

## EC2017-356

**ENVIRONMENTAL PROTECTION ACT  
A CODE FOR PLUMBING SERVICES REGULATIONS  
AMENDMENT**

Pursuant to clause 25(1)(f) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Council made the following regulations:

**1. (1) Subsections 4(1) and (4) of the *Environmental Protection Act* A Code for Plumbing Services Regulations (EC666/86) are revoked.**

**(2) Subsection 4(2) of the regulations is amended by the deletion of the words “sentences 2.2.5.12. (2) and (3)” and the substitution of the words “sentences 2.2.5.11. (2) and (3)”.**

**2. Sections 5 and 5.1 of the regulations are revoked.**

**3. Appendix A of the regulations is revoked.**

**4. The regulations are amended by the addition of the following after section 5.2:**

**5.3 (1)** On and after the coming into force of this section, the design, construction, extension, alteration, renewal and repair of a new plumbing system by any person shall not direct water from any non-sanitary source, including water from a sump pit or surface or storm water, into a sanitary sewer system.

Prohibition – new design

(2) Subject to subsection (3), on the coming into force of this section, the extension, alteration, renewal and repair of an existing plumbing system by any person, including any future design and construction of the plumbing system, shall not direct water from any non-sanitary source, including water from a sump pit or surface or storm water, into a sanitary sewer system.

Prohibition – existing design

(3) The utility that owns or operates a central wastewater collection and treatment system may, on application from the owner of a serviced property, issue a written exemption to the owner that exempts the owner from a restriction in subsection (2).

Exemption

**5. These regulations come into force on July 1, 2017.**

**EXPLANATORY NOTES**

**SECTION 1** revokes subsections 4(1) and (4) of the *Environmental Protection Act* A Code for Plumbing services Regulations (EC666/86). These subsections contained exceptions to the National Plumbing Code that are no longer required. The section also amends subsection 4(2) to correct a reference to specified sentences in the Code.

**SECTION 2** revokes sections 5 and 5.1 of the regulations. These sections contained exceptions to the National Plumbing Code that are no longer required.

**SECTION 3** revokes Appendix A of the regulations, in consequence of the revocation of section 5.1.

**SECTION 4** establishes a new section 5.3 of the regulations. Subsection 5.3(1) provides that a plumbing system that is new on and after the coming into force of the section shall not be designed, constructed, altered, extended renewed or repaired so as to direct water from any non-sanitary source, including water from a sump pit or surface or storm water, into a sanitary sewer system. Subsection 5.3(2) establishes a similar prohibition for existing plumbing systems. Subsection 5.3(3) provides that a utility that operates a central wastewater collection and treatment system may, on application by an owner of a serviced property, issue a written exemption from a restriction in subsection (2) to the owner.

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

### **EC2017-357**

#### **FINANCE PEI ACT REGULATIONS GORRILL PRODUCE LTD. AUTHORIZATION**

Pursuant to subsection 2(3) of the *Finance PEI Act* Regulations (EC2012-739), Council authorized Finance PEI to advance a capital loan in the amount of one million seven hundred and thirty-three thousand one hundred and eighty-one dollars (\$1,733,181.00) to Gorrill Produce Ltd., on the terms and conditions acceptable to the Board of Directors of Finance PEI.

### **EC2017-358**

#### **HEALTH INFORMATION ACT DECLARATION RE**

Under authority of section 84 of the *Health Information Act* Stats. P.E.I. 2014, c. 31 Council ordered that a Proclamation do issue proclaiming the said "*Health Information Act*" to come into force effective July 1, 2017.

### **EC2017-359**

#### **HEALTH INFORMATION ACT HEALTH INFORMATION REGULATIONS**

Pursuant to section 81 of the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41, the Lieutenant Governor in Council made the following regulations:

##### Interpretation and Application

**1.** In these regulations, "Act" means the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41. Definition, "Act"

**2.** (1) For the purpose of clause 1(l) of the Act, a nursing home operated by Health PEI or under a license issued pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13, is designated as a health care facility. Health care facility

(2) For the purpose of clause 1(aa) of the Act, the Prince Edward Island Research Ethics Board is designated as a research ethics board. Research ethics board

3. (1) For the purpose of clause 4(1)(c) of the Act, for greater certainty the following are prescribed Act does not apply

- (a) the Children's Lawyer;
- (b) the Prince Edward Island Workers Compensation Board.

