

**EC2010-627****CIVIL SERVICE SUPERANNUATION ACT  
PARTICIPATING EMPLOYER REGULATIONS  
AMENDMENT**

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

**1. Clause 1(2)(j.1) of the *Civil Service Superannuation Act* Participating Employer Regulations (EC414/01) is revoked and the following substituted:**

(j.1) Health PEI;

**2. These regulations come into force on January 1, 2011.**

**EXPLANATORY NOTES**

**SECTION 1** amends a provision of the regulations listing the employers who participate in the Fund to recognize the recent reorganization of the Department of Health. Section 1 adds Health PEI to this list of participating employers and drops from the list a current reference to persons holding permanent positions with the Department of Health. The Department of Health and Wellness will be included as a participating employer under clause 1(2)(a) of the current regulations, which states that the employers to whom the *Civil Service Act* applies are participating employers.

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

**EC2010-628****CONDOMINIUM ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 36 of the *Condominium Act* R.S.P.E.I. 1988, Cap. C-16, Council made the following regulations:

**1. Schedule B of the *Condominium Act* Regulations (EC10/78) is amended**

**(a) in subsection (1), by the deletion of the words “\$25.00” and the substitution of the words “\$75.00”;**

**(b) in subsection (2), by the deletion of the words “\$5.00” and the substitution of the words “\$75.00”; and**

**(c) in subsection (3), by the deletion of the words “\$3.00” and the substitution of the words “\$25.00”.**

**2. Forms 2 and 3 of the regulations are revoked and forms 2 and 3 as set out in the Schedule to these regulations are substituted.**

**3. Schedule B Consent to Amendment of the regulations is revoked and Schedule B as set out in the Schedule to these regulations is substituted.**

**4. Form 4 of the regulations is revoked and form 4 as set out in the Schedule to these regulations is substituted.**

**5. Forms 7 to 12 of the regulations are revoked and forms 7 to 12 as set out in the Schedule to these regulations are substituted.**

**6. These regulations come into force on December 11, 2010.**

**SCHEDULE**

**FORM 2  
CONDOMINIUM ACT**

**CONSENT UNDER CLAUSE 3(1)(b) OF THE ACT**

..... having a registered encumbrance within the meaning of clause 3(1)(b) of the *Condominium Act* registered as Number in the Office of the Registrar of Deeds for County, hereby consents to the registration of this declaration pursuant to the *Condominium Act* against the land or interests appurtenant to the land described in the description.

Dated at .....this .....day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Owner)

.....  
(Owner)

**FORM 3  
CONDOMINIUM ACT**

**AMENDMENT TO DECLARATION**

Pursuant to a bylaw registered as number ..... in the office of the Register of Deeds for.....County ....., Condominium Corporation Number .....hereby amends its declaration registered as number ..... in the said Registry Office as follows:

The names of all owners and all persons having registered encumbrances against the units and common interests on the date the bylaw was registered are set out in Schedule A hereto.

The consents of all owners and all persons having registered encumbrances against the units and common interests are included in Schedule B hereto.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at.....this .....day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

(seal)

EXECUTIVE COUNCIL \_\_\_\_\_ 30 NOVEMBER 2010

**SCHEDULE B  
CONSENT TO AMENDMENT**

..... being the registered owner of or having a registered encumbrance against Unit (Number) Level (Number) of (identification of condominium plan) registered in the office of the Registrar of Deeds for ..... County, hereby consent to the amendment to the declaration of the Corporation set out in the bylaw of the Corporation registered as Number..... in the said Registry Office.

Dated at ..... this.....day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Owner)

**FORM 4  
CONDOMINIUM ACT  
DECLARATION**

I, ..... declare as follows:  
I am the ..... of ..... Condominium Corporation Number .....

A bylaw authorizing the attached amendment to the declaration of the Corporation was registered as Number.....in the Office of the Registrar of Deeds for ..... County.

The names of all owners and all persons having registered encumbrances against the units and common interests on the date the bylaw was registered are set out in Schedule A to the amendment.

The consents of all owners and all persons having registered encumbrances against the units and common interests are included in Schedule B to the amendment.

The persons whose consents are included in Schedule B are the persons whose names are set out in Schedule A, subject to the following exceptions:

Dated at ..... this ..... day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

**FORM 7  
CONDOMINIUM ACT**

**DEDICATION OF ADDITIONAL LAND TO COMMON ELEMENTS**

The Board of the hereinbefore mentioned ..... Condominium Corporation No. .... hereby dedicates the hereinbefore described land as an addition to the common elements of ..... Condominium Plan No. ....

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this .....day of.....,20 .....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

(Seal)

**FORM 8  
CONDOMINIUM ACT**

**NOTICE OF TERMINATION  
UNDER SECTION 23 OF THE ACT**

.....  
(Name of Condominium Corporation)

Hereby gives notice under subsection..... of section 23 of the *Condominium Act* that

1. The Board of Directors of the Corporation did on the.....day of .....,20..... determine that substantial damage to 25 percent (or such greater percentage as is specified in the declaration) of the building occurred on the ..... day of ....., 20..... Where notice is under subsection 23(1) of the Act, add:

2. On a vote, on the .....day of ....., 20.... the owners who at that time owned 80 percent (or such greater percentage as is specified in the declaration) of the common elements did not vote for repair.

