

EC2021-712

**EMPLOYMENT STANDARDS ACT
EMPLOYMENT STANDARDS BOARD
APPOINTMENTS**

Pursuant to section 4 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as employer representatives	
Elizabeth Noonan Summerside (reappointed)	24 August 2021 to 24 August 2024
Gary Ramsay Cornwall (vice Michael Podger, term expired)	24 August 2021 to 24 August 2024

EC2021-713

**ENVIRONMENTAL PROTECTION ACT
WATERCOURSE AND WETLAND
PROTECTION REGULATIONS
AMENDMENT**

Pursuant to subsection 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. Subsection 1(1) of the *Environmental Protection Act* Watercourse and Wetland Protection Regulations (EC720/08) is amended

(a) in clause (h), by the deletion of the words “Environment, Energy and Forestry” and the substitution of the words “Environment, Energy and Climate Action”;

(b) in clause (t), by the deletion of the words “Environment, Energy and Forestry” and the substitution of the words “Environment, Energy and Climate Action”;

(c) in clause (gg), by the addition of the word “means” after the word “wetland”; and

(d) in clause (ii), by the deletion of the words “growing in a muck soil and covered by a moss layer at least 30 centimetres thick” and the substitution of the words “growing in muck soil”.

2. (1) Clause 2(1)(g) of the regulations is amended by the deletion of the words “; or” and the substitution of a semicolon.

(2) Subsection 2(4) of the regulations is amended by the addition of the words “, without a license or a Watercourse or Wetland Activity Permit,” after the words “a person may”.

3. Clause 4(3)(b) of the regulations is amended by the deletion of the words “holder of the certificate with an opportunity to be heard, in writing” and the substitution of the words “holder of the certificate with prior notice, in writing, and an opportunity to be heard”.

4. (1) Subsection 5(4) of the regulations is amended by the deletion of the words “file with or fax” and the substitution of the words “file with, email or fax”.

(2) Subsection 5(8) of the regulations is amended by the deletion of the words “without prior notice and an opportunity to be heard, in writing, being given” and the substitution of the words “without prior notice, in writing, and an opportunity to be heard, being given”.

5. (1) Subsection 6(2.1) is amended by the deletion of the words “, Energy and Municipal Affairs”.

(2) Subsection 6(6) of the regulations is amended by the deletion of the words “without prior notice and an opportunity to be heard, in writing, being given” and the substitution of the words “without prior notice, in writing, and an opportunity to be heard, being given”.

6. Subsection 7(11) of the regulations is amended by the deletion of the words “without prior notice and an opportunity to be heard, in writing, being given” and the substitution of the words “without prior notice, in writing, and an opportunity to be heard, being given”.

7. Clause 9(11)(a) of the regulations is amended by the deletion of the words “with an opportunity to be heard, in writing” and the substitution of the words “with prior notice, in writing, and an opportunity to be heard”.

8. Schedule A of the regulations is amended by the deletion of the words

“FEDERAL WHARF REPAIRS - A licensee may, for the purpose of and in the course of, doing federal wharf repairs and only to the extent necessary to do federal wharf repairs, and for no other purpose or effect, do the following:

IN A WETLAND OR A WATERCOURSE: engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clauses 2(1)(d), (e), (g) and (h);

IN A BUFFER ZONE: engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (f), (g) and (h).”.

9. Schedule B of the regulations is revoked and Schedule B as set out in the Schedule to these regulations is substituted.

10. Schedule C of the regulations is amended by the deletion of the words “DEPARTMENT OF ENVIRONMENT, ENERGY & FORESTRY” and the substitution of the words “DEPARTMENT OF ENVIRONMENT, ENERGY AND CLIMATE ACTION”.

11. Schedule E of the regulations is amended by the deletion of the word “200.” wherever it occurs and the substitution of the word “20.”.

12. Schedule F of the regulations is amended

(a) in the words immediately preceding section 1.1, by the deletion of the words “Permits are valid for a maximum of one year from the date of issue” and the substitution of the words “Permits are valid for a maximum of five years from the date of issue”; and

(b) in section 1.7, BEACH AND SHORELINE,

- (i) by the deletion of clause (c), and
- (ii) by re-numbering clause (d) as clause (c).

13. These regulations come into force on September 4, 2021.

**SCHEDULE
SCHEDULE B
CONTRACTOR LICENSING PROGRAM
NOTIFICATION FORM**

Subsection 5(4) of the Watercourse and Wetland Protection Regulations specifies that a licensee shall, at least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, complete this form and file it with, email or fax it to the Department. Personal information on this form is collected as it relates directly to and is necessary for the required notification to perform a watercourse and wetland activity. If you have any questions about this collection of personal information, you may contact the Manager of Environmental Land Management, 11 Kent Street, 4th Floor Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5274.

Licensee	
Name:	
Company:	
Phone:	Fax:
Mailing Address:	
Province:	Postal Code:
Email:	
Project Information	
Type of Project:	Comments:
<input type="checkbox"/> Shore Stabilization <input type="checkbox"/> Landscaping in a Buffer Zone <input type="checkbox"/> Operation of Machinery on a Beach or Shoreline <input type="checkbox"/> Minor Bridge Repairs Start Date: (dd/mm/yy)	
*****If this project is taking place on privately owned waterfront land and is adjacent to a public road/public access to the shore, you must contact the Property Management Section of the Department of Transportation and Infrastructure at (902) 368-6119 or (902) 368-4199 to obtain their written permission. Written permission must be submitted along with this notification form.*****	
Property Information:	
Property Owner(s) Name:	
Property Owner(s) Address:	
Property Tax #:	
Community:	County:
Work location on Property (describe):	

Licensee Signature: Date:

NOTE: Incomplete forms will not be processed and will be returned.

Send this Notification Form to:

Contractor Licensing Program
 Environment, Energy and Climate Action
 4th Floor Jones Building, 11 Kent Street
 PO Box 2000, Charlottetown, PE C1A 7N8
 Tel: (902)-368-5700 Email: clp@gov.pe.ca
 Fax: (902)-368-5830

EXPLANATORY NOTES

SECTION 1 amends the definition section at section 1 of the *Environmental Protection Act* Watercourse and Wetland Protection Regulations to correctly reference the name of the Department and Minister. The definition of “wooded swamp” is amended to remove the reference to it being covered by a moss layer at least 30 centimetres thick.

SECTION 2 amends subsection 2(4) of the regulations to clarify a person may remove sand, gravel, stones, rocks, aggregate or material from a beach in the specified circumstances without a Watercourse, Wetland and Buffer Zone Activity Business License or a Watercourse or Wetland Activity Permit.

SECTION 3 amends clause 4(3)(b) of the regulations to re-arrange wording so the provision properly reflects that prior notice of the expiry of a Watercourse, Wetland, and Buffer Zone Activity Certificate must be given, in writing, and an opportunity to be heard to a certificate holder.

SECTION 4 amends subsection 5(4) of the regulations to require the holder of a Watercourse, Wetland, and Buffer Zone Activity Business License to complete and file with, email or fax to the Department a Notification Form in respect of the undertaking of an alteration or activity in a watercourse, wetland or buffer zone. The ability to email the Form to the Department is new to the provision. Subsection 5(8) of the regulations is amended to re-arrange wording to clarify no amendment or revocation of a Watercourse, Wetland, and Buffer Zone Activity Business License may be made by the Minister without prior notice, in writing, and an opportunity to be heard being given to a licensee.

SECTION 5 amends subsection 6(2.1) to correctly reference the Minister of Finance. Subsection 6(6) of the regulations is amended to re-arrange wording to clarify no amendment or revocation of a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit may be made by the Minister without prior notice, in writing, and an opportunity to be heard being given to a licensee.

SECTIONS 6 and 7 amend subsection 7(11) and clause 9(11)(a) of the regulations respectively to re-arrange wording to clarify no amendment or revocation of a grass headland variance or grass headland exemption may be made without prior notice, in writing, and an opportunity to be heard being given to the variance or exemption holder. The same notice requirements apply in respect of the cancellation of a management plan.

SECTION 8 amends Schedule A of the regulations to revoke the reference to Federal Wharf Repairs in respect of the activities that a licensee may undertake. A licensee is no longer authorized to engage in federal wharf repairs or engage in the specified activities in a wetland or a watercourse or in a Buffer Zone in the course of doing federal wharf repairs.

SECTION 9 revokes Schedule B of the regulations and substitutes a new Schedule B to set out a new Notification Form under the Contractor Licensing Program.

SECTION 10 amends Schedule C of the regulations to correct the name of the Department.

SECTION 11 amends Schedule E of the regulations to update the reference to a calendar year in respect of an Emergency Field Order.

SECTION 12 amends Schedule F of the regulations to specify a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit is valid for a maximum of five years from the date of issue. Previously, Permits were valid for a maximum of one year. Schedule F is amended to revoke the reference to the application fee structure for a stairway to the beach.

SECTION 13 provides for the commencement of the regulations.

EC2021-714

HEALTH AND DENTAL SERVICES COST ASSISTANCE ACT HEALTH AND DENTAL SERVICES COST ASSISTANCE REGULATIONS AMENDMENT

Pursuant to section 19 of the *Health and Dental Services Cost Assistance Act* R.S.P.E.I. 1988, Cap. H-1.21, Council made the following regulations:

1. (1) Subsection 18(2) of the *Health and Dental Services Cost Assistance Act* Health and Dental Services Cost Assistance Regulations (EC728/20) is amended by the deletion of the words “of \$5,000”.

(2) Section 18 of the regulations is amended by the addition of the following after subsection (3):

(4) The maximum benefit under subsection (2) is the maximum benefit stated in the fourth column of the table in Schedule 2 opposite the range of family income in the second column of the table in Schedule 2 in which the eligible person’s family income falls based on the size of the family unit. Maximum benefit

2. Schedule 2 of the regulations is revoked and Schedule 2 as set out in the Schedule to these regulations is substituted.

3. These regulations come into force on September 4, 2021.

SCHEDULE

SCHEDULE 2

Percentage of Cost of Orthodontic Treatment for Cleft Palate Covered

Size of Family Unit	Family Income	Percentage of Cost Covered	Maximum Benefit
2 persons	< \$22,000	100%	\$5,000
	\$22,000 to \$34,000	75%	\$3,750
	> \$34,000	50%	\$2,500
3 persons	< \$26,000	100%	\$5,000
	\$26,000 to \$38,000	75%	\$3,750
	> \$38,000	50%	\$2,500
4 persons	< \$32,000	100%	\$5,000
	\$32,000 to \$44,000	75%	\$3,750
	> \$44,000	50%	\$2,500
5 persons	< \$38,000	100%	\$5,000
	\$38,000 to \$50,000	75%	\$3,750
	> \$50,000	50%	\$2,500
6 persons	< \$42,000	100%	\$5,000
	\$42,000 to \$54,000	75%	\$3,750
	> \$54,000	50%	\$2,500

EXPLANATORY NOTES

SECTION 1 amends section 18 of the regulations by deleting an incorrect reference to a maximum benefit of \$5,000 and adding a subsection providing for a maximum benefit based on family income.

SECTION 2 revokes and replaces Schedule 2 to add a column to the table in the schedule stating the maximum benefit available to an eligible person based on family income and size of family unit.

SECTION 3 provides for the commencement of these regulations.

EC2021-715

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
13109917 CANADA 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 13109917 Canada Inc. of Cumberland, Prince Edward Island to acquire a land holding of approximately six decimal five (6.5) acres of land at Cumberland, Lot 65, Queens County, Province of Prince Edward Island, being acquired from Paul C. Hogan of Cumberland, Prince Edward Island.

EC2021-716

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
AL'S SNOW REMOVAL 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 Al's Snow Removal Ltd. of Crapaud, Prince Edward Island to acquire a land holding of approximately two decimal nine three (2.93) acres of land at Crapaud, Lot 29, Queens County, Province of Prince Edward Island, being acquired from P.E.I. Brick Company Inc. of Crapaud, Prince Edward Island.

EC2021-717

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
AL'S SNOW REMOVAL 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 Al's Snow Removal Ltd. of Crapaud, Prince Edward Island to acquire a land holding of approximately thirty-one decimal one nine (31.19) acres of land at Green Road, Lot 30, Queens County, Province of Prince Edward Island, being acquired from Corey MacFadyen of Stratford, 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.