(2) For the purpose of subsection 4(2) of the Act, the following enactments are prescribed: Idem

- (a) the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01;
- (b) the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1.

#### Consent

4. Where an individual refuses to grant consent or withdraws consent to the collection, use or disclosure of his or her personal health information in accordance with section 13, the refusal or withdrawal shall be in writing, signed and dated by the individual. Refusal or withdrawal of consent in writing

#### Research Plan

5. In addition to the matters set out in clauses 30(2)(a) and (b) of the Act, a research plan shall include Contents of research plan

- (a) a research protocol, including a description of the specific information or variables required for the research;
- (b) a plan for the de-identification of data, including a data flow diagram, if applicable; and
- (c) any information known to the person submitting the research plan relevant to the consideration of the research ethics board under clause 30(3)(a) of the Act.

#### Drug Information System

6. (1) In accordance with subsection 73.3(2) of the Act, the following information shall be collected and recorded in the DIS when a drug is dispensed in a pharmacy, other than in a hospital, for a patient pursuant to a prescription: DIS information, prescription

- (a) the pharmacist's DIS identification number;
- (b) the pharmacy's DIS identification number;
- (c) the prescriber's DIS identification number;
- (d) the patient's name, date of birth and provincial health number;
- (e) the date the prescription is submitted at the pharmacy;
- (f) the date the drug is dispensed;
- (g) the date the drug is retrieved from the pharmacy;
- (h) the drug identification number;
- (i) the prescription number or transaction number;
- (j) the code indicating a new prescription or refill;
- (k) the group code of the provincial drug program, if applicable;
- (l) any intervention or exception code used;
- (m) the quantity of the drug dispensed;
- (n) the directions for use of the drug;
- (o) the estimated number of days of use based on the quantity of the drug dispensed and the directions for use of the drug;
- (p) the number of prescription refills authorized, if applicable.

(2) In accordance with subsection 73.3(2) of the Act, the following information shall be collected and recorded in the DIS when an exempted codeine product, as defined in the *Pharmacy Act* General Regulations (EC527/14), is supplied in a pharmacy, other than in a hospital, for a patient without a prescription: DIS information, exempted codeine product without prescription

- (a) the pharmacist's DIS identification number;
- (b) the pharmacy's DIS identification number;
- (c) the patient's name, date of birth and provincial health number;
- (d) the date the drug is supplied;
- (e) the drug identification number;
- (f) the quantity of the drug supplied;
- (g) the directions for use of the drug;
- (h) the estimated number of days of use based on the quantity of the drug supplied and the directions for use of the drug.

7. (1) Access to the DIS may only be granted pursuant to section 73.4 of the Act to Access granted by manager