OR

Where notice is under subsection 23(2) of the Act, add:  
.....

3. There was no vote under subsection 22(2) of the Act within sixty days after the determination.

4. This notice is given in respect of the property included in..... Condominium Plan No..... registered in the office of the Registrar of Deeds for ..... County.

5. Upon registration of this notice, subsection 23(3) of the *Condominium Act* applies.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this .....day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

(Seal)

**FORM 9  
CONDOMINIUM ACT**

**NOTICE OF TERMINATION UNDER SUBSECTION 25(2) OF THE ACT**

We .....and the undersigned being all the  
(Name of Condominium Corporation)  
members of the Corporation and all the persons having registered claims against the  
property created after the registration of the declaration and description, Hereby give notice  
under subsection 25(2) of the *Condominium Act* that, by a vote on the .....day of  
....., 20....., the owners who at that time owned 80 percent (or such greater  
percentage as is specified in the declaration) of the common elements authorized the  
termination of the government by the *Condominium Act* of the property included in  
(identification of Condominium Plan) registered in the office of the Registrar of Deeds for  
..... County

And that all the persons having registered claims, as aforesaid, having consented, upon the  
registration of this notice, subsection 25(3) of the *Condominium Act* applies.

Witness the seal of the Corporation duly affixed by the authorized officers of the  
Corporation at..... this ..... day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)  
.....  
(Authorized Officer)  
.....  
(Authorized Officer) (Seal)

(Witness) OWNERS  
.....  
(signature of the individual)  
(Name as Registered in Print)  
RE: Unit (NO.) Level (NO.)

(seal) (signatures of officers of corporate owner)  
(Name of Corporate Owner in Print)  
RE: Unit (NO.) Level (NO.) etc.

**REGISTERED CLAIMANTS**

(Witness) .....  
(signature of the individual)  
(Name as Registered in Print)  
RE: Unit (NO.) Level (NO.)  
(Or RE: All Units and Common Elements

(seal) (signatures of officers of corporate claimant)  
(Name of Corporate Claimant in Print)  
RE: Unit (NO.) Level (NO.)  
(or RE: All Units and Common Elements)

EXECUTIVE COUNCIL \_\_\_\_\_ 30 NOVEMBER 2010

**FORM 10  
CONDOMINIUM ACT  
NOTICE OF LIEN UNDER SUBSECTION 16(5) OF THE ACT**

.....  
(Name of Condominium Corporation)  
Hereby gives notice that it has a lien under the *Condominium Act* against Unit (NO.) Level (NO.) of (identification of Condominium Plan), registered in the office of the Registrar of Deeds for ..... County, and the common interest appurtenant thereto for unpaid common expenses for the amount of \$ .....at the date hereof and for such further amounts as are hereafter not paid when they become due.  
Upon payment of the amount outstanding at any time and upon demand, the Corporation will give the owner a discharge of the lien in the prescribed form.  
The lien does not secure payments of common expenses which became due more than three months before the date of registration of this notice.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this ..... day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)  
.....  
(Authorized Officer)  
.....  
(Authorized Officer) (Seal)

**FORM 11  
CONDOMINIUM ACT  
CERTIFICATE UNDER SUBSECTION 16(6) OF THE ACT**

.....  
(Name of Condominium Corporation)

HEREBY CERTIFIES THAT, as of the date hereof,  
1. The owner of Unit (No.) Level (no.) of (identification of Condominium Plan), registered in the office of the Registrar of Deeds for ..... County, is not in default in the payment of common expenses.  
or  
The owner ..... is in default in the payment of common expenses in the amount of \$ .....  
2. The amount of \$ ..... in common expenses stands to the credit of the said owner in the Corporation's records (if applicable).  
3. A payment on account of common expenses of \$..... is due on (next due date) for the period (date ..... to date .....)  
4. The Corporation is not presently considering any increase in the common expenses.

or  
The Corporation anticipates an increase of approximately percent in the common expenses as a result of (here give particulars of any known forthcoming increase and the reason for it).

and  
5. The Corporation has no knowledge of any circumstances that may result in an increase in the common expenses. (Where applicable add: except {here give particulars of any potential increase and the reason for it}.)

(NOTE: Such other information may be included in the certificate as the Corporation considers appropriate.)