EC2021-718

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COUNTY LINE SHELLFISH COMPANY 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 County Line Shellfish Company Ltd. of Darnley, Prince Edward Island to acquire a land holding of approximately four decimal nine seven (4.97) acres of land at Darnley, Lot 18, Prince County, Province of Prince Edward Island, being acquired from W. E. Cousins Ltd. of Kensington, Prince Edward Island.

EC2021-719

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
D & E PORK 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 D & E Pork Inc. of Albany, Prince Edward Island to acquire a land holding of approximately one decimal zero four (1.04) acres of land at Borden-Carleton, Lot 28, Prince County, Province of Prince Edward Island, being acquired from Nicole Margaret Warren of Augustine Cove, Prince Edward Island.

EC2021-720

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
EAST COAST GLOBAL INVESTMENTS 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 East Coast Global Investments Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately eight (8) acres of land at North Rustico, Lot 24, Queens County, Province of Prince Edward Island, being acquired from IMK Bros Inc. of Hunter River, Prince Edward Island.

EC2021-721

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
G & P TRUCKING & 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 G & P Trucking & Construction Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal six eight (0.68) of an acre of land at St. Peters, Lot 41, Kings County, Province of Prince Edward Island, being acquired from Michelle Johnson of Melrose, Massachusetts.

EC2021-722

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND NATURE TRUST
(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 Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately forty-one decimal eight (41.8) acres of land at Murray Road, Lot 11, Prince County, Province of Prince Edward Island, being acquired from the Estate of John Kuhl of Parlin, New Jersey 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.

EC2021-723

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND NATURE TRUST
(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 Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately two hundred seventy-one (271) acres of land at Glengarry and Burton, both in Lot 7, Prince County, Province of Prince Edward Island, being acquired from G. Stewart MacKay Real Estate Limited 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.

EC2021-724

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND STEEL 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 Island Steel Ltd. of Springton, Prince Edward Island to acquire a land holding of approximately four decimal four five (4.45) acres of land at Brookfield, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Red Soil Organics Inc. of Brookfield, Prince Edward Island.

EC2021-725

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
VAN DELLEN HOLSTEINS 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 Van Dellen Holsteins Inc. of Mayfield, Prince Edward Island to acquire a land holding of approximately two hundred fifty-four (254) acres of land at Canoe Cove, Lot 65, Queens County, Province of Prince Edward Island, being acquired from Stefan Peterhans and Stefanie Peterhans, both of Canoe Cove, 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.

EC2021-726

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
VY BUILD 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 VY Build Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately one decimal one three (1.13) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Finance PEI of Charlottetown, Prince Edward Island.

EC2021-727

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
D & E PORK INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2018-144 of March 14, 2018, rescinded the said Order forthwith, thus rescinding permission for D & E Pork Inc. of Albany, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to four hundred fifty (450) acres of land as part of the said corporation's aggregate land holdings.

EC2021-728

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
D & E PORK INC.
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to D & E Pork Inc. of Albany, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to three hundred (300) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said D & E Pork Inc. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2021-729

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DENNIS BRUNER
(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 Dennis Bruner of Pefferlaw, Ontario to acquire a land holding of approximately seventy-one decimal one (71.1) acres of land at Cape Wolfe, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Michael Ellis and Evelyn Ellis, both of O'Leary, 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.

EC2021-730

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 THIERRY-STEPHANE MOLOTCHNIKOFF AND
 CAROLINE ROY
 (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 Thierry-Stephane Molotchnikoff and Caroline Roy, both of Blainville, Quebec to acquire a land holding of approximately ten decimal one nine (10.19) acres of land at Roseville, Lot 3, Prince County, Province of Prince Edward Island, being acquired from Kevin Jones and Jennifer Wingrove, both of Tiny, 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.

EC2021-731

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 GEERTJE VAN DELLEN
 (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 Geertje van Dellen of Mayfield, Prince Edward Island to acquire a land holding of approximately two hundred fifty-four (254) acres of land at Canoe Cove, Lot 65, Queens County, Province of Prince Edward Island, being acquired from Stefan Peterhans and Stefanie Peterhans, both of Canoe Cove, Prince Edward Island.

EC2021-732

POLICE ACT
 POLICE COMMISSIONER
 APPOINTMENT

Pursuant to subsections 16(1) and 16(3) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, Council appointed Cyndria L. Wedge, Q.C., of Stratford (vice Thomas W. Jarmyn, resigned) as Police Commissioner for the term of August 24, 2021 to August 24, 2026.

Order-in-Council EC2020-754 of December 15, 2020 is hereby rescinded.

EC2021-733

PUBLIC HEALTH ACT
CONTINUATION OF
DECLARATION
STATE OF PUBLIC HEALTH EMERGENCY

WHEREAS a state of public health emergency was declared in Prince Edward Island on March 16, 2020, pursuant to Order-in-Council EC2020-174; and continued on April 15, 2020 by Order-in-Council EC2020-254; on May 15, 2020 by Order-in-Council EC2020-305; and on June 15, 2020 by Order-in-Council EC2020-350; on July 15, 2020 by Order-in-Council EC2020-435; on August 14, 2020 by Order-in-Council EC2020-488; on September 13, 2020 by Order-in-Council EC2020-542; on October 13, 2020 by Order-in-Council EC2020-603; on November 12, 2020 by Order-in-Council EC2020-649; on December 12, 2020 by Order-in-Council EC2020-724; on January 11, 2021 by Order-in-Council EC2021-1; on February 10, 2021 by Order-in-Council EC2021-71; on March 12, 2021 by Order-in-Council EC2021-138; on April 11, 2021 by Order-in-Council EC2021-271; and on May 11, 2021 by Order-in-Council EC2021-407; on June 10, 2021 by Order-in-Council EC2021-494; on July 10, 2021 by Order-in-Council EC2021-577; and on August 9, 2021 by Order-in-Council EC2021-658;

WHEREAS Council has determined, on the advice of the Chief Public Health Officer, that a public health emergency continues to exist as a result of COVID-19 (coronavirus);

AND WHEREAS continued coordination of action or special measures are required in order to protect the public health of the population;

THEREFORE, Council continues Order-in-Council EC2020-174 pursuant to subsection 49(5) of the *Public Health Act*, R.S.P.E.I. Cap. P-30.1 effective September 8, 2021 for a period of thirty (30) days, unless it is sooner terminated or continued by Council.

EC2021-734

SOCIAL ASSISTANCE ACT
SOCIAL ASSISTANCE APPEAL BOARD
APPOINTMENT

Pursuant to section 5 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following appointment:

NAME	TERM OF APPOINTMENT
Brenda Doyle Summerside (reappointed)	24 August 2021 to 24 August 2024

EC2021-735

**SOCIAL ASSISTANCE ACT
REGULATIONS
AMENDMENT**

Pursuant to section 7 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following regulations:

1. (1) Subsection 1(1) of the *Social Assistance Act* Regulations (EC396/03) is amended

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

(f) “dependent” means a child of either an applicant or the ^{dependent} applicant’s spouse, who

- (i) is either
 - (A) under 18 years of age and living with the applicant, or
 - (B) 18 years of age or over, but under 25 years of age, and attending a full-time education program, and
- (ii) is not receiving assured income or social assistance;

(b) by the revocation of clause (g);

(c) in clause (k), by the deletion of the words “subsection 13(3)” and the substitution of the words “sections 13 and 14”.

(d) by the revocation of clause (l);

(e) in clause (m), by the deletion of the words “household supplies, local transportation and a healthy child allowance” and the substitution of the words “household supplies and local transportation”;

(f) by the revocation of clauses (o), (p), (s), (u) and (v); and

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

(w) “spouse” means an individual who, in respect of another person, ^{spouse}

- (i) is married to the other person,
- (ii) has entered into a marriage with the other person that is voidable or void, or
- (iii) is not married to the other person but is cohabiting with the other person in a conjugal relationship.

(2) Section 1 of the regulations is amended by the addition of the following after subsection (1):

(1.1) In these regulations, the terms “assured income” and “supports” ^{“assured income” and “supports”} have the same meaning as in the *Supports for Persons with Disabilities Act* R.S.P.E.I. 1988, Cap. S-9.2.

(1.2) The Director may presume that two persons who appear to be ^{Spouse, presumption} married or cohabiting in a conjugal relationship are spouses, subject to evidence satisfactory to the Director rebutting that presumption.

(3) Clause 1(3)(e) of the regulations is revoked.

(4) Clause 1(4)(c) of the regulations is revoked and the following substituted:

(c) group homes and other assisted living facilities;

2. Section 6 of the regulations is amended by the addition of the following after subsection (10):

(11) The Director shall refuse to grant financial assistance to an ^{Receipt of assured income} applicant if the applicant or the applicant’s spouse is receiving assured income.

3. Section 7 of the regulations is revoked.

4. Subsection 8(1) of the regulations is revoked.

5. Subsection 9(4) of the regulations is revoked and the following substituted:

(4) Where a minor applicant reaches 18 years of age and is in full-time attendance in an educational program, the applicant continues to be eligible for financial assistance, subject to these regulations, until the applicant is no longer in full-time attendance in an educational program.

Continued
eligibility

6. Subsections 13(1) to (5.1) of the regulations are revoked and the following substituted:

13. (1) For the purpose of the Act and these regulations, the value of the financial resources of an applicant is the sum of

Calculation of
financial resources

- (a) the income of the applicant and the applicant's spouse, if applicable; and
- (b) the value of the assets of the applicant and the applicant's spouse, if applicable, that exceeds
 - (i) where the applicant has no spouse or dependents, \$5,000,
 - (ii) where the applicant has dependents, but no spouse, \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, or
 - (iii) where the applicant has a spouse, \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500.

(2) Subject to subsections (3), (4) and (5), monies received from any source are considered income, including the following:

Income

- (a) income from employment and self-employment, including wages, commission, tips and training allowances;
- (b) payments from income assistance programs, including employment insurance and emergency response and recovery programs;
- (c) retirement allowances, severance pay, and employment bonuses;
- (d) payments from pensions, retirement funds, trust funds or investments;
- (e) rental income;
- (f) a windfall, such as a bequest, settlement or lottery winnings;
- (g) student financial aid;
- (h) earned income from an interest in or the operation of a business.

(3) The following are exempt from consideration as income of an applicant or the applicant's spouse, if applicable:

Exempt from
individual income

- (a) involuntary deductions from earned income made pursuant to federal taxation laws;
- (b) deductible expenses from income earned from self-employment;
- (c) an allowance for room and board expenses provided under a federal, provincial or employer-sponsored employment training program, provided that the person receiving the allowance is living in a place other than that person's principal residence and the allowance is used for the intended purposes;
- (d) all or part of a training allowance exempted by the Director;
- (e) monies received as financial aid for the purpose of attending a post-secondary educational program, and applied to the costs of tuition, books and educational supplies;
- (f) monies withdrawn from a registered education savings plan, provided those monies are used for educational purposes;
- (g) monies withdrawn from a registered disability savings plan;
- (h) monies received from a government or a social service agency for providing foster care to a child;
- (i) child support received under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, or the *Divorce Act* (Canada) or similar legislation in another jurisdiction;
- (j) a child tax benefit paid under the *Income Tax Act* (Canada);
- (k) a goods and services tax (GST) or harmonized sales tax (HST) rebate;
- (l) monies received from a non-profit group or organization or a community fundraiser for the purchase of items of basic or special need, not exceeding the value of the items to be purchased;

- (m) insurance monies received for the replacement or repair of items, provided that the monies are used for that purpose within six months from the date of receipt;
- (n) general damages or a similar type of compensation received by award or settlement in a judicial or quasi-judicial matter;
- (o) a payment received as a member of a class of persons from the Government of Canada or the government of a province or territory as compensation for a harm done;
- (p) a payment received as a member of a First Nation from the Government of Canada or the government of a province or territory in respect of a land claim;
- (q) a cash transfer on the sale of a family home or vehicle arising from spousal separation or divorce, for a period of 90 days to facilitate the purchase of another home or vehicle.

(4) The following amounts of income tax refunded are exempt from consideration as income in the calculation of the value of the financial resources of an applicant: Income tax refund exemption

- (a) where an applicant has no spouse or dependents, up to \$5,000 of income tax refunded to the applicant;
- (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of income tax refunded to the applicant;
- (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total income tax refunded to the applicant and the applicant's spouse.

