

EC2024-682**CHILD PROTECTION ACT
REGULATIONS
REVOCATION**

Pursuant to section 60 of the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, Council made the following regulations:

1. **The *Child Protection Act* Regulations (EC215/03) are revoked.**
2. **These regulations come into force on September 9, 2024.**

EXPLANATORY NOTES

SECTION 1 revokes the *Child Protection Act* Regulations (EC215/03), which are being replaced by regulations made under the new *Child, Youth and Family Services Act*.

SECTION 2 provides for the commencement of this regulations revocation.

EC2024-683**CHILD, YOUTH AND FAMILY SERVICES ACT
DECLARATION RE**

Under authority of section 79 of the *Child, Youth and Family Services Act* Stats. P.E.I. 2023, c. 17 Council ordered that a Proclamation do issue proclaiming the said "*Child, Youth and Family Services Act*" to come into force effective September 9, 2024.

EC2024-684**CHILD, YOUTH AND FAMILY SERVICES ACT
CHILD, YOUTH AND FAMILY SERVICES REGULATIONS**

Pursuant to section 63 of the *Child, Youth and Family Services Act* R.S.P.E.I. 1988, Cap. C-6.01, Council made the following regulations:

Interpretation

1. **Indigenous governing body**
For greater certainty, "Indigenous governing body" may include
 - (a) the Chief and Council of the Abegweit First Nation; and
 - (b) the Chief and Council of the Lennox Island First Nation.

Administrative Review

2. Right to request review, information

- (1) The Director shall ensure that any person who may be aggrieved by a decision listed in subsection (2) is advised of the right to request a review and that information about the review process is easily accessible.

Decisions subject to review

- (2) The following decisions of the Director are subject to review:
- (a) to place a child in the care of a particular caregiver, pursuant to subsection 47(1) of the Act;
 - (b) to refuse to provide access to a record or personal information, or disclose personal information, under Part 8 of the Act;
 - (c) to refuse to correct personal information in a record, pursuant to subsection 58(4) of the Act.

Request for review

- (3) A request for review made pursuant to section 11 of the Act shall
- (a) state the name and contact information of the person making the request;
 - (b) identify or describe the decision of the Director that has aggrieved the person; and
 - (c) state how the decision has aggrieved the person.

Copy to Director

- (4) On receipt of a request for review made in accordance with subsections (2) and (3), the Minister shall promptly provide a copy of the request to the Director.

Response of Director

- (5) On receipt of a copy of a request for review from the Minister, the Director shall prepare and submit to the Minister, within 14 days, a written response to the request, which includes reasons for the decision and any supporting documentation or information.

Copy to person requesting review

- (6) On receipt of the Director's response, the Minister shall promptly provide a copy of the response to the person who requested the review and appoint a review panel.

Appointment of review panel

- (7) When appointing a review panel in accordance with section 11 of the Act, the Minister
- (a) shall take into consideration
 - (i) any cultural, ethnic, linguistic, religious, or other factors relevant to the matter, and
 - (ii) any expertise or experience that could be of assistance in determining the matter; and
 - (b) shall not appoint a person with any prior involvement in the matter.

Notice of appointment and provision of documents

- (8) On appointing a review panel, the Minister shall
- (a) give notice to the person who requested the review and the Director that the review panel has been appointed; and
 - (b) provide the review panel with the request for review and the response to the request.

Dismissal or discontinuance of review

- (9) Notwithstanding subsections (4), (5) and (6), the Minister may do any of the following, at any time before appointing a review panel:
- (a) dismiss a request for review where the Minister determines
 - (i) the request is frivolous, vexatious or without merit,
 - (ii) the request has been made more than 30 days from the date the decision was made known to the person,
 - (iii) the request has not been made in accordance with subsections (2) and (3),

- (iv) the matter has already been the subject of a request for review, which has been dismissed or discontinued by the Minister or a review panel or adjudicated by a review panel;
- (b) suspend the review to allow the person who requested the review and the Director to use a collaborative approach to resolve the matter;
- (c) discontinue a review where the request is withdrawn, or the matter is resolved to the satisfaction of the person who requested the review.

3. Procedure

- (1) In conducting a review of a decision of the Director, a review panel may do any of the following:
 - (a) hear the person who requested the review and the Director, orally or in writing;
 - (b) make inquiries orally or in writing of any person who has or may have information relevant to the review;
 - (c) encourage the person who requested the review and the Director to use a collaborative approach to resolve the matter.

