

EC2013-20

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101593 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 101593 P.E.I. Inc. of Rose Valley, Prince Edward Island to acquire, by share purchase, an interest in a land holding of approximately eighty-nine decimal two (89.2) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Peter Smit and Maja Smit, both of Marshfield, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 848994, 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.

EC2013-21

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101610 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 101610 P.E.I. Inc. of Charlottetown, Prince Edward Island to acquire, by way of share purchase, an interest in a land holding of approximately sixteen decimal eight five (16.85) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Lauren Holdings Inc., Gordon Rogers, and Maureen Duffy Cobb, all of Charlottetown, Prince Edward Island; Ron Keefe and Dale Zajicek, both of Cornwall, Prince Edward Island; Earl Duffy of Winchester, Massachusetts; and Paul Duffy of Toronto, Ontario.

EC2013-22

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
BEAU VIEW FARM 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 Beau View Farm Ltd. of Rose Valley, Prince Edward Island to acquire a land holding of approximately three (3) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Peter Smit of Marshfield, Prince Edward Island.

EC2013-23

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CITY OF CHARLOTTETOWN
(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 City of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal zero four (1.04) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the Charlottetown Area Development Corporation of Charlottetown, Prince Edward Island.

EC2013-24

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DUNWELL HOLSTEINS
(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 Dunwell Holsteins of Elmsdale, Prince Edward Island to acquire a land holding of approximately two hundred and seventy decimal seven four (270.74) acres of land in Lot 4, Prince County, Province of Prince Edward Island, being acquired from Raebern Henry Dunn and Deborah Dunn, both of Elmsdale, 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.

EC2013-25

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HABITAT FOR HUMANITY PRINCE EDWARD ISLAND 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 Habitat for Humanity Prince Edward Island Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal one three (2.13) acres of land in Lot 65, Queens County, Province of Prince Edward Island, being acquired from Geordie Scot Burke of Charlottetown, Prince Edward Island.

EC2013-26

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HOLDINGS 0517 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 Holdings 0517 Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal one five (1.15) acres of land in Lot 18, Prince County, Province of Prince Edward Island, being acquired from D. Mark D. Rodd of Charlottetown, 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.

EC2013-27

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LANDFEST COMPANY LIMITED
(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 Landfest Company Limited of Charlottetown, Prince Edward Island to acquire a land holding of approximately twelve decimal one two (12.12) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Richard D. Reddin of Stratford, Prince Edward Island.

EC2013-28

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & S HOLDINGS LTD.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2012-681 of November 27, 2012, rescinded the said Order forthwith, thus rescinding permission for M & S Holdings Ltd. to acquire a land holding of approximately zero decimal two six (0.26) acres of land in Lot 26, Prince County, Province of Prince Edward Island from Sylvia Elizabeth Johnston of Charlottetown, Prince Edward Island.

EC2013-29

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & S HOLDINGS LTD.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2012-682 of November 27, 2012, rescinded the said Order forthwith, thus rescinding permission for M & S Holdings Ltd. to acquire a land holding of approximately four decimal two five (4.25) acres of land in Lot 26, Prince County, Province of Prince Edward Island from Sylvia Elizabeth Johnston of Charlottetown, Prince Edward Island.

EC2013-30

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MULLIGAN BROS. 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 Mulligan Bros. Ltd. of Kinkora, Prince Edward Island to acquire a land holding of approximately sixty-five (65) acres of land in Lot 67, Queens County, Province of Prince Edward Island, being acquired from Michael Peter Clark and Marlene Clark, both of Emerald, 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.

EC2013-31

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
NEW DOMINION RURAL DEVELOPMENT 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 New Dominion Rural Development Ltd. of Cornwall, Prince Edward Island to acquire a land holding of approximately seven (7) acres of land in Lot 65, Queens County, Province of Prince Edward Island, being acquired from CH Trust of Charlottetown, 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 New Dominion Rural Development Ltd. and on all successors in title.

EC2013-32

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
POLSTRA HOLDINGS 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 Polstra Holdings Ltd. of Morell, Prince Edward Island to acquire a land holding of approximately two decimal five (2.5) acres of land in Lot 38, Kings County, Province of Prince Edward Island, being acquired from Anita Douglas of Mount Stewart, Prince Edward Island.

