

EC2005-93**FINANCIAL ADMINISTRATION ACT
SUMMERSIDE REGIONAL DEVELOPMENT CORPORATION
GUARANTEE OF LOAN**

Having under consideration the recommendation of Treasury Board (reference Minute TB#324/04 of 16 February 2005), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of the indebtedness of Summerside Regional Development Corporation (hereinafter referred to as "the borrower") to the Toronto Dominion Bank at Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 22nd day of February, 2005 through to the 28th day of February 2006, in an amount not exceeding three million dollars (\$3,000,000.00) being the Toronto Dominion Bank Credit Facility #6 referred to in a Loan Agreement dated July 23, 2002 (hereinafter referred to as the "guaranteed indebtedness") and interest or stamping fees thereon. At the borrower's option, the guaranteed indebtedness may be drawn by way of a demand loan, with interest thereon at the Toronto-Dominion Bank Prime Rate, or by way of Bankers Acceptances with a stamping fee of 0.50% per annum. The said guarantee is to be subject to and conditional upon the following terms and conditions:

1. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 28th day of February 2006 regardless of any advances that may have been made by the lender to the borrower unless on or before the 28th day of February 2006, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
2. Any advances made by the lender after the 28th day of February 2006 shall not form part of the guaranteed indebtedness.
3. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
4. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.

5. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 4 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2005-94

LAND SURVEYORS ACT DECLARATION RE

Under authority of section 23 of the *Land Surveyors Act* Stats. P.E.I. 2001, 3rd Session, c. 10 Council ordered that a Proclamation do issue proclaiming the said "*Land Surveyors Act*" to come into force effective 5 March 2005.

EC2005-95

LAND SURVEYORS ACT ADMISSION TO MEMBERSHIP REGULATIONS

Pursuant to section 6 of the *Land Surveyors Act* S.P.E.I. 2001, c.10, the Board, with the approval of the Lieutenant Governor in Council, made the following regulations:

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| 1. In these regulations | Definitions |
| (a) "Act" means the <i>Land Surveyors Act</i> S.P.E.I. 2001, c.10; | Act |
| (b) "Atlantic Board" means the Atlantic Provinces Board of Examiners for Land Surveyors as presently constituted or its successors; | Atlantic Board |
| (c) "Board" means the Board of Examiners continued under section 6 of the Act; | Board |
| (d) "certificate of completion" means the certificate of completion issued by the Atlantic Board under subsection 6(4); | certificate of completion |
| (e) "Land Surveyors Association" means the Association of Land Surveyors within a province or territory in Canada that has the authority to issue a provincial or territorial land surveyors license to a land surveyor. | Land Surveyors Association |
| (f) "surveyor-in-training" means a person who is registered as a surveyor-in-training under section 5. | surveyor-in-training |
| 2. (1) A person who wishes to apply for a certificate of qualification issued by the Board under section 8 of the Act shall | Qualifications of candidates |
| (a) make an application to the Board on the prescribed form; | |
| (b) supply any documentary evidence of educational and competency qualifications the Board may require; and | |
| (c) pay the fees set out in the bylaws made by the Board under clause 6(9)(a) of the Act. | |
| (2) On receipt of an application for a certificate of qualification, the Board shall | Considerations by the Board |
| (a) consider the application; | |
| (b) advise the candidate on which examinations must be written and successfully completed; | |
| (c) where applicable, register the candidate as a surveyor-in-training and specify the scope of articling to be completed; and | |
| (d) specify the type of professional practice projects to be completed by the candidate. | |

- 3.** (1) The educational requirements prescribed for the purposes of clause 8(1)(b) of the Act are as follows: Educational and competency qualifications
- (a) the holding of a certificate of completion;
 - (b) the successful completion of such examinations, as may be prescribed by the Board, including examinations in professional practice and survey law and laws relating to land surveying in the province;
 - (c) if the candidate is not exempt from the requirements of clause 8(1)(c) of the Act,
 - (i) the completion of a period of 12 months as a surveyor-in-training under the direct supervision of a land surveyor, and
 - (ii) the submission of an affidavit acceptable to the Board, sworn to and signed by both the candidate and the candidate's supervising land surveyor, confirming the successful completion of the areas of training covered as directed by the Board under section 5;
 - (d) either
 - (i) the holding of a Bachelor's degree in a survey program, acceptable to the Board, from a recognized university, or
 - (ii) the successful completion of any other examinations equivalent to a Bachelor's degree, as prescribed by the Atlantic Board.
- (2) For greater certainty, a person who applies for a certificate of qualification as a land surveyor is exempt from the requirements of clause 8(1)(c) of the Act if the person holds a valid land surveyors license from another province or territory in Canada. Exemption
- 4.** Notwithstanding subsection 3(2), where a candidate for a certificate of qualification as a land surveyor holds a valid land surveyors license issued by a Land Surveyors Association or equivalent body of another province or territory in Canada, the candidate shall Educational and competency qualifications - out of province
- (a) meet the equivalent educational requirements of subclause 3(1)(d)(i) to the satisfaction of the Board; or
 - (b) meet the equivalent competency qualification to the satisfaction of the Board and comply with the requirements of clause 3(1)(b).
- 5.** (1) A person who is not exempt from clause 8(1)(c) of the Act may apply for registration as a surveyor-in-training by completing an application on the prescribed form. Surveyor-in-training
- (2) On application, the Board may register a person as a surveyor-in-training and may, when doing so, require the surveyor-in-training to complete the areas of study specified by the Board for the purposes of clause 3(1)(c). *Idem*
- 6.** (1) The Board may delegate to the Atlantic Board Delegation to the Atlantic Board
- (a) the establishment of a curriculum;
 - (b) the setting, supervision and marking of examinations; and
 - (c) the registration of candidates seeking certificates from the Board.
- (2) The Board may appoint from among its members persons to serve on the Atlantic Board. Appointment to the Board
- (3) The Registrar of the Atlantic Board may evaluate a candidate's academic record and notify the candidate on behalf of the Board respecting Evaluation and notification
- (a) the examinations to be written and successfully completed; and
 - (b) the examinations that have been credited to a candidate based on the candidate's academic record.
- (4) The Registrar of the Atlantic Board shall issue a certificate of completion to a candidate who has met the Atlantic Board's requirements. Certificate of completion