Hearing or inquiring orally

- (2) A review panel may hear a person or make inquiries orally in person or electronically.

Dismissal or discontinuance of review

- (3) A review panel may do any of the following, at any time:
 - (a) dismiss a request for review where the review panel determines
 - (i) the request is frivolous, vexatious or without merit,
 - (ii) the request has been made more than 30 days from the date the decision was known to the person,
 - (iii) the request has not been made in accordance with subsections 2(2) and (3), or
 - (iv) the matter has already been the subject of a request for review, which has been dismissed or discontinued by the Minister or a review panel or adjudicated by a review panel;
 - (b) suspend the review to allow the person who requested the review and the Director to use a collaborative approach to resolve the matter;
 - (c) discontinue a review where the request is withdrawn, or the matter is resolved to the satisfaction of the person who requested the review.

Duties and powers of review panel

- (4) Subject to clause (3)(b), a review panel shall complete a review within 30 days of its appointment and, on completion, may
 - (a) confirm the decision of the Director; or
 - (b) refer the matter back to the Director, with recommendations, for further consideration.

Notice

- (5) The review panel shall give notice of a dismissal, suspension or discontinuance under subsection (3) or a determination under subsection (4), with reasons, to the person who requested the review, the Director and the Minister.

No further review

- (6) A decision of the Director confirmed under clause (4)(a) or made after further consideration pursuant to clause (4)(b) is not subject to further review under section 11 of the Act.

4. Provision of documents

Any notice or other document required to be provided, submitted or given to a person under section 2 or 3 is considered to be sufficiently provided, submitted or given

- (a) upon a copy being personally delivered to the person to whom it is directed;

- (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or
- (c) five days after a copy is sent by mail addressed to the person to whom it is directed at the last known address for that person.

Collaborative Approach

5. Indigenous or other cultural practices

A collaborative approach may include

- (a) Indigenous methods of communicating traditional knowledge, ceremonies and decision-making practices; and
- (b) other cultural practices or traditions.

6. Director may engage professional

- (1) The Director may engage a coordinator, facilitator, mediator or other collaborative professional for the purpose of a collaborative approach.

Cost of professional

- (2) The cost of the services of a collaborative professional shall be borne by the Director in accordance with the rates established by the Director.

Expenses of child, parent or care provider

- (3) The Director may pay all or a portion of the necessary expenses incurred by a child, a parent of the child, or the care provider of an Indigenous child to participate in a collaborative approach to develop a family intervention plan or a plan of care for the child, including childcare, transportation and meal expenses.

Definition, care provider

- (4) In this section, “**care provider**” has the same meaning as in *An Act respecting First Nations, Inuit and Métis children, youth and families* (Canada).

7. Rules and procedures

The following rules and procedures apply to the use of a collaborative approach under the Act and these regulations:

- (a) the collaborative approach may be terminated at any time by any of the parties;
- (b) the collaborative approach shall be conducted by an impartial collaborative professional who has no decision-making power;
- (c) no person participating in a collaborative approach is compellable to give testimony or produce documents in a civil proceeding with respect to matters relating to, or documents prepared or exchanged during, a collaborative approach;
- (d) representations, statements or admissions made, and documents prepared or exchanged, during a collaborative approach are not admissible in a civil proceeding, but may be subject to disclosure where
 - (i) they give rise to the duty to report, under section 12 of the Act, that a child is or may be in need of protection,
 - (ii) there are reasonable grounds to believe that it is necessary to address a real or perceived threat to any person’s safety,
 - (iii) they contain personal information or personal health information and the person to whom the information relates consents to its disclosure,
 - (iv) they contain the terms of an agreement, memorandum of understanding or plan arising from the collaborative approach.

Transitional Supports and Services

8. Transitional supports and services

For the purpose of section 50 of the Act, transitional supports and services may include funding for or the provision of any of the following, based on the person's identified needs, well-being and best interests:

- (a) basic needs, including housing, food, transportation, clothing, and personal care supplies;
- (b) education and training programs, including tuition, books, fees, and supplies;
- (c) counselling and rehabilitative supports;
- (d) psychological or capacity assessments;
- (e) supports and services to assist the person to connect with the person's cultural, ethnic, linguistic, religious or spiritual community and heritage;
- (f) other supports and services determined by the Minister.