(5) The following amounts of monies received as a windfall, including gifts, inheritances, lottery winnings or insurance settlements other than those referred to in clause (3)(m), are exempt from consideration as income in the calculation of the value of the financial resources of an applicant: Windfall exemption

- (a) where an applicant has no spouse or dependents, up to \$5,000 of windfalls received by the applicant;
- (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of windfalls received by the applicant;
- (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total windfalls received by the applicant and the applicant's spouse.

(5.1) The following amounts of earned monthly income are exempt from consideration as income in the calculation of the value of the financial resources of an applicant, except where calculated for the purpose of determining whether the applicant is a person in need: Earned income exemption, subject to exception

- (a) where the applicant has no spouse or dependents, up to \$250 per month of the applicant's earned monthly income plus 30% of the amount exceeding \$250;
- (b) where the applicant has dependents but no spouse, up to \$400 per month of the applicant's earned monthly income plus 30% of the amount exceeding \$400;
- (c) where an applicant has a spouse, with or without dependents, up to \$400 per month of the total earned monthly income of the applicant and the applicant's spouse, plus 30% of the amount exceeding \$400.

(5.2) Subject to subsection (5.3), assets include Assets

- (a) real property;
- (b) personal property;
- (c) a lien or mortgage;
- (d) cash, whether on hand or in a financial institution;
- (e) the cash surrender value of a life insurance policy; and
- (f) the realizable value of investments, including stocks, bonds, debentures, mutual funds, investment certificates, registered retirement savings plans, registered retirement income funds and savings receipts.

(5.3) The following are exempt from consideration as assets of an applicant and the applicant's spouse, if applicable: Exempt from assets

- (a) the principal residence of the applicant, owned by the applicant or the applicant's spouse;

- (b) real and personal property essential for the operation of a business, where the business ordinarily provides the principal source of income of the applicant or the applicant's spouse, including a fishing craft and gear, livestock, seed for the upcoming year's crop, machinery, equipment and goods;
- (c) personal belongings that are, in the opinion of the Director, reasonable in nature and value;
- (d) one vehicle that is not used primarily as a recreational vehicle;
- (e) the realizable value of a registered educational savings plan or a registered disability savings plan;
- (f) the value of a prepaid funeral, up to \$5,000;
- (g) the cash surrender value of a life insurance policy, up to \$5,000.

7. Section 15 of the regulations is amended by the deletion of the words "at the established rate".

8. Subsection 16(3) of the regulations is amended by the deletion of the words "at the established rates" and the substitution of the words "by an amount that the Director considers appropriate".

9. Section 17 of the regulations is revoked and the following substituted:

17. (1) The Director may grant financial assistance, not exceeding the established rate, for the cost of shelter for an applicant and the applicant's spouse and dependents, if applicable, in any of the following:

- (a) rental accommodation, including the cost of rent, heat and electricity;
- (b) accommodation owned by the applicant or the applicant's spouse, including the cost of any mortgage payment or lot rental, heat, electricity and real property taxes;
- (c) the home of a relative, other than a parent;
- (d) a community care facility licensed under the *Community Care Facilities and Nursing Homes Act*, R.S.P.E.I. 1988, Cap. C-13, including, where the Director is satisfied it is required, care services as defined under that Act;
- (e) other accommodations approved by the Director.

(2) Where an applicant is sharing accommodations with a person other than the applicant's spouse or dependents, the Director may grant financial assistance for shelter in an amount equal to an equitable share of the cost of shelter, but not exceeding the established rate for shelter the applicant would receive if the applicant were not sharing accommodations.

(3) Notwithstanding subsections (1) and (2), the Director may grant financial assistance exceeding the established rate for the cost of shelter where the cost exceeds the established rate due to exceptional needs of the applicant or the applicant's spouse or dependents.

(4) The Director may grant financial assistance for the cost incurred by an applicant for

- (a) tenant or fire insurance;
- (b) water and sewer service; and
- (c) waste management.

(5) Notwithstanding subsections (1) to (4), the Director shall not grant financial assistance for the cost of shelter or the costs referred to in subsection (4) to an applicant living with a parent unless the Director determines undue hardship would result.

(6) Where an applicant is required to pay for the use of a washer and dryer, the Director may grant financial assistance in the amount that the Director considers appropriate for laundry expenses.

10. Clause 18(a) of the regulations is revoked and the following substituted:

- (a) a communication device;

11. (1) Subsections 19(3), (4) and (5) of the regulations are revoked and the following substituted:

(3) The Director may grant financial assistance in the amount that the Director considers appropriate for relocation expenses of the applicant and the applicant's spouse and dependents, if applicable, to

Relocation expenses

- (a) enable the applicant to return to the applicant's usual province of residence;
- (b) enable the applicant or the applicant's spouse to assume suitable employment outside of the province, if written confirmation is provided that
 - (i) employment has been secured, and
 - (ii) no assistance is available from the employer or any other source for the relocation expenses; or
- (c) assist the applicant, the applicant's spouse or a dependent to relocate to a nursing home, community care facility or supported living facility.

(4) Notwithstanding subsection (3), the Director shall not grant financial assistance in respect of the same applicant for the purpose of clause (1)(a) more than once.

One time assistance

(5) The Director may grant financial assistance in the amount that the Director considers appropriate for transportation expenses of the applicant, the applicant's spouse or a dependent to

Transportation expenses

- (a) obtain medical or hospital services that cannot be obtained near the applicant's usual place of residence, provided that any services to be obtained outside of the province have been pre-approved under the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2 or the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8;
- (b) escort the applicant, the applicant's spouse or a dependent to obtain medical or hospital services in accordance with clause (a), if the Director is satisfied an escort is required;
- (c) attend employment; or
- (d) transport a dependent child to a childcare facility or a sitter.

(5.1) The Director shall determine the most efficient, practical and cost-effective means of relocation for the purpose of subsection (3) or mode of transportation for the purpose of subsection (5).

Efficient, practical and cost-effective

(2) Subsection 19(6) of the regulations is revoked.

(3) Subsection 19(8) of the regulations is amended by the revocation of the words "Grades 1 through 12" and the substitution of the words "pre-kindergarten through grade 12".

(4) Subsection 19(11) of the regulations is revoked and the following substituted:

(11) The Director may, in exceptional circumstances and for a period not exceeding four consecutive months, grant financial assistance in the amount that the Director considers appropriate for housekeeping or home-care services, where the Director determines that these services are necessary for the safety or well-being of the applicant and other reasonable arrangements cannot be made.

Housekeeping or homecare services

(5) Subsection 19(12) of the regulations is revoked.

(6) Subsection 19(13) of the regulations is revoked and the following substituted:

(13) The Director may grant financial assistance at the established rate for maintenance or minor repairs to an applicant's principal residence if,

- (a) the applicant has been receiving assured income or social assistance for at least 12 months; and
- (b) the applicant's principal residence is owned by the applicant or the applicant's spouse.

Home maintenance or minor repairs

(13.1) The Director may grant financial assistance in the amount that the Director considers appropriate for substantial repairs to the applicant's principal residence if

Substantial repairs

- (a) the applicant's principal residence is owned by the applicant or the applicant's spouse;

- (b) in the opinion of the Director,
 - (i) the repairs are essential to the health and safety of the applicant and the applicant's spouse and dependents, if applicable, and
 - (ii) the repairs are cost effective given the value of the property; and
- (c) alternative government or commercial financing is unavailable or insufficient to complete the repairs.

(13.2) The amount of financial assistance granted under subsection (13.1) shall not exceed the lesser of

- (a) the actual cost of the repairs; and
- (b) the deficiency remaining after available government or commercial financing.

(7) Subsection 19(14) of the regulations is revoked and the following substituted:

(14) Notwithstanding subsection (13.2), the Director may grant an additional amount of financial assistance for the purposes of subsection (13.1), subject to repayment by the applicant in accordance with section 6.1 of the Act.

(8) Subsection 19(15) of the regulations is revoked and the following substituted:

(15) The Director may grant financial assistance in an amount that the Director considers appropriate for the purchase or repair of essential furniture or appliances.

(9) Subsection 19(18) of the regulations is revoked and the following is substituted:

(18) The Director may grant financial assistance at the established rate for an optical assessment and single vision or bifocal lenses and frames for an applicant or the applicant's spouse or dependent, where, in the opinion of the Director, it is essential to the health and welfare of that person.

(10) Subsection 19(20) of the regulations is amended by the deletion of the words "subsection 13(5)" and the substitution of the words "subsection 13(5.3)".

(11) Subsection 19(21) of the regulations is revoked.

12. Section 19.1 of the regulations is revoked and the following substituted:

19.1 (1) Where an applicant ceases to be eligible for financial assistance due to income from employment, the Director may, for a period of up to 24 months,

- (a) grant financial assistance for optical needs of the applicant and the applicant's spouse or dependents, if applicable, in accordance with subsection 19(18); and
- (b) deem the applicant to be in receipt of social assistance for the purposes of qualifying for medical or dental benefits provided through other programs.

(2) Where the Director believes it is necessary to support the applicant's continued employment, the Director may extend the time period under subsection (1).

13. The heading immediately before section 30 of the regulations is amended by the deletion of the words "LONG-TERM" and the substitution of the words "TERM OF".

14. Subsection 30(2) of the regulations is amended by the deletion of the words "long-term" and the substitution of the word "financial".

15. The regulations are amended by the addition of the following after the heading "PART III - APPEALS, MISCELLANEOUS":

42.1 (1) In this Part,

Amount granted

Additional amount

Essential furniture or appliances

Optical needs

Optical, medical and dental expenses

Extension

Definitions

- (a) “head” means
- (i) in respect of the provision of social assistance, the Director, head
 - (ii) in respect of the program established under the *Supports for Persons with Disabilities Act*, the Director appointed under that Act, and
 - (iii) in respect of the programs set out in subsection (2), the Director;
- (b) “social benefit” means any of the following: social benefit
- (i) social assistance,
 - (ii) supports or assured income,
 - (iii) a benefit set out in subsection (2);
- (c) “social program” means any of the following: social program
- (i) the provision of social assistance under this Act,
 - (ii) the program established under the *Supports for Persons with Disabilities Act* to provide supports and assured income,
 - (iii) a program set out in subsection (2).
- (2) For the purpose of subsection 5.1(1) of the Act, a decision respecting the provision of benefits under the following programs may be appealed to the Board: Decisions respecting benefits subject to appeal
- (a) the Child Care Subsidy Program;
 - (b) the Seniors Independence Initiative.

16. (1) Subsection 45(1) of the regulations is revoked and the following substituted:

45. (1) Pursuant to subsection 5.1(1) of the Act, a person may appeal a decision respecting the provision of a social benefit on the following grounds: Grounds of appeal
- (a) an application in respect of the social benefit was not accepted or was denied;
 - (b) the social benefit granted was not in accordance with the enactment or policy governing the provision of the social benefit;
 - (c) the social benefit was reduced, suspended, cancelled or withheld.

(2) Subsection 45(4) of the regulations is revoked and the following substituted:

- (4) On receipt of a notice of appeal, the Board shall notify the head of the social program who shall provide to the Board Head to provide information and documentation
- (a) a copy of the appellant’s application in respect of the social benefit, including any supporting documentation;
 - (b) a copy of the decision under appeal; and
 - (c) any other documents and records in the head’s custody or control pertaining to the decision under appeal.

17. Section 47 of the regulations is revoked and the following substituted:

47. (1) Where a decision to reduce, suspend, cancel or withhold a social benefit is appealed, the social benefit shall continue to be provided to the appellant until the Board renders its decision. Continuation of benefit pending appeal
- (2) Where an appeal is not successful, a social benefit paid in accordance with subsection (1) may be considered an overpayment recoverable as a debt due to the Government. Benefit may be considered overpayment
- (3) Where a decision not to accept or to deny an application is appealed, no social benefit shall be provided unless the Board grants the appeal. No benefit pending appeal

18. (1) Subsection 49(1) of the regulations is amended by the deletion of the words “the Act and these regulations” and the substitution of the words “the enactment or policy governing the social program”.

(2) Section 49 of the regulations is amended by the addition of the following after subsection (1):

- (1.1) The Board and its members have the powers of a commissioner under sections 3 to 5 of the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. Powers of Board

(3) Clause 49(2)(b) of the regulations is amended by the deletion of the words “made by the Director” and the substitution of the words “under appeal”.

(4) Subsection 49(3) of the regulations is revoked and the following substituted:

(3) The Board shall provide the decision of the majority, in writing, to the parties within 15 clear days of the conclusion of the hearing. Written decision
within 15 days

(5) Subsection 49(5) of the regulations is amended by the deletion of the words “the Director” and the substitution of the words “the head of the social program”.

