

EC2022-210

**ADVISORY COUNCIL ON THE STATUS OF WOMEN ACT
ADVISORY COUNCIL ON THE STATUS OF WOMEN
APPOINTMENTS**

Pursuant to section 5 of the *Advisory Council on the Status of Women Act* R.S.P.E.I. 1988, Cap. A-6 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Caroline MacRae Summerside (reappointed)	29 March 2022 to 29 March 2024
Regina Younker Cornwall (reappointed)	29 March 2022 to 29 March 2024

EC2022-211

**CORONERS ACT
APPOINTMENT OF DEPUTY CHIEF CORONER
DR. BRANDON WEBBER
(APPROVED)**

Under authority of section 3(2) of the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1, Council appointed Dr. Brandon Webber of Summerside to serve at pleasure as Deputy Chief Coroner for Prince Edward Island, effective March 30, 2022.

Order in Council EC2021-496 of June 8, 2021 is hereby rescinded, effective March 29, 2022.

EC2022-212

**EMERGENCY MEDICAL TECHNICIANS ACT
EMERGENCY MEDICAL TECHNICIANS REGULATIONS
AMENDMENT**

Pursuant to section 14 of the *Emergency Medical Technicians Act* R.S.P.E.I. 1988, Cap. E-6.11, Council made the following regulations:

1. The *Emergency Medical Technicians Act* Emergency Medical Technicians Regulations (EC532/13) are amended by the addition of the following after section 2:

2.1 (1) Where an applicant for a license has not successfully completed the examination required by the Board in accordance with clause 6(2)(b) of the Act, the Board may issue a license to the applicant for a period of up to 12 months, on the condition that the licensee shall successfully complete the examination within the time specified by the Board.

Exception, exam
qualification

(2) Until the condition in subsection (1) is met, the licensee shall practise emergency medical technology only under the supervision of another licensee who holds a license at an equivalent or a higher level that is not subject to any conditions under this section or section 3. ^{Supervised practice}

2. These regulations come into force on April 2, 2022.

EXPLANATORY NOTES

SECTION 1 adds a new section 2.1 to the regulations, which provides for the Board to issue a license to an applicant who has not yet completed the examination required by the Board. The license is conditional on the licensee successfully completing the examination in the time required by the Board. Until then, the licensee is required to practise under supervision.

SECTION 2 provides for the commencement of these regulations.

EC2022-213

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE AND LAND
AUTHORITY TO ENTER INTO AN AGREEMENT
(AMENDMENT NO. 001 - EUROPEAN CORN BORER
RESISTANCE RESEARCH PROJECT)
WITH
THE PROVINCE OF NEW BRUNSWICK
AND
THE PROVINCE OF NOVA SCOTIA
AND
ATLANTIC GRAINS COUNCIL

Pursuant to clauses 10(b) and 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture and Land to enter into an amended funding agreement with the Province of New Brunswick, as represented by the Minister of Agriculture, Aquaculture and Fisheries, and the Province of Nova Scotia, as represented by the Minister of Agriculture and the Atlantic Grains Council to support research into the management of the European corn borer, for the period April 29, 2019 to March 15, 2023, such as more particularly described in the draft agreement.

EC2022-214

EXECUTIVE COUNCIL ACT
MINISTER OF EDUCATION AND LIFELONG LEARNING
AUTHORITY TO ENTER INTO AN AGREEMENT
(POST-SECONDARY PREFERRED ADMISSION PROGRAMS
FOR PEI RESIDENTS FUNDING AGREEMENT)
WITH
THE GOVERNMENT OF NOVA SCOTIA

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Education and Lifelong Learning to enter into an agreement with the Government of Nova Scotia, as represented by the Minister of Advanced Education, to establish the terms and conditions of the post-secondary preferred admission programs for PEI residents, for the period April 1, 2021 to March 31, 2022, such as more particularly described in the draft agreement.

EC2022-215

EXECUTIVE COUNCIL ACT
 MINISTER OF FINANCE
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (SECOND AMENDED AND RESTATED
 UNANIMOUS SHAREHOLDERS AGREEMENT)
 WITH THE
 GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
 AND
 NEW BRUNSWICK LOTTERIES AND GAMING CORPORATION
 AND
 NOVA SCOTIA GAMING CORPORATION
 AND
 ATLANTIC LOTTERY CORPORATION INC.

Pursuant to clauses 10(b) and 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Finance, on behalf of the Prince Edward Island Lotteries Commission, to enter into an updated Unanimous Shareholders Agreement governing the conduct and management of lottery schemes in the Atlantic Provinces, with the Shareholders responsible for gaming or lotteries in the other Atlantic Provinces and the Atlantic Lottery Corporation Inc., such as more particularly described in the draft agreement.