Advisory Committee

9. Members of Advisory Committee

(1) For the purpose of section 64 of the Act, an advisory committee appointed by the Minister

- (a) shall consist of
 - (i) the Director,
 - (ii) one other employee of the Department of Social Development and Seniors,
 - (iii) a representative nominated by the Abegweit First Nation and a representative nominated by the Lennox Island First Nation,
 - (iv) a representative nominated by the Native Council of Prince Edward Island,
 - (v) two persons who are receiving or have received services under the Act or a predecessor Act, at least one of whom is a youth who is in the care of the Director,
 - (vi) one person who
 - (A) is knowledgeable about child and family services,
 - (B) has demonstrated an informed concern for the best interests of children, and
 - (C) is not an employee of the Government; and
- (b) may include up to two other persons who are not employees of the Government.

Bilingual member

(2) At least one of the members of an advisory committee shall be a person who is fluent in French and English.

Chairperson

(3) The person appointed pursuant to subclause (1)(a)(vi) shall be the chairperson of an advisory committee.

Term of appointment

(4) The term of the members of an advisory committee expires on the date the advisory committee submits its report to the Minister in accordance with clause 64(c) of the Act.

Report within six months

(5) An advisory committee shall report to the Minister within six months of being appointed.

10. Child rights impact assessment

In conducting a review pursuant to section 64 of the Act, an advisory committee shall conduct a child rights impact assessment.

11. Commencement

These regulations come into force on September 9, 2024.

EC2024-685

JUDICATURE ACT
 RULES OF COURT
 THIRTIETH SERIES OF AMENDMENTS
 TO THE
 1996 CONSOLIDATION
 AND
 PUBLICATION MANNER
 DETERMINED

Under authority of subsection 35(1) of the *Judicature Act*, R.S.P.E.I. 1988, Cap. J-2.1, Council approved the Thirtieth Series of Amendments to the 1996 Consolidated Version of the Rules of Court to come into force effective September 1, 2024, said amendments having been made by the Rules Committee at meetings held on October 30, 2023; January 22, 2024; April 15, 2024, and May 8, 2024.

Further, under authority of subsection 35(5) of the said Act, Council determined that publication of a Notice in the Royal Gazette shall be deemed to be publication of the approved Thirtieth Series of Amendments to the 1996 Consolidated Version of the Rules of Court and that no further publication relating to the said amendments shall be necessary.

EC2024-686

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 DANIEL CURRAN
 (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 Daniel Curran of Tecumseh, Ontario to acquire a land holding of approximately five decimal zero eight (5.08) acres of land at Alberry Plains, Lot 49, Queens County, Province of Prince Edward Island, being acquired from Peter Curran of Alberry Plains, 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.

EC2024-687

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LYNDA BARBARA DEAN
 (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 Lynda Barbara Dean of Millarville, Alberta to acquire a land holding of approximately six decimal zero six (6.06) acres of land at Ellerslie-Bideford, Lot 12, Prince County, Province of Prince Edward Island, being acquired from Russell Oetiker and Tanya Strembiski, both of Ellerslie-Bideford, 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.

EC2024-688

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MARTYN PAUGH AND ERIN PAUGH
(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 Martyn Paugh and Erin Paugh, both of Foothills County, Alberta to acquire an interest in a land holding of approximately four decimal four six (4.46) acres of land at East Bideford, Lot 12, Prince County, Province of Prince Edward Island, being acquired from the Estate of Vernon Ray Paugh of Cape Wolfe, Prince Edward Island.

EC2024-689

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101359 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 101359 P.E.I. Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately zero decimal one eight (0.18) acre of land at Ellerslie-Bideford, Lot 12, Prince County, Province of Prince Edward Island, being acquired from the Province of Prince Edward Island, as represented by the Minister of Finance of Charlottetown, Prince Edward Island.

EC2024-690

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101359 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 101359 P.E.I. Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately zero decimal seven (0.7) acre of land at Middleton, Lot 26, Prince County, Province of Prince Edward Island, being acquired from the Province of Prince Edward Island, as represented by the Minister of Finance of Charlottetown, Prince Edward Island.

EC2024-691

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 101497 P.E.I. INC.
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2024-389 of April 30, 2024, rescinded the said Order forthwith, thus rescinding permission for 101497 P.E.I. Inc. of Cherry Valley, Prince Edward Island to acquire a land holding of approximately one hundred and seventy (170) acres of land at Brudenell, Lot 52, Kings County, Province of Prince Edward Island, being acquired from William Nelson of Montague, and the Estate of Preston Dewar of Brudenell, Prince Edward Island.