(6) Subsection 49(7) of the regulations is amended by the deletion of the word “Director’s”.

19. Subsection 50(2) of the regulations is revoked.

20. These regulations come into force on September 4, 2021.

EXPLANATORY NOTES

SECTION 1 amends the definitions of “dependent” and “spouse” and updates other provisions in section 1 of the regulations for consistency with the *Supports for Persons with Disabilities Act*. It also revokes definitions of terms that are no longer used in the regulations.

SECTION 2 adds a prohibition to the regulations against granting financial assistance to an applicant where the applicant or the applicant’s spouse is already receiving assured income.

SECTION 3 revokes section 7 of the regulations, which provides for the Director to grant short-term or long-term financial assistance to applicants who do not have liquid assets exceeding a specified value or are self-employed. Financial assistance is no longer distinguished as short-term or long term, assets are no longer distinguished by liquidity and self-employed applicants are no longer distinguished from employed or unemployed applicants.

SECTION 4 revokes subsection 8(1) of the regulations, which requires the Director to consider the value of liquid assets over the permissible value as income. This is not consistent with the calculation of financial resources in section 13.

SECTION 5 repeals and replaces subsection 9(4) of the regulations to provide for the continuation of financial assistance of a minor applicant who turns 18 years of age while in full-time attendance in an educational program.

SECTION 6 amends section 13 of the regulations to clarify the calculation of the financial resources of an applicant.

SECTION 7 amends section 15 of the regulations to remove incorrect wording.

SECTION 8 amends subsection 16(3) of the regulations to give the Director discretion to increase the financial assistance for food for a pregnant applicant, spouse or dependent.

SECTION 9 revokes and replaces section 17 of the regulations to improve wording, provide for financial assistance for certain costs associated with shelter and give the Director discretion to exceed the established rate in exceptional circumstances.

SECTION 10 amends clause 18(a) of the regulations to provide financial assistance for a communication device instead of a single-line telephone service.

SECTION 11 amends section 19 of the regulations to clarify the provision of financial assistance for relocation expenses and transportation expenses, home maintenance and repairs, optical expenses and funeral-related expenses. It also revokes provisions that are outdated or addressed under the *Supports for Persons with Disabilities Act* or elsewhere.

SECTION 12 revokes and replaces section 19.1 of the regulations to allow the Director to continue providing financial assistance for optical needs and access to medical and dental benefits through other programs to an applicant who ceases to be eligible for financial assistance due to income from employment.

SECTION 13 corrects the wording in a heading.

SECTION 14 amends subsection 30(2) of the regulations to delete a reference to long-term financial assistance, as financial assistance is no longer classified as short-term or long-term.

SECTION 15 adds a new section 42.1 to the regulations, which defines terms used in Part III and sets out additional social programs that are subject to appeal to the Board under these regulations.

SECTION 16 amends section 45 of the regulations to provide for the appeal of decisions respecting social benefits on specified grounds.

SECTION 17 revokes and replaces section 47 of the regulations to address the status of the payment of social benefits pending appeal.

SECTION 18 amends section 49 of the regulations to reflect that the Board now hears appeals in relation to a number of social programs and to update powers of the Board and process requirements.

SECTION 19 repeals subsection 50(2) of the regulations, which is now addressed in subsection 47(2) of the regulations.

SECTION 20 provides for the commencement of these regulations.

EC2021-736

SUPPORTS FOR PERSONS WITH DISABILITIES ACT DECLARATION RE

Under authority of section 25 of the *Supports for Persons with Disabilities Act* Stats. P.E.I. 2019, c. 35 Council ordered that a Proclamation do issue proclaiming the said "Supports for Persons with Disabilities Act" to come into force effective September 4, 2021.

EC2021-737

SUPPORTS FOR PERSONS WITH DISABILITIES ACT GENERAL REGULATIONS

Pursuant to section 21 of the *Supports for Persons with Disabilities Act* R.S.P.E.I. 1988, Cap. S-9.2, the Lieutenant Governor in Council made the following regulations:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. (1) In these regulations,

Definitions

(a) "Act" means the *Supports for Persons with Disabilities Act* Act
R.S.P.E.I. 1988, Cap. S-9.2;

- (b) “applicant” means a person with a disability by whom or on whose behalf an application is made for supports or assured income; applicant
- (c) “health care practitioner” includes health care practitioner
- (i) an audiologist,
 - (ii) a dietitian, registered under the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1,
 - (iii) a medical practitioner, licensed under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5,
 - (iv) an occupational therapist, registered under the *Regulated Health Professions Act*,
 - (v) an optometrist, licensed under the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6,
 - (vi) a physiotherapist, registered under the *Regulated Health Professions Act*,
 - (vii) a psychologist, registered under the *Psychologists Act* R.S.P.E.I. 1988, Cap. P-27.2,
 - (viii) a registered nurse or nurse practitioner, registered under the *Regulated Health Professions Act*, and
 - (ix) a speech language pathologist;
- (d) “health number” means a health number as defined in the *Provincial Health Number Act* R.S.P.E.I. 1988, Cap. P-27.01; health number
- (e) “social assistance” means social assistance as defined in the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3; social assistance
- (f) “spouse” means an individual who, in respect of another person, spouse
- (i) is married to the other person,
 - (ii) has entered into a marriage with the other person that is voidable or void, or
 - (iii) is not married to the other person but is cohabiting with the other person in a conjugal relationship.
- (2) For greater certainty, a reference in the Act or these regulations to a person with a disability in the context of making an application, providing information or documentation, or receiving funds or notices includes an agent of the person where the person is a minor or is otherwise not fully capable of acting on the person’s own behalf. Agency
- 2.** In determining whether a person is a person with a disability for the purposes of the Act and these regulations, the Director may request that the person Person with a disability
- (a) consult with, and provide documentation respecting the consultation from, one or more health care practitioners; and
 - (b) participate in assessments of the person’s impairment and the effect it has on the person’s ability to function in the person’s home, the community or a workplace.
- 3.** For the purposes of the Act and these regulations, a person is considered to be a resident of Prince Edward Island if the person is legally entitled to remain in Canada and makes his or her home in and is ordinarily present in Prince Edward Island, except where the person is a tourist, a visitor to the province, a member of the Canadian Armed Forces, a student ordinarily resident in another jurisdiction, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada) R.S.C. 1985, Chap. P-5. Resident
- 4.** The Director may presume that two persons who appear to be married or cohabiting in a conjugal relationship are spouses, subject to evidence satisfactory to the Director rebutting that presumption. Spouse
- 5.** The Director shall Duties of Director
- (a) conduct periodic audits of the program and individual files; and
 - (b) conduct the investigations the Director considers necessary to verify the information provided by a person with a disability or another person.
- 6.** The Director may require a person to provide the documents, information and other evidence necessary to determine the person’s eligibility for supports or assured income and the type or amount of supports or assured income to be provided. Documents, information, other evidence

PART 2 – SUPPORTS

Interpretation

7. In this Part,

- (a) “annual income threshold” means the annual income threshold by family size set out in Table 1 of Schedule B; annual income threshold
- (b) “applicant contribution” means the monetary amount that an applicant is required to contribute to the cost of supports; applicant contribution
- (c) “community care facility” means a community care facility licensed under the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13; community care facility
- (d) “long-term care facility” means long-term care facility
- (i) a manor or similar facility owned and operated by the government, or
- (ii) a nursing home licensed under the *Community Care Facilities and Nursing Homes Act*;
- (e) “notice of assessment” means a notice of assessment issued in respect of a taxpayer under the *Income Tax Act* (Canada); notice of assessment
- (f) “recipient” means a person with a disability to or for whom the Director provides supports and includes a person whose supports have been suspended but not cancelled; recipient
- (g) “technical aid or assistive device” means an aid or device that is used to support or improve the ability of a person with a disability to function at home, in the community or in a work place. technical aid or assistive device

Types of Supports

8. (1) The following types of supports may be provided under the program: Types of supports

- (a) community supports to assist a recipient to participate in the community and access community services, including social opportunities, assistance with transportation and employment and vocational supports;
- (b) housing-related supports, including funding for home or vehicle modifications;
- (c) personal supports to assist a recipient to live with independence, including assistance with personal care and domestic responsibilities, life skills development programs, and technical aids and assistive devices;
- (d) caregiver supports, including respite services.

Not supports

(2) Supports do not include

- (a) childcare for children under 12 years of age;
- (b) counselling or therapy services;
- (c) medical, dental, nursing or optical services;
- (d) medical-related travel;
- (e) paramedical services, including physiotherapy, chiropractic, massage therapy or speech therapy.

9. (1) Employment and vocational supports may include Employment and vocational supports

- (a) vocational assessments, counselling or training programs;
- (b) preparatory courses for training or post-secondary education;
- (c) post-secondary support services, including a personal care attendant, reader, interpreter or note-taker;
- (d) employment search and retention services, including assistance with resume preparation and applications, equipment or technical devices;
- (e) subject to subsection (2), modifications to a place of training, education or employment;
- (f) co-operative work or study opportunities; and
- (g) transportation assistance to facilitate access to other employment and vocational supports.

(2) Employment and vocational supports shall not include accommodations that are the responsibility of an employer or other Duty to accommodate

person in accordance with the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12.

10. (1) On the recommendation of a health care practitioner approved by the Director, the following categories of technical aids and assistive devices may be provided as supports:

Technical aids and assistive devices

- (a) bathroom aids;
- (b) bedroom aids;
- (c) communication devices;
- (d) feeding equipment;
- (e) hearing aids;
- (f) household aids;
- (g) orthotic devices;
- (h) ostomy supplies;
- (i) positioning and ambulation aids, including wheelchairs;
- (j) prosthetic devices;
- (k) visual aids.

(2) The following are not considered technical aids and assistive devices for the purposes of the Act and these regulations:

Items not included

- (a) clothing;
- (b) supplies related to diabetes;
- (c) food, vitamins and dietary supplements;
- (d) medical equipment and supplies;
- (e) prescription medications;
- (f) respiratory equipment and supplies;
- (g) sports and recreation equipment.

(3) The provision of technical aids and assistive devices as supports includes the maintenance and repair of those technical aids and assistive devices.

Maintenance and repair

(4) Where 75% or more of the purchase price of a technical aid or assistive device is funded under the program, the Director may require a recipient or former recipient to surrender the technical aid or assistive device to the Director when the recipient or former recipient has no further use for it or is no longer entitled to its use.

Ownership of aid or device

11. (1) Subject to subsections (2) and (3), supports may be provided for the following:

Modification to residence, vehicle

- (a) a modification or fixed addition to the primary residence of a recipient that is owned by the recipient or the recipient's parent, guardian or spouse;
- (b) a modification to the primary vehicle used to transport a recipient that is owned by the recipient or the recipient's parent, guardian or spouse.

(2) The cost of supports provided under clause (1)(a) shall not exceed the lesser of

Maximum cost, modification or fixed addition

- (a) the minimum amount necessary to assist a recipient in alleviating restrictions in the recipient's ability to function in the recipient's home; and
- (b) \$10,000 every 10 years.

(3) The cost of supports provided under clause (1)(b) shall not exceed the lesser of

Maximum cost, vehicle modification

- (a) the minimum amount necessary to assist a recipient in alleviating restrictions in the recipient's ability to function in the community or a workplace; and
- (b) \$6,000 every eight years.

Eligibility

12. (1) In addition to the requirements in subsection 5(2) of the Act, to be eligible for supports, an applicant shall have a health number.

Health number

(2) An applicant may not be eligible for supports while the applicant is

Person not eligible

- (a) in the temporary or permanent custody of the Director of Child Protection;
 - (b) an inpatient in a hospital;
 - (c) a resident of a long-term care facility or community care facility;
- or

(d) confined to a correctional facility.

- (3) The Director may refuse to provide supports to an applicant if Director may refuse
- (a) the applicant has a debt due to the Government pursuant to the Act or the *Social Assistance Act*, for which payment arrangements have not been made;
 - (b) the applicant or the applicant's spouse has previously obtained supports, income support or social assistance through misrepresentation or fraud;
 - (c) the applicant or the applicant's spouse fails to provide information and supporting documentation required by the Director, the Act or these regulations, in the time and manner required by the Director, the Act or these regulations; or
 - (d) the applicant fails to complete the application process or participate in assessments and support planning, as required by the Director, the Act or these regulations.

