

Royal Gazette



Prince Edward Island

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Charlottetown, Prince Edward Island, March 12, 2016

**CANADA
PROVINCE OF PRINCE EDWARD ISLAND
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
BUELL, Alvin Mt. Albion Queens Co., PE March 12, 2016 (11-24)*	John MacDougall Cherie Clarkin (also known as Cherie Buell) (EX.)	HBC Law Corporation 25 Queen Street Charlottetown, PE
CAMPBELL, Joseph Francis (also known as Francis J. Campbell) Kinkora Queens Co., PE March 12, 2016 (11-24)*	Brian Duffy Brian Cameron (EX.)	Cox & Palmer 250 Water Street Summerside, PE
COLES, Horace E. Charlottetown Queens Co., PE March 12, 2016 (11-24)*	John O'Hanley Barbara Jean Curley (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
HENDERSON, Merrill Alfred Moncton, NB March 12, 2016 (11-24)*	Patricia Ann Farrell (EX.)	Campbell Stewart 137 Queen Street Charlottetown, PE
KING, Catherine Montague Kings Co., PE March 12, 2016 (11-24)*	Marlene Marion King MacKinnon John Cameron King (EX.)	Campbell Stewart 137 Queen Street Charlottetown, PE

*Indicates date of first publication in the Royal Gazette.

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CANADA
PROVINCE OF PRINCE EDWARD ISLAND
IN THE SUPREME COURT - ESTATES DIVISION

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
MacDONALD, Mary Rita (also known as Rita MacDonald) Souris Kings Co., PE March 12, 2016 (11-24)*	Gloria Crockett Donald F. MacDonald (also known as Danny MacDonald) (EX.)	Key Murray Law 49 Queen Street Charlottetown, PE
MacKINNON, Steven Ralph (also known as Stephen Ralph MacKinnon) New Argyle Queens Co., PE March 12, 2016 (11-24)*	William Brian Clark Philip Brian Clark (EX.)	Key Murray Law 494 Granville Street Summerside, PE
McCORMACK, Alice Patricia (also known as Patricia Alice McCormack) Charlottetown Queens Co., PE March 12, 2016 (11-24)*	Kevin McCormack Carol Murray (EX.)	Stewart McKelvey 65 Grafton Street Charlottetown, PE
MORRISON, Ormond (also known as James Ormond Morrison) Summerside Prince Co., PE March 12, 2016 (11-24)*	Bradford Morrison Margaret (Peggy) Arsenault Denise Arsenault (EX.)	McLellan Brennan 37 Central Street Summerside, PE
TUPLIN, Harold L. Roxbury Prince Co., PE March 12, 2016 (11-24)*	Ruth C. Tuplin (EX.)	Ruth C. Tuplin Cascumpec Rd. Roxbury, PE
VILLETT, Georgie Elizabeth Hampton Queens Co., PE March 12, 2016 (11-24)*	George H. Villett Gladys R. Wright (EX.)	Key Murray Law 119 Queen Street Charlottetown, PE
BERNARD, Heather Jean Stratford Queens Co., PE March 12, 2016 (11-24)*	Howard Ralph Bernard (AD.)	Campbell Lea 65 Water Street Charlottetown, PE

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PROVINCE OF PRINCE EDWARD ISLAND
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GORMAN, Vera Ruby Charlottetown Queens Co., PE March 12, 2016 (11-24)*	Mary Gorman (AD.)	Philip Mullally Law Office 51 University Avenue Charlottetown, PE
BOSWALL, June Isabel (also known as Isabel June Boswall) Dunstaffnage Queens Co., PE February 27, 2016 (9-22)	Sharon MacCallum (EX.)	HBC Law Corporation 25 Queen Street Charlottetown, PE
BUELL, David Raymond Charlottetown Queens Co., PE February 27, 2016 (9-22)	Betty Lorraine Buell David Earl Buell (EX.)	Campbell Lea 65 Water Street Charlottetown, PE
WOODINGTON, James David Margate Prince Co., PE February 27, 2016 (9-22)	Alice Myrtle Woodington (EX.)	Key Murray Law 494 Granville St. Summerside, PE
MacSWAIN, Nancy Ann Montague Kings Co., PE February 27, 2016 (9-22)	Glenda MacSwain (AD.)	Cox & Palmer 4A Riverside Drive Montague, PE
ALDER, Mark Richard Abington, Oxfordshire County England February 20, 2016 (8-21)	Diana Moya Gay Bedford (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
CLEMENTS, Charles (Charlie) Joseph Union Road Queens Co., PE February 20, 2016 (8-21)	David Blair Clements Jacqueline (Jackie) Olafson (EX.)	Key Murray Law 446 Main Street O'Leary, PE
COLES, Daniel Edward Winsloe South Queens Co., PE February 20, 2016 (8-21)	Kevin Coles Harold Coles (EX.)	Campbell Lea 65 Water Street Charlottetown, PE

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PROVINCE OF PRINCE EDWARD ISLAND
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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
HAGAN, Father Vincent Jerome Campbellton Prince Co., PE February 20, 2016 (8-21)	Leona Doyle Lane (EX.)	Cox & Palmer 347 Church Street Alberton, PE
LAHEY, Constance (Connie) Helen Charlottetown Queens Co., PE February 20, 2016 (8-21)	Colleen Patterson (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
WHYATT, Christina Dorothy Souris Kings Co., PE February 20, 2016 (8-21)	Ryan Whyatt (AD.)	Allen J. MacPhee Law Corporation 106 Main Street Souris, PE
BRULE, Karen Merrickville, ON February 13, 2016 (7-20)	Mark Brule (EX.)	Campbell Stewart 137 Queen Street Charlottetown, PE
KELLY, Mary Isabella Morell Kings Co., PE February 13, 2016 (7-20)	Terrence Joseph Kelly (EX.)	Boardwalk Law Office 220 Water Street Parkway Charlottetown, PE
McCARVILLE, Bennett Lorne Kinkora Prince Co., PE February 13, 2016 (7-20)	Gordon Joseph McCarville (EX.)	Cox & Palmer 250 Water Street Summerside, PE
MacDONALD, Alice Lorraine Union Road Queens Co., PE February 13, 2016 (7-20)	Michael Paul MacDonald Sean Boy Smith (AD.)	Key Murray Law 446 Main Street O'Leary, PE
BOOTH, Stanley Cecil Charlottetown Queens Co., PE February 6, 2016 (6-19)	Camilia Mary Booth (EX.)	Birt & McNeill 138 St. Peters Road Charlottetown, PE
CLARK, Garth William Summerside Prince Co., PE February 6, 2016 (6-19)	Susan Ratelle (EX.)	McCabe Law 193 Arnette Avenue Summerside, PE

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PROVINCE OF PRINCE EDWARD ISLAND
IN THE SUPREME COURT - ESTATES DIVISION

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
HOOPER, Doctor William Temple Charlottetown Queens Co., PE February 6, 2016 (6-19)	Varia Hooper Tracy Hill (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
LIVESEY, John Christopher Moffat, ON February 6, 2016 (6-19)	Brett Reginald Livesey (EX.)	Cox & Palmer 4A Riverside Dr. Montague, PE
MacINNIS, Margaret Winnifred Charlottetown Queens Co., PE February 6, 2016 (6-19)	James McInnis (EX.)	Stewart McKelvey 65 Grafton Street Charlottetown, PE
MacNEILL, Helen Isabel Charlottetown Queens Co., PE February 6, 2016 (6-19)	Perlene J. Morrison Sara L. MacNeill (EX.)	Stewart McKelvey 65 Grafton Street Charlottetown, PE
TAYLOR, Scott Stephen Toronto, ON February 6, 2016 (6-19)	Meri Elizabeth Rawling Taylor (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
WHITE, Murray Vere Charlottetown Queens Co., PE February 6, 2016 (6-19)	Katherine Shirley White (EX.)	HBC Law Corporation 25 Queen Street Charlottetown, PE
WINN, James Andrew Summerside Prince Co., PE February 6, 2016 (6-19)	Roy Kenneth Winn Wilfred Barry Winn (EX.)	Key Murray Law 446 Main Street O'Leary, PE
WOODARD, Howard Lloyd Summerside Prince Co., PE February 6, 2016 (6-19)	Boyd Woodard (EX.)	Key Murray Law 494 Granville Street Summerside, PE
GERARD, Jane Ashcraft Portland, Maine USA January 30, 2016 (5-18)	Sidney Gerard (EX.)	Carr Stevenson & MacKay 65 Water Street Charlottetown, PE

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PROVINCE OF PRINCE EDWARD ISLAND
IN THE SUPREME COURT - ESTATES DIVISION

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HOLLAND, Capt. Randolph (Randy) Joseph Charlottetown Queens Co., PE January 30, 2016 (5-18)	Kenneth (Kenny) Stephen MacDonald (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
JONES, Mary Jeanette (also known as Jeanette Mary Jones) Stratford Queens Co., PE January 30, 2016 (5-18)	Patricia (Patsy) Monaghan (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
MacDONALD, Mary Jean Charlottetown Queens Co., PE January 30, 2016 (5-18)	Clare Waddell Jean Marie McKearney (EX.)	Philip Mullally Law Office 151 Great George Street Charlottetown, PE
McNEILL, Leo Augustine Richmond Prince Co., PE January 30, 2016 (5-18)	Diane Lynn McCormack Christopher Brian McNeill (EX.)	Ramsay Law 303 Water Street Summerside, PE
PETERS, Emilda Mary St. Roch Prince Co., PE January 30, 2016 (5-18)	Florence Hogan (EX.)	Cox & Palmer 347 Church Street Alberton, PE
PETRIE, Shannon Millcove Queens Co., PE January 30, 2016 (5-18)	Nelson Petrie (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
SONIER, Joseph Benjamin Summerside Prince Co., PE January 30, 2016 (5-18)	Jo Ann Boyd Cathy Clayton (EX.)	Key Murray Law 494 Granville Street Summerside, PE
WEDGE, Roger Joseph Summerside Prince Co., PE January 30, 2016 (5-18)	Myles Doucette (EX.)	McCabe Law 193 Arnett Avenue Summerside, PE

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WIGHTMAN, G. Arnold Charlottetown Queens Co., PE January 30, 2016 (5-18)	Roger S. Wightman (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
GALLANT, Johanna Louise Maria Cornwall Queens Co., PE January 30, 2016 (5-18)	Kerry-Lee Ardelle Gallant (AD.)	McInnes Cooper 119 Kent Street Charlottetown, PE
MANUEL, Frederick Albert Ernest Stratford Queens Co., PE January 30, 2016 (5-18)	Todd Anthony Manuel (AD.)	Carpenters Ricker 204 Queen Street Charlottetown, PE
McDERMOTT, Manon Kimberly Marie (commonly known as Kim McDermott; and formerly known as Kim Jay) Stanhope Queens Co., PE January 30, 2016 (5-18)	Sean McDermott Lise Vallar Shelley McDermott (AD.)	Campbell Lea 65 Water Street Charlottetown, PE
BELL, Olive Grace Beach Point Kings Co., PE January 16, 2016 (3-16)	Christine Jackson (EX.)	Cox & Palmer 4A Riverside Dr. Montague, PE
FRASER, George Edward St. Margarets Kings Co., PE January 16, 2016 (3-16)	June Fraser (EX.)	Allen J. MacPhee Law Corporation 106 Main Street Souris, PE
LECKY, Allan James (also known as Allen James Lecky) Summerside Prince Co., PE January 16, 2016 (3-16)	Kenneth Lecky (EX.)	Cox & Palmer 250 Water Street Summerside, PE
MacINTYRE, Ronald J. Monticello, County of Aroostook Maine, USA January 16, 2016 (3-16)	Yvonne Irwin-Keene (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE