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at ..... this ..... day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)  
.....  
(Authorized Officer)  
.....  
(Authorized Officer) (Seal)

EXECUTIVE COUNCIL \_\_\_\_\_ 30 NOVEMBER 2010

**FORM 12  
CONDOMINIUM ACT**

**DISCHARGE OF LIEN UNDER SUBSECTION 16(9) OF THE ACT**

.....  
(Name of Condominium Corporation)

having received payment of the amount mentioned in the notice of lien registered as No. .... in respect to Unit (No.) Level (No.) of (identification of Condominium Plan) registered in the office of the Registrar of Deeds for ..... County, pursuant to subsection 16(9) of the *Condominium Act*, hereby discharge the said Unit from the said lien.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation at..... this ..... day of ....., 20.....

Witness: .....  
(Commissioner of Oaths/Affidavits)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

.....  
(Authorized Officer)

(Seal)

**EXPLANATORY NOTES**

**SECTION 1** increases the fees payable for registration of a declaration and description and any other document to be registered in the Condominium Register or for certifying a copy of any document filed.

**SECTION 2** updates forms in the Schedule of the regulations to identify the witness as being someone who is a Commissioner of Oaths/Affidavits. The updated forms also provide for the signature of an Authorized Officer on certain condominium documents registered by condominium owners.

**SECTION 3** provides for the commencement of these regulations.

**EC2010-629**

**ELECTRICAL INSPECTION ACT  
CANADIAN ELECTRICAL CODE REGULATIONS  
AMENDMENT**

Pursuant to section 5 of the *Electrical Inspection Act* R.S.P.E.I. 1988, Cap. E-3, Council made the following regulations:

**1. Clause 1(a) of the *Electrical Inspection Act* Canadian Electrical Code Regulations (EC493/08) is amended by the deletion of the words “2006 Canadian Electrical Code, Part I, Twentieth Edition” and the substitution of the words “2009 Canadian Electrical Code, Part I, Twenty-First Edition”.**

**2. Subsection 2(1) of the regulations is amended by the deletion of the words “2006 Canadian Electrical Code, Part I Twentieth Edition” and the substitution of the words “2009 Canadian Electrical Code, Part I, Twenty-First Edition”.**

**3. Sections 1 and 2 of Schedule A of the regulations are revoked and sections 1 and 2 as set out in the Schedule to these regulations are substituted.**

**4. These regulations come into force on February 28, 2011.**

### SCHEDULE

**1. The 2009 Canadian Electrical Code, Part I, Twenty-First Edition is amended by the revocation of Rule 2-004 and the substitution of the following:**

#### **2-004 Permit**

**2-004** (1) An electrical contractor responsible for the carrying out of the work shall apply to the Department for an electrical work permit before commencing work with respect to the installation, alteration, repair, or extension of any electrical equipment.

(2) An electrical work permit is deemed to be issued upon receipt of the completed application by the Department.

**2. The Code is amended by the revocation of Rule 2-006 and the substitution of the following:**

#### **2-006 Application for Inspection Permit**

**2-006** (1) An applicant shall complete and file an application for an electrical permit with the Department on the form approved by the Department

- (a) giving sufficient and complete information to enable the inspection to be completed at the discretion of a Senior Electrical Inspector;
- (b) providing the exact date on which the installation will be ready for inspection; and
- (c) in the case of a subdivision or a mobile home court, giving the lot number where the installation is located.

(2) An applicant shall complete and file a separate application form under this section for each building in which the electrical work will be undertaken.

(3) No person shall submit an application under this section unless that person is the electrical contractor who actually performs the work at the installation.

(4) A person who installs an electrical installation without an electrical work permit issued under this section commits an offence and

- (a) is liable to have his or her license as an electrical contractor suspended by the Department; and
- (b) is subject to a minimum penalty of \$50 in addition to any other penalty imposed under the Act, these regulations or any other regulations made under the Act.

### EXPLANATORY NOTES

**SECTIONS 1 and 2** amend the regulations to update the edition of the Canadian Electrical Code that governs electrical work.

**SECTION 3 and the Schedule** amend the regulations to ensure that inspection of completed electric work is done at the discretion of an inspector. The amendment also removes the requirement for an electrical contractor to apply for an inspection before commencing work.

**SECTION 4** provides for the commencement of these regulations.

### EC2010-630

#### AN ACT TO AMEND THE TEACHERS' SUPERANNUATION ACT (NO. 2) DECLARATION RE

Under authority of section 4 of *An Act to Amend the Teachers' Superannuation Act (No. 2)* Stats. P.E.I. 2010, c. 47 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Teachers' Superannuation Act (No. 2)" to come into force effective 11 December 2010.



**EC2010-631****EMPLOYMENT STANDARDS ACT  
MINIMUM WAGE ORDER  
AMENDMENT**

Pursuant to section 5 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, Council approved the following Order made by the Employment Standards Board:

- 1. Sections 3 and 4 of the *Employment Standards Act* Minimum Wage Order (EC139/96) are revoked.**
- 2. This Order is deemed to have come into force on October 1, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** revokes provisions of the Order that are now included in the *Employment Standards Act*.

