

EC2005-571

**ENVIRONMENTAL PROTECTION ACT
OZONE LAYER PROTECTION REGULATIONS
AMENDMENT**

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* Ozone Layer Protection Regulations (EC619/94) are amended by the addition of the following after section 8:

8.01 (1) On or after April 1, 2006, no person shall charge or refill any air conditioning equipment or refrigeration equipment with a Category I substance if the air conditioning or refrigeration equipment is designed to be used, or is being used, for commercial or industrial purposes.

Charging commercial or industrial equipment with Category I substance

(2) On or after April 1, 2006, no person shall install any air conditioning equipment or refrigeration equipment that uses a Category I substance if the air conditioning or refrigeration equipment is designed to be used for commercial or industrial purposes.

Installation of commercial or industrial equipment with Category I substance

2. Section 8.2 of the regulations is amended

(a) by the revocation of subsection (1) and the substitution of the following:

8.2 (1) On or after January 1, 2006, no person shall charge a chiller, after it has been given an overhaul, with a Category I substance.

Major overhaul – restriction on charging

(1.1) Where, on or after January 1, 2006, a chiller containing a Category I substance requires a major overhaul, the owner of the chiller shall ensure that the chiller

Major overhaul- restriction on operation

- (a) is not operated until it is given a major overhaul; or
- (b) is replaced with a chiller that does not contain a Category I substance.

(b) in subclause (2)(b)(iv), by the deletion of the word “valve” and the substitution of the word “vane”; and

(c) by the addition of the following after subsection (4):

(5) Notwithstanding anything to the contrary in subsection (1), during the period commencing on January 1, 2006, and ending December 31, 2009, a person may charge a chiller with a Category I substance if the chiller has not previously been charged with a Category I substance during the period.

Exception

(6) The owner of a chiller charged under subsection (5) shall provide written notice to the Minister that the chiller was charged with a Category I substance within 14 days after the chiller is charged.

Notice

(7) Where, during the period referred to in subsection (5), a chiller is charged with a Category I substance, no person shall operate the chiller after one year from the date when the chiller was charged, unless the Category I substance has been recovered from the chiller and replaced with a Category II or Category III substance.

Operation restriction

3. Subsection 11(5) of the regulations is amended

- (a) by the addition of the word “a” after the word “use”;**
- (b) by the deletion of the word “less” and the substitution of the word “greater”; and**
- (c) by the deletion of the word “equipment” in clauses (a) and (b) and the substitution of the words “air conditioning or refrigeration system”.**

4. These regulations come into force on November 5, 2005.**EXPLANATORY NOTES**

SECTION 1 amends the regulations to add a provision that prohibits the charging or refilling of air conditioning or refrigeration equipment with a Category I substance on or after April 1, 2006, if the equipment is designed to be used or is being used for commercial or industrial purposes. The section also adds a prohibition restricting the installation, after April 1, 2006, of such equipment if it uses a Category 1 substance.

SECTION 2 amends the regulations to prohibit the charging of a chiller, on or after January 1, 2006, with a Category 1 substance except in the circumstances permitted. The section also requires the owner of a chiller in need of a major overhaul to ensure that it is not operated until it is given such an overhaul.

SECTION 3 corrects several minor errors in the current regulations.

SECTION 4 provides for the commencement of these regulations.

EC2005-572

**ENVIRONMENTAL PROTECTION ACT
WASTE RESOURCE MANAGEMENT REGULATIONS
AMENDMENT**

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

1. Schedule D of the *Environmental Protection Act* Waste Resource Management Regulations (EC691/00) is revoked and the Schedule D as set out in the Schedule to these regulations is substituted.

2. These regulations come into force on November 1, 2005.

EC2005-573

HOUSING CORPORATION ACT
ALBERTON HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Leslie Albert Alberton (vice Cindy Irving, term expired)	25 October 2005 to 21 June 2008
Kitty Leard Alberton (vice Wendy Hutt, term expired)	25 October 2005 to 21 June 2008

EC2005-574

HOUSING CORPORATION ACT
CHARLOTTETOWN HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and vice-chairperson	
Linda Boswall Marshfield (reappointed)	21 June 2005 to 21 June 2008
as member	
Glenda Gallant Charlottetown (vice Joe Kelly, term expired)	25 October 2005 to 21 June 2008

EXECUTIVE COUNCIL _____ 25 OCTOBER 2005

EC2005-575

HOUSING CORPORATION ACT
 GEORGETOWN HOUSING AUTHORITY
 APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and chairperson	
Christina Flynn Georgetown (reappointed)	21 June 2005 to 21 June 2008
as member	
Denise Carroll Georgetown (vice Mary Prestage, term expired)	25 October 2005 to 21 June 2008