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MacKAY, Edith Helene Charlottetown Queens Co., PE January 16, 2016 (3-16)	Emmett Doyle Zelda Doyle (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
SIMPSON, Vera Orr Charlottetown (formerly of Hunter River) Queens Co., PE January 16, 2016 (3-16)	Gordon Orr Lorne Simpson (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
LEWIS, Florence Jeanette Crapaud Prince Co., PE January 16, 2016 (3-16)	Harold Rachmel Coles Alvin Leigh Coles (AD.)	Elizabeth S. Reagh, Q.C. 17 West Street Charlottetown, PE
MURPHY, John Aloysius Charlottetown (formerly of Morell) Queens Co., PE January 16, 2016 (3-16)	Josephine Murphy (AD.)	Allen J. MacPhee Law Corporation 106 Main Street Souris, PE
CARR, Mildred Elizabeth Charlottetown Queens Co., PE January 2, 2016 (1-14)	Sandra Elizabeth Melanson John Carr (EX.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
GALLANT, Linus Vincent Stratford Queens Co., PE January 2, 2016 (1-14)	T. Daniel Tweel (EX.)	T. Daniel Tweel 105 Kent Street Charlottetown, PE
MacDONALD, Marie Florence (Gaudet) Alberton Prince Co., PE January 2, 2016 (1-14)	Lorne Gaudet (EX.)	Elizabeth S. Reagh, Q.C. 17 West Street Charlottetown, PE
MacFADYEN, Mary Frances Aurora, Ontario January 2, 2016 (1-14)	Linda MacFadyen Zendel Arlene MacFadyen (formerly known as Arlene Berry) (EX.)	Campbell Lea 65 Water Street Charlottetown, PE

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McFEELY, James Summerside Prince Co., PE January 2, 2016 (1-14)	Brian C. McFeely (EX.)	McLellan Brennan 37 Central Street Summerside, PE
RUNTZ, Aletha Edith Charlottetown Queens Co., PE January 2, 2016 (1-14)	Everett V.A. Runtz (EX.)	Cox & Palmer 97 Queen Street Charlottetown, PE
BURKE, Kevin Eric Breadalbane Queens Co., PE December 26, 2015 (52-13)	Colleen Elizabeth Burke (EX.)	Key Murray Law 119 Queen Street Charlottetown, PE
GALLANT, Expedit St. Raphael Prince Co., PE December 26, 2015 (52-13)	Monique Blanchard Genevieve (Jenny) Walsh (EX.)	McCabe Law 193 Arnett Avenue Summerside, PE
GOODWIN, John Leonard Charlottetown Queens Co., PE December 26, 2015 (52-13)	Nancy Joyce Goodwin (EX.)	Stewart McKelvey 65 Grafton Street Charlottetown, PE
KUHL, John F. Bernard's Township New Jersey, USA December 26, 2015 (52-13)	Janet K. Baker Nancy K. Gervasio (EX.)	Key Murray Law 494 Granville Street Summerside, PE
MacKINNON, Margaret Patricia Charlottetown Queens Co., PE December 26, 2015 (52-13)	Dolores M. Crane (EX.)	Boardwalk Law Offices 220 Water Street Charlottetown, PE
MacLEOD, Angus Alexander, Dr. Bonshaw Queens Co., PE December 26, 2015 (52-13)	Gina MacLeod (EX.)	Carr Stevenson & MacKay 50 Water Street Charlottetown, PE

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MacMURDO, Robert Green North Bedeque Prince Co., PE December 26, 2015 (52-13)	Marion Izez MacMurdo (EX.)	McCabe Law 193 Arnett Avenue Summerside, PE
MacPHEE, Mona Jean Montague Kings Co., PE December 26, 2015 (52-13)	Winston Stewart (EX.)	Cox & Palmer 4A Riverside Drive Montague, PE
PENZES, Rudolph Sept-Îles, Quebec December 26, 2015 (52-13)	Catherine Belaski (formerly Catherine Penzes) (EX.)	Collins & Associates 134 Kent Street Charlottetown, PE
SULLIVAN, Elaine Cornwall Queens Co., PE December 26, 2015 (52-13)	Jamey Smith (EX.)	Campbell Lea 65 Water Street Charlottetown, PE
TAYLOR, Jean Colquhoun Clyde River Queens Co., PE December 26, 2015 (52-13)	Lynn Elizabeth Taylor (EX.)	MacNutt & Dumont 57 Water Street Charlottetown, PE
BAKER, Richard Llewellyn Wyoming, Ontario December 26, 2015 (52-13)	Jill Poirier (AD.)	Carr Stevenson & MacKay 65 Queen Street Charlottetown, PE
COSTELLO, Mary Delores Charlottetown Queens Co., PE December 26, 2015 (52-13)	Elva Louise Costello (AD.)	Birt & McNeill 138 St. Peters Rd. Charlottetown, PE
MacLEAN, Robert W. Georgetown Kings Co., PE December 26, 2015 (52-13)	Barbara ("Bobbi-Jo") MacLean (AD.)	Cox & Palmer 4A Riverside Drive Montague, PE
MILANOVIC, Milivoj Charlottetown Queens Co., PE December 26, 2015 (52-13)	Helena Boch (AD.)	Carr Stevenson & MacKay 65 Water Street Charlottetown, PE

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PROVINCE OF PRINCE EDWARD ISLAND
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STATON, Merle Wendie West Sussex, England December 26, 2015 (52-13)	Miranda Jane Hebenton (AD.)	Cox & Palmer 97 Queen Street Charlottetown, PE
TAYLOR, Harold S. Boston, Massachusetts December 26, 2015 (52-13)	Betty Peterson Marilyn Waugh (AD.)	McCabe Law 193 Arnett Avenue Summerside, PE

The following orders were approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.

EC2016-102

**ATLANTIC PROVINCES HARNESS RACING COMMISSION ACT
ATLANTIC PROVINCES HARNESS RACING COMMISSION
NOMINATION**

Pursuant to section 4 of the *Atlantic Provinces Harness Racing Commission Act* R.S.P.E.I. 1988, Cap. A-22.1, Council nominated the following member for appointment:

NAME	TERM OF APPOINTMENT
Blair Hansen Charlottetown (vice Fred Paynter, term expired)	31 March 2016 to 31 March 2019

EC2016-106

**HERITAGE PLACES PROTECTION ACT
HERITAGE PLACES ADVISORY BOARD
APPOINTMENTS**

Pursuant to subsection 3(1) of the *Heritage Places Protection Act* R.S.P.E.I. 1988, Cap. H-3.1 and subsection 2(1) of the *Heritage Places Protection Act* Regulations (EC414/00), Council made the following appointments:

NAME	TERM OF APPOINTMENT
Jock Beck Brudenell (reappointed)	9 February 2016 to 9 February 2019
Donna Collings Montague (vice Sterling Stratton, term expired)	1 March 2016 to 1 March 2019
Carter Jeffery Hunter River (vice Julie Simmons, term expired)	1 March 2016 to 1 March 2019
Carol Livingstone West Point (reappointed)	22 January 2016 to 22 January 2019

Further, Council noted with approval the reappointment by the Minister, in accordance with subsection 2(2) of the Regulations, of Jock Beck to serve as Chairperson of the Board.

EC2016-128

**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 Lesa M. Barry of Charlottetown, 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 March 13, 2016.

Further, Council ordered that the appointment of Lesa M. Barry be limited to matters related to the enforcement of City of Charlottetown municipal bylaws and should she cease to be employed with the City of Charlottetown Police Services, that her appointment as a Justice of the Peace shall terminate coincident with the date her employment terminates.

EC2016-129

**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 Sharon B. MacEachern 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 March 13, 2016.

Further, Council ordered that the appointment of Sharon B. MacEachern be limited to matters related to the enforcement of City of Charlottetown municipal bylaws and should she cease to be employed with the City of Charlottetown Police Services, that her appointment as a Justice of the Peace shall terminate coincident with the date her employment terminates.

Signed,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

**MONTHLY NOTICE PURSUANT TO THE JUDICATURE ACT,
RSPEI 1988, CAP J-2.1**

TAKE NOTICE THAT pursuant to Section 30 of the *Judicature Act*, the Finance Committee has fixed the annual rate of interest to be paid on money paid into the Supreme Court of Prince Edward Island for the month of March, 2016 as follows:

1. The annual interest rate for March, 2016 is 0%.
2. All money paid into court in trust in which a beneficiary is named or designated earns interest at the annual interest rate.
3. Subject to section 6, all other monies paid into court shall earn interest at the annual interest rate provided that:
 - (a) the amount paid into court is \$20,000.00 or more; and
 - (b) the amount on deposit is for a period of not less than six months.
4. The amount of interest payable shall be calculated by multiplying one-half of the annual interest rate by the minimum balance on the ledger card or computer facsimile in the preceding six months.
5. Interest payable shall be calculated every six months, for the period from April 1 to September 30 and from October 1 to March 31.
6. Monies paid into court for bail, fines, jury fees and restitution or any other like purpose shall not earn interest.

DATED at Charlottetown, this 2nd day of March, 2016.

Judy A. Turpin
Deputy Registrar

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016 at the hour of one o'clock in the afternoon, real property located at Nine Mile Creek, Queens County, Prince Edward Island, being identified as parcel number 382291-000 assessed in the name of Dr. Javed Iqbal.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016, at the hour of One o'clock in the afternoon, real property located at 1613 Inkerman Road, Rte 231, Rose Valley, Queens County, Prince Edward Island, being identified as parcel number 818799-000 assessed in the name of Ada Fall.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016, at the hour of One o'clock in the afternoon, real property located at Waterville, Queens County, Prince Edward Island, being identified as parcel number 686170-000 assessed in the name of Sheila Ewasuik.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016 at the hour of one o'clock in the afternoon, real property located at 5 Chestnut Street, Charlottetown, Queens County, Prince Edward Island, being identified as parcel number 356030-000 assessed in the name of Glen F. Fisher.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016 at the hour of one o'clock in the afternoon, real property located at 134 New Argyle Road, New Argyle, Queens County, Prince Edward Island, being identified as parcel number 402776-000 assessed in the name of Andrew F. Ball.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

NOTICE OF TAX SALE

There will be sold at public auction at or near Charlottetown Court House, 42 Water Street, Charlottetown, Prince Edward Island on the 22nd day of March, 2016 at the hour of one o'clock in the afternoon, real property located 26 Inkerman Road, Route 231, Crapaud, Queens County, Prince Edward Island, being identified as parcel number 216770-000 assessed in the name of Jill Otis.