- (a) an employee of Health PEI who is responsible for the administration of a provincial drug benefit plan;
- (b) a person referred to in section 1 of the *Regulated Health Professions Act Exemption Regulations* (EC754/14), until December 31, 2018; or
- (c) one of the following health care providers who is employed or engaged at a health care facility in that capacity:
- (i) a licensed practical nurse,
  - (ii) a medical practitioner,
  - (iii) a nurse practitioner,
  - (iv) a pharmacist,
  - (v) a pharmacy technician,
  - (vi) a registered nurse.
- (2) An authorized custodian who is granted access to the DIS in accordance with clause (1)(a) shall cease to have access if he or she ceases to be an employee of Health PEI responsible for the administration of a provincial drug benefit plan. Access revoked
- (3) An authorized custodian who is granted access to the DIS in accordance with clause (1)(b) shall cease to have access after December 31, 2018, or if he or she ceases to be employed in a dispensary in a hospital or health facility operated by the Government or Health PEI, whichever occurs sooner. Idem
- (4) An authorized custodian who is granted access to the DIS in accordance with clause (1)(c) shall cease to have access if his or her registration or license expires or is suspended or cancelled or the authorized custodian ceases to be employed or engaged at a health care facility as a health care provider referred to in clause (1)(c). Idem
- (5) The Minister may suspend or revoke the access of an authorized custodian who is granted access to the DIS in accordance with subsection (1), if the Minister has reasonable grounds to believe that the authorized custodian
- (a) knowingly recorded false or incorrect information in the DIS;
  - (b) collected, used or disclosed personal health information in the DIS for a purpose contrary to the Act; or
  - (c) facilitated access to the DIS by a person who is not an authorized custodian.
- Access suspended or revoked
- (6) Before suspending or revoking the access of an authorized custodian in accordance with subsection (5), the Minister shall Idem
- (a) serve notice in writing of the Minister's intention to suspend or revoke the authorized custodian's access to the DIS, including reasons, on the authorized custodian and the authorized custodian's employer or the operator of the health care facility where the authorized custodian is engaged, as the case may be;
  - (b) give the authorized custodian an opportunity to make submissions orally or in writing within a specified time period respecting the proposed suspension or revocation;
  - (c) consider the submissions of the authorized custodian, if any; and
  - (d) serve notice in writing of the Minister's decision, including reasons, on the authorized custodian and the authorized custodian's employer or the operator of the health care facility where the authorized custodian is engaged, as the case may be.
- (7) Despite subsection (6), where the Minister has reasonable grounds to believe that access by an authorized custodian to the DIS poses a serious and demonstrable risk of harm to an individual, the Minister may immediately suspend the authorized custodian's access for a period of up to 90 days. Interim suspension
- (8) The Minister shall serve notice in writing of a suspension applied under subsection (7), including reasons, on the authorized custodian and the authorized custodian's employer or the operator of the health care facility where the authorized custodian is engaged, as the case may be. Notice

#### General

8. Pursuant to section 80 of the Act, a custodian may require an individual to pay to the custodian a fee up to the maximum amount set Fees

out in the Schedule to these regulations, but not exceeding the actual cost of the service, to copy or ship a record of the individual's personal health information, based on the format of the copy.

**9.** The *Pharmaceutical Information Act* General Regulations (EC211/07) are revoked. Revocation

**10.** These regulations come into force on July 1, 2017. Commencement

### SCHEDULE

#### Fees

<u>Service Provided</u>	<u>Maximum Fee</u>
1. Paper copy (photocopy or computer printout)	25 cents per page
2. Paper copy (from microfilm)	50 cents per exposure
3. Photo print (from digital or negative, colour or black and white)	
(a) 5" x 7"	\$9.00
(b) 8" x 10"	\$11.00
(c) 11" x 14"	\$25.00
(d) 16" x 20"	\$40.00
(e) 20" x 24"	\$100.00
4. Microfilm	
(a) 16 mm roll	\$29.95
(b) 35 mm roll	\$32.95
5. Slide, colour 35 mm	\$8.50 per slide
6. Audio cassette	
(a) applicant supplies cassette	\$5.00
(b) custodian supplies cassette	\$10.00
7. Video cassette	
(a) applicant supplies cassette	\$5.00
(b) custodian supplies cassette	\$10.00
8. Other media format (DVD, USB, CD, etc.)	Cost to custodian
9. Electronic copy	Cost to custodian
10. Shipping	Cost to custodian

### EXPLANATORY NOTES

**SECTION 1** defines the term "Act" used in these regulations.

**SECTION 2** designates nursing homes operated by Health PEI or under a license issued pursuant to the *Community Care Facilities and Nursing Homes Act* as health care facilities. It also designates the Prince Edward Island Research Ethics Board as a research ethics board under this Act.

**SECTION 3** confirms that the Act does not apply to the Children's Lawyer or the Prince Edward Island Workers Compensation Board and provides that the Act does not apply with respect to a record created or information held by a person under or for the purposes of the *Occupational Health and Safety Act* or the *Workers Compensation Act*.

**SECTION 4** requires the refusal or withdrawal of consent to the collection, use or disclosure of an individual's personal health information to be in writing, signed and dated by the individual.

**SECTION 5** sets out additional matters to be addressed in a research plan.

**SECTION 6** sets out the information that shall be collected and recorded in the DIS when a drug is dispensed in a pharmacy, other than in a hospital, for a patient pursuant to a prescription and when an exempted codeine product is supplied in a pharmacy, other than in a hospital, for a patient without a prescription.

**SECTION 7** provides that access to the DIS may only be granted pursuant to section 73.4 of the Act to specified custodians. It provides that such an authorized custodian will cease to have access if he or she ceases to meet the requirements on which the access was based.