EC2024-692

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 101497 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 101497 P.E.I. Inc. of Cherry Valley, Prince Edward Island to acquire a land holding of approximately eighty (80) acres of land at Brudenell, Lot 52, Kings County, Province of Prince Edward Island, being acquired from William Nelson of Montague, Prince Edward Island and Blair Arthur Dewar of Montague, Prince Edward Island, in his own right and as Executor of the Estate of Preston Daniel Richard Dewar of Brudenell, Prince Edward Island.

EC2024-693

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 101497 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 101497 P.E.I. Inc. of Cherry Valley, Prince Edward Island to acquire a land holding of approximately ninety (90) acres of land at Brudenell, Lot 52, Kings County, Province of Prince Edward Island, being acquired from William Nelson of Montague, Prince Edward Island, Georgina M. Dewar of Montague, Prince Edward Island and Blair Arthur Dewar of Montague, Prince Edward Island, in his own right and as Executor of the Estate of Preston Daniel Richard Dewar of Brudenell, Prince Edward Island.

EC2024-694

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101497 P.E.I. INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2024-390 of April 30, 2024, rescinded the said Order forthwith, thus rescinding permission for 101497 P.E.I. Inc. of Cherry Valley, Prince Edward Island to acquire a land holding of approximately one decimal three three (1.33) acres of land at Brudenell, Lot 52, Kings County, Province of Prince Edward Island, being acquired from William Nelson of Montague, and the Estate of Preston Dewar of Brudenell, Prince Edward Island .

EC2024-695

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101497 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 101497 P.E.I. Inc. of Cherry Valley, Prince Edward Island to acquire a land holding of approximately one decimal three three (1.33) acres of land at Brudenell, Lot 52, Kings County, Province of Prince Edward Island, being acquired from William Nelson of Montague, Georgina M. Dewar of Montague, Prince Edward Island, and Blair Arthur Dewar in his own right and as Executor of the Estate of Preston Daniel Richard Dewar of Brudenell, Prince Edward Island.

EC2024-696

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
5M MANAGEMENT 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 5M Management Inc. of Charlottetown, Prince Edward Island to acquire an interest in a land holding of approximately three decimal three two (3.32) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from CAPREIT Apartments Inc. of Toronto, Ontario.

EC2024-697

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
A & S SCRAP METAL 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 A & S Scrap Metal Inc.

of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal two six seven (0.267) acre of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Campbell's Concrete Ltd. of Charlottetown, Prince Edward Island.

EC2024-698

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CAMPBELL'S CONCRETE 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 Campbell's Concrete Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal two seven (0.27) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from A & S Scrap Metal Ltd. of Charlottetown, Prince Edward Island.

EC2024-699

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CURRAN & BRIGGS LIMITED
(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 Curran & Briggs Limited of Summerside, Prince Edward Island to acquire a land holding of approximately thirty-three decimal zero four (33.04) acres of land at Kensington, Lot 19, Prince County, Province of Prince Edward Island, being acquired from Wilfred Moase and Bethany Moase, both of Summerside, Prince Edward Island and Connie Moase Devouge of Ottawa, Ontario SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Curran & Briggs Limited and on all successors in title.

EC2024-700

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DAIJOCH ENTERPRISES 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 DAIJOCH Enterprises Ltd. of North Rustico, Prince Edward Island to acquire a land holding of approximately zero decimal nine (0.90) acre of land at Central Kildare, Lot 4, Prince County, Province of Prince Edward Island, being acquired from Mary Tucci and David Kozub, both of Tignish, Prince Edward Island.

EC2024-701

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND GROWN SOD 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 Island Grown Sod Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately nine decimal two five (9.25) acres of land at Central Lot 16, Lot 16, Prince County, Province of Prince Edward Island, being acquired from John A. Desroches of Wellington Station, 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 Island Grown Sod Ltd. and on all successors in title.

EC2024-702

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 twenty-five (25) acres of land at East Bideford, Lot 12, Prince County, Province of Prince Edward Island, being acquired from 102058 P.E.I. Inc. of Richmond, 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.

EC2024-703

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND NATURE TRUST
(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 Island Nature Trust of Charlottetown, Prince Edward Island to acquire a land holding of approximately one hundred thirty-seven (137) acres of land in Portage, Lot 10, Prince County, Province of Prince Edward Island, being acquired from the Province of Prince Edward Island, as represented by the Minister of Finance, of Charlottetown, Prince Edward Island.