EC2013-33

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
POLSTRA HOLDINGS 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 Polstra Holdings Ltd. of Morell, Prince Edward Island to acquire a land holding of approximately twenty-two decimal eight five (22.85) acres of land in Lot 38, Kings County, Province of Prince Edward Island, being acquired from John Earl Stewart of Mount Stewart, 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.

EC2013-34

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
S.W. RIVERVIEW FARMS 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 S.W. Riverview Farms Inc. of Burlington, Prince Edward Island to acquire a land holding of approximately zero decimal six eight (0.68) acres of land in Lot 20, Queens County, Province of Prince Edward Island, being acquired from Kevin Profitt of Burlington, Prince Edward Island.

EC2013-35

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SOURIS HARBOUR AUTHORITY 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 Souris Harbour Authority Inc. of Souris, Prince Edward Island to acquire a land holding of approximately one decimal one (1.1) acres of land in Lot 45, Kings County, Province of Prince Edward Island, being acquired from Finance PEI of Charlottetown, Prince Edward Island.

EC2013-36

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
W.P. GRIFFIN 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 W.P. Griffin Inc. of Elmsdale, Prince Edward Island to acquire a land holding of approximately zero decimal five seven (0.57) acres of land in Lot 4, Prince County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Infrastructure Renewal of Charlottetown, Prince Edward Island.

EC2013-37

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
MARVYN'S GARDEN 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 Marvyn's Garden Inc. of Souris, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to one thousand (1,000) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Marvyn's Garden 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.

EC2013-38

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 141937, LOT 35, QUEENS COUNTY
SUBDIVISION RESTRICTION
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 prohibiting subdivision in respect of approximately thirty-seven decimal five three (37.53) acres of land, being Provincial Property No. 141937 located in Lot 35, Queens County, Prince Edward Island and currently owned by Pan American Properties Inc. of Charlottetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of a two decimal six eight (2.68) acre parcel of land and determined that following subdivision, the subdivision restriction shall continue to apply to the new lot and to the remaining land.

This Order-in-Council comes into force on January 15, 2013.

EC2013-39

UNIVERSITY ACT
UNIVERSITY OF PRINCE EDWARD ISLAND
FINANCIAL STATEMENTS
(APRIL 30, 2012)
RECEIVED

Council received the University of Prince Edward Island Financial Statements for the year ended April 30, 2012 presented pursuant to subsection 19(1) of the *University Act* R.S.P.E.I. 1988, Cap. U-4.

EC2013-40**AN ACT TO AMEND THE MAINTENANCE ENFORCEMENT ACT
DECLARATION RE**

Under authority of section 9 of *An Act to Amend the Maintenance Enforcement Act* Stats. P.E.I. 2012, c. 17 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Maintenance Enforcement Act" to come into force effective January 26, 2013.

EC2013-41**MAINTENANCE ENFORCEMENT ACT
REGULATIONS**

Pursuant to section 18 of the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1, Council made the following regulations:

1. For the purposes of clause 6.1(1)(b) of the Act, the amount prescribed is the sum of three months of support payable by the payor. Prescribed amounts

2. (1) Subject to subsections (2) to (5), money paid on account of a maintenance order shall be credited Crediting of maintenance payments
 - (a) first to the periodic payment most recently due in respect of the maintenance order;
 - (b) then to any balance of arrears in respect of the maintenance order;
 - (c) then to any other amount due in respect of the maintenance order, other than deterrent charges or fees payable to the Director or costs awarded to the Director; and
 - (d) lastly to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due.

- (2) With respect to each item listed in subsection (1), Idem
 - (a) an amount owed with respect to child support shall be credited before an amount owed with respect to spousal support; and
 - (b) the payee shall receive any amount owed to the payee in respect of a maintenance order before a third party who is entitled to an amount under the order.

- (3) If a payee Payee receiving benefit or assistance
 - (a) is receiving a benefit or assistance under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1 or the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3; and
 - (b) has, as a condition of receiving the benefit or assistance, assigned amounts paid or payable under a maintenance order to the Minister of Community Services and Seniors,

money paid on account of a maintenance order shall be credited

 - (c) first to any and all amounts due to a third party who is entitled to an amount under the maintenance order;
 - (d) then to any and all amounts due to the Minister of Community Services and Seniors in respect of the maintenance order;
 - (e) then to any and all amounts due to the payee in respect of the maintenance order;
 - (f) then to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due; and
 - (g) lastly to any other amount due in respect of the maintenance order.