The section also provides for the interim suspension and suspension or revocation of such an authorized custodian's access to the DIS by the Minister.

**SECTION 8** provides that a custodian may require an individual to pay to the custodian a fee up to the maximum amount set out in the Schedule to these regulations, but not exceeding the actual cost for the service, to copy or ship a record of the individual's personal health information, based on the format of the copy.

**SECTION 9** revokes the *Pharmaceutical Information Act* General Regulations.

**SECTION 10** provides for the commencement of these regulations.

### **EC2017-360**

ISLAND INVESTMENT DEVELOPMENT ACT  
FINANCIAL ASSISTANCE REGULATIONS  
100415 P.E.I. INC.  
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to advance a term loan in the amount of ninety-eight thousand six hundred and eighteen dollars (\$98,618.00) to 100415 P.E.I. Inc., subject to terms and conditions acceptable to the Board of Directors of Island Investment Development Inc.

### **EC2017-361**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
FRITS HOFF AND JANINE HOFF  
(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 Frits Hoff and Janine Hoff, both of Rustico, Prince Edward Island, to acquire an interest in a land holding of approximately zero decimal eight nine (0.89) of an acre of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sandra G. Dixon Craswell of Hunter River, Prince Edward Island.

**EC2017-362**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
FRITS HOFF AND JANINE HOFF  
(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 Frits Hoff and Janine Hoff, both of Rustico, Prince Edward Island, to acquire an interest in a land holding of approximately one decimal seven (1.7) acres of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sterling Dean Craswell of Hunter River, Prince Edward Island.

**EC2017-363**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
FRITS HOFF AND JANINE HOFF  
(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 Frits Hoff and Janine Hoff, both of Rustico, Prince Edward Island, to acquire an interest in a land holding of approximately thirty-eight decimal one seven (38.17) acres of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Idee Holsteins Inc. of Hunter River, Prince Edward Island.

**EC2017-364**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
FRITS HOFF AND JANINE HOFF  
(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 Frits Hoff and Janine Hoff, both of Rustico, Prince Edward Island, to acquire an interest in a land holding of approximately two hundred and sixty-four decimal three seven (264.37) acres of land at Oyster Bed Bridge, Wheatley River, Anglo Rustico and Cymbria, all in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sterling Dean Craswell of Hunter River, Prince Edward Island.

**EC2017-365**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ELAM KUEPFER AND ROSANNA KUEPFER  
(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 Elam Kuepfer and Rosanna Kuepfer, both of Atwood, Ontario, to acquire a land holding of approximately one hundred and seventy-four decimal seven six (174.76) acres of land at Glenfanning, Lot 54, Kings County, Province of Prince Edward Island, being acquired from the Estate of Irving J. Roche of Stratford, 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.

**EC2017-366**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WILHELMINA SEEGER AND ADRIANUS SEEGER  
(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 Wilhelmina Seegers and Adrianus Seegers, both of Ailsa Craig, Ontario to acquire a land holding of approximately seventy-nine decimal five six (79.56) acres of land at New Argyle, Lot 65, Queens County, Province of Prince Edward Island, being acquired from Scott MacEachern, Alan MacEachern, Lincoln MacEachern, Errol MacEachern and Jean Prinsen, all 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.

**EC2017-367**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
100556 P.E.I. 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 100556 P.E.I. Inc. of Orwell Cove, Prince Edward Island to acquire a land holding of approximately two hundred and thirty-two decimal nine (232.9) acres of land at White Sands, Lot 64, Kings County, Province of Prince Edward Island, being acquired from Edwin W. Chappell and Thelma M. Chappell, both of Murray River, 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.



**EC2017-368**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
102096 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 102096 P.E.I. Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately three decimal one four (3.14) acres of land at Summerside, Lot 17, Prince County, Province of Prince Edward Island, being acquired from Keen Investments Ltd. of Summerside, Prince Edward Island.

**EC2017-369**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
10168556 CANADA 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 10168556 Canada Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately five decimal seven four (5.74) acres of land at Hampton, Lot 29, Queens County, Province of Prince Edward Island, being acquired from Hong Yang and Fei Tian, both of Cornwall, 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 10168556 Canada Inc. and on all successors in title.