Further, Council noted that upon conveyance, the said land holding, being Provincial Property No. 51029, will be identified for non-development use in accordance with section 21 of the Prince Edward Island Lands Protection Act.

EC2024-704

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MERMAID DEVELOPMENT 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 Mermaid Development Group Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately four (4) acres of land at Roseneath, Lot 52, Kings County, Province of Prince Edward Island, being acquired from Clinton Myers of Mermaid, Prince Edward Island.

EC2024-705

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MUDDY CREEK DEVELOPMENT 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 Muddy Creek Development Ltd. of Cornwall, Prince Edward Island to acquire a land holding of approximately forty-four (44) acres of land at Rice Point, Lot 65, Queens County, Province of Prince Edward Island, being acquired from L&J Holdings Inc. of Cornwall, Prince Edward Island.

EC2024-706

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
NATURE CONSERVANCY OF CANADA
(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 Nature Conservancy of Canada of Toronto, Ontario to acquire a land holding of approximately twenty-five (25) acres of land at Goose River, Lot 42, Kings County, Province of Prince Edward Island, being acquired from Theresa E. MacKinnon and James F. MacKinnon, both of North Vancouver, British Columbia 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.

EC2024-707

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
VANDALAY HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Vandalay Holdings Ltd.

of Moncton, New Brunswick to acquire a land holding of approximately seven decimal three (7.3) acres of land at New Haven, Lot 31, Queens County, Province of Prince Edward Island, being acquired from Red Door East Inc. of New Haven, Prince Edward Island.

EC2024-708

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WESTCOUNTRY FARMS INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2023-264 of April 4, 2023, rescinded the said Order forthwith, thus rescinding permission for Westcountry Farms Inc. of Richmond, Prince Edward Island to acquire a land holding of approximately one hundred eighty-seven decimal eight four (187.84) acres of land at Arlington and Bayside, both in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Barrie Millar Phillips and Margaret “Peggy” Christine Phillips, both of Tyne Valley, Prince Edward Island.

EC2024-709

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WESTCOUNTRY FARMS 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 Westcountry Farms Inc. of Richmond, Prince Edward Island to acquire a land holding of approximately one hundred forty-three decimal five nine (143.59) acres of land at Arlington and Bayside, both in Lot 14, Prince County, Province of Prince Edward Island, being acquired from Barrie Millar Phillips and Margaret “Peggy” Christine Phillips, both of Tyne 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.

EC2024-710

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WESTEND OVERHEAD DOORS 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 Westend Overhead Doors Ltd. of Carleton, Prince Edward Island to acquire a land holding of approximately five decimal six seven (5.67) acres of land at Cascumpec, Lot 6, Prince County, Province of Prince Edward Island, being acquired from Blair Sweet and Krystal Sweet, both of Carleton, 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 Westend Overhead Doors Ltd. and on all successors in title.

EC2024-711

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 260273, LOT 63, 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 ninety-eight decimal one three (98.13) acres of land, being Provincial Property No. 260273 located at Glenwilliam, Lot 63, Kings County, Prince Edward Island and currently owned by Annear Farms Inc. of Lower Montague, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately three decimal three seven (3.37) acres for single unit dwelling use, 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 July 18, 2024.

EC2024-712

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 229948, LOT 23, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately forty-four decimal six (44.6) acres of land, being Provincial Property No. 229948 located at Greenvale, Lot 23, Queens County, Prince Edward Island and currently owned by Centre Isle Farms Ltd. of Greenvale, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately fifteen decimal five seven (15.57) acres for agricultural use, 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 July 18, 2024.

EC2024-713

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 1104934, LOT 40, 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 sixty-three decimal eight (63.8) acres of land, being

Provincial Property No. 1104934 located at Marie, Lot 40, Kings County, Prince Edward Island and currently owned by Hatton Farms Inc. of Marie, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately ten decimal five (10.5) acres for single unit dwelling use, 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 July 18, 2024.