This property is being sold for nonpayment of taxes in accordance with section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting the law firm of Cox & Palmer, attention Robin Aitken at 97 Queen Street, Suite 600, Charlottetown, PEI, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, this 3rd day of March, 2016.

ELIZABETH (BETH) GAUDET
Provincial Tax Commissioner for
Province of Prince Edward Island

11-12

**NOTICE OF COMPANY
AMALGAMATIONS**

Companies Act
R.S.P.E.I. 1988, Cap. C-14, s.77

Public Notice is hereby given that under the *Companies Act* letters patent have been issued by the Minister to confirm the following amalgamation:

101945 P.E.I. INC.
WATERFRONT INVESTMENTS INC.
Amalgamating companies
WATERFRONT INVESTMENTS INC.
Amalgamated company
Date of Letters Patent: March 01, 2016

PEAKE'S QUAY (1994) LTD.
PEAKE'S QUAY INC.
101946 P.E.I. INC.
Amalgamating companies
PEAKE'S QUAY (1994) LTD.
Amalgamated company
Date of Letters Patent: March 01, 2016

TRI-COUNTY MARINE LTD.
A.T. BOYLES LTD.
Amalgamating companies
TRI-COUNTY MARINE LTD.
Amalgamated company
Date of Letters Patent: February 29, 2016

11

NOTICE OF DISSOLUTION
Partnership Act
R.S.P.E.I. 1988, Cap. P-1

Public Notice is hereby given that a Notice of Dissolution has been filed under the *Partnership Act* for each of the following:

Name: SHORE'S END BEACH HOUSE
Owner: T.W. MYLES INC.
Registration Date: March 08, 2016

Name: ARTISTS INK TATTOO SHOP/ART
GALLERY
Owner: Aron Scott Bernard
Registration Date: March 02, 2016

Name: FULTON SANDERSON & SONS

Owner: John Sanderson
Robert Sanderson
Richard Sanderson
Randolph Sanderson
Rodney Sanderson
Robby Sanderson

Registration Date: February 29, 2016

Name: RED ISLE ROOFING

Owner: Glenn Ellis
Registration Date: March 03, 2016

Name: UTC FIRE & SECURITY CANADA

Owner: 3234808 Nova Scotia Limited
Counterforce Corporation
Registration Date: March 03, 2016

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NOTICE OF GRANTING

LETTERS PATENT

Companies Act
R.S.P.E.I. 1988, Cap. C-14, s.11,

Public Notice is hereby given that under the *Companies Act* Letters Patent have been issued by the Minister to the following:

Name: 101945 P.E.I. INC.
7 May Field Lane
Charlottetown, PE C1E 1X7
Incorporation Date: February 26, 2016

Name: 101946 P.E.I. INC.
7 May Field Lane
Charlottetown, PE C1E 1X7
Incorporation Date: February 26, 2016

Name: BBSI CANADA LTD.
141 Kent Street
Suite 300
Charlottetown, PE C1A 1N3
Incorporation Date: March 02, 2016

Name: COASTAL STEVEDORING (2016)
LTD.
24 Spring Street
Summerside, PE C1N 3C8
Incorporation Date: February 29, 2016

Name: CROWN ZH LTD.
48 Beach Grove Road
Apt #9
Charlottetown, PE C1E 1Y6
Incorporation Date: February 29, 2016

Name: DC ENTERPRISES INC.
54 Governor's Lane
Stratford, PE C1B 1M2
Incorporation Date: March 01, 2016

Name: JOY FIT INC.
247 Cameron Road
New Haven, PE C0A 1H3
Incorporation Date: March 07, 2016

Name: K & K AQUA FARMS LTD.
1106 Greenmount Road
St. Felix
Tignish, PE C0B 2B0
Incorporation Date: March 04, 2016

Name: PBM SOLUTIONS INC.
4669 Route 13
Rennies Road, PE C0A 1N0
Incorporation Date: March 01, 2016

Name: SHEA'S STAR LTD.
20345 Route 12
Anglo Tignish, PE C0B 2B0
Incorporation Date: February 29, 2016

Name: THE GILDAM GROUP INC.
37 Glenthorn Avenue
Charlottetown, PE C1A 9B6
Incorporation Date: February 29, 2016

Name: PEI LAWN TRACTOR RACING
CLUB INC.
42 Mooney Road
Morell, PE C0A 1S0
Incorporation Date: March 02, 2016

Name: TRONOSJET MANUFACTURING
INC.
800 Aerospace Boulevard
Slemon Park, PE C0B 1A0
Incorporation Date: February 26, 2016

Name: WOTHERSPOON HOLDINGS INC.
11 Churchill Avenue
Charlottetown, PE C1A 1Y7
Incorporation Date: February 26, 2016

Name: ZI YAN LTD.
141 Kent Street
Suite 300
Charlottetown, PE C1A 1N3
Incorporation Date: February 29, 2016
11

**NOTICE OF GRANTING
SUPPLEMENTARY LETTERS PATENT**
Companies Act
R.S.P.E.I. 1988, Cap. C-14, s.18, s.3

Public Notice is hereby given that under the *Companies Act* supplementary letters patent have been issued by the Minister to the following:

Name: PEAKE'S QUAY (1994) LTD.
Purpose To increase the authorized capital.
Effective Date: February 26, 2016
11

**NOTICE OF REGISTRATION
Partnership Act**
R.S.P.E.I. 1988, Cap. P-1, s.52 and s.54(1)

Public Notice is hereby given that the following Declarations have been filed under the *Partnership Act*:

Name: THE REAL ESTATE BOOK OF
GREATER MONCTON/DU GRAND
MONCTON
Owner: MRE GROUP INC.
94 Kent Street
Charlottetown, PE C1A 1M9
Registration Date: February 26, 2016

Name: VICTORIA HOMESTAY
Owner: SPRUCEVIEW INC.
1182 Route 116
Crapaud, PE C0A 1J0
Registration Date: February 25, 2016

Name: CUSTOM BRANDS GROUP
Owner: HUNTER DOUGLAS FABRICATION
COMPANY
2710 Gateway Oaks Drive
Suite 150N
Sacramento, CA 95833
Registration Date: March 01, 2016

Name: CHESTNUT PROPERTY MANAGEMENT	Name: CARL GRECHUCK CONTRACTOR
Owner: 101894 P.E.I. INC. 126 Osprey Avenue Cornwall, PE C0A 1H4	Owner: Carl Grechuk 193 Fitzroy Street Charlottetown, PE C1A 1S5
Registration Date: March 01, 2016	Registration Date: March 04, 2016
Name: SGI (SOMERSET GARDENS INC.) LANDSCAPE SNOW REMOVAL SERVICE	Name: CORBETT FARMS
Owner: SOMERSET GARDENS INC. 14 Anderson Road Kinkora, PE C0B 1N0	Owner: Cody Corbett 439 Taylor Road RR1 Granville, PE C0A 1E0
Registration Date: March 02, 2016	Registration Date: March 02, 2016
Name: DATA COMMUNICATIONS MANAGEMENT	Name: FOREVER GREEN HOMESTEAD
Owner: DATA GROUP LTD./GROUPE DATA LTEÉ 9195 Torbram Road Brampton, ON L6S 6H2	Owner: Janice MacLean 1117 Chelton Road Chelton, PE C0B 1A0
Registration Date: March 03, 2016	Registration Date: March 04, 2016
Name: PHILIPS LIGHTING	Name: KMA LAWNCARE
Owner: PHILIPS LIGHTING CANADA LTD. / PHILIPS ÉCLAIRAGE CANADA LTÉE 281 Hillmount Road Markham, ON L6C 2S3	Owner: Dwayne Sheppard 56 Brians Road Murray Harbour, PE C0A 1V0
Registration Date: February 12, 2016	Registration Date: March 01, 2016
Name: PHILIPS ÉCLAIRAGE	Name: OCEAN BREEZE FARM
Owner: PHILIPS LIGHTING CANADA LTD. / PHILIPS ÉCLAIRAGE CANADA LTÉE 281 Hillmount Road Markham, ON L6C 2S3	Owner: Jean MacLean 748 North St. Eleanors, PE C0B 1T0
Registration Date: February 12, 2016	Registration Date: March 02, 2016
Name: WELLS FARGO VENDOR FINANCIAL SERVICES	Name: PATRICIA BOURQUE PHOTOGRAPHY
Owner: WELLS FARGO EQUIPMENT FINANCE COMPANY/SOCIETE DE FINANCEMENT D'EQUIPEMENT WELLS FARGO 1969 Upper Water Street Purdy's Wharf Tower II, Suite 1300 Halifax, NS B3J 3R7	Owner: Patricia Bourque 240B Norwood Road Charlottetown, PE C1A 0E1
Registration Date: March 04, 2016	Registration Date: March 01, 2016
Name: PROTRIM FITNESS	Name: RED ISLE ROOFING
	Owner: Kurt Thomas McCormack 6 Horseshoe Blvd Charlottetown, PE C1C 1R4
	Registration Date: February 26, 2016
	Name: 9653929 Canada Inc.
	502 Donaldston Road Mount Stewart, PE C0A 1T0
	Registration Date: March 03, 2016

Name: SUCK IT UP SEPTIC
 Owner: Caitlyn V. Pocock
 1107 Route 6
 Clinton, PE C0B 1M0
 Registration Date: March 01, 2016

Name: SUNDIAL GETAWAY COTTAGE
 Owner: Blair McInnis
 74 Lorette Street
 Dieppe, NB E1A 2E9
 Owner: Charline McInnis
 74 Lorette Street
 Dieppe, NB E1A 2E9
 Registration Date: March 02, 2016

Name: TOP OF THE LADDER HOME
 IMPROVEMENTS
 Owner: Malcolm Buchanan
 17 Birch Crescent
 Summerside, PE C1N 4J8
 Registration Date: March 01, 2016

Name: TYNE VALLEY TEA AND
 COMPANY
 Owner: Carol Rybinski
 6980 Route 12
 Tyne Valley, PE C0B 2C0
 Owner: Patti Gillis
 975 Ellerslie Road
 P.O. Box 37
 Ellerslie, PE C0B 1J0
 Registration Date: March 01, 2016

11

NOTICE OF REVIVED COMPANIES
Companies Act
 R.S.P.E.I. 1988, Cap. C-14 s.73

Public Notice is hereby given that under the *Companies Act* the following companies have been revived:

Name: ROAD TO ROLLO BAY INC.
 Effective Date: March 01, 2016

Name: SPRINGSIDE SNOWMOBILE CLUB
 INC.
 Effective Date: March 02, 2016

Name: TRAILSIDE LODGE INC
 Effective Date: March 02, 2016

11

**NOTICE OF PETITION
 FOR PRIVATE BILL**

TAKE NOTICE that at the next sitting of the Legislative Assembly a petition will be presented for a private bill to amend *An Act to Incorporate Amalgamated Dairies Limited*, Stats. P.E.I. 1953, c. 55, assented to on April 2, 1953 and as was amended from time to time (as amended, the "Act").