**EC2017-370**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
BLUE BAY FARMS 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 Blue Bay Farms Ltd. of Hunter River, Prince Edward Island to acquire a land holding of approximately four hundred and three decimal two nine (403.29) acres of land at Anglo Rustico and Wheatley River, both in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Howmac Farms Ltd. of North Wiltshire, 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.

**EC2017-371**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CAPREIT APARTMENTS 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 CAPREIT Apartments Inc. of Toronto, Ontario to acquire a land holding of approximately two decimal six (2.6) acres of land at Summerside, Lot 17, Prince County, Province of Prince Edward Island, being acquired from Privateers Enterprises Inc. of Cornwall, Prince Edward Island.

**EC2017-372**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
THE GRAY GROUP INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to The Gray Group Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal four one (1.41) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from MacLennan Holdings Ltd. of Charlottetown, Prince Edward Island.

**EC2017-373**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately zero decimal eight nine (0.89) of an acre of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sandra G. Dixon Craswell of Hunter River, Prince Edward Island.

**EC2017-374**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately one decimal seven (1.7) acres of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sterling Dean Craswell of Hunter River, Prince Edward Island.

**EC2017-375**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately two decimal three eight (2.38) acres of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Idee Holsteins Inc. of Hunter River, Prince Edward Island.

**EC2017-376**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately twenty-eight decimal seven seven (28.77) acres of land at Oyster Bed Bridge, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sterling Dean Craswell of Hunter River, Prince Edward Island.

**EC2017-377**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately thirty-five decimal seven nine (35.79) acres of land at Cymbria, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Idee Holsteins Inc. of Hunter River, 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.

**EC2017-378**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HOFF DAIRY 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 Hoff Dairy Inc. of Rustico, Prince Edward Island to acquire a land holding of approximately two hundred and thirty-five decimal six (235.6) acres of land at Anglo Rustico, Cymbria and Wheatley River, all in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Sterling Dean Craswell of Hunter River, 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.

**EC2017-379**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ISLAND NATURE TRUST  
(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 Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately eleven decimal eight nine (11.89) acres of land at Souris Line Road, Lot 45, Kings County, Province of Prince Edward Island, being acquired from Reginald Conohan and Joanne Conohan, both of Cardigan, 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.

**EC2017-380**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 VITADOS HOLDINGS 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 Vitados Holdings Inc. of Oyster Bed Bridge, Prince Edward Island to acquire a land holding of approximately two decimal two eight (2.28) acres of land at Oyster Bed Bridge, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Alje Marcel Heijs of Oyster Bed Bridge, Prince Edward Island.

**EC2017-381**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 WEYMOUTH PROPERTIES 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 Weymouth Properties Limited of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal two (1.2) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Paramount Construction (PEI) Ltd. of Cornwall, Prince Edward Island.

**EC2017-382**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PROPERTY NO. 788505, LOT 38, KINGS 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 forty-one decimal two (41.2) acres of land, being Provincial Property No. 788505 located at Fanning Brook, Lot 38, Kings County, Prince Edward Island and currently owned by JP Hendricken Inc. of Pisquid East, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two (2) acres for residential use, and determined that following subdivision, identification for non-development use shall continue to apply to the new parcel and the remaining land.

This Order-in-Council comes into force on June 20, 2017.

## EC2017-383

**PESTICIDES CONTROL ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 22 of the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4, Council made the following regulations:

**1. Subsection 1(1) of the *Pesticides Control Act* Regulations (EC761/05) is amended by the addition of the following after clause (j.3):**

- (j.4) “incompatible materials” means materials that can react with a pesticide and may incompatible materials
- (i) destroy the structure or function of a pesticide,
  - (ii) cause a fire, explosion or violent reaction, or
  - (iii) cause the release of hazardous chemicals;

**2. Subsection 9(1) of the regulations is amended**

- (a) in clause (c), by the deletion of the words “and dimensions of the area”; and
- (b) in clause (g), by the addition of the word “and” after the semicolon.

**3. Subsection 17(1) of the regulations is amended**

- (a) by the addition of a comma after the words “written record of sale”;
- (b) by the addition of a comma after the words “within 24 hours of the sale”; and
- (c) by the addition of the word “indicated” after the words “expiry date”.