EC2022-216

EXECUTIVE COUNCIL ACT
 MINISTER OF HEALTH AND WELLNESS
 AUTHORITY TO ENTER INTO A THIRD AMENDING AGREEMENT
 (811 TELECARE SERVICES FOR
 RESIDENTS OF
 NOVA SCOTIA AND PRINCE EDWARD ISLAND)
 WITH
 THE PROVINCE OF NOVA SCOTIA
 AND WITH
 EMC EMERGENCY MEDICAL CARE INCORPORATED

Pursuant to clauses 10(b) and (d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health and Wellness to enter into a third amending agreement with the Government of Nova Scotia, as represented by the Department of Health and Wellness, and with EMC Emergency Medical Care Inc. as operator, to set out terms and conditions for delivery by the operator of 811 Telecare Services to residents of Prince Edward Island and Nova Scotia for the period April 1, 2022 to March 31, 2024, such as more particularly described in the draft agreement.

EC2022-217

EXECUTIVE COUNCIL ACT
 MINISTER OF JUSTICE AND PUBLIC SAFETY
 AND ATTORNEY GENERAL
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (FUNDING AGREEMENT
 CANADIAN FAMILY JUSTICE FUND)
 WITH
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Justice and Public Safety and Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General to set out the provisions under which Canada grants a contribution to Prince Edward Island for the costs associated with the strengthening of the Canadian family justice system through improved access to family justice services using the Canadian Family Justice Fund in accordance with its terms and conditions, for the period April 1, 2022 to March 31, 2027, such as more particularly described in the draft agreement.

EC2022-218

EXECUTIVE COUNCIL ACT
 MINISTER OF JUSTICE AND PUBLIC SAFETY
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (FUNDING AGREEMENT
 FIRST NATIONS EMERGENCY SERVICES)
 WITH
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Justice and Public Safety to enter into a funding agreement with the Government of Canada, as represented by the Minister of Indigenous Services and the Minister of Crown-Indigenous Relations, for building emergency management capacity in PEI's First Nations Communities to support efficient and effective emergency response and recovery efforts, for the period April 1, 2021 to March 31, 2022, such as more particularly described in the draft agreement.

EC2022-219

FINANCE PEI ACT
 REGULATIONS
 CLINTON HILLS DEVELOPMENT INCORPORATED
 AUTHORIZATION

Pursuant to subsection 2(3) of the *Finance PEI Regulations* (EC2012-739), Council authorized Finance PEI to provide a five (5) year term loan in the amount of two hundred thousand (\$200,000.00) dollars at a rate of four (4%) percent to Clinton Hills Development Incorporated for working capital, on terms and conditions satisfactory to the Board of Directors of Finance PEI.

EC2022-220

ISLAND INVESTMENT DEVELOPMENT ACT
FINANCIAL ASSISTANCE REGULATIONS
LINKVIEW LANDINGS DEVELOPMENTS INC.
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to provide a ten-year term loan in the amount of four million (\$4,000,000.00) dollars at a rate of four (4%) percent to Linkview Lending Developments Inc. for the purchase of capital assets, on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.

EC2022-221

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 206011, LOT 29, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately one hundred thirty-three decimal six (133.6) acres of land, being Provincial Property No. 206011 located at Desable, Lot 29, Queens County, Prince Edward Island and currently owned by Wendy E. McTaggart and Holly E. Andrews of DeSable, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately eight decimal five (8.5) acres for residential use, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on March 30, 2022.

EC2022-222

**PLANNING ACT
SUBDIVISION AND DEVELOPMENT REGULATIONS
AMENDMENT**

Pursuant to sections 8 and 8.1 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

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

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

- (g) “development” means development
- (i) site alteration, including but not limited to
 - (A) altering the grade of the land,
 - (B) removing vegetation from the land,
 - (C) excavating the land,
 - (D) depositing or stockpiling soil or other material on the land,
 - and

- (E) establishing a parking lot,
- (ii) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land,
- (iii) placing temporary or permanent mobile uses or structures in, under, on or over the land, or
- (iv) changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building;

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

(j.01) “home-based business” means a business or service use that is located in a dwelling unit that is used or occupied as a home, or an accessory structure to the dwelling unit;

home-based
business

(c) in clause (w.1), by the addition of the words “, or with respect to minimum lot sizes,” after the words “size of a structure”.

2. Clause 5(e) of the regulations is revoked.

3. (1) Subsection 17(1) of the regulations is revoked and the following substituted:

17. (1) All subdivision roads, other than a subdivision road existing on April 15, 2022, shall have a minimum width of 66 feet (20.1 metres) and shall be designed to meet the following requirements:

Subdivision roads

- (a) where practicable, subdivision roads shall be connected to existing roads in adjacent subdivisions, and provision shall be made for extension into future subdivisions on adjacent properties;
- (b) subdivision roads shall provide a temporary turning area with a minimum turning radius of 40 feet (12.2 metres) where a subdivision is approved in phases and any phase results in a dead-end road, or where a road is to be extended onto an adjacent property in accordance with clause (a), until either an approved cul-de-sac, with a minimum turning radius of 66 feet (20.12 metres) has been constructed or the dead-end road has been extended.