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

**EC2010-632****HOUSING CORPORATION ACT  
PRINCE EDWARD ISLAND HOUSING CORPORATION  
AUTHORITY TO ENTER INTO AN AGREEMENT  
WITH  
CANADA MORTGAGE AND HOUSING CORPORATION**

Pursuant to clause 7(1)(b) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council authorized the Minister of Community Services, Seniors and Labour, as Minister Responsible for the Prince Edward Island Housing Corporation, to enter into a mortgage agreement with Canada Mortgage and Housing Corporation, as security for the amount of \$100,477.00 advanced under a Renovation and Retrofit of Social Housing Contribution Agreement to undertake renovations at Beach Grove Home, such as more particularly described in the agreement.

**EC2010-633****EXECUTIVE COUNCIL ACT  
MINISTER OF JUSTICE AND PUBLIC SAFETY  
AND ATTORNEY GENERAL  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(CANADA'S PROJECTS IN SUPPORT OF THE  
ABORIGINAL COURTWORK PROGRAM FUND  
FUNDING AGREEMENT)  
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 Minister of Justice and Public Safety and Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General, to set out terms and conditions for funding a project entitled "Mapping Needs and Assets in PEI for Aboriginal People Involved in Justice Issues" in fiscal years 2010/11 and 2011/12, such as more particularly described in the draft agreement.

**EC2010-634**

**FINANCIAL CORPORATION CAPITAL TAX ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 24 of the *Financial Corporation Capital Tax Act* R.S.P.E.I. 1988, Cap. F-10, Council made the following regulations:

- 1. Form 1 of the *Financial Corporation Capital Tax Act* Regulations (EC300/88) is revoked and Form 1 as set out in the Schedule to these regulations is substituted.**
- 2. Schedule 1 of the regulations is revoked and Schedule 1 as set out in the Schedule to these regulations is substituted.**
- 3. Schedule 2 of the regulations is amended by the addition of the words “to Line 16” after the words “Transfer figure on Line J”.**
- 4. Schedule 3 of the regulations is amended by the deletion of the words “Line 15” and the substitution of the words “Line 16”.**
- 5. These regulations come into force on December 11, 2010.**

**SCHEDULE**

**FORM 1  
FINANCIAL CORPORATION CAPITAL TAX RETURN  
PROVINCE OF PRINCE EDWARD ISLAND**

FINANCE AND MUNICIPAL AFFAIRS  
Taxation and Property Records  
PO Box 1330  
Charlottetown PE C1A 7N1

Fiscal Year End			Date Due			Account Number
D	M	Y	D	M	Y	

**Freedom of Information and Protection of Privacy**

The personal information requested on this form is collected under the authority of clause 31(c) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, and is used to administer the *Financial Corporation Capital Tax Act*. Questions on the collection and use of this information can be directed to Manager, Tax Administration and Client Services at (902-368-5137).

Name of Financial Corporation .....

Mailing Address .....  
Street, P.O. Box      City      Province      Postal Code

Address of Principal Place of Business in P.E.I. ....  
Street, P.O. Box

.....  
City      Postal Code

Official to Contact ..... Telephone .....

City and Jurisdiction of Head Office .....

**CALCULATION OF TAX**

Taxable Paid-up Capital or Taxable Paid-up Capital Employed in Canada as determined in Schedule 1 or 5	▶	\$	X	Rate	X	No. of Days in fiscal year	=	Tax Payable
				5%		÷365		\$

Less Amount paid by installments \$ .....

**BALANCE \$ .....**

    

Claimed       Apply to Subsequent Year       Submitted with Return

This return together with payment of any tax remaining unpaid is due on or before the last day of the month that ends six months after the close of the fiscal year of a financial corporation.

**CERTIFICATION**

Name of Officer (in Block Letters).....  
 Rank of Officer .....  
 Full Resident Address .....  
 .....

I am an authorized signing officer of the financial corporation. I certify that this return, including accompanying schedules and statements, has been examined by me and is a true, correct and complete return. I further certify that the allocation of the taxable paid-up capital as set out in Schedule 1 (or taxable paid-up capital employed in Canada as set out in Schedule 5) of this return has been made in accordance with the provisions of the *Financial Corporation Capital Tax Act* and regulations.

Date ....., 20..... Signature.....

