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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Clow</td>
<td>14 June 2005</td>
</tr>
<tr>
<td>Stratford</td>
<td>at pleasure</td>
</tr>
<tr>
<td>(vice William Harper, retired)</td>
<td></td>
</tr>
</tbody>
</table>

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.

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

Marked Gasoline Permit — special use
(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.

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.

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.
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.

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.
EC2005-333
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

\[
\text{Tax credit, residential property, City of Charlottetown} = (A-B) \times \frac{C}{D} \times \frac{E}{100}
\]

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
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:
goods: classroom supplies
- 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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM OF APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patricia McCardle</td>
<td>19 March 2005</td>
</tr>
<tr>
<td>Charlottetown</td>
<td>to</td>
</tr>
<tr>
<td>(reappointed)</td>
<td>19 March 2006</td>
</tr>
</tbody>
</table>

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.