(4) The Director may provide supports to an applicant who is not eligible for supports where the applicant was over 65 years of age when the applicant became a person with a disability as a result of an accident, injury or other unexpected event that is not age-related or health-related. Person over age 65

Determination of Supports

Method of Determination

- 13.** The Director shall determine the supports to be provided, if any, to an applicant by Determination of supports
- (a) determining the unmet needs of the applicant that are directly related to the applicant's disability;
 - (b) determining the degree of restriction in the applicant's ability to function at home, in the community or in a workplace, attributable to the applicant's disability, and the maximum funding that may be provided to the applicant based on the applicant's level of independence, in accordance with section 16;
 - (c) calculating the applicant contribution in accordance with sections 17 and 18; and
 - (d) developing a support plan for the applicant and determining the monthly funding that may be provided to the applicant, in accordance with section 19.

Unmet Needs

14. Supports may only be provided for the purpose of meeting an unmet need of an applicant that is directly related to the applicant's disability, after the applicant has accessed any and all other available sources of assistance to meet the unmet need. Other sources of assistance

- 15.** An assessment of the unmet needs of an applicant that are directly related to the applicant's disability may include Assessment of unmet needs
- (a) the self-assessment and input of the applicant;
 - (b) the assessment of the Director;
 - (c) the assessment and input of one or more health care practitioners familiar with the applicant; and
 - (d) the input of family members and support personnel of the applicant.

Assessment of Ability and Maximum Funding

- 16.** (1) The Director may establish or adopt assessment tools for the purposes of determining, in respect of an applicant, Assessment tools
- (a) the abilities and challenges of the applicant;
 - (b) the degree of restriction in the applicant's ability to function at home, in the community or in a workplace, attributable to the applicant's disability; and
 - (c) the level of support required by the applicant to alleviate the restriction referred to in clause (b).

(2) The maximum monthly funding for supports that may be provided to an applicant is equal to the amount shown in the column titled "Maximum Monthly Funding" in Schedule A, opposite the applicable Maximum monthly funding for supports

level in the column titled “Level of Support Required” determined through the assessment.

Calculation of Applicant Contribution

17. (1) In this section and section 18, the income of an applicant includes the income of the applicant’s spouse, if applicable, unless the applicant and the applicant’s spouse are living separate and apart due to the breakdown of the relationship. Income of recipient

(2) For the purpose of subsection (1), the income of each individual is the amount indicated on line 236 of the individual’s notice of assessment for the most recently completed taxation year. Income of individual

(3) Notwithstanding subsection (2), where an individual earned income from self-employment in the most recently completed taxation year, the income of that individual is the average of the amounts indicated on line 236 of the individual’s notices of assessment for the years in which that individual earned income from self-employment during the three most recently completed taxation years. Income, self-employment

(4) Notwithstanding subsections (2) and (3), where an individual did not earn income in the most recently completed taxation year or the Director is of the opinion that an individual’s income as calculated in accordance with subsection (2) or (3) is not a fair representation of the individual’s ability to contribute to the cost of supports, the Director may impute the amount of income to the individual that the Director considers appropriate in the circumstances. Imputed income

(5) Notwithstanding subsections (1) to (4), the income of an applicant is deemed to be \$0 where the applicant is Income deemed \$0

- (a) a dependent under 18 years of age; or
- (b) in receipt of assured income.

18. (1) The applicant contribution to the cost of supports shall be equal to the percentage of the total cost of supports shown in the column titled “Percentage Applicant Contribution” in Table 2 of Schedule B, opposite the applicable range of income of the applicant above the annual income threshold under the column titled “Applicant Income Above Annual Income Threshold” in Table 2 of Schedule B. Applicant contribution

(2) Notwithstanding subsection (1), where the only cost of supports is for a technical aid or assistive device, the applicant contribution shall be equal to the percentage of the total cost of the technical aid or assistive device shown in the column titled “Percentage Technical Aids or Assistive Devices” in Table 2 of Schedule B, opposite the applicable range of income of the applicant above the annual income threshold under the column titled “Applicant Income Above Annual Income Threshold” in Table 2 of Schedule B. Technical aids and assistive devices

Support Plan and Calculation of Monthly Funding

19. (1) The Director shall develop a support plan for an applicant, in collaboration with the applicant and any family members or support personnel of the applicant that the applicant chooses to involve. Support plan

(2) In a support plan, the Director shall Contents of support plan

- (a) identify the unmet needs of the applicant related to the applicant’s disability;
- (b) identify supports that may assist in meeting one or more of the unmet needs of the applicant directly related to the applicant’s disability;
- (c) set out goals related to meeting one or more of the unmet needs of the applicant directly related to the applicant’s disability;
- (d) establish an action plan for achieving the goals; and
- (e) calculate the monthly funding for supports that may be provided to the applicant, in accordance with subsection (3).

(3) The monthly funding for supports that may be provided to an applicant under the program shall be determined by subtracting the applicant contribution to the cost of supports, determined in accordance with section 14, from the monthly cost of supports identified in the Calculation of monthly funding

support plan, subject to the applicable maximum monthly funding for supports established under subsection 16(2).

(4) Where a lump sum payment is required for a technical aid or assistive device, or a home or vehicle modification, the lump sum cost may be amortized in accordance with Schedule C to determine the monthly cost.

Amortization of lump sums

20. Within 45 days of completing a support plan, the Director shall provide a copy of the support plan to the applicant.

Copy of support plan and notice

Provision of Supports

21. (1) Any support funds shall be provided on a monthly basis, except where a lump sum payment is required for the acquisition or maintenance of a technical aid or assistive device, or a modification or fixed addition under section 11.

Time of payment

(2) Support funds may be paid to

Manner of payment

(a) the recipient;

(b) a parent, guardian, spouse or other agent of the recipient; or

(c) a third party who provides supports in the form of goods or services to the recipient.

22. A recipient is subject to the following conditions to continue to receive supports:

Conditions of receipt

(a) the recipient shall provide to the Director information and supporting documentation required by the Director, the Act or these regulations, in the time and manner required by the Director, the Act or these regulations;

(b) the recipient shall give notice of changes in circumstances in accordance with section 7 of the Act;

(c) the recipient shall keep records, receipts and other documentation as required by the Act and these regulations;

(d) the recipient shall pursue and access, where eligible, all other available sources of support related to the recipient's disability;

(e) the recipient shall participate in reviews in accordance with section 8 of the Act and these regulations.

23. A recipient shall, in respect of the supports the recipient receives or utilizes,

Record form, receipts

(a) keep a record, in the form required by the Director; and

(b) keep receipts and other supporting documentation.

Review

24. (1) For the purposes of section 8 of the Act, the Director shall conduct a review of the eligibility of a recipient for supports and the supports being provided to the recipient at least once annually.

Annual review

(2) A review conducted in accordance with subsection (1), or on the request of the recipient or at the discretion of the Director, shall include

Review process

(a) the consideration of any factors affecting the recipient's eligibility for supports;

(b) a review of the last assessment in respect of the recipient conducted in accordance with subsection 16(1);

(c) an assessment in respect of the recipient conducted in accordance with subsection 16(1), where one is required in accordance with Schedule D;

(d) a calculation of the income of the recipient and recipient's contribution in accordance with sections 17 and 18;

(e) a review of the recipient's existing support plan and records of supports received or utilized since the support plan was created; and

(f) the development of an updated support plan.

(3) Sections 12 to 20 apply, with any necessary changes, to a review conducted in accordance with subsection (2).

Application of previous sections

Suspension or Cancellation

- 25.** (1) In addition to the circumstances set out in section 9 of the Act, the Director may suspend or cancel the provision of supports to a recipient where the recipient
- (a) is surrendered or ordered into the temporary or permanent custody of the Director of Child Protection;
 - (b) is hospitalized or sentenced to a correctional facility for more than 30 consecutive days; or
 - (c) becomes a resident of a long-term care facility or community care facility.
- (2) The suspension or cancellation of supports is not effective until notice of it has been served on the recipient in accordance with section 15 of the Act.

Director may suspend or cancel supports

Effective on service of notice

PART 3 – ASSURED INCOME

Interpretation and Administration

- 26.** In this Part,
- (a) “dependent” means a child of an applicant or recipient, or a child of the applicant’s or recipient’s spouse, who
 - (i) is either
 - (A) under 18 years of age and lives with the applicant or recipient, as the case may be, or
 - (B) 18 years of age or over, but under 25 years of age, and attending a full-time education program, and
 - (ii) is not receiving assured income or social assistance;
 - (b) “established rates” means the rates for categories of assured income established by the Lieutenant Governor in Council in accordance with section 10 of the Act;
 - (c) “financial resources” means the financial resources of an applicant, determined in accordance with sections 35 to 38;
 - (d) “recipient” means a person with a disability to whom or for whom the Director provides assured income and includes a person whose assured income has been suspended but not cancelled.
- 27.** (1) Except where otherwise provided, the Director shall not provide assured income to a person with a disability for more than 12 months, after which time the person shall renew the person’s application for assured income.
- (2) Where a person with a disability renews an application for assured income or the Director conducts a review pursuant to section 13 of the Act, sections 28 to 38 apply with any necessary changes.

Definitions

dependent

established rates

financial resources

recipient

Maximum period of assured income

Renewal or review

Eligibility

- 28.** In addition to the requirements in subsection 12(2) of the Act, to be eligible for assured income an applicant shall have a health number.
- 29.** (1) In addition to the requirements in subsection 12(2) of the Act, to be eligible for assured income an applicant who is under 18 years of age shall meet the following conditions:
- (a) the applicant is living separate and apart from the applicant’s parents;
 - (b) in the opinion of the Director, the home of a parent of the applicant is not available or suitable accommodations for the applicant;
 - (c) the applicant is not in the temporary or permanent custody of the Director of Child Protection; and
 - (d) subject to the abilities of the applicant, the applicant is in full-time attendance in an education or training program.
- (2) Where a recipient who is under 18 years of age turns 18 years of age, the recipient continues to be eligible for assured income while in full-time attendance in an education or training program.

Health number

Eligibility of minor

Continued eligibility

(3) The provision of assured income to a recipient under 18 years of age does not affect any legal obligations of a parent or guardian of the recipient in relation to the recipient.

Does not affect legal obligations

30. (1) In addition to the circumstances set out in subsection 12(3) of the Act, an applicant may not be eligible for assured income where

Applicant not eligible

- (a) subject to subsection (2), the applicant or the applicant's spouse, if applicable, is voluntarily absent from employment without reasonable excuse;
- (b) the applicant is separated from the applicant's spouse for the purpose of establishing eligibility for assured income; or
- (c) the applicant or the applicant's spouse, if applicable, is receiving social assistance.

(2) Where an applicant or the applicant's spouse, if applicable, is voluntarily absent from employment due to participation in or support of a strike or other labour dispute, the applicant is not eligible for assured income in relation to any needs arising from this absence.

Strike or other labour dispute

31. The Director may provide assured income to an applicant who is not eligible where the applicant is likely to become eligible if assured income is not provided.

Assured income, person not eligible

32. (1) The Director may provide assured income to a recipient for the month during which the recipient ceases to be eligible.

Payment on cessation of eligibility

(2) Where a recipient ceases to be eligible for assured income due to income from employment, the Director may, for a period of up to 24 months,

Optical, medical and dental expenses

- (a) continue to provide assured income for optical expenses in accordance with section 51; and
- (b) deem the person with a disability to be a recipient for the purposes of qualifying for medical or dental benefits provided through other programs.

(3) Where the Director believes it is necessary to support the recipient's continued employment, the Director may extend the time period under subsection (2).

Extension

33. In addition to the circumstances set out in subsection 12(4) of the Act, the Director may refuse to provide assured income to an applicant where

Director may refuse

- (a) the applicant has insufficient financial resources to provide for basic needs due to unreasonable budgeting and spending;
- (b) the applicant or the applicant's spouse, if applicable, has, within the preceding two years, made an assignment, sale or transfer of assets for the purpose of qualifying for assured income or social assistance; or
- (c) the applicant or the applicant's spouse, if applicable, has a debt due to the Government pursuant to the Act or the *Social Assistance Act* for which payment arrangements have not been made.

34. To determine whether an applicant has insufficient financial resources to provide for the basic needs of the applicant and the applicant's spouse and dependents, if applicable, the Director shall

Sufficiency of financial resources to meet needs

- (a) inquire into the living conditions and other circumstances of the applicant and the applicant's spouse and dependents, if applicable;
- (b) calculate the cost of the basic needs of the applicant and the applicant's spouse and dependents, if applicable;
- (c) calculate the value of the financial resources of the applicant; and
- (d) subtract the amount calculated in clause (b) from the amount calculated in clause (c) to determine if there is a deficit.

