

**EC2003-613**

ENVIRONMENTAL PROTECTION ACT  
 ENVIRONMENTAL ADVISORY COUNCIL  
 APPOINTMENTS

Pursuant to section 4 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Murray Cook Stanhope (vice Donna Giberson, term expired)	30 October 2003 to 30 October 2006
Dr. James Kemp Argyle Shore (vice Kevin MacAdam, term expired)	30 October 2003 to 30 October 2006
Carol Livingstone West Point (vice Emmerson McMillan, term expired)	30 October 2003 to 30 October 2006
Donald Matheson Oyster Bed Bridge (vice Lorne MacNeill, term expired)	30 October 2003 to 30 October 2006

Further, in accordance with clause 4(4)(a) of the said Act, Council designated Ron Perry as chairperson (vice Kevin MacAdam) for the balance of his term as a member ending 31 August 2004, and Elmer MacDonald as vice-chairperson (vice Ron Perry) for the period 30 October 2003 to 31 December 2004.

**EC2003-614**

EXECUTIVE COUNCIL ACT  
 MINISTER OF EDUCATION  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (SCHOOLNET YOUTH EMPLOYMENT INITIATIVE  
 CONTRIBUTION AGREEMENT)  
 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 Education to enter into an agreement with the Government of Canada, as represented by the Minister of Industry, to establish terms and conditions for delivery of the SchoolNet Youth Employment Initiative in Prince Edward Island, such as more particularly described in the draft agreement.

**EC2003-615**

EXECUTIVE COUNCIL ACT  
 MINISTER OF AGRICULTURE, FISHERIES, AQUACULTURE  
 AND FORESTRY  
 AND  
 MINISTER OF ENVIRONMENT AND ENERGY  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (CANADA-PRINCE EDWARD ISLAND AGREEMENT FOR THE  
 NATIONAL WATER PROGRAM)  
 WITH  
 THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture, Fisheries, Aquaculture and Forestry and the Minister of Environment and Energy to enter into an agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food, to set out the terms and conditions for the Province of Prince Edward Island's participation in the National Water Program, such as more particularly described in the draft agreement.

**EC2003-616**

FINANCIAL ADMINISTRATION ACT  
 AUTHORITY TO CANCEL AND WRITE OFF DEBT  
 OF THE  
 PRINCE EDWARD ISLAND LENDING AGENCY

Pursuant to subsection 26(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the cancellation of a debt of the Prince Edward Island Lending Agency to Her Majesty the Queen in right of the Province in the amount of \$2,295,100.00 including interest to 31 March 2003.

Further, pursuant to subsection 26.1(1) of the said Act, Council authorized the write off of a debt of the said Agency to Her Majesty in the amount of \$55,245.00 including interest to 31 March 2003.

**EC2003-617**

FINANCIAL ADMINISTRATION ACT  
 SPECIAL WARRANT  
 (SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2003/2004)  
 DEPARTMENT OF EDUCATION

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Education as follows:

Account Class	Account Name	Amount
	<b><u>PUBLIC EDUCATION BRANCH</u></b>	
	<b>ENGLISH PROGRAMS</b>	
	<b>Technology</b>	
	Salaries	
0622-03125	Wages (Casual Payroll)	<u>\$48,300.00</u>

Further, Council noted that this amount will be fully offset by revenue from the federal government under the terms of the SchoolNet Youth Employment Initiative.

**EC2003-618**

**FINANCIAL ADMINISTRATION ACT  
SPECIAL WARRANT  
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2003/2004)  
CAPITAL EXPENDITURE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS**

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Capital Account for the Department of Transportation and Public Works as follows:

<b>Account Class</b>	<b>Account Name</b>	<b>Amount</b>
<b>CAPITAL EXPENDITURE HIGHWAYS</b>		
0359-05001	Bridges and Culverts	\$2,268,100.00
0362-05001	Paving	1,323,000.00
0368-05001	Highway Reconstruction	2,431,800.00
0371-05001	Strategic Highway Infrastructure Program	<u>1,018,000.00</u>
	Sub-total	\$7,040,900.00
<b>BUILDINGS</b>		
0756-05001	Veterans Monument Project	\$ 60,000.00
0757-05001	Mill River Treatment	<u>50,000.00</u>
	Sub-total	\$ 110,000.00
	Total	<u>\$7,150,900.00</u>

Further, Council noted that \$2,756,000.00 of this amount will be offset by revenue from the federal government under the terms of the Disaster Financial Assistance Agreement (\$2,222,000.00) and the Strategic Highway Infrastructure Program (\$534,000.00).