**SCHEDULE 1  
 COMPUTATION OF TAXABLE PAID-UP CAPITAL**

*(Only financial corporations resident in Canada complete this Schedule)*

1. Paid-up capital stock (net of premium and/or discount)	\$ .....
2. (Banks only) - General Reserve	\$ .....
- Appropriation for Contingencies	\$ .....
<b>SURPLUSES</b>	
3. Earned (if deficit deduct)	\$ .....
4. Accumulated other comprehensive income	\$ .....
5. Capital	\$ .....
6. Appraisal	\$ .....
7. Contributed	\$ .....
8. Other (Specify)	\$ .....
<b>RESERVES</b>	
9. Special reserves as per balance sheet (include the amount of the reserve deducted from income under paragraph (20)(1)(n) and subparagraph 40(1)(a)(iii) of the <i>Income Tax Act</i> .)	\$ .....
10. Contingent, investment and other like reserves	\$ .....
11. Deferred income taxes and other deferred taxes payable	\$ .....
12. Reserves, the excess of which are not allowed as a deduction from taxable income (include the amount by which the undepreciated capital costs of depreciable assets for income tax purposes exceeds net book value excluding appraisals)	\$ .....
13. Taxable Paid-up Capital (Add Lines 1 to 12 inclusive)	\$ .....
14. Standard Deduction	\$ 2,000,000
15. Taxable Paid-up Capital (all jurisdictions) (Subtract Line 14 from Line 13)	\$ .....
16. Percentage of amount taxable used by a financial corporation in Prince Edward Island calculated to four decimal places (Schedule 2 for banks or Schedule 3 for a trust company or a loan company, as applicable)	.....%
17. Taxable Paid-up Capital used by a financial corporation in Prince Edward Island (Multiply Line 15 by Line 16)	\$ .....

**EXPLANATORY NOTES**

**SECTION 1** updates the capital tax return form that is required to be filed annually by financial corporations to changes references to the “Provincial Treasury” to “Finance and Municipal Affairs” and to include the standard freedom of information and protection of privacy statement.

**SECTION 2** replaces Schedule 1 of the regulations to add accumulated other comprehensive income to the calculation of taxable paid-up capital on the annual capital tax returns.

**SECTION 3 and 4** make minor corrections to certain Schedules of the regulations.

**SECTION 5** provides for the commencement of these regulations.

**EC2010-635**

**FIRE PREVENTION ACT  
FIRE DISTRICT REGULATIONS  
SHERWOOD FIRE DISTRICT  
CHANGE OF NAME  
(APPROVED)**

Having under consideration the recommendation of the Minister of Justice and Public Safety and Attorney General pursuant to section 10 of the *Fire Prevention Act* Fire District Regulations (EC487/89), Council, under authority of section 11 of the said regulations, changed the name of the Sherwood Fire District to the North Shore Fire District, effective 11 December 2010.

**EC2010-636**

**HEALTH SERVICES PAYMENT ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 5 of the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, Council approved the following regulations made by the Prince Edward Island Health and Community Services Agency:

**1. Subsection 8(2) of the *Health Services Payment Act* Regulations (EC453/96) is revoked and the following substituted:**

- (2) Every person who *Idem*
- (a) is
- (i) a landed immigrant,
  - (ii) a repatriated Canadian,
  - (iii) a returning Canadian,
  - (iv) a Canadian citizen or a spouse of a Canadian citizen assuming residence in Canada for the first time, or
  - (v) a spouse or a dependent child of a serving member of the Canadian Armed Forces or the Royal Canadian Mounted Police;
- and
- (b) has established permanent residence in Prince Edward Island, is entitled to benefits under these regulations from the date the person established such residence, if the person complies with the requirements of section 9.

**2. These regulations come into force on December 11, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** allows immediate family members of Canadian Armed Forces or the Royal Canadian Mounted Police members, on taking up residence in Prince Edward Island, to be immediately covered by the Prince Edward Island Health Services Plan, on application.

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

## EC2010-637

**HIGHWAY TRAFFIC ACT  
RACING AND STUNT DRIVING REGULATIONS**

Pursuant to subsection 231(2) of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

**1.** (1) For the purposes of subsection 231(1) of the Act, “race” includes any activity where one or more persons engage in any of the following driving behaviours: Definitions

- (a) driving a motor vehicle at a rate of speed that is a marked departure from the lawful rate of speed and in a manner that indicates the driver of the motor vehicle is engaged in a competition with another motor vehicle;
- (b) driving a motor vehicle in a manner that indicates an intention to chase another motor vehicle;
- (c) driving a motor vehicle without due care and attention, without reasonable consideration for other persons using the highway or in a manner that may endanger any person by
  - (i) driving a motor vehicle at a rate of speed that is a marked departure from the lawful rate of speed,
  - (ii) outdistancing or attempting to outdistance one or more other motor vehicles while driving at a rate of speed that is a marked departure from the lawful rate of speed, or
  - (iii) repeatedly changing lanes in close proximity to other vehicles so as to advance through the ordinary flow of traffic while driving at a rate of speed that is a marked departure from the lawful rate of speed.

