

EC2004-355

**FATHERS OF CONFEDERATION BUILDINGS ACT
FATHERS OF CONFEDERATION BUILDINGS TRUST
APPOINTMENTS**

Pursuant to subsection 3(2) of the *Fathers of Confederation Buildings Act* R.S.P.E.I. 1988, Cap. F-6 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Susan Fitzpatrick Montreal, Quebec (vice William Ferguson, term expired)	30 June 2004 to 30 June 2007
Bernard Imbeault Moncton, New Brunswick	30 June 2004 to 30 June 2007
Claude Metras Sherbrooke, Quebec (vice Hon. Francis Fox, term expired)	30 June 2004 to 30 June 2007
Hon. Erik Nielsen Whitehorse, Yukon (vice Ted Richard, term expired)	30 June 2004 to 30 June 2007
Janis Sobey-Hames New Glasgow, Nova Scotia (vice Rob Sobey, term expired)	30 June 2004 to 30 June 2007

EC2004-356

**DESIGNATION OF PROVINCIAL PARKS
BRUDENELL PROVINCIAL PARK
(TO AMEND)**

Council, having under consideration Order-in-Council No. 369/67 of 15 March 1967 respecting the designation of Brudenell Park as a Provincial Park pursuant to section 3 of the *Provincial Parks Act* (repealed and superseded by the *Recreation Development Act*, Stats. P.E.I. 1969, c. 45) amended the said Order, by removing the designation as provincial park property from approximately twenty-two decimal nine one (22.91) acres of land at Roseneath, Lot 53, Kings County such as more particularly described in the following legal description, also attached as Schedule "A" to a deed of conveyance of the said twenty-two decimal nine one (22.91) acres of land from the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, to Prince Edward Island Business Development Inc.:

ALL THAT PARCEL OF LAND, situate, lying and being at Roseneath, in Lot or Township Number 53, in Kings County, Province of Prince Edward Island, being bounded and described as follows, that is to say:

COMMENCING at a point designated as legal survey marker number 937 as the same is shown on a plan of survey entitled "Plan of Survey Showing Parcel 01-1 & Right of Way R-1 at Roseneath" as prepared by the Prince Edward Island Department of Transportation and Public Works and being certified by Serge J.

Bernard P.Eng., N.B.L.S. and P.E.I.L.S. on June 30, 2004 as file no. 3075, said legal survey marker having coordinates, Easting 330965.341 and Northing 184048.820;

THENCE on an azimuth of 72° 20' 44" for the distance of 136.678 metres to legal survey marker no. 487;

THENCE on an azimuth of 161° 24' 51" for the distance of 320.962 metres to legal survey marker no. 938;

THENCE continuing on an azimuth of 161° 24' 51" for the distance of 4 metres, a little more or less, or to the top of the bank of the Brudenell River;

THENCE in a Westerly direction along the various courses of the top of the bank of the Brudenell River for the distance of 360 metres, a little more or less, or to a point situate approximately 4 metres on an azimuth of 161° 51' 39" from legal survey marker no. 921 on said plan;

THENCE on an azimuth of 341° 51' 39" for the distance of 4 metres, a little more or less, or to legal survey marker no. 921;

THENCE continuing on an azimuth of 341° 51' 39" for the distance of 138.793 metres to legal survey marker no. 922;

THENCE on an azimuth of 71° 51' 39" for the distance of 10.000 metres to legal survey marker no. 923;

THENCE on an azimuth of 341° 51' 39" for the distance of 93.000 metres to legal survey marker no. 924;

THENCE on an azimuth of 71° 51' 39" for the distance of 64.000 metres to legal survey marker no. 925;

THENCE on an azimuth of 341° 51' 39" for the distance of 10.000 metres to legal survey marker no. 933;

THENCE on an azimuth of 71° 51' 39" for the distance of 137.845 metres to legal survey marker no. 936;

THENCE on an azimuth of 340° 20' 02" for the distance of 18.034 metres to legal survey marker no. 937 on said plan being the point at the place of commencement.

BEING and intended to be **Parcel 01-1** as shown on the aforementioned plan and having an area of 9.27 hectares (22.91 acres) of land, a little more or less.