The scope of the petition is to amend the Act to (i) expand the corporate powers and business activities of Amalgamated Dairies Limited including that it shall have all the powers of a natural person, (ii) provide that a partial term served by a director is considered for director re-election eligibility, (iii) permit the Board to fill a director vacancy, until the next annual meeting, due to resignation, retirement, death or other vacating of the office by a director, (iv) provide that the shareholders shall appoint auditors at each general meeting and that such auditors shall make a report to the audit committee of the Board, (v) provide that the annual meeting shall be held in April of each year at such place and time as set by the Board, (vi) change the quorum of shareholders from ten percent (10%) to five percent (5%).

DATED this 24th day of February, 2016, at the City of Summerside, in Prince County, Province of Prince Edward Island.

JEFFERY A. CORMIER
 Key Murray Law
 494 Granville Street
 P.O. Box 1570
 Summerside, PE C1N 4K4
 Telephone: 902.436.4851
 Facsimile: 902.436.5063

Solicitor for the Petitioner,
 Amalgamated Dairies Limited

11-12

**NOTICE
THE HIGHWAY TRAFFIC ACT
EXAMINER**

Under authority vested in me by Section 1(f.1) of the *Highway Traffic Act*, R.S.P.E.I. 1988, I hereby designate the following person as an Examiner:

Robert Guth

Dated this 1st day of March, 2016

Paula Biggar
Minister
Transportation, Infrastructure and Energy

11

**NOTICE
CHANGE OF NAME**

Be advised that a name change under the *Change of Name Act* S.P.E.I. 1997, C-59 was granted as follows:

Former Name: **Fei Yang Jiang**
Present Name: **Edmund Daniel Jiang**

February 17, 2016

Adam Peters
Director of Vital Statistics

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The ROYAL GAZETTE is issued every Saturday from the office of Michael Fagan, Queen's Printer, PO Box 2000, Charlottetown, PEI C1A 7N8. All copy must be received by the Tuesday preceding the day of publication. The subscription rate is \$75.00 per annum, postpaid; single copies are \$2.00 each, postpaid or \$1.25 each, over the counter.

PART II
REGULATIONS

EC2016-103

CIVIL SERVICE SUPERANNUATION ACT
DIVISION OF BENEFITS ON MARRIAGE BREAKDOWN
REGULATIONS
AMENDMENT

(Approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.)

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

1. Clause 1(c) of the *Civil Service Superannuation Act* Division of Benefits on Marriage Breakdown Regulations (EC455/00) is revoked.

2. The regulations are amended by the addition of the following after section 1:

1.1 These regulations apply where a person has made an application under section 18(1.1) of the Act for a division of the pension benefits of a member, vested former member or pensioner that is to be effected by a transfer of the person's share of those pension benefits in accordance with subsection 23(3.2) of the Act. Application

3. The heading immediately before section 2 of the regulations is amended by the deletion of the words "THE AMOUNTS" and the substitution of the word "BENEFITS".

4. Section 2 of the regulations is revoked and the following substituted:

2. (1) Subject to section 3, if the pension benefits of a member, vested former member or pensioner are to be divided on the breakdown of a spousal relationship, the benefits to be divided shall equal

A/ B x C

where

A is

(i) the number of years and part years of service included in "B" that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation, plus

(ii) the number of years and part years of service completed prior to the date the spousal relationship commenced which was not included to calculate benefits at the date the spousal relationship commenced but was credited to the member, vested former member or pensioner during the period between the date the spousal relationship commenced and the date of separation and is included in "B" at the date of separation;

B is the total number of years and part years of service which would be used to calculate the pension benefit of the member, vested former member or pensioner on the date of termination of employment or the date of separation, whichever occurred first; and

C is the benefit determined as of the date of separation in subsections (2) and (3).

Calculation of total value of benefit "C"

(2) In subsection (1), the value of C shall be

(a) in the case of a member who would not have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the member's contributions under the Act accumulated with interest to the date of separation, and prior to any adjustment in the member's contributions being made with respect to any previous breakdown of a spousal relationship;

(b) in the case of a member who would have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the commuted value of the pension that would have been deferred at the date of separation based on the average weighted indexed pensionable salary, the contribution history and the benefit formula in force at the date of separation and prior to any adjustment to the deferred pension respecting the breakdown of any previous spousal relationship or, if greater than the commuted value, the member's contributions and interest to the date of separation prior to any adjustment in the member's contributions respecting the breakdown of any previous spousal relationship;

(c) in the case of a vested former member, the commuted value of the deferred pension at the date of separation before any adjustment to the deferred pension respecting the breakdown of any previous spousal relationship or, if greater than the commuted value, the vested former member's contributions and interest to the date of separation before any adjustment in the vested former member's contributions respecting the breakdown of any previous spousal relationship; and

(d) in the case of a pensioner, the commuted value of the pension to which the pensioner was entitled at the date of separation as if there had been no adjustment respecting any previous division of benefits respecting the breakdown of any previous spousal relationship.

(3) The commuted value calculated under subsection (2) shall include

(a) the value of survivor benefits under the Act, both before the commencement of payment of a deferred pension and while the pension is in payment; and

Survivor benefits and indexing included

(b) the value of any annual accumulated pension indexing increases provided for under the Act.

(4) Where “B”, in subsection (1), includes service transferred from another pension plan under section 3 of the Act, “A” shall include only that portion of the transferred service that was credited to the member, vested former member or pensioner under the other pension plan between the date the spousal relationship commenced and the date of transfer of the service.

(5) For the purposes of subsection 23(3.2) of the Act, determination of the pension benefits transferred into the prescribed locked-in retirement vehicle, pension plan or annuity shall be made without regard to the gender of the member or the spouse.

5. (1) Subsection 3(1) of the regulations is amended

(a) by the deletion of the words “on marriage breakdown”; and

(b) by the deletion of the words “then the lump-sum amount as” and the substitution of the words “the pension benefits”.

(2) Subsections 3(2) and (3) of the regulations are revoked and the following substituted:

(2) Where the pension benefits for each party are

(a) equal, no portion of the pension benefits shall be subject to division; or

(b) not equal, then the lesser of the respective pension benefits shall be subtracted from the greater pension benefits and the difference shall be the pension benefits that are subject to division.

(3) For the purposes of this section, section 5 and sections 18, 20, 23 and 24 of the Act, the term “spouse” or “former spouse” shall refer to the person for whom the pension benefits calculated in accordance with section 2 is the lesser of the two respective pension benefits and the term “member”, “vested former member” or “pensioner”, as the case may be, shall refer to the person for whom the pension benefits calculated in accordance with section 2 is the greater of the two respective pension benefits.

6. The heading immediately before section 4 of the regulations is amended by the deletion of the words “LUMP-SUM AMOUNT” and the substitution of the word “SHARE OF BENEFITS”.

7. (1) Subsection 4(1) of the regulations is amended

(a) by the deletion of the words “lump-sum amount” and the substitution of the words “share of pension benefits”;

When service is transferred from another plan

Gender neutral determination

Equality of pension benefits

Application of terms

(b) by the deletion of the words “lump-sum value of the pension benefit” and the substitution of the words “pension benefits”; and

(c) by the addition of the words “referred to in subsection 18(2) of the Act” after the words “domestic contract”.

(2) Subsection 4(2) of the regulations is amended

(a) by the deletion of the words “lump-sum amount” and the substitution of the words “share of pension benefits”; and

(b) by the deletion of the words “date of marriage breakdown” and the substitution of the words “date of separation”.

(3) Subsection 4(3) of the regulations is revoked and the following substituted:

Further adjustment
re pension payments
already made

(3) The share of pension benefits that includes interest calculated in accordance with subsection (2), shall be further adjusted if pension payments were made between the date of separation and the date the amount is transferred pursuant to subsection 23(1) of the Act, by subtracting the total amount of the spouse’s or former spouse’s share of the pension payments made, including interest as determined in subsection (5), to the date of transfer of the share of pension benefits with interest calculated in subsection (2).

(4) Subsection 4(5) of the regulations is amended by the deletion of the words “per annum” and the substitution of the words “compounded annually”.

8. The heading immediately before section 5 of the regulations is amended by the deletion of the words “BENEFITS WHERE LUMP-SUM VALUE” and the substitution of the word “PENSION BENEFITS WHERE BENEFITS”.

9. Section 5 of the regulations is revoked and the following substituted:

Formula for
revaluation – one
party a plan
member

5. (1) Where only one spouse or former spouse is a member, vested former member or pensioner and a division of benefits was effected under subsection 23(1) of the Act, the monthly pension of the member, vested former member or pensioner shall be adjusted at retirement or, if later, at the date the division was effected, by subtracting an amount in respect of each division of benefits which equals

$$(D/C) \times F \times G \times H \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 2;

C equals C as defined in subsection 2(1);

F is the monthly pension that corresponds to the value described in

- (i) clause 2(2)(b) in the case of a member;
- (ii) clause 2(2)(c) in the case of a vested former member; or
- (iii) clause 2(2)(d) in the case of a pensioner;

G is a factor which adjusts pension F in the same proportion as the total adjustment or indexing to pensions under section 8.01 of the Act from the date of separation to the retirement date or, if later, the date at which the division was effected;

H is a factor used to adjust pension F from the assumed age at retirement used in calculating C to the actual date at retirement with regard to the reduction factor applied under subsection 9(4) of the Act, regarding reduced pension on early retirement; and

S is the percentage share of benefits of the spouse or former spouse, as defined in a court order or domestic contract referred to in subsection 18(2) of the Act, but in no case shall the share exceed 50 per cent of the pension benefits of the member, vested former member or pensioner.

(2) Where only one spouse or former spouse is a member, vested former member or pensioner, the contributions with interest made by the member, vested former member or pensioner shall be revalued as of the date of separation by subtracting from them an amount equal to

Formula for
revaluation of
contribution - one
party a plan
member

$$(D/C) \times T \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 2;

C equals C as defined in subsection 2(1);

T is the total contributions with interest made by the member, vested former member or pensioner to the date of separation; and

S is the percentage share of benefits of the spouse or former spouse, as defined in a court order or domestic contract referred to in subsection 18(2) of the Act, but in no case shall the share exceed 50 per cent of the pension benefits of the member, vested former member or pensioner.