(2) In this section, “marked departure from the lawful rate of speed” means a rate of speed that may limit the ability of a driver of a motor vehicle to prudently adjust to changing circumstances on the highway. Definition, marked departure from the lawful rate of speed

**2.** For the purposes of subsection 231(1) of the Act, “stunt” includes any activity where one or more persons engage in any of the following driving behaviours: Definition, stunt

- (a) driving a motor vehicle, including a motorcycle but excluding a commercial motor vehicle using lift axles, in a manner to lift one or more of its tires from the surface of the highway;
- (b) driving a motor vehicle in a manner to cause some or all of its tires to lose traction with the surface of the highway while turning;
- (c) driving a motor vehicle in a manner to spin it or cause it to circle, without maintaining control over it;
- (d) driving a motor vehicle side by side with one or more other motor vehicles or in proximity to one or more other motor vehicles, where one of the motor vehicles occupies a lane of traffic or other portion of the highway, intended for use by oncoming traffic, for a period of time that is longer than is reasonably required to pass another motor vehicle;
- (e) driving a motor vehicle with a person in the trunk of the motor vehicle;
- (f) driving a motor vehicle from a position in the vehicle other than the designated driver’s seat;
- (g) permitting any person or thing to occupy the front seat of a motor vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the motor vehicle;
- (h) permitting any person to ride in a position in a motor vehicle that interferes with the driver’s control over the driving mechanism of the motor vehicle or that obstructs the driver’s clear vision;
- (i) permitting any person or thing to protrude from the inside of the motor vehicle to the outside through a window, moon roof, sun roof or other opening in the motor vehicle.

**3.** These regulations come into force on December 11, 2010.

Commencement

### EXPLANATORY NOTES

**SECTION 1** provides a definition for “race” for the purposes of subsection 231(1) of the Act.

**SECTION 2** provides a definition for “stunt” for the purposes of subsection 231(1) of the Act.

**SECTION 3** provides for the commencement of these regulations.

### EC2010-638

#### HOSPITAL AND DIAGNOSTIC SERVICES INSURANCE ACT REGULATIONS AMENDMENT

Pursuant to section 11 of the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, Council made the following regulations:

**1. Subsection 10(3) of the *Hospital and Diagnostic Services Insurance Act* Regulations (EC586/72) is revoked and the following substituted:**

- (3) Notwithstanding subsection (1), every person who Exceptions
- (a) is
- (i) a landed immigrant,
  - (ii) a repatriated Canadian,
  - (iii) a returning Canadian,
  - (iv) a returning landed immigrant,
  - (v) a Canadian citizen or a spouse of a Canadian citizen assuming residence in Canada for the first time, or
  - (vi) spouse or a dependent child of a serving member of the Canadian Armed Forces or the Royal Canadian Mounted Police; and
- (b) has established permanent residence in Prince Edward Island, shall be entitled to benefits under these regulations from the date the person establishes such permanent residence, if the person complies with the requirements of section 11.

**2. These regulations come into force on December 11, 2010.**

### EXPLANATORY NOTES

**SECTION 1** allows immediate family members of Canadian Armed Forces or the Royal Canadian Mounted Police members, on taking up residence in Prince Edward Island, to be immediately covered by the Prince Edward Island Hospital Services Insurance Plan.

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

**EC2010-639**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
KENT R. BITTERMANN AND MARGARET ELIZABETH MCCALLUM  
(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 Kent R. Bittermann and Margaret Elizabeth McCallum, both of Fredericton, New Brunswick to acquire a land holding of approximately thirty-seven decimal three six (37.36) acres of land in Lot 67, Queens County, Province of Prince Edward Island, being acquired from Nancy Evelyn Susan Marshall of Cambridge Station, Nova Scotia.

Further, Council noted that the said land holding, being Provincial Property No. 879452, 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.

**EC2010-640**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WARREN C. HUTCHESON AND SHARON L. HUTCHESON  
(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 Warren C. Hutcheson and Sharon L. Hutcheson, both of Gores Landing, Ontario to acquire a land holding of approximately thirty-six (36) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from Patricia Roy of Miscouche, 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.

**EC2010-641**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
BARRY MCKENNA AND DIANE MCKENNA  
(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 Barry McKenna and Diane McKenna, both of Shrewsbury, England to acquire a land holding of approximately nineteen decimal zero seven (19.07) acres of land in Lot 29, Queens County, Province of Prince Edward Island, being acquired from Lorne Bagnall and Shirley Bagnall, both of Bonshaw, 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.

**EC2010-642**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DUNCAN ARTHUR SHAW AND MARY JACQUELINE GOODWIN  
 (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 Duncan Arthur Shaw and Mary Jacqueline Goodwin, both of Hammonds Plains, Nova Scotia to acquire a land holding of approximately twenty-five decimal seven (25.7) acres of land in Lot 31, Queens County, Province of Prince Edward Island, being acquired from Faye Feener and Wendell Feener, both of Summerside, 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.

**EC2010-643**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DR. JOHAN VLOK  
 (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 Dr. Johan Vlok of Darfield, New Zealand to acquire a land holding of approximately one hundred and sixty-nine decimal two one (169.21) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Margaret Hayden of Cherry Valley, 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.

**EC2010-644**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 101428 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 101428 P.E.I. Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately fifteen decimal five one (15.51) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from DeLong Holdings Inc. of Charlottetown, Prince Edward Island.



**EC2010-645**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
KENSINGTON ENTERPRISE CENTRE 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 Kensington Enterprise Centre Ltd. of Central Bedeque, Prince Edward Island to acquire a land holding of approximately four decimal four one (4.41) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Joyce MacKay of Kensington, Prince Edward Island.