**EC2003-619**

**HIGHWAY TRAFFIC ACT  
FEES REGULATIONS  
AMENDMENT**

Pursuant to section 65 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

**1. Subsection 5(4) of the *Highway Traffic Act* Fees Regulations (EC309/93) is amended**

- (a) by the deletion of the words “subject to the following conditions”;
- (b) by the addition of a period after the word “vehicles”; and
- (c) by the revocation of clauses (a) and (b).

**2. These regulations come into force on November 15, 2003.**

**EXPLANATORY NOTES**

**SECTION 1** removes a restriction on claims for refunds for trucks, truck-tractors and public passenger buses in respect of the unused portion of a commercial truck registration fee, which allows for consistency on refund issues in the regulations.

**SECTION 2** provides for the commencement of these regulations.

**EC2003-620**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 851683, LOT 21, 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 forty (40) acres of land, being Provincial Property No. 851683 located in Lot 21, Queens County, Prince Edward Island and currently owned by David Keedwell of Charlottetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of two lots, each of approximately one (1) acre, 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 November 4, 2003.

**EC2003-621**

AN ACT TO AMEND THE VICTIMS OF FAMILY VIOLENCE ACT  
DECLARATION RE

Under authority of section 6 of *An Act to Amend the Victims of Family Violence Act* Stats. P.E.I. 2002, 3rd Session, c. 45 Council ordered that a Proclamation do issue proclaiming "*An Act to Amend the Victims of Family Violence Act*" to come into force effective 15 November 2003.

**EC2003-622**

VICTIMS OF FAMILY VIOLENCE ACT  
REGULATIONS  
AMENDMENT

Pursuant to section 19 of the *Victims of Family Violence Act* R.S.P.E.I. 1988, Cap. V-3.2 Council made the following regulations:

**1. Section 3 of the *Victims of Family Violence Act Regulations* (EC558/96) is amended by the deletion of the words "clause 8(1)(b)" and the substitution of the words "clause 4(6)(b)".**

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

4. (1) An application for an emergency protection order must be made in person, except for an application made by a designated person.

Application for an emergency protection order

3. Subsection 5(1) of the regulations is amended by the deletion of the words "subsection 8(1)" and the substitution of the words "subsection 4(6)".

4. Section 26 of the regulations is amended by the deletion of the words "section 9 or".

5. Schedule 1 of the regulations is revoked and Schedule 1 as set out in Schedule A of these regulations is substituted.

6. Schedule 13 of the regulations is revoked and Schedule 13 as set out in Schedule B of these regulations is substituted.

7. Schedule 14 of the regulations is revoked and Schedule 14 as set out in Schedule C of these regulations is substituted.

8. Schedule 15 of the regulations is revoked and Schedule 15 as set out in Schedule D of these regulations is substituted.

9. Schedule 16 of the regulations is revoked and Schedule 16 as set out in Schedule E of these regulations is substituted.

10. These regulations come into force on November 15, 2003.

**SCHEDULE A**

**SCHEDULE 1**

(Section 4 of the *Victims of Family Violence Act*)

PART 1 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
- 2. A peace officer shall remove the respondent from the following residence  
.....immediately .... OR ..... on or before .....

- 3. A peace officer shall accompany ..... to the residence to supervise the removal of personal belongings on or before .....
  - 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by mail or otherwise with .....  
The respondent may have contact with .....on the following terms:  
.....
  - 5. The respondent shall not attend at any of the following places: .....
  - 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or utilities as defined in the *Victims of Family Violence Act* and in particular the following property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.  
.....  
Justice of the Peace or designated person Justice of the Peace Number  
..... Confirmed ..... Varied or .....Rehearing ordered by .....,  
Supreme Court Judge  
(date) .....