(5) The certificate of completion issued under subsection (4) is evidence that all examinations delegated to the Atlantic Board have been either

Certificate of completion as evidence

- (a) written and successfully completed by the candidate; or
- (b) credited to the candidate based on the candidate's academic record.

7. These regulations come into force on March 5, 2005.

Commencement

EXPLANATORY NOTES

SECTION 1 defines terms used in the regulations.

SECTION 2 provides a mechanism for candidates to apply to become land surveyors.

SECTION 3 prescribes the necessary educational requirements for the purposes of clause 8(1)(b) of the Act, which include completion of a period of articling for 12 months as a surveyor-in-training and submitting an affidavit acceptable to the Board.

SECTION 4 prescribes the educational and competency qualifications for out-of-province land surveyors who wish to become land surveyors in the province.

SECTION 5 outlines the procedure for a candidate to apply for registration as a surveyor-in-training.

SECTION 6 provides for the powers and duties the Board may delegate to the Atlantic Board.

SECTION 7 provides for the commencement of these regulations.

EC2005-96

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 331298, LOT 58, 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-one (41) acres of land, being Provincial Property No. 331298 located in Lot 58, Queens County, Prince Edward Island and currently owned by MacPherson Brothers Elite Seed Farms Inc. of Belle River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately twelve (12) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the new parcel as well as to the remaining land.

This Order-in-Council comes into force on 22 February 2005.

EC2005-97

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 325431, LOT 60, 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately sixty (60) acres of land, being Provincial Property No. 325431 located in Lot 60, Queens County, Prince Edward Island and currently owned by MacPherson Brothers Elite Seed Farms Inc. of Belle River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately seven (7) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the new parcel as well as to the remaining land.

This Order-in-Council comes into force on 22 February 2005.

EC2005-98

PUBLIC DEPARTMENTS ACT
ACTING MINISTERS
APPOINTMENTS

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

Honourable Jamie Ballem to be Acting Minister of Health and Social Services commencing on the 25th day of February 2005 and continuing for the duration of the absence from the Province of Honourable Chester Gillan.

EC2005-99

UNIVERSITY ACT
UNIVERSITY OF PRINCE EDWARD ISLAND
LEASE OF PROPERTY
TO
NATIONAL RESEARCH COUNCIL
APPROVED

Pursuant to clause 14(1)(i) of the *University Act* R.S.P.E.I. 1988, Cap. U-4, Council authorized the University of Prince Edward Island to enter into a long-term lease agreement with the National Research Council for lease of the building and lands of the Institute of Nutrisciences and Health for a period of 40 years in accordance with the terms and conditions of the lease agreement.

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any
wise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 23 of Chapter 10 of the Acts passed by the
Legislature of Prince Edward Island in the 3rd Session thereof held in the year
2001 and in the fiftieth year of Our Reign intituled "Land Surveyors Act" it is
enacted as follows:

“This Act comes into force on a date to be fixed by proclamation of the
Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2001,
3rd Session, c.10 should come into force on the 5th day of March, 2005,

NOW KNOW YE that We, by and with the advice and consent of our
Executive Council for Prince Edward Island, do by this Our Proclamation
ORDER AND DECLARE that the said Act being the "Land Surveyors Act"
passed in the fiftieth year of Our Reign shall come into force on the fifth day of
March, two thousand and five of which all persons concerned are to take notice
and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made
Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the
Province of Prince Edward Island, at Charlottetown this twenty-second day of
February in the year of Our Lord two thousand and five and in the fifty-fourth
year of Our Reign.

By Command,

Clerk of the Executive Council