EC2024-714

PLANNING ACT

**SUBDIVISION AND DEVELOPMENT REGULATIONS
AMENDMENT**

Pursuant to sections 8 and 8.1 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

1. **Section 1 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended by the addition of the following after clause (t.2):**
 - (t.3) **“shed”** means an accessory building under 215 square feet intended for residential storage, but does not include a car port, pergola, gazebo, doghouse, trellis, arbour or garage;
 - (t.4) **“small deck”** means a single-storey deck for residential use, either attached to or adjacent to a building, that is less than 600 millimeters above ground level, less than 55 square meters in area, and does not support a roof, but does not include a patio, whether made of stone, asphalt or concrete pavers, or a dock;
2. **Subsection 15(1) of the regulations is amended**
 - (a) **by the deletion of the word “Except” and the substitution of the words “On and after August 1, 2024, except”; and**
 - (b) **by the deletion of the words “five or fewer lots” and the substitution of the words “20 or fewer lots”.**
3. **Table 12 to section 68 of the regulations is amended by the addition of the following immediately after the heading “GENERAL”**

Small Deck or Shed	\$100
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4. **These regulations come into force on August 1, 2024.**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Planning Act* Subdivision and Development Regulations (EC693/00) to add new definitions of the terms “shed” and “small deck”.

SECTION 2 amends subsection 15(1) of the regulations to increase the threshold at which the owner of lots being subdivided is required to set aside open space in the subdivision for recreation or park use from five or fewer lots to 20 or fewer lots.

SECTION 3 amends Table 12 to section 68 of the regulations to add a permit fee of \$100 for a small deck or shed.

SECTION 4 provides for the commencement of the regulations.

EC2024-715

ROADS ACT

HIGHWAY ACCESS REGULATIONS AMENDMENT

Pursuant to subsection 29(1) of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, Council made the following regulations:

1. (1) **Section 4 of the *Roads Act Highway Access Regulations (EC580/95)* is amended by renumbering it as subsection 4(1).**
- (2) **Clause 4(1)(b) of the regulations is revoked and the following substituted:**
 - (b) if the location of the entrance way would be on a segment of highway having more than two traffic lanes and where the third lane is a passing or climbing lane, and is outside of an area designated for infilling in Schedule “A-3” or “B-2”, for any purpose other than
 - (i) establishment of one full access entrance way on either side of the highway to an existing parcel of land, solely for the purpose of cultivation of a natural resource, if there is no existing entrance way to the parcel of land and no adjacent parcel of land with an existing entrance way under the same ownership or control as the subject parcel of land,
 - (ii) establishment of one full access entrance way, on the same side of the highway as the passing or climbing lane, to an industrial operation where it has been determined by the Lieutenant Governor in Council that establishment of the industrial operation would be in the best interest of the province, or
 - (iii) change of use of an existing full access entrance way on either side of the highway to allow for the construction of a farm dwelling on the same parcel where a farm with complementary buildings existed prior to November 14, 2005;
 - (c) if the location of the entrance way would be on a segment of highway having more than two traffic lanes and where the third lane is an exclusive right-turn lane, and is outside of an area designated for infilling in Schedule “A-3” or “B-2”, for a purpose permitted by subclause (b)(i), (ii) or (iii), with the entrance way on either side of the highway, or for
 - (i) establishment of one right-turn only access into a proposed commercial development at an intersection of a highway where the exclusive right-turn lane is on approach to the intersection, and the Lieutenant Governor in Council has determined that establishment of the commercial development would be in the best interest of the province,
 - (ii) establishment of one right-turn only exit from a proposed commercial development at an intersection of a highway where the third lane is an added acceleration lane from the side road on departure from the intersection or a continuation of a combined right and through lane from the approach side of the intersection, and the Lieutenant Governor in Council has determined that establishment of the commercial development would be in the best interest of the province, or
 - (iii) establishment of one right-turn access and right-turn exit from a proposed commercial development on the approach to an intersection of a highway where the third lane is a combined right

and through lane to and through the intersection, and the Lieutenant Governor in Council has determined that establishment of the commercial development would be in the best interest of the province;