**4. (1) Subsection 20(2) of the regulations is revoked and the following substituted:**

- (2) Every operator of an agricultural operation, every operator of a golf course, and every holder of a Pesticide Application Business Licence who possesses pesticides in amounts in excess of 100 kilograms or 100 litres of formulated product shall ensure that the pesticide is stored in a storage facility that Storage facility
- (a) is free of an accumulation of waste materials other than pesticide containers;
  - (b) has a floor constructed of concrete or other water-impervious material;
  - (c) provides adequate ventilation, either mechanical or natural;
  - (d) has conspicuously placed “NO SMOKING” signs within storage areas and at all entrances;
  - (e) has a sign that states “WARNING—PESTICIDE STORAGE AREA” on all doors;
  - (f) is not accessible to the public and is secured or locked when the holder of the licence or an employee of that person is not present on the premises on which the pesticide is stored;
  - (g) has properly maintained and approved safety equipment to be used in emergency situations;
  - (h) has adequate equipment and material capable of stopping any leak or release and, if required, of cleaning up a leak or release;
  - (i) has no floor drainage;
  - (j) is positioned not less than 8 metres from incompatible materials;
  - (k) has posted, by the nearest phone, the following emergency telephone numbers:
    - (i) 911 (fire, police, ambulance),
    - (ii) provincial pesticide enforcement office,
    - (iii) provincial or regional poison control centre,
    - (iv) provincial environmental emergency office;

- (l) includes a product storage inventory that lists each product and estimated quantities normally held in storage; and
- (m) includes, on-site, reference Safety Data Sheets (SDSs) for all stored pesticides.

**(2) Section 20 of the regulations is amended by the addition of the following after subsection (3):**

(4) Every operator of an agricultural operation, every operator of a golf course, and every holder of a Pesticide Application Business Licence who possesses pesticides in amounts in excess of 100 kilograms or 100 litres of formulated product shall Additional requirements

- (a) keep a secondary product storage inventory and reference SDSs for all stored pesticides in a location on the property that is separate from the storage facility and readily accessible to emergency responders; and
- (b) notify the local fire department regarding the location of the secondary product storage inventory and reference SDSs.

**5. Section 22 of the regulations is amended by the addition of the words “unless these regulations specify a more stringent requirement” after the words “pesticide package label”.**

**6. Clause 23(c) of the regulations is amended by the addition of the words “or contaminated” after the words “a material treated”.**

**7. Subsection 24.1(1) of the regulations is amended by the deletion of the words “clause 24(1)(d)” and the substitution of the words “clause 24(2)(d)”.**

**8. (1) Subsection 27(2) of the regulations is amended**

- (a) in clause (a),
  - (i) by the deletion of the word “such” and the substitution of the word “the”, and
  - (ii) by the deletion of the word “and” after the semicolon;

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

- (b) the container referred to in clause (a)
  - (i) remains upright at all times, and
  - (ii) is secured to the vehicle to prevent the escape or discharge of the pesticide from the vehicle; and

**(c) by the addition of the following after clause (b):**

- (c) the pesticide is not left unattended in or on a vehicle unless the vehicle is located in a place inaccessible to the public, or the pesticide is locked in an enclosed part or compartment of the vehicle.

**(2) Subsection 27(5) of the regulations is revoked and the following substituted:**

- (5) Every person who Transports, sells treated seed
  - (a) transports seed treated with a pesticide shall ensure that all the treated seed is transported in sacks or other sealed containers or, if transported in bulk, is securely covered by a tarpaulin or similar cover to prevent the seed from spilling during transport;
  - (b) transports, sells or supplies seed treated with a pesticide shall ensure that each sack or other sealed container is labeled with the words “Seed treated with (name of pesticide). Do not use for food or feed”; and
  - (c) sells or supplies seed treated with a pesticide shall, at the time of sale or supply, provide the purchaser or another person who is picking up the seed on behalf of the purchaser with a copy of the pesticide label.