(3) Pursuant to subsection 23(6) of the Act, where

Formula for
revaluation - both
parties plan
members

(a) both spouses or former spouses are either a member, vested former member or pensioner, the monthly pension of the person who is deemed for this purpose to be the member, vested former member or pensioner as indicated in subsection 3(3) shall be adjusted in accordance with subsection (1); and

(b) the monthly pension of the person who is deemed for this purpose to be the spouse or former spouse as indicated in subsection 3(3) shall be adjusted by adding an amount which equals

$$(D/C) \times F \times G \times H \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 3;

C equals C as defined in subsection 2(1) with respect to the spouse or former spouse;

F is the monthly pension that corresponds to the value described in clause 2(2)(b), (c) or (d), as it applies in the case of the spouse or former spouse; G is a factor which adjusts pension F in the same proportion as the total adjustment or indexing to pensions under section 8.01 of the Act from the date of separation to the retirement date or, if later, the date at which the division was effected;

H is a factor used to adjust pension F from the assumed age at retirement used in calculating C to the actual date at retirement with regard to the reduction factor applied under subsection 9(4) of the Act, regarding reduced pension on early retirement; and

S is the spouse's or former spouse's percentage share of benefits, as defined in a court order or domestic contract referred to in subsection 18(2) of the Act, but in no case shall the share exceed 50 per cent.

Formula for
revaluation of
contributions-both
parties plan
members

(4) Pursuant to subsection 23(6) of the Act, where

- (a) both spouses or former spouses are either a member, vested former member or a pensioner, the contributions with interest of the person who is deemed for this purpose to be the member, vested former member or pensioner as indicated in subsection 3(3) shall be revalued in accordance with subsection (3); and
- (b) the contributions with interest of the person who is deemed to be the spouse or former spouse as indicated in subsection 3(3) shall be revalued as of the date of separation by adding to them an amount equal to

$$(D/C) \times T \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 3;

C equals C as defined in subsection 2(1) with respect to the spouse or former spouse;

T is the total contributions with interest made by the spouse or former spouse to the date of separation; and

S is the spouse's or former spouse's percentage share of benefits as defined in a court order or domestic contract referred to in subsection 18(2) of the Act, but in no case shall the share exceed 50 per cent.

Adjustment after 65

(5) The adjustment applied to the pension after the pensioner reaches sixty-five years of age shall bear the same proportion to the adjustment applied to the pension before the pensioner reaches sixty-five years of age as the total pension earned during the spousal relationship after age sixty-five bears to the total pension earned during the spousal relationship prior to age sixty-five.

10. Section 6 of the regulations is revoked and the following substituted:

6. (1) In this section, “locked-in retirement vehicle” means a registered retirement savings plan, registered retirement income fund, or registered pension plan as defined in the *Income Tax Act* (Canada), or a life annuity purchased from an insurance company licensed to sell annuities in Canada, which states in writing that, while the spouse or former spouse is alive,

- (a) any amount in the locked-in retirement vehicle shall continue to be subject to section 26 of the Act;
- (b) in the case of a registered retirement savings plan, payments are allowed only to another locked-in retirement vehicle;
- (c) in the case of a registered retirement income fund or a registered pension plan, payments are allowed only to another locked-in retirement vehicle or to the spouse or former spouse;
- (d) in the case of a registered retirement income fund, the total cash payments to the spouse or former spouse during the first year after the date the registered retirement income fund is entered into does not exceed twice the amount initially transferred into the fund divided by the difference between 90 and the age of the spouse or former spouse (to the nearest whole number) at the transfer date and, during subsequent years, does not exceed twice the minimum annual payments required by the *Income Tax Act* (Canada) to be made from the fund to the spouse or former spouse;
- (e) in the case of a registered pension plan, payments to the spouse or former spouse must be monthly lifetime payments in a form which is allowed under the *Income Tax Act* (Canada) to a member of a registered pension plan who retires; and
- (f) in the case of a life annuity, only payments in a form to the spouse or former spouse are allowed and such payments must be monthly lifetime payments in a form which is allowed under the *Income Tax Act* (Canada) to a member of a registered pension plan who retires.

(2) A share of pension benefits may be transferred to a retirement savings plan or fund for the spouse or former spouse that is a locked-in retirement vehicle.

Transfer of pension benefits permitted

(3) A share of pension benefits may be transferred to a financial institution authorized to sell immediate or deferred annuities that are locked-in retirement vehicles, for the purchase of such an annuity for the spouse or former spouse.

Idem

(4) A non-member spouse or non-member former spouse may elect to have subsections (2) and (3) apply to a division effected prior to the coming into force of these regulations.

Application prior to division

11. The regulations are amended by the addition of the following after section 7:

Revocation

7.1 These regulations are revoked on December 31, 2019.

12. These regulations come into force on March 12, 2016.

EXPLANATORY NOTES

SECTION 1 revokes clause 1(c) of the regulations to delete the definition of “locked-in retirement vehicle”. This term will from now on be used only in the new section 6 of the regulations, and the definition will be relocated there for ease of reference.

SECTION 2 adds a new section 1.1 to the regulations to clarify that the regulations apply only to a division of the pension benefits of a member, vested former member or pensioner that is to be effected by a transfer in accordance with subsection 23(3.2) of the Act.

SECTION 3 amends the heading immediately preceding section 2 of the regulations to substitute the term “Benefits” for the term “Amounts”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 4 amends section 2 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act.

SECTION 5 amends section 3 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act.

SECTION 6 amends the heading immediately preceding section 4 of the regulations to substitute the words “Share of Benefits” for the term “Lump-Sum Amounts”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 7 amends section 4 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act, and also to update a section reference in the Act that has been changed.

SECTION 8 amends the heading immediately preceding section 5 of the regulations to substitute the words “Pension Benefits Where Benefits” for the words “Benefits Where Lump-Sum Value”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 9 revokes section 5 of the regulations and substitutes a new section 5 that provides in subsection (1) the basic formula for revaluation of pension benefits where a division of benefits has been effected under subsection 23(1) of the Act, with additional formulas in subsection (2) to provide for the case where only one of the spouses or former spouses is a member, vested former member or pensioner, and in subsections (3) and (4) to provide for the case where both of the spouses or former spouses are members, vested former members or pensioners.

SECTION 10 revokes section 6 of the regulations and substitutes a new section 6 that specifies the types of “locked-in retirement vehicle” to which a transfer of pension benefits is permitted.

SECTION 11 adds a new section 7.1 to the regulations that provides that the regulations are automatically revoked on December 31, 2019.

SECTION 12 provides for the commencement of the regulations.

Certified a true copy,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

EC2016-104

**CIVIL SERVICE SUPERANNUATION ACT
DIVISION OF BENEFITS AND SEPARATE PENSION
REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.)

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

1. (1) In these regulations, “Act” means the *Civil Service Act*, defined *Superannuation Act R.S.P.E.I. 1988, Cap. C-9*.

(2) These regulations apply to all applications in respect of a division of pension benefits of a member, vested former member or pensioner under subsection 18(1.1) of the Act. Application of regulations

APPLICATION FOR DIVISION OF BENEFITS

2. (1) An application for information in respect of a division of pension benefits under subsection 18(1) of the Act shall include: Application for information

(a) the date the spousal relationship commenced;
(b) the date of separation;
(c) the date of the birth of the member, vested former member or pensioner; and
(d) evidence acceptable to the Commission of the information referred to in clauses (a) to (c).

Application for division

(2) An application for division of pension benefits under subsection 18(1.1) of the Act shall include

(a) the date of birth of the spouse or former spouse of the member, vested former member or pensioner;
(b) evidence acceptable to the Commission of the information referred to in clause (a); and
(c) either a certified true copy of a court order or domestic contract referred to in subsection 18(2) of the Act, whichever provides for the division of pension benefits of the member, vested former member or pensioner.

Notice of receipt of application

3. For the purposes of subsection 20(2) of the Act, a notice of receipt of an application under subsection 18(1.1) shall be sent to each interested party by regular mail.

Withdrawal of application

4. An applicant may withdraw an application made under section 18 of the Act by submitting to the Minister, in writing, a notice of withdrawal of application.

Required information

5. For the purposes of subsection 27(2), where a breakdown of a spousal relationship has occurred, the following information shall be provided concerning the pension benefits that are or may become payable to or in respect of a member, vested former member or pensioner:

(a) the information referred to in subsection 2(1) that is used to calculate the pension benefits that are or may become payable;
(b) the date on which the member, vested former member or pensioner began making contributions to the Fund;
(c) the number of years and part years of service that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation;
(d) the number of years and part years of service that were credited to the member, vested former member or pensioner up to the date of separation;
(e) the average weighted indexed pensionable salary of the member, vested former member or pensioner at the date of separation;
(f) the average weighted indexed year's maximum pensionable earnings amount of the member, vested former member or pensioner at the date of separation;
(g) the member contributions that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation;

- (h) the member contributions that were credited to the member, vested former member or pensioner up to the date of separation;
- (i) the pension benefits subject to division;
- (j) a copy of the Act;
- (k) information respecting how pension benefits can be divided; and
- (l) other information determined by the Minister as necessary for the calculation of the pension benefits that are or may become payable.

PENSION BENEFITS SUBJECT TO DIVISION

6. (1) Subject to subsection (3), in respect of a member or vested former member, the pension benefits subject to division shall equal Formula for member or vested former member

- (a) an amount determined by the formula

$$A + B$$

where

A is the amount determined by the formula in subsection 27.02(1) of the Act prior to multiplying by D as defined in that subsection; and

B is the amount determined by the formula in subsection 27.02(2) of the Act, where applicable, prior to multiplying by D as defined in that subsection; or

- (b) an amount determined by the formula in subsection 8(1) prior to multiplying by D as defined in that subsection.

(2) In respect of a pensioner, the pension benefits subject to division shall equal an amount determined by the formula Formula for pensioner

$$A + B$$

where

A is the amount determined by the formula in subsection 27.02(1) of the Act prior to multiplying by D as defined in that subsection; and

B is the amount determined by the formula in subsection 27.02(2) of the Act, where applicable, prior to multiplying by D as defined in that subsection.

(3) In respect of a member who would not have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the pension benefits subject to division shall equal an amount determined by the formula in subsection 8(1) prior to multiplying by D as defined in that subsection. Where member not entitled to deferred pension

SEPARATE PENSION

7. (1) For the purposes of subsections 27.02(1) and (2) of the Act, A shall be determined Time of determination

- (a) prior to any adjustment in the member's, vested former member's or pensioner's pension with respect to any previous breakdown of a spousal relationship; and
- (b) upon termination of employment and indexed to the date of separation where the vested former member or pensioner terminated employment before the date of separation.

Commencement of separate pension not later than age seventy-one (2) Any separate pension to which a spouse or former spouse is entitled under the Act shall commence to be paid not later than December 31 of the calendar year in which the spouse or former spouse attains the age of seventy-one years.