**EC2010-646**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
P.E.I. MUSSEL KING (1994) 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 P.E.I. Mussel King (1994) Inc. of Morell, Prince Edward Island to acquire a land holding of approximately zero decimal two five (0.25) acres of land in Lot 40, Kings County, Province of Prince Edward Island, being acquired from Esther Runighan of Morell, Prince Edward Island.

**EC2010-647**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ROCHFORD PLACE 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 Rochford Place Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately thirteen decimal three four (13.34) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from G. Gordon Tweedy, Q.C., Trustee of Charlottetown, Prince Edward Island.

**EC2010-648**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
APPLICATION TO LEASE LAND  
KENTDALE ORGANIC PRODUCE 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 Kentdale Organic Produce Inc. of Winsloe, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to eighty-two (82) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Kentdale Organic Produce 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.

**EC2010-649**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 526616, LOT 18, PRINCE 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eighty-three (83) acres of land, being Provincial Property No. 526616 located in Lot 18, Prince County, Prince Edward Island and currently owned by Grant Thornton Limited as Receiver & Trustee in Bankruptcy of Schurman Farm Ltd. of Halifax, Nova Scotia.

Council noted that this amendment will enable subdivision of a parcel of land of approximately four decimal six (4.6) acres, SUBJECT TO the subdivided parcel being consolidated with approximately eight decimal nine (8.9) acres to be subdivided from the adjacent Provincial Property No. 592576. Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the new parcel of approximately thirteen decimal five (13.5) acres, and to the remaining land.

This Order-in-Council comes into force on 30 November 2010.

**EC2010-650**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 592576, LOT 18, PRINCE 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty (20) acres of land, being Provincial Property No. 592576 located in Lot 18, Prince County, Prince Edward Island and currently owned by Grant Thornton Limited as Receiver & Trustee in Bankruptcy of Schurman Farm Ltd. of Halifax, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately eight decimal nine (8.9) acres SUBJECT TO the subdivided parcel being consolidated with approximately four decimal six (4.6) acres to be subdivided from the adjacent Provincial Property No. 526616. Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the new parcel of approximately thirteen decimal five (13.5) acres and to the remaining land.

This Order-in-Council comes into force on 30 November 2010.

**EC2010-651**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 719641, LOT 34, 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eighty-four (84) acres of land, being Provincial Property No. 719641 located in Lot 34, Queens County, Prince Edward Island and currently owned by MacDonald's Farms Limited of Grand Tracadie, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal one five (1.15) acres, SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 140947. Further, Council 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 30 November 2010.

**EC2010-652**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 140947, LOT 34, 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately sixty-four decimal three three (64.33) acres of land, being Provincial Property No. 140947 located in Lot 34, Queens County, Prince Edward Island and currently owned by Reardon Construction Ltd. of Pleasant Grove, Prince Edward Island.

Council noted that this amendment will enable subdivision of a ten (10) acre portion of the property into a maximum of eight (8) lots 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 30 November 2010.

**EC2010-653**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROVINCIALY OWNED LAND  
AT ST. PETER'S, LOT 41, KINGS COUNTY  
EXEMPTION FROM  
IDENTIFICATION FOR NON-DEVELOPMENT USE

Pursuant to section 21 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council determined that upon transfer to the Community of St. Peter's Bay, eight decimal one (8.1) acres of land located at St. Peters, Lot 41, Kings County, Prince Edward Island, intended for use as a community centre, and being Provincial Property No. 120014 currently owned by the Eastern School District of Charlottetown, Prince Edward Island, NOT be identified for non-development use under the Land Identification Program established by the *Prince Edward Island Lands Protection Act* Land Identification Regulations (EC606/95).

**EC2010-654**

LOTTERIES COMMISSION ACT  
ATLANTIC LOTTERY REGULATIONS  
AMENDMENT

Pursuant to section 15 of the *Lotteries Commission Act* R.S.P.E.I. 1988, Cap. L-17, Council made the following regulations:

**1. (1) Subsection 4(1) of the *Lotteries Commission Act* Atlantic Lottery Regulations (EC863/76) is amended by the addition of the words “, including the time period within which prizes must be claimed” after the words “the terms and conditions to be attached thereto”.**

**(2) Subsection 4(2) of the regulations is amended by the deletion of the words “a notice is shown on every lottery ticket conveying the conditions of sale referred to in subsection (1)” and the substitution of the words “a notice is shown on every lottery ticket conveying the conditions applicable to the lottery scheme that are fixed under subsection (1)”.**

**2. Subsection 5(2) of the regulations is amended by the deletion of the word “Corporaiton” and the substitution of the word “Corporation”.**

**3. Subsection 8(2) of the regulations is amended by the deletion of the words “After twelve months from the date of the draw for each lottery” and the substitution of the words “After the expiry of the time period established by the Corporation under subsection 4(1) for claiming prizes in respect of a lottery,”.**