EC2005-576

HOUSING CORPORATION ACT
 MONTAGUE HOUSING AUTHORITY
 APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Niall MacKay Montague (vice Mary Murphy, term expired)	25 October 2005 to 21 June 2008
Sadie MacKenzie Lower Montague (vice Isabel MacLean, term expired)	25 October 2005 to 21 June 2008

EC2005-577

HOUSING CORPORATION ACT
O'LEARY HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and chairperson	
Bessie Dennis	21 June 2005
O'Leary	to
(vice Harry MacWilliam, deceased)	21 June 2008
as member	
Leah Harris	25 October 2005
Knutsford	to
(vice Bessie Dennis, term expired)	21 June 2008

EC2005-578

HOUSING CORPORATION ACT
SOURIS HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Arthur Baker	21 June 2005
Munns Road	to
(reappointed)	21 June 2008
Thelma MacDonald	25 October 2005
Souris	to
(vice Sandra MacDonald, term expired)	21 June 2008

EC2005-579

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MATTHEW BRIERLEY AND MAUREEN PYKE
(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 Matthew Brierley and Maureen Pyke, both of Coldwater, Ontario to acquire a land holding of approximately one decimal three (1.3) acres of land in Lot 53, Kings County, Province of Prince Edward Island, being acquired from Marwood Properties Inc. of Georgetown, Prince Edward Island.

EC2005-580

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KEITH ELLIOTT AND JOANNE MCQUAID
(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 Keith Elliott and Joanne McQuaid, both of St. Lina, Alberta to acquire a land holding of approximately twenty-six decimal seven four (26.74) acres of land in Lot 55, Kings County, Province of Prince Edward Island, being acquired from Harold Jenkins and Marlene Jenkins, both of Forest Hill, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 770743, 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.

EC2005-581

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
EMILE JOSEPH GALLANT AND CATHERINE GALLANT
(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 Emile Joseph Gallant and Catherine Gallant, both of Stoney Creek, Ontario to acquire a land holding of approximately zero decimal three three (0.33) acres of land in Lot 2, Prince County, Province of Prince Edward Island, being acquired from Investors Group Trust Co. Ltd., Mortgagee in Possession, of Winnipeg, Manitoba.

EC2005-582

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CLAUDE LACOSTE
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Claude Lacoste of Rawdon, Quebec to acquire a land holding of approximately seventy-five (75) acres of land in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Emily Durant of Maximeville, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-583

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ROSE MCGUIGAN
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Rose McGuigan of Fall River, Nova Scotia to acquire a land holding of approximately one hundred and seventeen (117) acres of land in Lots 41 and 53, Kings County, Province of Prince Edward Island, being acquired from the Estate of John Sheppard of Halifax, Nova Scotia PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-584

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COLLINGS CONSTRUCTION LTD.
(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 Collings Construction Ltd. of Mount Stewart, Prince Edward Island to acquire a land holding of approximately one decimal zero five (1.05) acres of land in Lot 38, Kings County, Province of Prince Edward Island, being acquired from Albert MacDonald and Wendy MacDonald, both of Charlottetown, Prince Edward Island.

EC2005-585

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THE FOX GOLF ACADEMY 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 The Fox Golf Academy Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately fifteen decimal nine one (15.91) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Simon Compton of Stratford, Prince Edward Island.

EC2005-586

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KILLAM INVESTMENTS (P.E.I.) 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 Killam Investments (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal nine three (2.93) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Brown's Court Holdings Inc. of Fredericton, New Brunswick.

EC2005-587

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KILLAM INVESTMENTS (P.E.I.) 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 Killam Investments (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately four decimal nine one (4.91) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Burns Avenue Residential Inc. of Fredericton, New Brunswick.

EC2005-588

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KILLAM INVESTMENTS (P.E.I.) 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 Killam Investments (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal five two (1.52) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from BC3 Holdings Inc. of Fredericton, New Brunswick.

EC2005-589

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KILLAM INVESTMENTS (P.E.I.) 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 Killam Investments (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal seven two (2.72) acres of land at Charlottetown,

Queens County, Province of Prince Edward Island, being acquired from Island Residential Inc. of Fredericton, New Brunswick.

EC2005-590

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LILY POND FARMS LTD.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2004-305 of 25 May 2004, rescinded the said Order forthwith, thus rescinding permission for Lily Pond Farms Ltd. to acquire, by lease, an interest in a land holding or land holdings of up to four hundred and seventy (470) acres as part of the corporation's aggregate land holdings.

EC2005-591

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
LILY POND FARMS LTD.
(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 Lily Pond Farms Ltd. of Bear River, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to two hundred and fifty-seven (257) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Lily Pond Farms Ltd. 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.

