

**EC2005-325**

CREDIT UNIONS ACT  
CREDIT UNION DEPOSIT INSURANCE CORPORATION  
BOARD OF DIRECTORS  
APPOINTMENT

Pursuant to clause 162(1)(a) of the *Credit Unions Act* R.S.P.E.I. 1988, Cap. C-29.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Doug Clow Stratford (vice William Harper, retired)	14 June 2005 at pleasure

**EC2005-326**

ENVIRONMENTAL PROTECTION ACT  
WATER QUALITY CERTIFICATION REGULATIONS  
REVOCATION

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

1. The *Environmental Protection Act* Water Quality Certification Regulations (EC583/95) are revoked.
2. These regulations come into force on August 31, 2005.

**EXPLANATORY NOTES**

The amendment revokes the Water Quality Certification Regulations on August 31, 2005.

**EC2005-327**

GASOLINE TAX ACT  
REGULATIONS  
AMENDMENT

Pursuant to section 9 of the *Gasoline Tax Act* R.S.P.E.I. 1988, Cap. G-3, Council made the following regulations:

1. Section 4 of the *Gasoline Tax Act Regulations* (EC283/72) is amended by the addition of the following after subsection (2):

(2.1) For greater certainty, the Minister may issue a Marked Gasoline Permit, under this section, to the owner or operator of a boat that is used as a pleasure craft for the purpose of enabling the owner or operator to obtain fuel where unmarked gasoline is not available.

Marked Gasoline  
Permit — special  
use

2. Section 15 of the regulations is amended by the addition of the following after subsection (1):

(1.1) Notwithstanding anything to the contrary in these regulations, a person who holds a Marked Gasoline Permit that is issued in the circumstances and for the purpose referred to in subsection 4(2.1) is not exempt from the requirements, in subsections 2(1) and (2), to pay the tax in respect of the purchase or consumption of marked gasoline.

Tax payable for  
marked gas used in  
pleasure craft

**3. Section 27 of the regulations is amended by the addition of the following after subsection (2):**

(2.1) For greater certainty, the Minister may issue a Marked Diesel Oil Permit, under this section, to the owner or operator of a boat that is used as a pleasure craft for the purpose of enabling the owner or operator to obtain fuel where unmarked diesel oil is not available.

Marked Diesel Oil  
Permit — special  
use

**4. These regulations come into force on July 2, 2005.**

**EXPLANATORY NOTES**

At various places and ports, unmarked gas or diesel oil is not obtainable by the owners or operators of pleasure craft. These amendments will allow these persons to obtain marked gas or marked diesel oil permits so that they can purchase marked gas or marked diesel oil. However, the owners of pleasure craft who are issued such permits will, unlike other persons who hold these permits, be liable to pay the tax as if the gas or diesel oil purchased were unmarked gas or diesel oil.

**EC2005-328**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
RON MCANDREW AND NORMA MCANDREW  
(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 Ron McAndrew and Norma McAndrew, both of Baton Rouge, Louisiana to acquire a land holding of approximately twenty (20) acres of land in Lot 58, Queens County, Province of Prince Edward Island, being acquired from Graham Gillis and Sandra Gillis, both of Point Prim, Prince Edward Island.

Further, Council noted that the said land holding, being part of Provincial Property No. 911313, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2005-329**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ATLANTIC AGRITECH INC.  
(TO RESCIND)

Council, having under consideration Order-in-Council EC2005-227 of 26 April 2005, rescinded the said Order forthwith, thus rescinding permission for Atlantic AgriTech Inc. to acquire a land holding of approximately fifty (50) acres in Lot 23, Queens County, from Stephen M. Howatt of New Glasgow, Prince Edward Island.

**EC2005-330**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ATLANTIC AGRITECH 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 Atlantic AgriTech Inc. of New Glasgow, Prince Edward Island to acquire a land holding of approximately fifty (50) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Stephen M. Howatt of Hunter River, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Atlantic AgriTech Inc. and on all successors in title.