(2) Section 17 of the regulations is amended by the addition of the following after subsection (5):

(6) Notwithstanding subsections (2) and (5), where a subdivision was to be completed in phases and final approval was granted for at least one phase of the multi-phase subdivision prior to March 21, 2009, the Minister may on application

Exception - multi-
phase subdivision

- (a) permit the roads servicing the completed and remaining phases to be constructed to a lesser standard that is consistent with the standards approved for roads in the phase completed prior to March 21, 2009; and
- (b) impose additional conditions in the interests of safety including, but not limited to, referring the application for approval to
 - (i) the Minister of Transportation and Infrastructure, and
 - (ii) the Provincial Fire Marshal.

4. (1) Clause 25(3)(c) of the regulations is amended

(a) in the words immediately before subclause (i), by the deletion of the colon; and

(b) in subclause (i), by the addition of the word “and” after the comma.

(2) Subsection 25(3.2) of the regulations is amended by the addition of the word “all” before the words “the lots”.

5. Subsection 29(1) of the regulations is amended

(a) by the addition of the words “an existing land use or” after the words “deviate from”; and

(b) by the deletion of the words “or an application” and the substitution of the words “,where applicable, and an application”.

6. Subsection 29.1(1) of the regulations is amended

(a) by the deletion of the words “Notwithstanding section 29, the” and the substitution of the word “The”; and

(b) by the addition of the words “and on submission of a revised plan of subdivision and an application for a change of use,” after the words “an owner of a lot in a subdivision.”

7. Section 31 of the regulations is amended by the addition of the following after subsection (2):

(3) A person shall apply for a development permit to renovate an existing dwelling unit for the purpose of accommodating a home-based business, for a change of use to a home-based business, or a for an accessory structure to be used for the home-based business.

Permit required -
home-based
business

(4) An application for a development permit for a home-based business shall provide the development officer the information required in order to determine whether the proposed home-based business, the change of use to a home-based business or the accessory structure to be used for the home-based business will meet all of the following criteria:

Information
required for
application

(a) the business use of the dwelling unit or an accessory structure to the dwelling unit is secondary to the residential occupancy use of the dwelling unit;

(b) at least one full-time resident of the dwelling unit where the home-based business will be located operates or will operate the business;

(c) the home-based business, if within the dwelling unit, uses less than 50 per cent of the total floor area of the dwelling unit;

(d) the home-based business, if located in an accessory structure, has a total floor area of less than 100 square metres.

(5) Where the development officer is satisfied that the applicant’s proposed home-based business will meet all of the criteria specified in subsection (4), the development officer may issue a permit to the applicant that authorizes the proposed development, renovation or change of use.

Issuance of permit

(6) An applicant to whom a permit is issued under subsection (5) shall not transfer the permit to any person.

Permit not
transferable

(7) Where a person’s home-based business requires new access to a highway, or a change to an existing entrance way to a highway, the person shall obtain the required permit in accordance with the *Roads Act* Highway Access Regulations prior to making an application for a development permit under this section.

Access to highway

8. Subsection 40(2) of the regulations is revoked.**9. (1) Subsection 63(4) of the regulations is revoked and the following substituted:**

(4) An existing parcel of land may, on approval, be subdivided into not more than one lot for one of the following purposes:

Approval of one lot
per parcel

(a) recreational use;

(b) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;

(c) institutional use, where the lot has an area no greater than three acres;

(d) use as a cemetery;

(e) rural tourism use, where the area of the lot does not exceed three acres;

(f) public utility use.

(4.01) An existing parcel of land may, on approval, be subdivided into not more than five lots for residential use, which may include

Five lots per parcel
- residential use

(a) single-unit dwelling use;

(b) duplex dwelling use; or

(c) multiple unit dwelling use or a mobile home park where

- (i) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility, or both, are available, and
- (ii) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service, or both, if available, to the lot or mobile home park.

(4.02) For greater certainty, the same parcel of land may be subdivided for the purposes of either subsection (4) or (4.01), but not both. Clarification

(2) Clause 63(4.1)(a) of the regulations is revoked and the following substituted:

- (a) the subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to October 12, 2019;

(3) Subsection 63(5) of the regulations is amended by the deletion of the words “clause (4)(a)” wherever they occur and the substitution of the words “clause (4.01)(a)”.

(4) Subsection 63(5.01) of the regulations is amended by the deletion of the words “subsection (4),” and the substitution of the words “subsection (4), (4.01), (4.1),”.