**4. Section 9 of the regulations is amended**

**(a) in the words preceding clause (a), by the deletion of the words “It is a condition for entitlement to collect any prize that the claimant” and the substitution of the words “A claimant for a prize in respect of a lottery scheme is not entitled to collect the prize unless the claimant”;**

**(b) in clause (a), by the deletion of the words “satisfy the Corporation that he” and the substitution of the words “satisfies the Corporation that the claimant”;**

**(c) by the revocation of clause (b) and the substitution of the following:**

(b) makes a claim to the Corporation for the prize before the expiry of the time period established by the Corporation under subsection 4(1) for claiming prizes in respect of a lottery scheme;

(b.1) satisfies the Corporation that any terms and conditions related to prize entitlement, other than the one referred to in clause (b), which are attached to the lottery scheme by the Corporation under subsection 4(1), have been met or complied with;

**(d) in clause (c), by the deletion of the words “give the Corporation the right to publish his” and the substitution of the words “gives the Corporation the right to publish the claimant’s”;**  
**and**

**(e) in clause (d), by the deletion of the words “give to” and the substitution of the words “gives to”.**

**5. These regulations come into force on December 11, 2010.**

#### **EXPLANATORY NOTES**

**SECTION 1** requires the Corporation to establish the time period for claiming prizes under a lottery scheme. Currently, the prescribed time period in the regulations for claiming prizes is 12 months from the date of the draw for each lottery. This section also makes a minor wording change to ensure consistency with other wording used in respect of the notice required to be shown on lottery tickets.

**SECTION 2** corrects a typing error.

**SECTION 3** makes an amendment in respect of the time for transferring money from the Prize Account for a lottery to the Special Prize Account. Currently, this transfer must be made within the prescribed 12 months period for claiming prizes. Under the amendment, this transfer must now be made after the expiry of the time period established by the Corporation for claiming prizes.

**SECTION 4** makes amendments to a provision that determines when a prize may be collected

- to clarify that a claimant needs to satisfy several conditions to do so,
- to replace references to “he” and “his” with gender neutral terms, and
- to recognize that claimants for prizes must comply with the conditions established by the Corporation under another provision of the regulations, including make the claim for the prize within the established time period.

**SECTION 5** provides for the commencement of these regulations.

#### EC2010-655

### PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS AMENDMENT

Pursuant to section 8 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

**1. Subsection 15(3) of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended by the deletion of the words “Where a buffer held in common ownership is required in accordance with subsection 16(6),” and the substitution of the words “Where a buffer required under subsection 16(1) is included as permitted by subsection 16(5),”.**

**2. (1) Subsection 16(5) of the regulations is revoked and the following substituted:**

- (5) Any buffer required under subsection (1) may be included Ownership of buffer
- (a) as one separate parcel that is to be held in common ownership by the owners of the lots of the subdivision and designated for use as a buffer only; or
  - (b) as part of one or more lots designated for residential use where each such lot
    - (i) meets the minimum lot size standards required by section 23 exclusive of the included area of the buffer, and
    - (ii) has dimensions sufficient to permit the building setbacks required by these regulations exclusive of the included area of the buffer.

**(2) Subsection 16(6) of the regulations is revoked.**

**3. These regulations come into force on December 11, 2010.**

#### EXPLANATORY NOTES

**SECTION 1** removes the mandatory requirement that in subdivisions of more than 5 lots the required buffer must be provided separately from the lots and designated for the common use of the lot owners.

**SECTION 2** allows for the option of providing a required buffer either as a separate parcel or as part of one or more lots in a subdivision.

**SECTION 3** provides for the commencement of these regulations.

**EC2010-656****ROADS ACT  
VEHICLE WEIGHTS AND DIMENSIONS REGULATIONS  
AMENDMENT**

Pursuant to section 55 of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, Council made the following regulations:

**1. Subsection 16(2) of the *Roads Act* Vehicle Weights and Dimensions Regulations (EC1/02) is amended by the deletion of the words “Subject to subsection 14(1), a new trailer” and the substitution of the words “A new trailer”.**

**2. Schedule 4 of the regulations is amended**

**(a) in Category 5, Part 1, in respect of the entry in the Minimum and Maximum Allowable Dimension Limit column for Tandem Axle Spread, by the deletion of the words “Minimum 1.2 m/Maximum 1.85 m” and the substitution of the words “Minimum 1.2 m/Maximum 2.2 m”; and**

**(b) in Category 5, Part 2, in respect of the entry in the Weight column for Axle Spread, by the deletion of the words “1.2 m to 1.85 m” and the substitution of the words “1.2 m to 2.2 m”.**

**3. These regulations come into force on December 11, 2010.**

**EXPLANATORY NOTES**

**SECTION 1** amends the wording in a section of the regulations to reflect recent amendments to the regulations.

**SECTION 2** amends the dimension requirements for tandem axle steering spreads in Category 5 of Schedule 4 of the regulations.

**SECTION 3** provides for the commencement of these regulations.