- (d) if the location of the entrance way would be on a segment of highway having more than two traffic lanes and where the third lane is an exclusive left-turn lane, and is outside of an area designated for infilling in Schedule “A-3” or “B-2”, for any purpose other than
 - (i) establishment of one full access entrance way to an existing parcel of land on either side of the highway for the purpose of cultivation of a natural resource,
 - (ii) establishment of one full access entrance way to an existing parcel of land on either side of the highway for single family dwelling use, placement of a supportive suite, or home occupation,
 - (iii) allowing for creation of new lots accessing a private road that existed prior to August 1, 2024, on the side of the highway served by an existing or new left-turn lane,
 - (iv) establishment of one full access commercial or industrial operation entrance way on the side of the highway served by an existing left-turn lane where the parcel is not a corner lot with a public side road, or
 - (v) change of use of an approved existing full access entrance way from commercial to industrial use, industrial to commercial use, or intensification of a commercial or industrial use, where the entrance way is on the side of the highway served by an existing or a new left-turn lane and where the parcel is not a corner lot with a public side road, and with the recovery of costs determined by the Minister for the construction of the left-turn lane or improvements to an existing left-turn lane;
- (e) if the location of the entrance way would be on a segment of highway having more than three traffic lanes where the fourth lane is an exclusive left-turn lane, and is outside of an area designated for infilling in Schedule “A-3” or “B-2”, for any purpose other than
 - (i) establishment of one full access entrance way to an existing parcel of land on either side of the highway for the purpose of cultivation of a natural resource,
 - (ii) establishment of one full access entrance way to an existing parcel of land on the side of the highway served by the left-turn lane for single family dwelling use, placement of a supportive suite, or home occupation,
 - (iii) allowing for creation of new lots accessing a private road, that existed prior to August 1, 2024, on the side of the highway served by an existing or new left-turn lane, or
 - (iv) establishment of one full access commercial or industrial operation entrance way on the side of the highway served by an existing or new left-turn lane where the left-turn lane is on the same side of the highway as the two through lanes travelling in the same direction, and where the Lieutenant Governor in Council has determined that establishment of the development would be in the best interest of the province.

(3) Section 4 of the regulations is amended by the addition of the following after subsection (1):

Permit or authorization required

- (2) Clauses (1)(b), (c), (d) and (e) apply only if a permit for the use or change of use of the parcel being served by the entrance way may be issued by the Minister under Part 3 or Part 3.1 of these regulations, or the Minister may authorize the use or change of use of the parcel under Part 5 or Part 6 of these regulations.

2. (1) Subsection 21.3(1) of the regulations is amended

- (a) **in the words immediately before clause (a), by the deletion of the words “new entrance way” and the substitution of the words “new entrance way or change of use of an existing entrance way”; and**

- (b) in clause (c), by the deletion of the words “new commercial operation” and the substitution of the words “new single family dwelling, commercial operation”.

(2) **Subsection 21.3(2) of the regulations is revoked and the following substituted:**

Conditions

- (2) Notwithstanding any other provision of these regulations, no entrance way permit shall be issued under subsection (1) to enable a commercial operation, a home occupation or creation of a summer cottage subdivision
- (a) if the location of the entrance way would be on a segment of highway having more than two traffic lanes, unless the location of the entrance way is at a segment of highway that has three lanes and
- (i) the location is on the same side of the highway with two lanes travelling in the same direction,
- (ii) one of the three lanes is an exclusive right-turn lane, in which case the entrance way may be located on either side of the highway, or
- (iii) one of the three lanes is an exclusive left-turn lane, in which case the entrance way may be located on either side of the highway; or
- (b) if the location of the entrance way would be on a segment of highway having more than three traffic lanes, unless the location of the entrance way is at a segment of highway that has four lanes and the fourth lane is an exclusive left-turn lane on the same side of the highway as the two lanes travelling in the same direction, in which case the entrance way may be located on the side served by the left-turn lane.
- (3) **Subsection 21.3(3) of the regulations is amended by the deletion of the words “subsection (1) may” and the substitution of the words “subsection (1) or (2) may”.**

3. **Subsection 21.4(2) of the regulations is revoked and the following substituted:**

Where access limited to right turn

- (2) Notwithstanding any other provision in this Part, a permit issued under subsection (1) or for the entrance way to a commercial operation, a home occupation, or creation of a cottage subdivision on an arterial Class 2 highway under subsection 21.3(2)
- (a) shall permit full access where the entrance way has been approved based on subsection (1) or clause 21.3(2)(a) or (b); or
- (b) shall be restricted to right-turn only for ingress and egress where
- (i) the entrance way is located on a four-lane section of a highway with two lanes in each direction, or
- (ii) the entrance way is located on a three-lane section of a highway, and on the side of the highway that does not have two lanes travelling in the same direction.

4. **These regulations come into force on July 27, 2024.**

EXPLANATORY NOTES

SUBSECTION 1(1) amends section 4 of the *Roads Act* Highway Access Regulations (EC580/95) by renumbering it as subsection 4(1).

SUBSECTION 1(2) revokes clause 4(1)(b) of the regulations, which outlined general restrictions on entrance ways on sections of highways with more than two lanes, and substitutes new clauses 4(1)(b), (c), (d) and (e) which provide more detail on uses or changes of uses of entrance ways on three and four-lane sections of highways that may include dedicated right-turn or left-turn lanes.