Financial Resources

35. For the purpose of the Act and these regulations, the value of the financial resources of an applicant is the sum of

Calculation of financial resources

- (a) the income of the applicant and the applicant's spouse, if applicable; and
- (b) the value of the assets of the applicant and the applicant's spouse, if applicable, that exceeds
 - (i) where the applicant has no spouse or dependents, \$5,000,

- (ii) where the applicant has dependents, but no spouse, \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, or
- (iii) where the applicant has a spouse, \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500.

36. (1) Subject to subsections (5), (6), (7) and (8), for the purposes of section 35, monies received from any source are considered income, including the following:

Income

- (a) income from employment and self-employment, including wages, commission, tips and training allowances;
- (b) payments from income assistance programs, including employment insurance and emergency response and recovery programs;
- (c) retirement allowances, severance pay and employment bonuses;
- (d) payments from pensions, retirement funds, trust funds or investments;
- (e) rental income;
- (f) a windfall, such as a bequest, settlement or lottery winnings;
- (g) student financial aid;
- (h) earned income from an interest in or the operation of a business.

(2) Where an adult who is not a dependent of an applicant resides in the principal residence of the applicant, the applicant shall be deemed to receive rental income from the adult in an amount that is, in the opinion of the Director, a fair rental rate.

Rental income

(3) Where an applicant provides meals to an adult who is not a dependent of the applicant, the applicant shall be deemed to receive payment from the adult in an amount that, in the opinion of the Director, reflects a fair value for the meals.

Meals provided to other adults

(4) For the purpose of the Act and these regulations, the Director may initiate or defend a proceeding in respect of support or property under the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, on behalf of an applicant, with or without their consent.

Support

(5) The following are exempt from consideration as income of an applicant or the applicant's spouse, if applicable:

Exempt from individual income

- (a) involuntary deductions from earned income made pursuant to federal taxation laws;
- (b) deductible expenses from income earned from self-employment;
- (c) an allowance for room and board expenses provided under a federal, provincial or employer-sponsored employment training program, provided that the person receiving the allowance is living in a place other than that person's principal residence and the allowance is used for the intended purposes;
- (d) all or part of a training allowance exempted by the Director;
- (e) monies received as financial aid for the purpose of attending a post-secondary educational program, and applied to the costs of tuition, books and educational supplies;
- (f) monies withdrawn from a registered education savings plan, provided those monies are used for educational purposes;
- (g) monies withdrawn from a registered disability savings plan;
- (h) monies received from a government or a social service agency for providing foster care to a child;
- (i) child support received under the *Family Law Act*, or the *Divorce Act (Canada)* or similar legislation in another jurisdiction;
- (j) a child tax benefit paid under the *Income Tax Act (Canada)*;
- (k) a goods and services tax (GST) or harmonized sales tax (HST) rebate;
- (l) monies received from a non-profit group or organization or a community fundraiser for the purchase of items of basic or special need, not exceeding the value of the items to be purchased;
- (m) insurance monies received for the replacement or repair of items, provided that the monies are used for that purpose within six months from the date of receipt;
- (n) general damages or a similar type of compensation received by award or settlement in a judicial or quasi-judicial matter;
- (o) a payment received as a member of a class of persons from the Government of Canada or the government of a province or territory as compensation for a harm done;

- (p) a payment received as a member of a First Nation from the Government of Canada or the government of a province or territory in respect of a land claim;
- (q) cash transfers on the sale of a family home or vehicle arising from spousal separation or divorce, for a period of 90 days to facilitate the purchase of another home or vehicle.
- (6) The following amounts of income tax refunded are exempt from consideration as income in the calculation of the value of the financial resources of an applicant: Income tax refund exemption
- (a) where an applicant has no spouse or dependents, up to \$5,000 of income tax refunded to the applicant;
 - (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of income tax refunded to the applicant;
 - (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total income tax refunded to the applicant and the applicant's spouse.
- (7) The following amounts of monies received as a windfall, including gifts, inheritances, lottery winnings or insurance settlements other than those referred to in clause (5)(m), are exempt from consideration as income in the calculation of the value of the financial resources of an applicant: Windfall exemption
- (a) where an applicant has no spouse or dependents, up to \$5,000 of windfalls received by the applicant;
 - (b) where an applicant has dependents but no spouse, up to \$6,000 plus \$500 for each dependent, to a maximum of \$8,500, of windfalls received by the applicant;
 - (c) where an applicant has a spouse, up to \$10,000 plus \$500 for each dependent, if applicable, to a maximum of \$12,500, of the total windfalls received by the applicant and the applicant's spouse.
- (8) Up to \$500 per month plus 30% of the amount exceeding \$500 of the total earned monthly income of an applicant and the applicant's spouse, if applicable, is exempt from consideration as income in the calculation of the value of the financial resources of the applicant, except where calculated for the purpose of determining the applicant's eligibility for assured income. Exempt from total income, subject to exception
- 37.** (1) Subject to subsection (2), for the purposes of section 35, assets include Assets
- (a) real property;
 - (b) personal property;
 - (c) a lien or mortgage;
 - (d) cash, whether on hand or in a financial institution;
 - (e) the cash surrender value of a life insurance policy; and
 - (f) the realizable value of investments, including stocks, bonds, debentures, mutual funds, investment certificates, registered retirement savings plans, registered retirement income funds and savings receipts.
- (2) The following are exempt from consideration as assets of an applicant and the applicant's spouse, if applicable: Exempt from total assets
- (a) the principal residence of the applicant, owned by the applicant or the applicant's spouse;
 - (b) real and personal property essential for the operation of a business, where the business ordinarily provides the principal source of income of the person, including a fishing craft and gear, livestock, seed for the upcoming year's crop, machinery, equipment and goods;
 - (c) personal belongings that are, in the opinion of the Director, reasonable in nature and value;
 - (d) one vehicle that is not used primarily as a recreational vehicle;
 - (e) one vehicle adapted for the applicant, if required;
 - (f) the realizable value of a registered educational savings plan or a registered disability savings plan;
 - (g) the value of a prepaid funeral, up to \$5,000;
 - (h) the cash surrender value of a life insurance policy, up to \$5,000.
- 38.** (1) The Director shall not provide assured income to an applicant until the applicant and the applicant's spouse, if applicable, have sold or Assets to be sold or converted into cash

converted into cash all assets, other than those that are exempt from the calculation of financial resources, to support the applicant and the applicant's spouse and dependents, if applicable.

(2) The Director may exempt an asset from the calculation of the value of the financial resources of an applicant if selling the asset or converting it into cash would result in a loss exceeding 25% of the market value of the asset. Exemption due to loss

(3) The Director may exempt from the calculation of the value of the financial resources of an applicant, an asset that may be sold or converted into cash without incurring a loss exceeding 25% of the market value of the asset, until the asset has been sold or converted or 90 days has elapsed, whichever occurs sooner. Exemption to allow for sale or conversion to cash

(4) The Director may continue to exempt an asset under subsection (3) past 90 days where the Director believes all reasonable attempts are being made to sell or convert the asset into cash. Exemption past 90 days

Provision of Assured Income

Basic Needs

39. (1) The Director may provide assured income at the established rate for food for a recipient and the recipient's spouse and dependents, if applicable. Food

(2) The Director may increase the amount of assured income provided for food by the amount that the Director considers appropriate, where
 (a) based on the advice of a dietitian engaged by the Director, the Director is satisfied that the recipient, the recipient's spouse or a dependent has special dietary needs due to a disease or medical condition; and
 (b) the cost of the special dietary needs is shown to exceed the established rate for food. Special diet

(3) Where the recipient, the recipient's spouse or a dependent is pregnant, the Director shall, on receiving verification of the pregnancy, increase the amount of assured income provided for food by the amount that the Director considers appropriate. Pregnancy

40. (1) The Director may provide assured income, not exceeding the established rate, for the cost of shelter for the recipient and the recipient's spouse and dependents, if applicable, in any of the following:
 (a) rental accommodation, including the cost of rent, heat and electricity;
 (b) accommodation owned or mortgaged by the recipient or the recipient's spouse, including the cost of the mortgage payment, lot rental, heat, electricity and real property taxes;
 (c) the home of a parent or other relative;
 (d) the home of a non-familial support person or caregiver;
 (e) a community care facility licensed under the *Community Care Facilities and Nursing Homes Act* including, where the Director is satisfied it is required, care services as defined under that Act;
 (f) other accommodations approved by the Director. Cost of shelter

(2) Where a recipient is sharing accommodations with a person other than the recipient's spouse or dependents, the Director may provide assured income for shelter in an amount equal to an equitable share of the cost of shelter, but not exceeding the established rate for shelter the recipient would receive if the recipient were not sharing accommodations. Shared accommodations

(3) Notwithstanding subsections (1) and (2), the Director may provide assured income exceeding the established rate for the cost of shelter where the cost exceeds the established rate due to exceptional needs of the recipient or the recipient's spouse or dependents. Exceptional needs

(4) The Director may provide assured income for the cost incurred by a recipient for
 (a) tenant or fire insurance;
 (b) water and sewer service; and Associated costs

(c) waste management.

(5) Where a recipient is required to pay for the use of a washer and dryer, the Director may provide assured income in the amount that the Director considers appropriate for laundry expenses. Laundry

41. The Director may provide assured income at the established rate for essentials, communication expenses and community living expenses for a recipient and the recipient's spouse and dependents, if applicable. Other basic needs

Special Needs

42. (1) The Director may provide assured income in the amount that the Director considers appropriate for relocation expenses of the recipient and the recipient's spouse and dependents, if applicable, to Relocation expenses

(a) enable the recipient to return to the recipient's usual province of residence;

(b) enable the recipient or the recipient's spouse to assume suitable employment outside of the province, if written confirmation is provided that

(i) employment has been secured, and

(ii) no assistance is available from the employer or any other source for the relocation expenses; or

(c) assist the recipient or the recipient's spouse or dependent to relocate to a nursing home, community care facility or supported living facility.

(2) Notwithstanding subsection (1), the Director shall not provide assured income in respect of the same recipient for the purpose of clause (1)(a) more than once. One time assistance

(3) The Director may provide assured income in the amount that the Director considers appropriate for transportation expenses of the recipient, the recipient's spouse or a dependent to Transportation expenses

(a) obtain medical or hospital services that cannot be obtained near the recipient's usual place of residence, provided that any services to be obtained outside of the province have been pre-approved under the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2 or the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8;

(b) escort the recipient, the recipient's spouse or a dependent to obtain medical or hospital services in accordance with clause (a), provided that the Director is satisfied an escort is required;

(c) attend employment; or

(d) transport a dependent child to a childcare facility or a sitter.