AZIMUTHS and coordinates being referenced to the Prince Edward Island NAD27 Coordinate System, distances and coordinates being expressed in metres.

EC2004-357

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROVINCIALY OWNED LAND
AT ROSENEATH, KINGS COUNTY
EXEMPTION FROM
IDENTIFICATION FOR NON-DEVELOPMENT USE

Pursuant to section 21 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council determined that upon transfer to Prince Edward Island Business Development Inc., land located at Roseneath in Lot 53, Kings County, Prince Edward Island, totalling approximately twenty-two decimal nine one (22.91) acres and currently owned by the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, NOT be identified for non-development use under the Land Identification Program established by the *Prince Edward Island Lands Protection Act* Land Identification Regulations (EC606/95).

A copy of the legal description of the said land is attached to the file copy of this Order in the Office of the Clerk of the Executive Council.

EC2004-358

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
CHING BROTHERS INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2002-309 of 18 June 2002, rescinded the said Order forthwith, thus rescinding permission for Ching Brothers Inc. of Kingsboro, Prince Edward Island to acquire by lease, an interest in up to five hundred and thirty seven decimal four (537.4) acres of land.

EC2004-359

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
CHING BROTHERS 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 Ching Brothers Inc. of Kingsboro, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to seven hundred (700) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Ching Brothers 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.

EC2004-360

PROVINCIAL COURT ACT
JUSTICE OF THE PEACE
APPOINTMENT

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Kara O'Brien of Summerside in Prince County, Prince Edward Island, as a Justice of the Peace in and for the Counties of Prince, Queens and Kings in the Province of Prince Edward Island from 29 June 2004 to 29 September 2004.

Further, Council ordered that should the said Kara O'Brien cease to be employed by the Province of Prince Edward Island as an employee of the Provincial Court in Summerside, her appointment as a Justice of the Peace shall terminate coincident with the date her employment with the Provincial Court terminates.

EC2004-361

SOCIAL ASSISTANCE ACT
ESTABLISHED RATES OF FINANCIAL ASSISTANCE
(APPROVED)

Under authority of section 4.1 of the *Social Assistance Act*, R.S.P.E.I. 1988, Cap. S-4.3, Council approved an increase in the established rate for a healthy child allowance from \$55.00 to \$59.00 per child per month, effective August 1, 2004.

EC2004-362

PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT

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

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 27:

28. (1) Subject to subsection (2), the following properties being acquired by J. D. Irving Limited, from M. F. Schurman Company, Limited and its related companies, located in various parts of the province as indicated and totalling approximately 101.89 acres, are exempt from the application of section 5 of the Act:

J. D. Irving Limited

- (a) property at Alberton, in Lot 4, approximately 0.70 acres, having Provincial Property Number 489484;
- (b) property at Alberton, in Lot 4, approximately 1.01 acres, having Provincial Property Number 628867;
- (c) property at Alberton, in Lot 4, approximately 2.90 acres, having Provincial Property Number 638916;
- (d) property at Brooklyn, in Lot 61, approximately 26.7 acres, having Provincial Property Number 244129;
- (e) property at Charlottetown, in Lot 70, approximately 4.08 acres, having Provincial Property Number 279257;
- (f) property at Charlottetown, in Lot 70, approximately 0.60 acres, having Provincial Property Number 364802;
- (g) property at Charlottetown, in Lot 70, approximately 0.39 acres, having Provincial Property Number 364810;
- (h) property at Charlottetown, in Lot 70, approximately 2.10 acres, having Provincial Property Number 364992;
- (i) property at Charlottetown, in Lot 75, approximately 5.60 acres, having Provincial Property Number 390773;
- (j) property at Charlottetown, in Lot 75, approximately 1.40 acres, having Provincial Property Number 441147;
- (k) property at Charlottetown, in Lot 75, approximately 1.21 acres, having Provincial Property Number 452375;
- (l) property at Charlottetown, in Lot 74, approximately 1.89 acres, having Provincial Property Number 557355;
- (m) property at Kensington, in Lot 19, approximately 1.37 acres, having Provincial Property Number 77958;
- (n) property at Kensington, in Lot 19, approximately 0.12 acres, having Provincial Property Number 79889;
- (o) property at Kensington, in Lot 19, approximately 0.30 acres, having Provincial Property Number 87049;
- (p) property at Montague, in Lot 52, approximately 0.20 acres, having Provincial Property Number 199521;
- (q) property at Montague, in Lot 52, approximately 1.549 acres, having Provincial Property Number 199539;
- (r) property at Morell, in Lot 40, approximately 2.61 acres, having Provincial Property Number 799411;
- (s) property at Stratford, in Lot 48, approximately 22.44 acres, having Provincial Property Number 589184;
- (t) property at Summerside, in Lot 17, approximately 3.34 acres, having Provincial Property Number 308627;
- (u) property at Summerside, in Lot 17, approximately 0.76 acres, having Provincial Property Number 308635;
- (v) property at Summerside, in Lot 17, approximately 0.33 acres, having Provincial Property Number 309591;
- (w) property at Summerside, in Lot 17, approximately 0.30 acres, having Provincial Property Number 313569;
- (x) property at Summerside, in Lot 17, approximately 3.775 acres, having Provincial Property Number 313601;
- (y) property at Summerside, in Lot 17, approximately 0.13 acres, having Provincial Property Number 314765;
- (z) property at Summerside, in Lot 17, approximately 0.10 acres, having Provincial Property Number 314773;
- (aa) property at Summerside, in Lot 17, approximately 0.10 acres, having Provincial Property Number 314781;
- (bb) property at Summerside, in Lot 17, approximately 0.14 acres, having Provincial Property Number 314799;
- (cc) property at Summerside, in Lot 17, approximately 15.67 acres, having Provincial Property Number 319137;

(dd) property at Summerside, in Lot 17, approximately 0.07 acres, having Provincial Property Number 789537.

(2) The exemptions granted in subsection (1) are subject to the condition that the property at Brooklyn described in clause (1)(d) shall not be subdivided by the purchaser or any successor in title. Condition of approval

2. These regulations come into force on July 10, 2004.

EXPLANATORY NOTES

These amendments to the regulations exempt the properties listed from section 5 of the *Prince Edward Island Lands Protection Act* subject to the condition shown.

EC2004-363

PRINCE EDWARD ISLAND LANDS PROTECTION ACT STATEMENT OF REASONS FOR AN EXEMPTION IN RESPECT OF THE ACQUISITION OF LAND BY J.D. IRVING LIMITED

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly:

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

The exemption from the application of section 5 of the Act was granted in respect of the transfer of lands totalling approximately 102 acres located in:

Alberton - Lot 4, #628867, #638916, #489484

Brooklyn - Lot 61, #244129

Charlottetown - Lot 70, #364992, #279257, #364802, #364810;
Lot 74, #557355; Lot 75, #452375, #390773, #441147

Kensington - Lot 19, #87049, #77958, #79889

Montague - Lot 52, #199521, #199539

Morell - Lot 40, #799411

Stratford - Lot 48, #589184

Summerside - Lot 17, #313601, #319137, #308627, #308635, #309591,
#313569, #789537, #314799, #314781, #314773, #314765

2. Reasons for the exemption:

The exemption was granted to enable J.D. Irving Limited to acquire M.F. Schurman Limited and its related companies. Approval of the acquisition was based on a number of factors, namely:

- a) the exemption will enable this complex business and land transaction to be completed within the time frame established by the parties involved;
- b) the intention of J.D. Irving Limited to ensure the continued viability and employment associated with the businesses being acquired;
- c) the commitment of J.D. Irving Limited to identify an amount of land in Prince Edward Island equivalent to the acreage being acquired through purchase of M.F. Schurman Limited and its related companies, to use this land in an offset arrangement, the result of which would be no net increase to Irving corporations' aggregate land holdings in the Province.

The exemption was granted by way of an amendment to the *Prince Edward Island Lands Protection Act Exemption Regulations*, issued as Order-in-Council EC2004-362 on the 29th day of June 2004, a copy of which is attached to this statement.