- Clause 4(1)(b) outlines uses that may be approved on three-lane sections of highways where the third lane is a passing or climbing lane. The uses permitted are full accesses on either side of the highway for cultivation of a natural resource, an industrial operation determined by the Lieutenant Governor to be in the best

interest of the province, or addition of a farm dwelling on a farm property where farm buildings existed prior to November 14, 2005. These uses were clearly defined in the regulations prior to these amendments.

- Clause 4(1)(c) outlines uses that may be approved on three-lane sections of highways where the third lane is an exclusive right-turn lane. In addition to the uses permitted under clause 4(1)(b) other permitted uses may include a right-turn only access from a right-turn lane approaching an intersection to a commercial operation determined by the Lieutenant Governor to be in the best interest of the province, or a right-turn only egress to an acceleration lane from an intersection, or to a combined right-turn and through lane departing an intersection to a commercial operation determined by the Lieutenant Governor to be in the best interest of the province, or a right-turn access and egress on the approach to an intersection to a combined right-turn and through lane at an intersection to a commercial operation determined by the Lieutenant Governor to be in the best interest of the province.
- Clause 4(1)(d) outlines uses that may be approved on three-lane sections of highways where the third lane is a dedicated left-turn lane. Uses that may be permitted include cultivation of a natural resource on either side of the road, or single family dwelling, supportive suite, home occupation uses, or creation of additional lots served by a private road existing prior to the approval of these amendments or establishment of commercial or industrial uses on the side of the road served by the left-turn lane. Additional lots served by private roads existing prior to the approval of these amendments, or new or change of use of commercial or industrial operations may also be approved if a new left-turn lane, or an improved left-turn lane, to serve the use is created, and with the recovery of costs determined by the Minister for the construction or improvement of the left-turn lane.
- Clause 4(1)(e) outlines uses that may be approved on four-lane sections of highways where the fourth lane is a dedicated left-turn lane. Uses that may be permitted include cultivation of a natural resource on either side of the highway, or single family dwelling, supportive suite, home occupation, creation of additional lots served by a private road existing prior to the approval of these amendments, on the side of the road served by an existing or new left-turn lane. Establishment of commercial or industrial uses served by an existing or new left-turn lane on the same side as the two lanes travelling in the same direction may also be approved if determined by the Lieutenant Governor to be in the best interest of the province.

SUBSECTION 1(3) amends the regulations by adding a new subsection 4(2) that states that the clauses 4(1)(b), (c), (d) and (e) only apply if an entrance way permit for use or change of use may be issued under Part 3 (Arterial Highways), Part 3.1 (Arterial Class 2 Highways) or where the Minister may approve use or change of use of a parcel of land under Part 5 (Collector Highways) or Part 6 (Local Highways).

SUBSECTION 2(1) amends subsection 21.3(1) of the regulations to allow the issuance of an entrance way permit for “change of use of an entrance way” as well as for “placement of a new entrance way” to Arterial Class 2 highways for uses listed in clauses under that subsection. It also amends clause (c) of that subsection to allow for subdivision of a new lot for “single family dwelling” or commercial use which was already allowed.

SUBSECTION 2(2) amends subsection 21.3(2) of the regulations to clarify that an entrance way permit may be issued for a commercial operation, home occupation or creation of a summer cottage subdivision

- on three-lane sections of a highway where the access is on the same side as two lanes travelling in the same direction,
- on either side of the highway on three-lane sections where the third lane is a right-turn lane,
- on either side of the highway on three-lane sections where the third lane is a left-turn lane, or
- on the side of the highway on four-lane sections where the fourth lane is a left-turn lane and the left-turn lane is on the same side of the road as the two lanes travelling in the same direction.

SUBSECTION 2(3) amends subsection 21.3(3) of the regulations to enable the Minister to impose conditions required for traffic safety when issuing permits under subsections 21.3(1) and (2) and recovery of costs associated with the approval.

SECTION 3 amends subsection 21.4(2) of the regulations to clarify that a full access entrance is permitted for commercial, home occupation, or summer cottage subdivision use when the access is approved on multilane sections of highways meeting the requirements of subsection 21.3(2) but accesses for those uses on four-lane sections of highways with two lanes travelling in each direction or on three-lane sections where the access is on the side not having two lanes travelling in the same direction will be limited to right-turn ingress and egress.

SECTION 4 provides for the commencement of the regulations.