(4) The Director shall determine the most efficient, practical and cost-effective means of relocation or mode of transportation, as the case may be, for the purpose of this section. Efficient, practical and cost-effective

43. The Director may provide assured income at the established rate for incidental school expenses of a dependent attending pre-kindergarten, kindergarten or primary or secondary school in the province, including school supplies, activity fees, locker fees and gymnasium clothing. School allowance

44. The Director may provide assured income at the established rate for special clothing, mandatory licenses, fees or permits and essential tools, where the items are necessary to enable a recipient to commence or retain employment and the recipient is otherwise unable to pay for such items. Work-related items

45. The Director may provide assured income at the established rate for childcare expenses. Childcare expenses

46. The Director may, in exceptional circumstances and for a period not exceeding four consecutive months, provide assured income in the amount the Director considers appropriate for housekeeping or home-care services, where the Director determines that these services are necessary for the safety or well-being of the recipient and other reasonable arrangements cannot be made. Housekeeping or homecare services

47. (1) The Director may provide assured income at the established rate for maintenance or minor repairs to a recipient's primary residence if, Home maintenance or minor repairs

- (a) the recipient has been receiving assured income or social assistance for at least 12 months; and
- (b) the recipient's primary residence is owned by
- (i) the recipient or the recipient's spouse, or
 - (ii) a non-familial support person or caregiver with whom the recipient resides.
- (2) The Director may provide assured income in the amount the Director considers appropriate for substantial repairs to the recipient's primary residence if
- Substantial repairs
- (a) the recipient's primary residence is owned by the recipient or the recipient's spouse;
 - (b) in the opinion of the Director,
 - (i) the repairs are essential to the health and safety of the recipient and the recipient's spouse and dependents, if applicable, and
 - (ii) the repairs are cost effective given the value of the property; and
 - (c) alternative government or commercial financing is unavailable or insufficient to complete the repairs.
- (3) The amount of assured income provided under subsection (2) shall not exceed the lesser of
- Amount provided
- (a) the actual cost of the repairs; and
 - (b) the deficiency remaining after available government or commercial financing.
- (4) Notwithstanding subsection (3), the Director may provide an additional amount of assured income for the purposes of subsection (2), subject to repayment by the recipient in accordance with section 17 of the Act.
- Additional amount
- 48.** The Director may provide assured income in the amount that the Director considers appropriate for the purchase or repair of essential furniture or appliances.
- Essential furniture or appliances
- 49.** The Director may provide assured income for an advance or deposit to secure rental accommodations, utility connections or other services, subject to repayment by the recipient in accordance with section 17 of the Act.
- Rental, utility deposits
- 50.** The Director may provide assured income for the payment of up to two months of arrears for shelter and utilities
- Arrears for shelter, utilities
- (a) where the arrears were accrued by the recipient prior to making an application for assured income, if
 - (i) the health and safety of the recipient and the recipient's spouse and dependents, if applicable, is endangered, and
 - (ii) the arrears resulted from a lack of financial resources; or
 - (b) where the arrears were accrued while the applicant was receiving assured income, subject to repayment by the recipient in accordance with section 17 of the Act.
- 51.** The Director may provide assured income at the established rate for an optical assessment and single vision or bifocal lenses and frames for a recipient or the recipient's spouse or dependents, where, in the opinion of the Director, it is essential to the health and welfare of that person.
- Optical needs
- 52.** (1) On application by a recipient or the estate of a recipient, the Director may provide to the recipient or estate, as the case may be, assured income for basic costs associated with the death of the recipient, the recipient's spouse or a dependent, if the Director is satisfied that the value of the estate of the deceased person is insufficient to meet the costs and there are no alternative means of payment.
- Costs associated with death of recipient, spouse or dependent
- (2) In subsection (1), basic costs associated with the death of the recipient, the recipient's spouse or a dependent include the following:
- Costs that may be covered
- (a) burial or cremation costs, at the established rate;
 - (b) the purchase of a gravesite, at local rates;
 - (c) the cost of opening and closing the grave, at local rates;
 - (d) the cost of transporting the body of the deceased to a funeral home within the province, from within or outside the province.

(3) For the purposes of subsection (1), in determining the value of the estate of a deceased person, the Director shall include the following in the calculations: Value of estate

(a) where the deceased person did not have a spouse or dependents, the value of the entire estate;

(b) where the deceased person had a spouse or dependents, one-half of the value of the estate,

including assets that would otherwise be exempt under subsection 37(2).

53. The Director may provide assured income in the amount that the Director considers appropriate for other items of special need not included in this Part, if the Director determines that the items are necessary for the health, safety or well-being of a recipient or the recipient's spouse or dependents, if applicable. Other items of special need

54. The Director shall keep a record of the circumstances and considerations leading to the provision of assured income for a special need under sections 42 to 53. Record related to special need

Conditions

55. The following conditions apply in respect of the provision of assured income to a recipient: Conditions of receipt

(a) the recipient and the recipient's spouse, if applicable, shall be willing to undertake employment or training in accordance with each person's capabilities;

(b) the recipient and the recipient's spouse, if applicable, shall seek out financial resources that may be available to the recipient or the recipient's spouse, as the case may be, from all sources, including extended family members;

(c) the recipient and the recipient's spouse, if applicable, shall, where required by the Director, assign to the Government any income or benefit that is considered to be a financial resource, paid or payable to the recipient or the recipient's spouse while the recipient is in receipt of assured income, not exceeding an amount equal to the total amount of assured income received by the recipient;

(d) the recipient or the recipient's spouse, if applicable, shall initiate a proceeding to enforce the payment of a claim for support, a domestic contract or a court order respecting the obligation of another person to support the recipient or the recipient's spouse, as the case may be, unless the Director determines that doing so would be unreasonable, futile or adversely affect the recipient or the recipient's spouse;

(e) where the recipient or the recipient's spouse is under 18 years of age, the recipient or the recipient's spouse, as the case may be, shall attend school or training leading towards employment or accept employment, in accordance with the person's abilities;

(f) the recipient and the recipient's spouse, if applicable, shall use the assured income for its intended purposes and in the best interests of the recipient and the recipient's spouse and dependents, if applicable.

General

56. (1) Notwithstanding sections 42 to 53, for the purpose of subsection 12(5) of the Act, the Director may provide interim income for a basic or special need in an amount lower than the established rate, where, in the opinion of the Director, the lower amount is sufficient to meet the need on an interim basis. Interim income, lower than established rate

(2) The Director may make payments of interim income to

(a) the applicant;

(b) a parent, guardian, spouse or other agent of the applicant; or

(c) a third party who provides goods or services to the applicant, the cost of which is covered by interim income. Payments of interim income

57. (1) Notwithstanding sections 42 to 53, the Director may provide assured income for a basic or special need in an amount lower than the established rate, where Assured income, lower than established rate

- (a) in the opinion of the Director, the lower amount is sufficient to meet the need; or
- (b) the recipient requests a lower amount.

(2) The Director may make payments of assured income to

Payment of assured income

- (a) the recipient;
- (b) a parent, guardian, spouse or other agent of the recipient; or
- (c) a third party who provides goods or services to the recipient, the cost of which is covered by assured income.

Suspension or Cancellation

58. (1) In addition to the circumstances set out in section 14 of the Act, the Director may suspend, for up to 30 days, or cancel the provision of assured income to a recipient, where the recipient

Director may suspend or cancel assured income

- (a) is hospitalized or sentenced to a correctional facility for more than 30 consecutive days; or
- (b) is separated from the recipient's spouse for the purpose of maintaining eligibility for assured income.

(2) The suspension or cancellation of assured income is not effective until notice of it has been served on the recipient in accordance with section 15 of the Act.

Effective on service of notice

PART 4 – GENERAL

59. (1) The Director may enter into an agreement with an agent of a person with a disability in respect of the receipt of funds for supports or assured income by the agent.

Agreement with agent

(2) An agent shall disburse funds for supports or assured income on behalf of the person with a disability and submit an accounting of the receipt and disbursement of the funds or income in the form and at the times required by the Director.

Disbursal and accounting

(3) An agent is not entitled to any fee, compensation, reward or reimbursement of any costs or expenses charged or incurred by the agent in connection with administering funds for supports or assured income on behalf of the person with a disability.

No compensation or reimbursement

60. (1) Any notice, order or other document that is required to be served on a person under the Act or these regulations is considered served

Service

- (a) upon a copy being personally served on the person to whom it is directed;
- (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed, and an acknowledgement of receipt being received; or
- (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person.

(2) Where it is impractical for any reason to serve a notice, order or other document in a manner referred to in subsection (1), an application may be made, without notice, to a judge of the Supreme Court who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served.

Substituted service

61. These regulations come into force on September 4, 2021.

Commencement

SCHEDULE A**Maximum Monthly Funding**

Level of Support Required	Maximum Monthly Funding
Level 1	\$0
Level 2	400
Level 3	800
Level 4	1200
Level 5	1600
Level 6	2000
Level 7	2400
Level 8	2800
Level 9	3200
Level 10	3600
Level 11	4000

SCHEDULE B**Table 1 – Annual Income Thresholds**

Family Size (person with a disability + spouse + dependents)	Annual Income Threshold
1	\$19,708
2	27,871
3	34,134
4	39,415
5	44,067
6	48,273
7	52,171
8	55,743
9	59,124
10	62,321

Table 2 - Applicant Contribution

Income Above Annual Income Threshold (range to the nearest dollar)	Percentage Applicant Contribution	Percentage Technical Aids or Assistive Devices
In receipt of assured income	0%	0%
\$1 - \$1,999	0	0
2,000 - 3,999	10	1

4,000 - 5,999	10	2
6,000 - 7,999	10	3
8,000 - 9,999	10	4
10,000 - 11,999	10	5
12,000 - 13,999	10	6
14,000 - 15,999	10	7
16,000 - 17,999	10	8
18,000 - 19,999	10	9
20,000 - 21,999	10	10
22,000 - 23,999	10	11
24,000 - 25,999	10	12
26,000 - 27,999	10	13
28,000 - 29,999	10	14
30,000 - 31,999	10	15
32,000 - 33,999	10.5	16
34,000 - 35,999	11	17
36,000 - 37,999	11	18
38,000 - 39,999	12	19
40,000 - 41,999	12.5	20
42,000 - 43,999	13	22
44,000 - 45,999	13.5	24
46,000 - 47,999	14	26
48,000 - 49,999	14.5	28
50,000 - 51,999	15	30
52,000 - 53,999	15.5	33
54,000 - 55,999	16	36
56,000 - 57,999	16.5	39
58,000 - 59,999	17	42
60,000 - 61,999	17.5	46
62,000 - 63,999	18	49
64,000 - 65,999	18.5	51
66,000 - 67,999	19	54
68,000 - 69,999	19.5	57

70,000 - 71,999	20	60
72,000 - 73,999	20.5	63
74,000 - 75,999	21	66
76,000 - 77,999	21.5	69
78,000 - 79,999	22	73
80,000 - 81,999	25	77
82,000 - 83,999	27	81
84,000 - 85,999	30	85
86,000 - 87,999	33	89
88,000 - 89,999	36	93
90,000 - 99,999	39	97
100,000 or over	100	100

SCHEDULE C

Amortization Schedules

	Cost of Technical Aid or Assistive Device	Amortization Period in Years
1.	< \$2,000	1
2.	2,000 – 2,999	2
3.	3,000 – 3,999	3
4.	4,000 – 4,999	4
5.	> 4,999	5

	Cost of Home or Vehicle Modification	Amortization Period in Years
1.	< \$1,000	1
2.	1,000 – 1,999	2
3.	2,000 – 2,999	3
4.	3,000 – 3,999	4
5.	4,000 – 4,999	5
6.	5,000 – 5,999	6
7.	6,000 – 6,999	7
8.	7,000 – 7,999	8
9.	8,000 – 8,999	9
10.	9,000 – 10,000	10

SCHEDULE D**Assessment Schedule**

Type of Recipient	Minimum Frequency of Assessment
Adult - Level 11	Every 10 years up to age 65
Adult – Level 1 to 10	Every 5 years up to age 65
Child – aged 4 to 18 years	Every 2 years
Child < 4 years	At age 4 years
Adult aged 65 years	Within one year of turning age 65
Material change in circumstances of recipient < 65 years	On request of Director or recipient

EXPLANATORY NOTES

SECTION 1 defines certain terms used in the regulations. It also confirms the agency of persons acting on behalf of minors or persons who are not fully capable of acting on their own behalf.

SECTION 2 provides for the Director to request that a person participate in a consultation with a health care practitioner or an assessment for the purpose of determining whether the person is a person with a disability.

SECTION 3 sets out who is considered to be a resident of the province.

SECTION 4 sets out a rebuttable presumption that two persons who appear to be married or cohabiting in a conjugal relationship are spouses.

SECTION 5 requires the Director to conduct periodic audits of the program and individual files and investigations where necessary.

SECTION 6 provides for the Director to require a person to provide documents, information and other evidence necessary to determine a person's eligibility for support or assured income or the amount of supports or assured income to be provided.

SECTION 7 defines certain terms used in Part 2 of the regulations.

SECTION 8 sets out the types of supports that may be provided under the program and clarifies certain services that are not included as supports.

SECTION 9 sets out supports that may be included in employment and vocational supports. It clarifies that accommodations by an employer or other person required under the *Human Rights Act* are not included in the program.

SECTION 10 sets out categories of technical aids and assistive devices that may be provided as supports and specifically excludes certain items. It provides that the maintenance and repair of technical aids and assistive devices provided as supports is included. It also provides that where 75% or more of the purchase price of a technical aid or assistive device is funded under the program, the Director may require its surrender to the program when the recipient ceases to use it or is no longer entitled to use it.

SECTION 11 provides for supports in the form of a modification or fixed addition to the primary residence of a recipient or a modification to the primary vehicle used to transport a recipient, and sets limits on funding for these purposes.