PART I - Original (Court Copy)

PART 2 -

**EMERGENCY PROTECTION ORDER**  
**SUPREME COURT OF PRINCE EDWARD ISLAND**  
**(TRIAL DIVISION)**  
(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**  
You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A Judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at ..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**  
Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

- I DO ORDER THAT:
- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
  - 2. A peace officer shall remove the respondent from the following residence  
.....immediately ..... OR ..... on or before .....
  - 3. A peace officer shall accompany ..... to the residence to supervise the removal of personal belongings on or before .....
  - 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by mail or otherwise with .....

The respondent may have contact with .....on the following terms:

.....

5. The respondent shall not attend at any of the following places: .....

6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....

7. Temporary possession of the following personal property ..... is awarded  
to .....

8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....

9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.

10. The respondent shall not commit any further acts of family violence against the victim.

11. Publication of the name and address of the victim is prohibited.

12. Other: .....

This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

Justice of the Peace or designated person Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by .....  
Supreme Court Judge  
(date) .....

PART 2 (Respondent's Copy)

PART 3 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated  
justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme  
Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE  
ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND  
REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL  
BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD  
ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER  
OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER  
may be an offence. Upon receipt of this ORDER, you have the right to apply to the  
Supreme Court at ..... to either set aside or vary this ORDER. You have the  
right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A  
LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection  
pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....

2. A peace officer shall remove the respondent from the following residence  
.....immediately ..... OR ..... on or before .....

3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....

4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....

The respondent may have contact with .....on the following  
terms:

.....  
.....

- 5. The respondent shall not attend at any of the following places: .....
  - 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded  
to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

Justice of the Peace or designated person Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by .....  
Supreme Court Judge  
(date) .....

PART 3 - (Victim's Copy)

PART 4 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at ..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
- 2. A peace officer shall remove the respondent from the following residence  
.....immediately ..... OR ..... on or before .....
- 3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....
- 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....  
The respondent may have contact with .....on the following  
terms:  
.....  
.....
- 5. The respondent shall not attend at any of the following places: .....



- 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or utilities as defined in the *Victims of Family Violence Act* and in particular the following property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

Justice of the Peace or designated person Justice of the Peace Number

.... Confirmed .... Varied or ....Rehearing ordered by .....  
Supreme Court Judge  
(date) .....

PART 4 - (Peace Officer's Copy - Affidavit of Service on Reverse)

Reverse of PART 4 -

**AFFIDAVIT OF SERVICE**

I, ..... of .....  
(full name) (place)

MAKE OATH AND SAY (or AFFIRM):  
(*Personal service*)

1. THAT on ....., at....., I served ..... with this  
(date) (time) (identity of person served)  
EMERGENCY PROTECTION ORDER by leaving a true copy with him/her at .....  
.....  
(address where service was made)

2. THAT I determined the identity of the person by means of .....

OR  
(*Substituted service*)

1. THAT I served ..... with this EMERGENCY PROTECTION ORDER  
(identity of person served)  
by serving a true copy on....., at ....., with a person ..... who  
(date) (time) (name)  
appeared to be an adult:  
..... (a) with whom the respondent is residing;  
..... (b) who is a member of the respondent's family; or  
..... (c) who is able to bring the order to the respondent's attention.

2. THAT I ascertained that .....was an adult by  
(name)  
means of .....

Sworn (or Affirmed) before me at )  
..... in the county of ..... , )  
Province of Prince Edward Island, on )  
..... )  
(date) )  
)  
)  
..... )  
Commissioner for Taking Affidavits ) Signature

**SCHEDULE B**

**SCHEDULE 13**

(Subsection 6(2), 6(7); or 10(1) of the *Victims of Family Violence Act*)

**ORDER FOR CONFIRMATION, REVOCATION, VARIATION OR TERMINATION**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

UPON REVIEW/REHEARING of an EMERGENCY PROTECTION ORDER dated  
.....  
(month) (day) (year)  
made by Justice of the Peace # .....

IT IS HEREBY ORDERED that the said Order be:  
.....confirmed  
.....revoked  
.....terminated; OR  
.....varied/changed as follows:

Dated at ....., Prince Edward Island on.....  
(month) (day) (year)

.....  
Supreme Court Judge

**SCHEDULE C**

**SCHEDULE 14**

(Clause 6(4)(d) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE APPLICANT**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN .....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

The Supreme Court has ordered a review/rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on .....  
(month) (day) (year)

You, ....., are required to attend the review/rehearing before a judge  
(Name of Applicant)

of the Supreme Court at:.....  
(Address of Courthouse)

on ..... a.m./p.m.  
(month) (day) (year) (time)

Pursuant to subsection 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the review/rehearing.

