, the following are prescribed as environmentally friendly farm buildings or structures:

Tax credit,
environmentally
friendly farm
buildings

- (a) manure storage lagoons and pits and their covers;
- (b) pesticide storage buildings;
- (c) pesticide mixing and filling areas, including spill containment areas;
- (d) petroleum storage tanks, dispensers and containment areas;
- (e) milk house waste management systems, including septic tanks;
- (f) silage effluent containment areas;
- (g) deadstock composting facilities;
- (h) feedlot and livestock yard structures;
- (i) greenhouse spill containment areas.

3. Schedule A of the regulations is amended by the revocation of Form A.

4. These regulations are deemed to have come into force on January 1, 2004.

EXPLANATORY NOTES

SECTION 1 provides for the payment schedule and amount of taxes to be distributed by the Minister to municipalities and to Island Waste Management Corporation.

SECTION 2 provides for the amount of the tax credit that a person may receive under section 5.2 or 5.3 of the Act. This section also sets out eligibility requirements for the tax credits established in sections 5.2 to 5.4 of the Act. In addition, this section explains what an environmentally friendly building or structure is.

SECTION 3 revokes Form A, which is no longer needed because of an amendment to the Act.

SECTION 4 provides for the commencement of these regulations.

EC2004-352

SUPREME COURT ACT DEPUTY REGISTRAR SUPREME COURT OF PRINCE EDWARD ISLAND ROXANNE MARIE SMITH APPOINTMENT

Pursuant to section 20.2 of the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10 Council appointed Roxanne Marie Smith of Charlottetown, in Queens County a deputy registrar of the Supreme Court effective 27 July 2004.

Further, Council ordered that, should the said Roxanne Marie Smith cease to be employed with the Office of the Attorney General, her appointment to the aforementioned position shall terminate coincident with the date of termination of her employment.

EC2004-353**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 26:

27. The property being acquired by the Lower Montague Trailer Park Cooperative Ltd., located in Lower Montague and totalling 6.5 acres, being a portion of the property having Provincial Property Number 193490, is exempt from the application of section 5 of the Act.

Lower Montague
property

2. These regulations come into force on June 22, 2004.

EXPLANATORY NOTES

These regulations exempt the property referred to from section 5 of the *Prince Edward Island Lands Protection Act*.

EC2004-354**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND
BY
LOWER MONTAGUE TRAILER PARK COOPERATIVE LTD.**

Pursuant to subsection 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:

The exemption from the application of section 5 of the Act was granted in respect of the transfer from Paul Dewar to the Lower Montague Trailer Park Cooperative Ltd. of a portion of Provincial Property No. 193490 located in Montague, Lot 59, Kings County.

2. Reasons for the exemption:

In this instance, in light of the small amount of land involved and the risk to the living situations of the purchasers involved, strict adherence to the section 5 requirement for land holding disclosures by individual cooperative members before receiving permission from the Lieutenant Governor in Council to acquire those provincially owned lands was not considered to be necessary to maintain the purpose of the *Prince Edward Island Lands Protection Act*.

EXECUTIVE COUNCIL _____ 22 JUNE 2004

The exemption was granted by way of an amendment to the *Prince Edward Island Lands Protection Act* Exemption Regulations, issued as Order-in-Council EC2004-353 on the 22nd day of June, 2004, a copy of which is attached to this statement.