SECTION 12 sets out an additional eligibility requirement for supports, circumstances in which an applicant may not be eligible for supports, circumstances in which the Director may refuse to provide supports to an applicant, and a circumstance in which the Director may provide supports to an applicant who is not eligible for supports.

SECTION 13 sets out the method and matters relevant to determining the supports, if any, to be provided to an applicant.

SECTION 14 requires an applicant to access any and all other available sources of assistance to meet unmet needs directly related to the applicant's disability before supports may be provided through the program.

SECTION 15 sets out possible methods of assessing the unmet needs of an applicant.

SECTION 16 provides for the Director to establish or adopt assessment tools in respect of the abilities and challenges of an applicant, the degree of restriction in the applicant's ability to function, and the level of support required by the applicant, with a view to determining the maximum monthly funding available to the applicant for supports.

SECTION 17 sets out the methods of calculating the income of an applicant, which includes the income of an applicant's spouse, in various circumstances.

SECTION 18 sets out the method of determining the applicant contribution to the cost of supports and, in particular, the cost of a technical aid or assistive device.

SECTION 19 provides for the development of a support plan for an applicant, the contents of the support plan, the calculation of the monthly funding for supports that may be provided to the applicant and the amortization of lump sum payments for certain supports.

SECTION 20 requires the Director to provide a copy of the support plan to the applicant within 45 days of completing it.

SECTION 21 provides that support funds shall be provided monthly, except where a lump sum payment is required for certain supports, and sets out to whom payments may be made.

SECTION 22 sets out conditions applicable to the receipt of supports.

SECTION 23 requires a recipient to keep certain records in respect of supports received or utilized by the recipient.

SECTION 24 requires the Director to review a recipient's eligibility for supports and the supports being provided to the recipient at least once annually. It sets out components of the review process and provides for the application of sections 12 to 20 to a review with any necessary changes.

SECTION 25 sets out circumstances, in addition to those in section 9 of the Act, in which the Director may suspend or cancel the provision of supports to a recipient. It provides that a suspension or cancellation is not effective until notice of it has been served on the recipient.

SECTION 26 defines certain terms used in Part 3 of the regulations.

SECTION 27 prohibits the Director from providing assured income to a person for more than 12 months, after which the person must renew the person's application for assured income. It provides that sections 28 to 38 apply to the assessment of a renewal application or a review conducted pursuant to section 13 of the Act.

SECTION 28 requires that an applicant have a health number to be eligible for assured income.

SECTION 29 sets out additional eligibility requirements for a applicant who is under 18 years of age. It provides that a recipient who turns 18 years of age continues to be eligible for assured income while in full-time attendance in an education or training program. It also provides that the provision of assured income to a recipient who is under 18 years of age

does not affect any legal obligations of a parent or guardian to the recipient.

SECTION 30 sets out additional circumstances in which an applicant may not be eligible for assured income.

SECTION 31 sets out circumstances in which the Director may provide assured income to an applicant who is not eligible for assured income.

SECTION 32 provides for the Director to provide assured income to a recipient for the month in which the recipient ceases to be eligible. It also provides for the Director to continue certain benefits for 24 months or longer, where the recipient ceases to be eligible for assured income due to employment.

SECTION 33 sets out additional circumstances in which the Director may refuse to provide assured income to an applicant.

SECTION 34 sets out the method of determining whether an applicant has insufficient financial resources to provide for the applicant's basic needs and those of the applicant's spouse and dependents, if applicable.

SECTION 35 sets out the method of calculating the financial resources of an applicant for assured income.

SECTION 36 sets out what constitutes income and what is excluded from consideration for the purpose of determining the financial resources of an applicant.

SECTION 37 sets out what constitutes assets and what is excluded from consideration for the purpose of determining the financial resources of an applicant.

SECTION 38 prohibits the Director from providing assured income to an applicant until the applicant and the applicant's spouse, if applicable have sold or converted into cash all available assets, other than those that are exempt. It provides for the Director to exempt an asset where selling or converting the asset would result in a loss exceeding 25% of the market value of the asset. It also provides for the Director to exempt an asset for 90 days or longer to allow for the sale or conversion.

SECTION 39 provides for assured income at the established rate for food and permits the Director to increase the amount provided for special dietary needs due to a disease or medical condition or pregnancy.

SECTION 40 provides for assured income not exceeding the established rate for shelter-related costs and permits the Director to exceed the established rate where necessary due to exceptional needs of the recipient. It also provides for assured income for insurance, water and sewer service, waste management and laundry expenses.

SECTION 41 provides for assured income at the established rate for essentials, communication expenses and community living expenses.

SECTION 42 provides for assured income for relocation expenses in specified circumstances and transportation expenses in specified circumstances.

SECTION 43 provides for assured income at the established rate for incidental school expenses of a dependent attending secondary school.

SECTION 44 provides for assured income at the established rate for special clothing, mandatory licenses, fees or permits and essential tools necessary for commencing or retaining employment.

SECTION 45 provides for assured income at the established rate for childcare expenses.

SECTION 46 provides for assured income, in exceptional circumstances and for a period not exceeding four consecutive months, for housekeeping or home-care services.

SECTION 47 provides for assured income at the established rate for maintenance or minor repairs to a recipient's primary residence in specified circumstances. It provides for assured income not exceeding a specified amount for substantial repairs to a recipient's primary residence in specified circumstances and provides for the Director to provide an additional amount for that purpose that is subject to repayment.

SECTION 48 provides for assured income for the purchase or repair of essential furniture or appliances.

SECTION 49 provides for assured income for an advance or deposit to secure rental accommodations, utility connections or other services, which is subject to repayment.

SECTION 50 provides for assured income for the payment of up to two months of arrears for shelter or utilities in specified circumstances, which may be subject to repayment.

SECTION 51 provides for assured income at the established rate for an optical assessment and single vision or bifocal lenses and frames.

SECTION 52 provides for assured income at established and local rates for basic costs associated with the death of a recipient or the recipient's spouse or dependent.

SECTION 53 provides for assured income for items necessary for the health, safety or well-being of a recipient, the recipient's spouse or dependents.

SECTION 54 requires the Director to keep a record of the circumstances and considerations leading to the provision of assured income under sections 42 to 53.

SECTION 55 sets out conditions that apply in respect of the provision of assured income.

SECTION 56 permits the Director to provide interim income in an amount that is less than the established rate where the Director is of the opinion it is sufficient. It also provides to whom payments of interim income may be made.

SECTION 57 permits the Director to provide assured income in an amount less than the established rate where the Director is of the opinion it is sufficient or the recipient requests a lower amount. It also provides to whom payments of assured income may be made.

SECTION 58 sets out additional circumstances in which the Director may suspend or cancel the provision of assured income. It provides that the suspension or cancellation is not effective until notice of it is served on the recipient.

SECTION 59 provides for dealings between the Director and an agent of a person with a disability in respect of funds for supports or assured income.

SECTION 60 provides for service of a notice, order or other document under the Act or regulations.

SECTION 61 provides for the commencement of the regulations.

EC2021-738

**SUMMARY PROCEEDINGS ACT
TICKET REGULATIONS
AMENDMENT**

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

1. Schedule 2 to the *Summary Proceedings Act* Ticket Regulations (EC58/08) is amended by the addition of the following after Part 37:

PART 37.1

**HIGHWAY TRAFFIC ACT
Power-Assisted Bicycles Regulations
(EC557/21)**

Item Number	Column I Offence	Column II Section	Column III Penalty for out of court settlement
1	Person failing to operate a power-assisted bicycle on a highway, trail or in a public park in accordance with the regulations	2(a)	\$200
2	Person failing to operate a power-assisted bicycle on a highway, trail or in a public park in accordance with an applicable municipal bylaw	2(b)	200
3	Operating a power-assisted bicycle on any highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal bylaw	3(2)	200
4	Failing to operate a power-assisted bicycle in bicycle lanes where bicycle lanes are provided on a highway	4(1)	200
5	Failing to operate a power-assisted bicycle on the shoulder of the highway as close to the right edge of the shoulder as possible where bicycle lanes not provided or where the operation of power-assisted bicycles in bicycle lanes is otherwise prohibited	4(2)(a)	200
6	Failing to operate a power-assisted bicycle on the right side of the roadway as close to the edge of the roadway as possible where there is no shoulder and where bicycle lanes not provided or where the operation of power-assisted bicycles in bicycle lanes is otherwise prohibited..	4(2)(b)	200
7	Operating a power-assisted bicycle on a sidewalk or walkway	5(a)	200
8	Operating a power-assisted bicycle on the Confederation Trail after November 30 in a year and prior to April 1 of the next year	5(b)	200
9	Failing to securely fasten the battery and motor of a power-assisted bicycle to the bicycle to prevent them from moving while the power-assisted bicycle is in motion	8(1)	200
10	Power-assisted bicycle being equipped with a generator, alternator or similar device powered by a combustion engine	9	200
11	Failing to completely insulate and cover all electric terminals on a power-assisted bicycle	10	200
12	Failing to equip a power-assisted bicycle with a mounted integral head lamp and tail lamp	11(1)(a)	200
13	Failing to equip a power-assisted bicycle with reflex reflectors	11(1)(b)	200
14	Failing to equip a power-assisted bicycle with brakes on all wheels or on each axle	11(1)(c)	200
15	Failing to equip a power-assisted bicycle with a bell or horn	11(1)(d)	200
16	Failing to ensure the braking system of a power-assisted bicycle is capable of bringing the bicycle to a full stop within nine metres from the point at which the brakes are applied	11(2)	200
17	Operator of a power-assisted bicycle failing to keep a safe distance from pedestrians and other users of a highway, trail, sidewalk, walkway or public park	12(1)	200
18	Operating a power-assisted bicycle on a highway, trail or in a public park at a speed markedly greater than the speed of any pedestrians proximate to the bicycle	12(2)	200
19	Operator of a power-assisted bicycle failing to sound bell or horn when reasonably necessary to notify cyclists, pedestrians or others of its approach	12(3)	200
20	Operator of a power-assisted bicycle failing to ensure bicycle has a lighted lamp at front displaying white or amber light and at the rear either a lighted lamp displaying a red light or a reflector from one-half hour before sunset to one-half hour after sunrise or at any time where there is insufficient light or unfavourable weather conditions	12(4)	200

21	Operating a power-assisted bicycle in a manner that may harm, injure or damage any person or property	12(5)	200
22	Operator of a power-assisted bicycle failing to obey same road rules as bicyclists	13(1)	200
23	Person under the age of 16 years operating a power-assisted bicycle	13(2)	200
24	Owner of a power-assisted bicycle permitting person under the age of 16 years to operate bicycle	13(3)	200
25	Person operating a power-assisted bicycle as if it were a bicycle where the driver's license of the person is suspended or cancelled or the person is otherwise disqualified or prohibited from operating a motor vehicle or obtaining a driver's license	13(4)	200
26	Person operating a power-assisted bicycle carrying another person where bicycle not manufactured to carry a passenger	13(5)	200
27	Person operating a power-assisted bicycle towing another person, vehicle or device	13(6)	200
28	Person operating a power-assisted bicycle attaching bicycle to another bicycle, vehicle or device for purpose of being drawn or towed	13(7)	200
29	Person riding on or operating a power-assisted bicycle without wearing a properly fitted and fastened bicycle safety helmet	13(8)	200
30	Bicycle safety helmet not meeting standards specified in <i>Highway Traffic Act</i> Bicycle Safety Helmet Regulations (EC329/03)	13(9)	200
31	Person operating a power-assisted bicycle on a highway beside a moped, bicycle or another power-assisted bicycle being operated in same traffic lane	13(10)	200
32	Person operating a power-assisted bicycle where the bicycle has been modified after its manufacture	14	200
33	Person operating a power-assisted bicycle not in good working order	15(1)	200
34	Owner or operator of a power-assisted bicycle failing to ensure bicycle and all of its components maintained in good working order	15(2)	200
35	Operator of a power-assisted bicycle failing to stop when required to do so by a peace officer	16	200
36	Operator of a power-assisted bicycle involved in an accident failing to report accident to peace officer	17(1)	200

2. These regulations come into force on September 4, 2021.

EXPLANATORY NOTES

SECTION 1 adds a new Part 37.1 to Schedule 2 of the *Summary Proceedings Act* Ticket Regulations (EC58/08) to add descriptions of offences under the new *Highway Traffic Act* Power-Assisted Bicycles Regulations that are authorized to be enforced by means of the issuance of a summary offence ticket.

SECTION 2 provides for the commencement of the regulations.