**EC2005-331**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
EASTERN QUEENS GRASSLANDS  
CO-OPERATIVE ASSOCIATION LIMITED  
(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 Eastern Queens Grasslands Co-operative Association Limited of Vernon Bridge, Prince Edward Island to acquire a land holding of approximately five hundred and seventy-nine decimal three (579.3) acres of land in Lot 57, Queens County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, SUBJECT TO THE FOLLOWING CONDITIONS:

1. that the said Eastern Queens Grasslands Co-operative Association Limited
  - (a) enters into Management Agreements with the Department of Agriculture, Fisheries and Aquaculture and the Department of Environment, Energy and Forestry
    - (i) including an acceptable Environmental Farm Plan and an acceptable Forestry Management Plan;
    - (ii) acknowledging an understanding of, and intention to comply with, all relevant provisions of the *Environmental Protection Act* and the *Farm Practices Act*, and to adopt practices developed or recommended by the Farm Practices Review Board;
    - (iii) clearly identifying, and acknowledging acceptance of, the responsibilities and liability of ownership (including the acquisition of liability insurance and the payment of all property taxes);

- (iv) granting authorization for the designation under the Significant Environmental Areas Program and the *Natural Areas Protection Act* of any woodland or wetland considered to be environmentally sensitive;
- (v) limiting wood harvesting to minimal, selective cutting authorized by Eastern Queens Grasslands Co-operative Association Limited's Board for specific uses related to the enhancement of the property, i.e. provision of fencing materials, sale of timber to generate revenue to be reinvested in the land;
- (vi) permitting short term sub-leasing of portions of the community pasture for the purpose of regenerating or enhancing the quality of the land;
- (vii) quarantining with respect to potato cultivation, any property infested by nematodes;
- (viii) granting public access for angling and hunting where such access has been granted in the past by tradition or practice or as a condition of Eastern Queens Grasslands Co-operative Association Limited's use arrangement with government;
- (ix) granting access to an official of the Department of Agriculture, Fisheries and Aquaculture who shall be designated to inspect the land and monitor its use and care; and
- (x) acknowledging that the land shall revert to government ownership if any of the terms of the agreement are violated or neglected, if the spirit of the agreement is not honoured or if Eastern Queens Grasslands Co-operative Association Limited ceases to exist or fails to operate in a manner consistent with its objectives.

(b) submits Annual Reports, including work plans and financial reports, to the Department of Agriculture, Fisheries and Aquaculture (Agriculture Division).

2. that the Deed of Conveyance grants government the first option to purchase the lands conveyed (or portions thereof) for \$1.00 should Eastern Queens Grasslands Co-operative Association Limited wish to dispose of the land.

Further, Council noted that the said land holding shall, at the time of acquisition, be identified for non-development use pursuant to section 21 of the said Act.

### **EC2005-332**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GF HOLDINGS 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 GF Holdings Inc. of Montague, Prince Edward Island to acquire a land holding of approximately twelve decimal four nine (12.49) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from Garth Ferguson of Montague, Prince Edward Island.

**EC2005-333**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LABEL CONSTRUCTION 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 Label Construction Ltd. of Winsloe, Prince Edward Island to acquire a land holding of approximately one hundred and three decimal six seven (103.67) acres of land in Lot 35, Queens County, Province of Prince Edward Island, being acquired from Morris MacDonald of Little York, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Label Construction Ltd. and on all successors in title.

**EC2005-334**

PETROLEUM PRODUCTS ACT  
PERMIT TO STORE MOTOR FUELS  
IN ABOVE-GROUND TANKS  
TIGNISH CO-OPERATIVE ASSOCIATION, LIMITED

Pursuant to section 21.1 of the *Petroleum Products Act* Council authorized Tignish Co-operative Association, Limited to store motor fuels in above-ground tanks at its retail outlet at 285 Mall Street, Tignish, Prince Edward Island effective 27 July 2005 for a period of up to four months, provided that the above-ground tanks meet requirements of the *Environmental Protection Act* Petroleum Storage Tanks Regulations (EC322/01).

