

EC2008-291

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE
AUTHORITY TO ENTER INTO AN
INDEMNITY AGREEMENT
WITH
J.D. LUTES & ASSOCIATES INC., JIM LUTES,
KARL R. LARSEN HOLDINGS LIMITED, KARL R. LARSEN,
AND ERNIE A. BOUTILIER

Pursuant to clause 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture to enter into an agreement with J.D. Lutes & Associates Inc., Jim Lutes, Karl R. Larsen Holdings Limited, Karl R. Larsen, and Ernie A. Boutilier to indemnify them from any liability, losses, damages, costs, charges, expenses, fines and penalties incurred as a result of providing advice, assistance and project management leadership to Atlantic Beef Products Inc., such as more particularly described in the draft agreement.

EC2008-292

EXECUTIVE COUNCIL ACT
ATTORNEY GENERAL
AUTHORITY TO ENTER INTO AN AGREEMENT
(MEMORANDUM OF UNDERSTANDING
RESPECTING THE IMPLEMENTATION OF
PROGRAMS AND SERVICES UNDER THE FEDERAL
ABORIGINAL JUSTICE STRATEGY
IN PRINCE EDWARD ISLAND)
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 Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General of Canada, to facilitate the promotion, development and enhancement of community-based justice programs and services in Prince Edward Island pursuant to the Aboriginal Justice Strategy for the period 1 April 2007 to 31 March 2012, such as more particularly described in the draft agreement.

EC2008-293**FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
GUARANTEE OF LOAN**

Having under consideration the recommendation of Treasury Board (reference Minute TB30/08 of 7 May 2008), 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 term loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding one million, five hundred thousand dollars (\$1,500,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the rate of prime minus one-quarter of one percent to the Bank of Nova Scotia in Kensington, Prince Edward Island (hereinafter referred to as "the lender"), from the 13th day of May 2008 through to and including 1700 hours on the 31st day of May 2013, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of May 2013.
2. Any advances made by the lender after the 31st day of May 2013 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of May 2013 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of May 2013, 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.
4. 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.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. 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 5 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.

EC2008-294

**PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 231076, LOT 23, 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 pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eighty-five (85) acres of land, being Provincial Property No. 231076 located in Lot 23, Queens County, Prince Edward Island and currently owned by Blue Bay Farms Ltd. of Hunter River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately eight (8) acres 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 13 May 2008.

EC2008-295

**REAL PROPERTY ASSESSMENT ACT
REGULATIONS
AMENDMENT**

Pursuant to section 35 of the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, Council made the following regulations:

1. Section 9 of the *Real Property Assessment Act Regulations* (EC490/72) is amended by the deletion of the words “fifth business day” and the substitution of the words “twentieth business day”.

2. Section 9 of the regulations is amended by the deletion of the words “twentieth business day” and the substitution of the words “fifth business day”.

3. (1) Subject to subsection (2), these regulations are deemed to have come into force on May 1, 2008.

(2) Section 2 of these regulations comes into force on January 1, 2009.

EXPLANATORY NOTES

SECTION 1 requires a notice of assessment to be sent out before the twentieth business day of May each year. Currently a notice of assessment must be sent out before the fifth business day of May each year.

SECTION 2 requires a notice of assessment to be sent out before the fifth business day of May each year.

SECTION 3 provides for the commencement of these regulations.

EC2008-296

**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 1 of the *Real Property Tax Act* Regulations (EC512/72) is amended by the addition of the following after clause (c):

(c.1) “notice of taxation” means a notice of taxation given pursuant to section 12 of the Act; notice of taxation

2. Section 4 of the regulations is amended

(a) in subsection (1), by the deletion of the words “the fifth business day” and the substitution of the words “the twentieth business day”;

(b) in subsection (2), by the deletion of the words “notice prescribed by subsection (1) shall be in such form as is set forth in Schedule A as Form A and there shall be printed thereon” and the substitution of the words “notice of taxation referred to in subsection (1) shall have imprinted thereon”;

(c) in subsection (3),

(i) in the wording before clause (a), by the deletion of the words “tax notice” and the substitution of the words “notice of taxation”, and

(ii) in the wording following clause (c), by the deletion of the words “real property assessment notice and real property tax notice” and the substitution of the words “notice of assessment and notice of taxation”;

(d) in subsection (4),

(i) by the deletion of the words “real property assessment notice” and the substitution of the words “notice of assessment”, and

(ii) by the deletion of the words “real property tax notice” and the substitution of the words “notice of taxation”; and

(e) in subsection (5), by the deletion of the words “tax notice prescribed hereunder” and the substitution of the words “notice of taxation forwarded under subsection (1) to the person in whose name the tax is levied”.

3. Subsection 7(2) of the regulations is amended by the deletion of the wording “in subsection (1)” and the substitution of the wording “in subsection 13(1) of the Act”.

4. Clause 8(1)(a) of the regulations is amended by the deletion of the words “thirty-first day of May” and the substitution of the words “twentieth day of June”.

5. (1) Subsection 4(1) of the regulations is amended by the deletion of the words “the twentieth business day” and the substitution of the words “the fifth business day”.

(2) Clause 8(1)(a) of the regulations is amended by the deletion of the words “twentieth day of June” and the substitution of the words “thirty-first day of May”.

6. (1) Subject to subsection (2), these regulations come into force on May 24, 2008.

(2) Section 5 of these regulations comes into force on January 1, 2009.

EXPLANATORY NOTES

SECTION 1 adds a definition to the regulations for “notice of taxation”.

SECTION 2 replaces references in various provisions to a “notice” with references to a “notice of taxation”. The section also amends several provisions to reflect recent amendments to the Act. In addition, the section requires a notice of taxation to be sent out before the twentieth business day in May of the current year. Currently, a notice of taxation must be sent out before the fifth business day in May each year.

SECTION 3 amends a reference to a provision of the regulations by substituting the correct reference to the relevant provision in the Act.

SECTION 4 requires one-third of the taxes levied under the Act to be paid on the twentieth day of June for the current year.

SECTION 5 requires a notice of taxation to be sent out before the fifth business day in May each year after the current year. In addition, the section requires one-third of the taxes levied under the Act to be paid on the thirty-first day of May each year after the current year.

SECTION 6 provides for the commencement of these regulations.

EC2008-297

VICTIMS OF CRIME ACT REGULATIONS AMENDMENT

Pursuant to section 37 of the *Victims of Crime Act* R.S.P.E.I. 1988, Cap. V-3.1, Council made the following regulations:

1. Section 1 of the *Victims of Crime Act Regulations (EC566/89)* is amended by the deletion of the words “under an Act or regulation under an Act is \$10” and the substitution of the words “under an enactment is \$20”.

2. These regulations come into force on May 24, 2008.

EXPLANATORY NOTES

The amendment updates the amount of surcharge from \$10 to \$20 that may be imposed against a person convicted of an offence under an enactment.