CASH PAYMENTS

Formula **8.** (1) Subject to subsection (3), if a member would not be entitled to a deferred pension at the date of separation had the member terminated employment on that date, the portion of the member's contributions with interest to be paid out in cash to the spouse or former spouse under subsection 18(6) of the Act shall equal

$$A \times B / C \times D$$

where

A is the member's contributions with interest to the date of separation, and prior to any adjustment in the member's contributions with respect to any previous breakdown of a spousal relationship;

B is the member's service during the period of the spousal relationship, which is equal to the sum of

(i) the number of years and part years that occurred and were credited as service to the member during the period of the spousal relationship and are included in C,

(ii) in respect of purchased service, the number of years and part years that occurred prior to the commencement of the spousal relationship which were not included to calculate benefits at the commencement of the spousal relationship but were credited as service to the member during the period of the spousal relationship and are included in C at the date of separation,

(iii) in respect of service transferred from another pension plan on or before the date of separation under a reciprocal transfer agreement entered into pursuant to section 3 of the Act, the number of years and part years of service that were credited to the member under the other pension plan during the period of the spousal relationship and are included in C at the date of separation;

C is the member's service up to the date of separation, which is equal to the total number of years and part years of service which would be used to calculate the pension benefits of the member on the date of termination of employment or the date of separation, whichever occurred first; and

D is the share of the member's pension benefits earned during the spousal relationship that is attributed to the spouse or former spouse upon division of pension benefits, which in no case shall exceed 50 per cent.

Calculation of amount payable

(2) Subject to subsection (3), the amount payable to a spouse or former spouse who makes an election under clause 23(3)(b) of the Act shall be calculated in accordance with subsection (1).

(3) The amounts calculated in subsections (1) and (2) shall be credited with interest from the date of separation to the date of payment based on the interest rate determined in accordance with subsection 12(2) of the Act. Interest

REVALUATION OF PENSION BENEFITS WHERE BENEFITS DIVIDED

9. (1) This section applies where a division of pension benefits has been effected by a transfer or payment under subsection 18(6), 23(3) or 23(3.1) of the Act. Application of section

(2) The yearly pension payable to a member, vested former member or pensioner to whom subsection (1) applied shall be adjusted as of the later of the date of retirement or the date the division was effected by subtracting an amount determined by the formula Formula – yearly pension

$$A \times B \times C$$

where

A is the amount the spouse or former spouse of the member, vested former member or pensioner would receive as an unreduced yearly separate pension under subsection 27.02(1) of the Act if the spouse or former spouse were eligible to receive an unreduced yearly separate pension and prior to any indexing under subsection 27.02(4) of the Act; B is a factor which adjusts A for indexing pursuant to subsections 27.02(4) and (5) of the Act from the date of separation to the later of the member's, vested former member's or pensioner's retirement or the date the division was effected; and

C is a factor to adjust A for the percentage by which the member's, vested former member's or pensioner's pension was reduced pursuant to subsection 9(4) of the Act.

(3) The temporary yearly pension amount payable to a member, vested former member or pensioner to whom subsection (1) applies shall be adjusted as of the later of the date of retirement or the date the division was effected by subtracting an amount determined by the formula Formula – temporary yearly pension

$$A \times B \times C$$

where

A is the amount the spouse or former spouse of the member, vested former member or pensioner would receive as an unreduced yearly temporary separate pension amount under subsection 27.02(2) of the Act if the spouse or former spouse were eligible to receive an unreduced yearly separate pension and prior to any indexing under subsection 27.02(4) of the Act;

B is a factor which adjusts A for indexing pursuant to subsections 27.02(4) and (5) of the Act from the date of separation to the later of the member's, vested former member's or pensioner's retirement or the date the division was effected; and

C is a factor to adjust A for the percentage by which the member's, vested former member's or pensioner's pension was reduced pursuant to subsection 9(4) of the Act.

Formula - contributions

(4) The contributions of the member, vested former member or pensioner to whom subsection (1) applies shall be adjusted as of the date of separation by subtracting an amount determined by the formula

$$A \times B / C \times D$$

where

A is the total contributions with interest made by the member, vested former member or pensioner to the date of separation;

B is the member's service during the period of the spousal relationship, which is equal to the sum of

(i) the number of years and part years that occurred and were credited as service to the member during the period of the spousal relationship and are included in C,

(ii) in respect of purchased service, the number of years and part years that occurred prior to the commencement of the spousal relationship which were not included to calculate benefits at the commencement of the spousal relationship but were credited as service to the member during the period of the spousal relationship and are included in C at the date of separation,

(iii) in respect of service transferred from another pension plan on or before the date of separation under a reciprocal transfer agreement entered into pursuant to section 3 of the Act, the number of years and part years of service that were credited to the member under the other pension plan during the period of the spousal relationship and are included in C at the date of separation;

C is the member's service up to the date of separation, which is equal to the total number of years and part years of service which would be used to calculate the pension benefits of the member on the date of termination of employment or the date of separation whichever occurred first; and

D is the share of the member's pension benefits earned during the spousal relationship that is attributed to the spouse and former spouse upon division of pension benefits, which in no case shall exceed 50 per cent.

Commencement

10. These regulations come into force on March 12, 2016.

EXPLANATORY NOTES

SECTION 1 establishes a definition of "Act" for the purposes of the regulations, and also provides that the regulations apply to all applications to divide the pension benefits of a member, vested former member or pensioner under subsection 18(1.1) of the Act.

SECTION 2 specifies the information to be provided for an application for information under subsection 18(1) of the Act and an application for division under subsection 18(1.1) of the Act.

SECTION 3 specifies to whom a notice of receipt is required to be sent for the purposes of subsection 20(2) of the Act.

SECTION 4 authorizes an applicant to withdraw an application under section 18 of the Act by submitting a written notice of withdrawal to the Minister.

SECTION 5 specifies the information required to be provided for the purposes of 27(2) of the Act.

SECTION 6 sets out, in subsection (1), the formula to be used in determining the pension benefits subject to division of a member or vested former member, and in subsection (2), the formula to be used in determining the pension benefits subject to division of a pensioner.

SECTION 7 specifies the method of determining factor A for the purposes of subsections 27.02(1) and (2) of the Act. The section also provides that any separate pension to which a spouse or former spouse is entitled under the Act shall commence to be paid not later than December 31 of the year in which the spouse or former spouse turns seventy-one.

SECTION 8 sets out the formula for determining the cash payment to be made to a spouse or former spouse under subsection 18(6) of the Act, and provides for interest to be credited to that amount from the date of separation to the date of payment.

SECTION 9 sets out the formula for determining the yearly pension payable to a member, vested former member or pensioner where a division of pension benefits has been effected by a transfer or payment under subsection 18(6), 23(3) or 23(3.1) of the Act.

SECTION 10 provides for the commencement of the regulations.

Certified a true copy,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

EC2016-130**TEACHERS' SUPERANNUATION ACT
REGULATIONS
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.)

Pursuant to section 33 of the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1, Council made the following regulations:

1. Section 3 of the *Teachers' Superannuation Act* Regulations (EC206/77) is revoked and the following substituted:

Computation of pension

3. (1) For the purposes of subsection 16(1) of the Act, and subject to subsection (2), in computing the amount of yearly pension payable to a member or former vested member who is under the age of 65 years and eligible to receive an unreduced yearly pension under clause 16(1)(b) of the Act, the yearly pension shall be adjusted by reducing the amount payable by the amount calculated in accordance with subsection 18(2) of the Act.

Idem

(2) The adjustment referred to in subsection (1) does not apply to the yearly pension payable to a member or vested former member who provides proof satisfactory to the Commission, upon the request of the Commission, that the member or vested former member is not receiving Canada Pension Plan disability benefits.

2. Section 4 of the regulations is revoked.**3. Subsection 5(1) of the regulations is revoked.****4. Section 6 of the regulations is revoked.****5. Section 7 of the regulations is revoked and the following substituted:**

Unpaid leave in determination of pensionable salary

7. For the purpose of determining the pensionable salary of a member under subsection 1(4) of the Act, unpaid leave for the following purposes shall be included in the determination if the period of leave is in excess of one year in duration:

- (a) unpaid leave granted for the purpose of taking employment with the Department of Education, Early Learning and Culture;
- (b) unpaid leave granted for the purpose of seeking or holding public office as outlined in the Memorandum of Agreement between the Education Negotiating Agency and the Prince Edward Island Teachers' Federation.

6. Section 8 of the regulations is revoked.

7. The regulations are amended by the addition of the following after section 9:

10. (1) This section applies to indexation in respect of approved leaves that commence after December 31, 2013. Indexation during approved leave

(2) Where a member is on approved leave for a continuous period of at least one but not more than two years, section 17.1 of the Act applies to the member's pensionable salary as if the member were credited with service in respect of that period of leave. Leave of more than one but less than two years

(3) Where a member is on approved leave for a continuous period of more than two years, section 17.1 of the Act applies to the member's pensionable salary for the first two years of approved leave as if the member were credited with service in respect of those years, and subsection 19.1(6) of the Act applies for each year of the remainder of the approved leave. Leave of more than two years

8. These regulations come into force on March 12, 2016.

EXPLANATORY NOTES

SECTION 1 revokes section 3 of the regulations and substitutes a new section 3 to eliminate a reference to a section of the Act that was repealed in 2013 and to clarify the method of computing the adjustment to the yearly pension payable to a member or vested former member who retires under the age of 65 due to a total and permanent disability. The adjustment set out in the new subsection 3(1) does not apply to the yearly pension payable to a member or vested former member if he or she is not receiving Canada Pension Plan disability benefits.

SECTION 2 revokes section 4 of the regulations. This section is no longer needed due to the repeal in 2013 of section 21 of the Act.

SECTION 3 revokes subsection 5(1) of the regulations. This subsection is no longer needed since repurchase of service is dealt with under subsection 28(2) of the Act.

SECTION 4 revokes section 6 of the regulations. There is no requirement or authority in the Act to establish a fiscal year in regulations. The Commission will set the fiscal year for the purposes of the Fund and the report the Commission is required to prepare for the Minister under subsection 4(1) of the Act.

SECTION 5 revokes section 7 of the regulations and substitutes a new section 7 that clarifies the rules respecting the inclusion of specified types of unpaid leave in determining the pensionable salary of a member under subsection 1(4) of the Act.

SECTION 6 revokes section 8 of the regulations, effective on January 1, 2016, to accommodate operational changes in the administration of the Fund.

SECTION 7 establishes rules for indexation in respect of approved leaves of between one and two years' and more than two years' duration.

SECTION 8 provides for the commencement of the regulations.

Certified a true copy,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

EC2016-131

**TEACHERS' SUPERANNUATION ACT
DIVISION OF BENEFITS ON MARRIAGE BREAKDOWN
REGULATIONS
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.)