(5) Subsection 63(5.02) of the regulations is amended by the deletion of the words “subsection (4)” wherever they occur and the substitution of the words “subsection (4), (4.01), (4.1)”.

(6) Subsection 63(5.1) of the regulations is amended by the deletion of the words “clause 4(c)” and the substitution of the words “clause (4)(b)”.

(7) Subsection 63(6) of the regulations is amended by the deletion of the words “Notwithstanding clause (4)(d), in” and substituting the word “In”.

(8) Subsection 63(7) of the regulations is amended

- (a) in the words preceding clause (a), by the deletion of the words “subsection (4) or (5.02)” and the substitution of the words “subsection (4), (4.01), (4.1), or (5.02)”; and
- (b) in clause (c), by the deletion of the words “subsections (4), (5) and (5.1)” and the substitution of the words “subsections (4), (4.1), (4.01), (5) and (5.1)”.

(9) Subsection 63(9) of the regulations is amended by the deletion of the words “subsections (4), (5), (5.1)” and the substitution of the words “subsections (4), (4.1), (4.01), (5), (5.1)”.

10. These regulations come into force on April 9, 2022.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Planning Act* Subdivision and Development Regulations to add a new clause (j.01) to define the term “home-based business”, and also to clarify the definitions of “development” and “variance”.

SECTION 2 revokes clause 5(e) of the regulations. This requirement has been superseded by the adoption of the National Building Code.

SECTION 3 revokes subsection 17(1) of the regulations and substitutes a new subsection 17(1) to clarify the requirements that apply to subdivision roads, as specified. The section also adds a new subsection 17(6) to clarify the requirements that apply to subdivision roads in a multi-phase subdivision that was granted final approval for at least one phase prior to March 21, 2009.

SECTION 4 amends clause 25(3)(c) of the regulations to correct an error, and also amends subsection 25(3.2) of the regulations to require all the lots to be served by a subdivision road that meets the requirements of the regulations relating to road standards.

SECTION 5 amends subsection 29(1) of the regulations to state that the prohibition in that subsection also applies to deviating from an existing land use, and to clarify that both a revised plan of subdivision, where applicable, and an application for a change of use must be submitted and approved in order to proceed with a deviation.

SECTION 6 amends subsection 29.1 of the regulations to clarify what documents must be submitted with an application for a change of use respecting the lots in an approved plan of subdivision.

SECTION 7 amends section 31 of the regulations to add new subsections (3) to (7), relating to home-based businesses. Subsection (3) requires a person to apply for a development permit to renovate an existing dwelling unit to accommodate a home-based business, for a change of use to a home-based business or to use an accessory structure for a home-based business. Subsection (4) states the criteria the home-based business must meet. Subsection (5) authorizes a development officer to issue a permit to an applicant for a home-based business that meets the specified criteria. Subsection (6) provides that the permit is not transferable. Subsection (7) requires a person whose home-based business requires a new or changed highway access to obtain the necessary permit in accordance with the *Roads Act* Highway Access Regulations.

SECTION 8 revokes subsection 40(2) of the regulations.

SECTION 9 revokes subsection 63(4) of the regulations and substitutes new subsections (4), (4.01) and (4.02). Subsection (4) sets out the uses for which an existing parcel may be subdivided into not more than one lot. Subsection (4.01) sets out the residential uses for which an existing parcel may be subdivided into not more than five lots. Subsection (4.02) clarifies the operation of subsections (4) and (4.01). The section also amends clause 63(4.1)(a) to extend the date from July 9, 1994, to October 12, 2019, to allow businesses operating before that date in Special Planning Areas to expand. The section also amends subsections 63(5) to (7) and (9) of the regulations to add references there to subsections (4.01) and (4.1) as limits on subdividing.

SECTION 10 provides for the commencement of the regulations.

EC2022-223

POLICE ACT
AND
EXECUTIVE COUNCIL ACT
MINISTER OF JUSTICE AND PUBLIC SAFETY
AUTHORITY TO ENTER INTO AN AGREEMENT
(AMENDMENT NO. 4 TO THE FRAMEWORK AGREEMENT
FOR THE USE OF THE RCMP FIRST NATIONS
COMMUNITY POLICING SERVICES (FNCPS)
IN PRINCE EDWARD ISLAND)
WITH THE
GOVERNMENT OF CANADA

Pursuant to section 8 of the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1 and clause 10(a) of the *Executive Council Act*, R.S.P.E.I. 1988, Cap. E-12, Council authorized the Minister of Justice and Public Safety to enter into an amendment agreement with the Government of Canada, as represented by the Minister of Public Safety and Emergency Preparedness, respecting delivery of police services by Royal Canadian Mounted Police in First Nations Communities in Prince Edward Island for the period April 1, 2014 to March 31, 2023, such as more particularly described in the draft agreement.