- (4) If a payee described in subsection (3) ceases receiving a benefit or assistance under the *Child Protection Act* or the *Social Assistance Act*, Payee ceases to receive benefit or assistance money paid on account of a maintenance order shall be credited

- (a) first to any and all amounts due to the payee in respect of the maintenance order;
- (b) then to any and all amounts due to a third party who is entitled to an amount under the maintenance order;
- (c) then to any and all amounts due to the Minister of Community Services and Seniors in respect of the maintenance order;
- (d) then to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due; and
- (e) lastly to any other amount due in respect of the maintenance order.

(5) Notwithstanding subsections (1) to (4), where two or more maintenance orders in respect of the same payor are filed with the Director, the Director may allocate any money paid on account of any one of the maintenance orders among all of the creditors under the maintenance orders, unless otherwise specified by the court. Multiple maintenance orders

3. (1) If a balance of money paid on account of a maintenance order remains after satisfying any and all amounts due in respect of the order, in accordance with section 2, the Director may, within 30 days of receiving the payment, credit all or part of the balance to Account balance

- (a) the next periodic payment due in respect of the maintenance order; or
- (b) another maintenance order filed with the Director in respect of the same payor.

(2) Where the Director does not credit all or part of the balance in accordance with subsection (1), the Director shall forthwith Ibid

- (a) credit or forward the balance as instructed by the payor; or
- (b) pay out the balance to the payor.

(3) Notwithstanding subsection (2), if the Director is unable to comply with subsection (2) within six months after the 30 days has expired under subsection (1) because the payor cannot be located, the Director shall pay any balance remaining on account of the maintenance order into the Operating Fund. Payor not located

4. (1) Where the Director requires a payor to pay a deterrent charge under clause 8.1(1)(a) of the Act, the amount of the deterrent charge payable is \$25 for each month during which the payor fails to pay maintenance under a maintenance order or fails to comply with a payment condition in accordance with clause 8.1(1)(a) of the Act. Deterrent charges

(2) Where the Director requires a payor to pay a deterrent charge under clause 8.1(1)(b) of the Act, the amount of the deterrent charge payable is \$50 for each dishonoured or stopped payment under clause 8.1(1)(b) of the Act. Ibid

5. The following service fees are prescribed for the following steps taken by the Director to enforce a maintenance order: Service fees

- (a) issuing a payment order under subsection 3(4) of the Act.....\$ 50
- (b) requesting a person or public body to provide information under section 6 of the Act\$ 25
- (c) making a report respecting the payor to a credit reporting agency under section 6.1 of the Act.....\$ 50
- (d) registering a maintenance order against the land of a person against whom an obligation to pay money under the maintenance order is enforceable, under subsection 10(1) of the Act.....\$150
- (e) taking proceedings respecting default under section 11 of the Act.....\$200
- (f) giving notice of potential action, or taking action, under section 12.1 of the Act respecting the suspension or revocation of privileges of a payor under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5\$ 50
- (g) taking proceedings to obtain an order under the *Garnishee Act* R.S.P.E.I. 1988, Cap. G-2\$100

- (h) taking proceedings to obtain a writ of execution under the *Judgment and Execution Act* R.S.P.E.I. 1988, Cap. J-2\$100
- (i) issuing a garnishment summons under the *Garnishment and Pension Diversion Act* (Canada).....\$ 50
- (j) making an application for the release of information or for a license denial under the *Family Orders and Agreements Enforcement Assistance Act* (Canada).....\$ 50

6. These regulations come into force on January 26, 2013.

Commencement

EXPLANTORY NOTES

SECTION 1 prescribes a threshold amount of arrears owing as a condition for reporting a payor to a credit reporting agency.

SECTION 2 sets out the order in which payments made on account of a maintenance order are to be credited in various circumstances.

SECTION 3 sets out what the Director may do with a credit balance of money paid on account of a maintenance order remaining after satisfying any and all amounts due and outstanding under the order.

SECTION 4 sets out the amounts of deterrent charges that may be imposed under section 8.1 of the Act.

SECTION 5 prescribes service fees that may be charged for specified steps taken by the Director to enforce a maintenance order.

SECTION 6 provides for the commencement of these regulations.