EC2005-592

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LILY POND FARMS LTD.
(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 Lily Pond Farms Ltd. of Bear River, Prince Edward Island to acquire a land holding of approximately two hundred and nineteen (219) acres of land in Lot 42, Kings County, Province of Prince Edward Island, being acquired from Garrett Farms Ltd. of St. Peters, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 122184 and 122192, 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.

EC2005-593

**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) in clause (g.1),

(i) in subclause (iv), by the deletion of the semi-colon and the substitution of a comma,

(ii) by the addition of the following:

(v) “semi-detached dwelling” means a semi-detached building used for residential purposes;

(b) by the addition of the following:

(o.01) “party wall” means a wall extending from the foundation to the roof of a building, that separates two units of the building; party wall

(s.4) “semi-detached building” means a single building designed and built to contain two side-by-side units semi-detached building

(i) that are separated by a party wall, and

(ii) each of which is capable of being conveyed to separate owners;

(c) by the revocation of clause (s.3).

2. Subsection 38(1) of the regulations is amended by the revocation of clause (c) and the substitution of the following:

(c) a semi-detached building may be located on two lots with the common side lot line coincident with the party wall between the two units, if

(i) the party wall is constructed in compliance with the *Fire Prevention Act*,

(ii) the dimensions of each lot comply with

(A) the minimum sight distance requirements of section 25, and

(B) the minimum lot size standards of section 23, Table 1,

(iii) all other provisions of these regulations are met, and

(iv) in the case of a semi-detached dwelling, the dwelling is

(A) located within the boundaries of an incorporated municipality, and

(B) serviced by a municipal sewer system and, if available, a municipal water system.

3. These regulations come into force on November 5, 2005.

EXPLANATORY NOTES

The amendments allow for a lot containing a semi-detached building to be subdivided where the side property line coincides with a party wall; and in the case of a semi-detached dwelling, the lot is located within an incorporated municipality with central sewer service.

EC2005-594

SOCIAL ASSISTANCE ACT
AND
FINANCIAL ADMINISTRATION ACT
ESTATE OF NELIDA (NELLIE) GALLANT
WAIVER OF PAYMENT
AND
CANCELLATION OF DEBT

Having under consideration the recommendation of the Minister of Health and Social Services pursuant to clause 6.1(4)(c) of the *Social Assistance Act*, R.S.P.E.I. 1988, Cap. S-4.3, Council authorized the cancellation of debt in the amount of \$168,334.94 owed by the Estate of Nelida (Nellie) Gallant in accordance with subsection 26(1) of the of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 as follows:

Outstanding Account for Cost of Subsidized Care	Partial Payment Approved	Balance Cancelled
\$179,632.65	\$11,297.71, less further amounts owing by the Estate to Canada Revenue Agency	\$168,334.94, plus further amounts owing by the Estate to Canada Revenue Agency

EC2005-595

AN ACT TO AMEND THE TRESPASS TO PROPERTY ACT
DECLARATION RE

Under authority of section 8 of *An Act to Amend the Trespass to Property Act* Stats. P.E.I. 2004, 2nd Session, c. 21 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Trespass to Property Act" to come into force effective November 5, 2005.

EC2005-596

NATURAL PRODUCTS MARKETING ACT
NATURAL PRODUCTS APPEALS TRIBUNAL
TEMPORARY APPOINTMENT

Having under consideration clause 20(e) of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8 and under authority of subsection 18(1) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 Council appointed Jayne MacDonald of Newtown Cross to serve as a member of the Natural Products Appeals Tribunal during the hearing of an appeal of a decision of the Prince Edward Island Potato Board filed with the tribunal on October 11, 2005.

EXECUTIVE COUNCIL _____ 25 OCTOBER 2005

EC2005-597**HOUSING CORPORATION ACT
TIGNISH HOUSING AUTHORITY
APPOINTMENTS**

Pursuant to clause 10(3)(d) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council designated Mary Ready as chairperson (vice Nelson Shea, Jr., term expired) and Paul Shea as vice-chairperson (vice Mary Ready) of the Tignish Housing Authority for the balance of their terms.

EXECUTIVE COUNCIL _____ 25 OCTOBER 2005

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 8 of Chapter 21 of the Acts passed by the
Legislature of Prince Edward Island in the 2nd Session thereof held in the year
2004 and in the fifty-third year of Our Reign intituled "An Act to Amend the
Trespass to Property Act" it is enacted as follows:

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

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2004,
2nd Session, c. 21 should come into force on the 5th day of November, 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 "An Act to Amend the Trespass
to Property Act" passed in the fifty-third year of Our Reign shall come into force
on the fifth day of November, 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-fifth day of
October 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