Pursuant to section 33 of the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1, Council made the following regulations:

- 1. Clause 1(c) of the *Teachers' Superannuation Act* Division of Benefits on Marriage Breakdown Regulations (EC672/09) is revoked.**
- 2. The regulations are amended by the addition of the following after section 1:**

Application

- 1.1** These regulations apply where a person has made an application under subsection 31.1(1.1) of the Act for a division of the pension benefits of a member, vested former member or pensioner that is to be effected by a transfer of the person's share of those pension benefits in accordance with subsection 31.5(3.2) of the Act.
- 3. The heading immediately before section 2 of the regulations is amended by the deletion of the words "THE AMOUNTS" and the substitution of the word "BENEFITS".**
- 4. (1) Subsections 2(1) and (2) of the regulations are revoked and the following substituted:**

2. (1) Subject to section 3, if the pension benefits of a member, vested former member or pensioner are to be divided on the breakdown of a spousal relationship, the benefits to be divided shall equal

$$\text{A/B} \times \text{C}$$

where

A is

- (i) the number of years and part years of service included in "B" that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation, plus
- (ii) the number of years and part years of service completed prior to the date the spousal relationship commenced which was not included to calculate benefits at the date the spousal relationship commenced but was credited to the member, vested former member or pensioner during the period between the date the spousal relationship commenced and the date of separation and is included in "B" at the date of separation;

B is

the total number of years and part years of service which would be used to calculate the pension benefit of the member, vested former member or pensioner on the date of termination of employment or the date of separation, whichever occurred first; and

C is

the benefit determined as of the date of separation in subsections (2) and (3).

(2) In subsection (1), the value of C shall be

- (a) in the case of a member who would not have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the member's contributions under the Act accumulated with interest to the date of separation, and prior to any adjustment in the member's contributions being made with respect to any previous breakdown of a spousal relationship;
- (b) in the case of a member who would have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the commuted value of the pension that would have been deferred at the date of separation based on the average weighted indexed pensionable salary, the contribution history and the benefit formula in force at the date of separation and prior to any adjustment to the deferred pension respecting the breakdown of any previous spousal relationship or, if greater than the commuted value, the member's contributions and interest to the date of separation prior to any adjustment in the member's contributions respecting the breakdown of any previous spousal relationship;
- (c) in the case of a vested former member, the commuted value of the deferred pension at the date of separation before any adjustment to the deferred pension respecting the breakdown of any previous spousal relationship or, if greater than the commuted value, the

Calculation of total value of benefit C

vested former member's contributions and interest to the date of separation before any adjustment in the vested former member's contributions respecting the breakdown of any previous spousal relationship; and

(d) in the case of a pensioner, the commuted value of the pension to which the pensioner was entitled at the date of separation as if there had been no adjustment respecting any previous division of benefits respecting the breakdown of any previous spousal relationship.

(2) Clause 2(3)(b) of the regulations is revoked and the following substituted:

(b) the value of any annual accumulated pension indexing increases provided for under the Act.

(3) Subsection 2(4) of the regulations is amended

(a) by the deletion of the words “Where “B”” and the substitution of the words “where B”;

(b) by the deletion of the words “Act, “A”” and the substitution of the words “Act, A”; and

(c) by the deletion of the words “of the marriage” and the substitution of the words “the spousal relationship commenced”.

(4) Subsection 2(5) of the regulations is amended

(a) by the deletion of the words “subsection 31.5(3) of the Act, determination of the commuted value” and the substitution of the words “subsection 31.5(3.2) of the Act, determination of the pension benefits”; and

(b) by the addition of the words “or the spouse” after the words “gender of the member”.

5. (1) Subsection 3(1) of the regulations is amended

(a) by the deletion of the words “on marriage breakdown” after the words “benefits are being divided”; and

(b) by the deletion of the words “the lump-sum amount” and the substitution of the words “the pension benefits”.

(2) Subsections 3(2) and (3) of the regulations are revoked and the following substituted:

Equality of pension benefits

(2) Where the pension benefits for each party are

(a) equal, no portion of the pension benefits shall be subject to division; or

(b) not equal, then the lesser of the respective pension benefits shall be subtracted from the greater pension benefits and the difference shall be the pension benefits that are subject to division.

(3) For the purposes of this section, section 5 and sections 31.1, 31.2, 31.5, and 31.6 of the Act, the term “spouse” or “former spouse” shall refer to the person for whom the pension benefits calculated in accordance with section 2 is the lesser of the two respective pension benefits and the term “member”, “vested former member” or “pensioner”, as the case may be, shall refer to the person for whom the pension benefits calculated in accordance with section 2 is the greater of the two respective pension benefits.

Application of terms

6. The heading immediately before section 4 of the regulations is amended by the deletion of the words “LUMP-SUM AMOUNT” and the substitution of the words “SHARE OF BENEFITS”.

7. (1) Subsection 4(1) of the regulations is amended

(a) by the deletion of the words “the lump-sum amount” and the substitution of the words “the share of pension benefits”;

(b) by the deletion of the words “the lump-sum value of the pension benefit” and the substitution of the words “the pension benefits”; and

(c) by the addition of the words “referred to in subsection 31.1(2) of the Act” after the words “domestic contract”.

(2) Subsection 4(2) of the regulations is amended

(a) by the deletion of the words “The lump-sum amount” and the substitution of the words “The share of pension benefits”; and

(b) by the deletion of the words “the date of marriage breakdown” and the substitution of the words “date of separation”.

(3) Subsection 4(3) of the regulations is revoked and the following substituted:

(3) The share of pension benefits that includes interest calculated in accordance with subsection (2), shall be further adjusted if pension payments were made between the date of separation and the date the amount is transferred pursuant to subsection 31.5(1) of the Act, by subtracting the total amount of the spouse’s or former spouse’s share of the pension payments made, including interest as determined in subsection (5), to the date of transfer of the share of pension benefits with interest calculated in subsection (2).

Further adjustment re pension payments already made

(4) Subsection 4(5) of the regulations is amended by the deletion of the words “per annum” and the substitution of the words “, compounded annually”.

8. The heading immediately before section 5 of the regulations is amended by the deletion of the words “BENEFITS WHERE LUMP-SUM VALUE” and the substitution of the words “PENSION BENEFITS WHERE BENEFITS”.

9. Section 5 of the regulations is revoked and the following substituted:

Formula for
revaluation – one
party a plan
member

5. (1) Where only one spouse or former spouse is a member, vested former member or pensioner and a division of benefits was effected under subsection 31.5(1) of the Act, the monthly pension of the member, vested former member or pensioner shall be adjusted at retirement or, if later, at the date the division was effected, by subtracting an amount in respect of each division of benefits which equals

$$(D/C) \times F \times G \times H \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 2;

C equals C as defined in subsection 2(1);

F is the monthly pension that corresponds to the value described in

- (i) clause 2(2)(b) in the case of a member,
- (ii) clause 2(2)(c) in the case of a vested former member, or
- (iii) clause 2(2)(d) in the case of a pensioner;

G is a factor which adjusts pension F in the same proportion as the total adjustment or indexing to pensions under section 19.1 of the Act from the date of separation to the retirement date or, if later, the date at which the division was effected;

H is a factor used to adjust pension F from the assumed age at retirement used in calculating C to the actual date at retirement with regard to the reduction factor applied under subsection 16(1.3) of the Act, regarding reduced pension on early retirement; and

S is the percentage share of benefits of the spouse or former spouse, as defined in a court order or domestic contract referred to in subsection 31.1(2) of the Act, but in no case shall the share exceed 50 per cent of the pension benefits of the member, vested former member or pensioner.

Formula for
revaluation of
contribution - one
party a plan
member

(2) Where only one spouse or former spouse is a member, vested former member or pensioner, the contributions with interest made by the member, vested former member or pensioner shall be revalued as of the date of separation by subtracting from them an amount equal to

$$(D/C) \times T \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 2;

C equals C as defined in subsection 2(1);

T is the total contributions with interest made by the member, vested former member or pensioner to the date of separation; and

S is the percentage share of benefits of the spouse or former spouse, as defined in a court order or domestic contract referred to in subsection 31.1(2) of the Act, but in no case shall the share exceed 50 per cent of the pension benefits of the member, vested former member or pensioner.

(3) Pursuant to subsection 31.5(6) of the Act, where

- (a) both spouses or former spouses are either a member, vested former member or pensioner, the monthly pension of the person who is deemed for this purpose to be the member, vested former member or pensioner as indicated in subsection 3(3) shall be adjusted in accordance with subsection (1); and
- (b) the monthly pension of the person who is deemed for this purpose to be the spouse or former spouse as indicated in subsection 3(3) shall be adjusted by adding an amount which equals

Formula for
revaluation - both
parties plan
members

$$(D/C) \times F \times G \times H \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 3;

C equals C as defined in subsection 2(1) with respect to the spouse or former spouse;

F is the monthly pension that corresponds to the value described in clause 2(2)(b), (c) or (d), as it applies in the case of the spouse or former spouse;

G is a factor which adjusts pension F in the same proportion as the total adjustment or indexing to pensions under section 19.1 of the Act from the date of separation to the retirement date or, if later, the date at which the division was effected;

H is a factor used to adjust pension F from the assumed age at retirement used in calculating C to the actual date at retirement with regard to the reduction factor applied under subsection 16(1.3) of the Act, regarding reduced pension on early retirement; and

S is the spouse's or former spouse's percentage share of benefits, as defined in a court order or domestic contract referred to in subsection 31.1(2) of the Act, but in no case shall the share exceed 50 per cent.

(4) Pursuant to subsection 31.5(6) of the Act, where

- (a) both spouses or former spouses are either a member, vested former member or a pensioner, the contributions with interest of the person who is deemed for this purpose to be the member, vested former member or pensioner as indicated in subsection 3(3) shall be revalued in accordance with subsection (3); and

Formula for
revaluation of
contributions-both
parties plan
members

(b) the contributions with interest of the person who is deemed to be the spouse or former spouse as indicated in subsection 3(3) shall be revalued as of the date of separation by adding to them an amount equal to

$$(D/C) \times T \times S$$

where

D equals the pension benefits subject to division calculated in accordance with section 3;

C equals C as defined in subsection 2(1) with respect to the spouse or former spouse;

T is the total contributions with interest made by the spouse or former spouse to the date of separation; and

S is the spouse's or former spouse's percentage share of benefits as defined in a court order or domestic contract referred to in subsection 31.1(2) of the Act, but in no case shall the share exceed 50 per cent.

Adjustment after 65

(5) The adjustment applied to the pension after the pensioner reaches sixty-five years of age shall bear the same proportion to the adjustment applied to the pension before the pensioner reaches sixty-five years of age as the total pension earned during the spousal relationship after age sixty-five bears to the total pension earned during the spousal relationship prior to age sixty-five.