**(3) Section 27 of the regulations is amended by the addition of the following after subsection (5)**

- (6) Clause (5)(b) does not apply to seed transported in bulk. Exception

**9. Subsection 31(1) of the regulations is amended by the addition of the words “selling the non-domestic pesticide” after the words “unless the person”.**

**10. Section 35 of the regulations is revoked and the following substituted:**

**35. (1)** No person except the holder of a Pesticide Application Permit shall apply a pesticide Prohibition

- (a) to an open body of water;
- (b) within a buffer zone as that term is used in the Watercourse and Wetland Protection Regulations (EC720/08) under the *Environmental Protection Act*; or
- (c) as a soil fumigant.

(2) Notwithstanding clause (1)(b), a person who does not hold a Pesticide Application Permit may Exception

- (a) apply a pesticide in a buffer zone surrounding a wetland that is a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow; or
- (b) apply an exempted pesticide in a buffer zone for the control of a landscape pest.

**11. Schedule 1 to the regulations is revoked.**

**12. Schedule 3 to the regulations is amended**

**(a) in Form 7, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(b) in Form 8, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(c) in Form 9, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(d) in Form 10, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(e) in Form 11, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(f) in Form 12, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(g) in Form 13, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”;**

**(h) in Form 14, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”; and**

**(i) in Form 15, by the deletion of the words “Pesticide Control Act” wherever they occur and the substitution of the words “Pesticides Control Act”.**

**13. These regulations come into force on July 1, 2017.**



**EXPLANATORY NOTES**

**SECTION 1** amends subsection 1(1) of the *Pesticides Control Act* Regulations to add a definition of “incompatible materials”, a term that is used in subsection 20(2) of the regulations.

**SECTION 2** amends subsection 9(1) of the regulations to remove unnecessary wording in clause (c) and to clarify the wording in clause (g).

**SECTION 3** amends subsection 17(1) of the regulations to clarify how the sale of a pesticide must be recorded.

**SECTION 4** revokes subsection 20(2) of the regulations and substitutes a new subsection 20(2). The new subsection (2) clarifies the requirements for a pesticide storage facility, eliminates some requirements that have been found more stringent than necessary, and improves the wording. The section also adds a new subsection 20(4) to the regulations that requires operators who store more than 100 kilograms or 100 litres of formulated product at a time to keep a secondary product inventory list in a separate and accessible location and to notify the local fire department regarding its location.

**SECTION 5** amends section 22 of the regulations to clarify that the regulations may impose more stringent requirements than those listed on a pesticide container’s label.

**SECTION 6** amends clause 23(c) of the regulations to include a reference to materials contaminated with a pesticide in the requirements for disposal of pesticides.

**SECTION 7** amends subsection 24.2(1) of the regulations to correct an incorrect cross-reference.

**SECTION 8** amends subsection 27(2) of the regulations to update and clarify the wording generally and to introduce rules for transport of pesticides that are comparable to those used in other provinces. The section also revokes subsection 27(5) and replaces it with a new subsection (5) that expands and clarifies the rules applicable to persons who transport, sell or supply seed treated with pesticide, and adds a new subsection (6) that provides a limited exception to the requirements of clause (5)(c) for seed that is transported in bulk.

**SECTION 9** amends subsection 31(1) of the regulations to clarify an ambiguous reference to “the person”.

**SECTION 10** revokes section 35 of the regulations and replaces it with a new subsection 35(1) that prohibits the application of a pesticide in specified circumstances by anyone other than the holder of a Pesticide Application Permit. The substance of this subsection was previously in Schedule 1 to the regulations, which is being revoked. The section also adds a new subsection 35(2) which authorizes a person who does not hold a Pesticide Application Permit to apply a pesticide in two specified situations.

**SECTION 11** revokes Schedule 1 to the regulations.

**SECTION 12** amends Schedule 3 to the regulations to correct the name of the Act in various forms.

**SECTION 13** provides for the commencement of the regulations.

**EC2017-384****PROVINCIAL COURT ACT  
JUSTICE OF THE PEACE  
APPOINTMENT**

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Kerrilee MacConnell of Charlottetown, in Queens County, Prince Edward Island, as a Justice of the Peace in and for the Counties of Prince, Queens and Kings in the Province of Prince Edward Island for a term of five (5) years, effective 20 June 2017.

Further, Council ordered that should Kerrilee MacConnell cease to be employed by the Province of Prince Edward Island in her present capacity with the Provincial Court, that her appointment as a Justice of the Peace shall terminate coincident with the date her employment terminates.