Pursuant to subsection 6(7) of the *Act*, at the review/rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at ..... Prince Edward Island, on .....  
(month) (day) (year)

.....  
Signature of Registrar

**SCHEDULE D**

**SCHEDULE 15**

(Subsection 6(9) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE VICTIM**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....  
BETWEEN..... Victim  
(name)  
and ..... Respondent  
(name) (date of birth)  
.....  
(address)

The Supreme Court has ordered a review/rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on .....  
(month) (day) (year)

You, ....., are required to attend the review/rehearing before a judge  
(Name of Victim)  
of the Supreme Court at:.....  
(Address of Courthouse)  
on ..... a.m./p.m.  
(month) (day) (year) (time)

Pursuant to subsection 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the review/rehearing.

Pursuant to subsection 6(7) of the *Act*, at the review/rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at....., Prince Edward Island, on.....  
(month) (day) (year)

.....  
Supreme Court Judge

**SCHEDULE E**

**SCHEDULE 16**

**VICTIM ASSISTANCE ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....  
BETWEEN..... Victim  
(name)  
and ..... Respondent  
(name) (date of birth)  
.....  
(address)

UPON THE APPLICATION OF ..... for a Victim Assistance Order,  
AND UPON REVIEWING the documents filed,  
AND UPON CONSIDERING the evidence given at the hearing,  
AND UPON HEARING submissions on behalf of the parties,  
AND UPON FINDING that family violence has occurred,

IT IS ORDERED that a Victim Assistance Order shall be issued under section 7 of the *Victims of Family Violence Act* containing the following terms:

I DO ORDER THAT  
(Judge's initials)

- \_\_\_ 1. .... is granted exclusive occupation of the following residence:.....from (date) .....until (date).....
- \_\_\_ 2. A peace officer shall remove the respondent from the following residence ..... immediately OR on or before .....
- \_\_\_ 3. A peace officer shall accompany ..... to the residence to supervise the removal of personal belongings on or before .....
- \_\_\_ 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by mail or otherwise with ..... or .....  
The respondent may have contact with .....on the following terms:  
.....
- \_\_\_ 5. The respondent shall not attend at the following places: .....
- \_\_\_ 6. ....Temporary care and custody or .....day-to-day care of

the following ..... child(ren):.....  
.....is awarded to .....

\_\_\_7. Temporary possession of the following personal property .....

..... is awarded to .....

\_\_\_8. The respondent shall not take, convert, damage, or otherwise deal with property or utilities as defined in the *Victims of Family Violence Act* and in particular the following property: .....

\_\_\_9. The respondent shall make the rent or mortgage payments arising in respect of the residence.

\_\_\_10. The respondent shall not commit any further acts of family violence against the victim.

\_\_\_11. Publication of the name and address of the victim is prohibited.

\_\_\_12. The respondent shall have reasonable access to the children, namely: .....  
..... on the following terms .....

\_\_\_13. Other: (e.g. financial support, compensation, counselling/treatment, etc.)  
.....  
.....

THIS ORDER is effective immediately and remains in force until otherwise ordered by a court.

Dated this..... day of .....  
(day) (month) (year)

.....  
Supreme Court Judge

(where on consent)  
CONSENTED TO AS TO FORM  
AND SUBSTANCE:

CONSENTED TO AS TO  
FORM AND SUBSTANCE:

.....  
Solicitor for the Applicant

.....  
Solicitor for the Respondent

**EXPLANATORY NOTES**

**SECTION 1** corrects a reference to a clause in the Act that has been repealed.

**SECTION 2** clarifies that an application for an emergency protection order must be made in person, except where an application is made by a designated person.

**SECTION 3** corrects a reference to a clause in the Act that has been repealed.

**SECTION 4** corrects a reference to a section in the Act that has been repealed.

**SECTIONS 5-9** amend Schedules 1 and 13 to 16 to the regulations, which incorporate recent revisions to the Act that require the respondent to make rent or mortgage payments arising in respect of the residence, and that restrain the respondent from terminating the basic services of utilities servicing the residence. The Schedules also include new information regarding the date of birth of the respondent for identification purposes.

**SECTION 10** provides for the commencement of these regulations.