**EC2005-335**

**REAL PROPERTY TAX ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 43 of the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, Council made the following regulations:

**1. Section 24.1 of the *Real Property Tax Act* Regulations (EC512/72) is amended**

**(a) by renumbering section 24.1 as subsection 24.1(1); and**

**(b) by the addition of the following after subsection 24.1(1):**

(2) Notwithstanding subsection (1), where a person is eligible under section 5.1 of the Act to receive a tax credit in respect of a residential property for a calendar year, and the residential property is located in the City of Charlottetown, the amount of the tax credit is the amount determined by the formula

$$(A-B) \times (C/D) \times E/100$$

where

A is the assessed value of the residential property for the calendar year for which the credit is calculated;

B is the sum of

(a) the value obtained by adjusting the assessed value of the residential property as of December 31, 2004 with the annual percentage increase in the All-Items Consumer Price Index for Prince Edward Island for the calendar year 2004 and for every

Tax credit,  
residential property,  
City of  
Charlottetown

- subsequent calendar year until the calendar year immediately preceding the calendar year for which the credit is calculated; and
- (b) the value obtained by adjusting the assessed value of any improvements made to the residential property after December 31, 2004 with the percentage increase in the All-Items Consumer Price Index for Prince Edward Island for every calendar year after the calendar year in which the improvement was made until the calendar year immediately preceding the calendar year for which the credit is calculated;
- C is the number of days during the calendar year for which the credit is calculated that the residential property was owned by the person;
- D is the number of days in the calendar year for which the credit is calculated; and
- E is the municipal non-commercial tax rate per \$100 of assessment.

**2. These regulations are deemed to have come into force on January 1, 2005.**

#### EXPLANATORY NOTES

**SECTION 1** establishes a formula for determining a municipal tax credit on residential property in the City of Charlottetown.

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

#### EC2005-336

#### REVENUE TAX ACT REGULATIONS AMENDMENT

Pursuant to subsections 57(1) and(2) of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

**1. The *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14 Regulations (EC262/60) are amended by the revocation of clause 1(1)(e) and the substitution of the following:**

(e) “classroom supplies” means the following goods when sold to students, the parents or tutors of students, or teachers, for use by a student attending an approved educational institution:

clipboards	construction paper
crayons	drawing books
drawing instruments	drawing paper
duotangs	erasers
foolscap	glue sticks
graph paper	highlighters
ink	looseleaf paper
marker pens	music manuscript paper
paste	pencil cases/boxes
pencils	pens
pocket calculators	ring binders
rulers	scissors
scrapbooks	scribblers
sketch books	workbooks

**2. These regulations come into force on July 2, 2005.**

#### EXPLANATORY NOTES

This regulation will add teachers to the list of those individuals who may purchase classroom supplies for use by students exempt of revenue tax (PST). It also adds a number of items to the list of goods that may be purchased exempt of revenue tax (PST), and it removes bookbags from the exemption list.

#### EC2005-337

**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:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Patricia McCardle Charlottetown (reappointed)	19 March 2005 to 19 March 2006

Further, pursuant to subsection 5(2) of the Act, Council appointed Patricia McCardle to be vice-chairperson of the Board effective 21 June 2005, for the balance of her term.

**EC2005-338**

**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 of the *Summary Proceedings Act* Ticket Regulations (EC321/01) is amended in the table entitled "PESTICIDES CONTROL ACT REGULATIONS (EC543/84)"**

**(a) by the revocation of item 6 and the substitution of the following:**

6.1 Selling a regulated pesticide to an individual who does not have a valid Level I Pesticide Use Certificate or a Pesticide Purchase Permit .....	10.1(1)	\$200
6.2 Failing to record the name, number or expiry date on the sales record .....	10.1(2)	200
6.3 Purchasing a regulated pesticide without a valid Level I Pesticide Use Certificate or a Pesticide Purchase Permit .....	10.1(3)	200
6.4 Giving, transferring, selling, lending or assigning a Pesticide Purchase Permit without authorization .....	10.4	200

**(b) by the revocation of item 18.**

**2. These regulations come into force on July 2, 2005.**

**EXPLANATORY NOTES**

**SECTION 1** deals with offences for

(a) selling a regulated pesticide to a person without a certificate or permit;

(b) failing to record the details of a certificate or permit on a sales record;

(c) purchasing a regulated pesticide without a valid certificate or permit; and

(d) giving, transferring, selling, lending or assigning a permit without authorization.

**SECTION 1** also revokes a redundant provision.

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