10. Section 6 of the regulations is revoked and the following substituted:

“locked-in
retirement vehicle”,
defined

6. (1) In this section, “locked-in retirement vehicle” means a registered retirement savings plan, registered retirement income fund, or registered pension plan as defined in the *Income Tax Act* (Canada), or a life annuity purchased from an insurance company licensed to sell annuities in Canada, which states in writing that, while the spouse or former spouse is alive,

- (a) any amount in the locked-in retirement vehicle shall continue to be subject to section 31.8 of the Act;
- (b) in the case of a registered retirement savings plan, payments are allowed only to another locked-in retirement vehicle;
- (c) in the case of a registered retirement income fund or a registered pension plan, payments are allowed only to another locked-in retirement vehicle or to the spouse or former spouse;
- (d) in the case of a registered retirement income fund, the total cash payments to the spouse or former spouse during the first year after the date the registered retirement income fund is entered into does not exceed twice the amount initially transferred into the fund divided by the difference between 90 and the age of the spouse or former spouse (to the nearest whole number) at the transfer date and, during subsequent years, does not exceed twice the minimum annual payments required by the *Income Tax Act* (Canada) to be made from the fund to the spouse or former spouse;

(e) in the case of a registered pension plan, payments to the spouse or former spouse must be monthly lifetime payments in a form which is allowed under the *Income Tax Act* (Canada) to a member of a registered pension plan who retires; and

(f) in the case of a life annuity, only payments in a form to the spouse or former spouse are allowed and such payments must be monthly lifetime payments in a form which is allowed under the *Income Tax Act* (Canada) to a member of a registered pension plan who retires.

(2) A share of pension benefits may be transferred to a retirement savings plan or fund for the spouse or former spouse that is a locked-in retirement vehicle. Transfer of pension benefits permitted

(3) A share of pension benefits may be transferred to a financial institution authorized to sell immediate or deferred annuities that are locked-in retirement vehicles, for the purchase of such an annuity for the spouse or former spouse. *Idem*

(4) A non-member spouse or non-member former spouse may elect to have subsections (2) and (3) apply to a division effected prior to the coming into force of these regulations. Application to prior division

11. The regulations are amended by the addition of the following after section 7:

7.1 These regulations are revoked on December 31, 2019. Revocation

12. These regulations come into force on March 12, 2016.

EXPLANATORY NOTES

SECTION 1 revokes clause 1(c) of the regulations to delete the definition of “locked-in retirement vehicle”. This term will from now on be used only in the new section 6 of the regulations, and the definition will be relocated there for ease of reference.

SECTION 2 adds a new section 1.1 to the regulations to clarify that the regulations apply only to a division of the pension benefits of a member, vested former member or pensioner that is to be effected by a transfer in accordance with subsection 3.15(3.2) of the Act.

SECTION 3 amends the heading immediately preceding section 2 of the regulations to substitute the term “Benefits” for the term “Amounts”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 4 amends section 2 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act.

SECTION 5 amends section 3 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act.

SECTION 6 amends the heading immediately preceding section 4 of the regulations to substitute the words “Share of Benefits” for the term “Lump-Sum Amounts”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 7 amends section 4 of the regulations to clarify and update the terminology used throughout, for consistency with recent amendments to the Act, and also to update a section reference in the Act that has been changed.

SECTION 8 amends the heading immediately preceding section 5 of the regulations to substitute the words “Pension Benefits Where Benefits” for the words “Benefits Where Lump-Sum Value”, for consistency with other changes in the Act and these regulations that use the term “benefits”.

SECTION 9 revokes section 5 of the regulations and substitutes a new section 5 that provides in subsection (1) the basic formula for revaluation of pension benefits where a division of benefits has been effected under subsection 31.5(1) of the Act, with additional formulas in subsection (2) to provide for the case where only one of the spouses or former spouses is a member, vested former member or pensioner, and in subsections (3) and (4) to provide for the case where both of the spouses or former spouses are members, vested former members or pensioners.

SECTION 10 revokes section 6 of the regulations and substitutes a new section 6 that specifies the types of “locked-in retirement vehicle” to which a transfer of pension benefits is permitted.

SECTION 11 adds a new section 7.1 to the regulations that provides that the regulations are automatically revoked on December 31, 2019.

SECTION 12 provides for the commencement of the regulations.

Certified a true copy,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

EC2016-132**TEACHERS' SUPERANNUATION ACT
DIVISION OF BENEFITS AND SEPARATE PENSION
REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated March 1, 2016.)

Pursuant to section 33 of the *Teachers' Superannuation Act* R.S.P.E.I. 1988, Cap. T-1, Council made the following regulations:

INTERPRETATION

1. (1) In these regulations, "Act" means the *Teachers' Superannuation Act*, defined Act, defined
Act R.S.P.E.I. 1988, Cap. T-1.

(2) These regulations apply to all applications in respect of a division Application of
of pension benefits of a member, vested former member or pensioner regulations
under subsection 31.1(1) of the Act.

APPLICATION FOR DIVISION OF BENEFITS

2. (1) An application for information in respect of a division of pension Application for
benefits under subsection 31.1(1) of the Act shall include information

- (a) the date the spousal relationship commenced;
- (b) the date of separation;
- (c) the date of the birth of the member, vested former member or
pensioner; and
- (d) evidence acceptable to the Commission of the information
referred to in clauses (a) to (c).

(2) An application for division of pension benefits under subsection Application for
31.1(1) of the Act shall include division

- (a) the date of birth of the spouse or former spouse of the member,
vested former member or pensioner;
- (b) evidence acceptable to the Commission of the information
referred to in clause (a); and
- (c) either a certified true copy of a court order or domestic contract
referred to in subsection 31.1(2) of the Act, whichever provides for
the division of the pension benefits of the member, vested former
member or pensioner.

3. For the purposes of subsection 31.2(2) of the Act, a notice of receipt of Notice of receipt of
an application under subsection 31.1(1) shall be sent to each interested application
party by regular mail.

4. An applicant may withdraw an application under section 31.1 of the Withdrawal of
Act by submitting to the Minister, in writing, a notice of withdrawal of application
application.

Required information

5. For the purposes of subsection 31.9(2) of the Act, where a breakdown of a spousal relationship has occurred, the following information shall be provided concerning the pension benefits that are or may become payable to or in respect of a member, vested former member or pensioner:

- (a) the information referred to in subsection 2(1) that is used to calculate the pension benefits that are or may become payable;
- (b) the date on which the member, vested former member or pensioner began making contributions to the Fund;
- (c) the number of years and part years of service that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation;
- (d) the number of years and part years of service that were credited to the member, vested former member or pensioner up to the date of separation;
- (e) the average weighted indexed pensionable salary of the member, vested former member or pensioner at the date of separation;
- (f) the average weighted indexed year's maximum pensionable earnings amount of the member, vested former member or pensioner at the date of separation;
- (g) the member contributions that were credited to the member, vested former member or pensioner in the period between the date the spousal relationship commenced and the date of separation;
- (h) the member contributions that were credited to the member, vested former member or pensioner up to the date of separation;
- (i) the pension benefits subject to division;
- (j) a copy of the Act;
- (k) information respecting how pension benefits can be divided; and
- (l) other information determined by the Minister as necessary for the calculation of the pension benefits that are or may become payable.

PENSION BENEFITS SUBJECT TO DIVISION

Formula for member or vested former member

6. (1) Subject to subsection (3), in respect of a member or vested former member, the pension benefits subject to division shall equal

- (a) an amount determined by the formula

$$A + B$$

where

A is the amount determined by the formula in subsection 31.92(1) of the Act prior to multiplying by D as defined in that subsection; and

B is the amount determined by the formula in subsection 31.92(2) of the Act, where applicable, prior to multiplying by D as defined in that subsection; or

- (b) an amount determined by the formula in subsection 8(1) prior to multiplying by D as defined in that subsection.

(2) In respect of a pensioner, the pension benefits subject to division shall equal an amount determined by the formula Formula for pensioner

$$A + B$$

where

A is the amount determined by the formula in subsection 31.92(1) of the Act prior to multiplying by D as defined in that subsection; and
 B is the amount determined by the formula in subsection 31.92(2) of the Act, where applicable, prior to multiplying by D as defined in that subsection.

(3) In respect of a member who would not have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the pension benefits subject to division shall equal an amount determined by the formula in subsection 8(1) prior to multiplying by D as defined in that subsection. Where member not entitled to deferred pension

SEPARATE PENSION

7. (1) For purposes of subsections 31.92(1) and (2) of the Act, A shall be determined Time of determination

- (a) prior to any adjustment in the member's, vested former member's or pensioner's pension with respect to any previous breakdown of a spousal relationship; and
- (b) upon termination of employment and indexed to the date of separation where the vested former member or pensioner terminated employment before the date of separation.

(2) Any separate pension to which a spouse or former spouse is entitled under the Act shall commence to be paid not later than December 31 of the calendar year in which the spouse or former spouse attains the age of seventy-one years. Commencement of separate pension not later than age seventy-one

CASH PAYMENTS

8. (1) Subject to subsection (3), if a member would not have been entitled to a deferred pension at the date of separation had the member terminated employment on that date, the portion of the member's contributions with interest to be paid out in cash to the spouse or former spouse under subsection 31.1(6) of the Act shall equal Formula

$$A \times B / C \times D$$

where

A is the member's contributions with interest to the date of separation, and prior to any adjustment in the member's contributions with respect to any previous breakdown of a spousal relationship;
 B is the member's service during the period of the spousal relationship, which is equal to the sum of

(i) the number of years and part years that occurred and were credited as service to the member during the period of the spousal relationship and are included in C,

(ii) in respect of purchased service, the number of years and part years that occurred prior to the commencement of the spousal relationship which were not included to calculate benefits at the commencement of the spousal relationship but were credited as service to the member during the period of the spousal relationship and are included in C at the date of separation,

(iii) in respect of service transferred from another pension plan on or before the date of separation under a reciprocal transfer agreement entered into pursuant to section 30 of the Act, the number of years and part years of service that were credited to the member under the other pension plan during the period of the spousal relationship and are included in C at the date of separation;

C is the member's service up to the date of separation, which is equal to the total number of years and part years of service which would be used to calculate the pension benefits of the member on the date of termination of employment or the date of separation, whichever occurred first; and D is the share of the member's pension benefits earned during the spousal relationship that is attributed to the spouse or former spouse upon division of pension benefits, which in no case shall exceed 50 per cent.

Calculation of amount payable

(2) Subject to subsection (3), the amount payable to a spouse or former spouse who makes an election under clause 31.5(3)(b) of the Act shall be calculated in accordance with subsection (1).

Interest

(3) The amounts calculated in subsections (1) and (2) shall be credited with interest from the date of separation to the date of payment based on the interest rate determined in accordance with subsection 28(1) of the Act.

REVALUATION OF PENSION BENEFITS WHERE BENEFITS DIVIDED

Application of section

9. (1) This section applies where a division of pension benefits has been effected by a transfer or payment under subsection 31.1(6), 31.5(3) or 31.5(3.1) of the Act.

Formula – yearly pension

(2) The yearly pension payable to a member, vested former or pensioner to whom subsection (1) applies shall be adjusted as of the later of the date of retirement or the date the division was effected by subtracting an amount determined by the formula

$$A \times B \times C$$

where

A is the amount the spouse or former spouse of the member, vested former member or pensioner would receive as an unreduced yearly separate pension under subsection 31.92(1) of the Act if the spouse or

former spouse were eligible to receive an unreduced yearly separate pension and prior to any indexing under subsection 31.92(4) of the Act; B is a factor which adjusts A for indexing pursuant to subsections 31.92(4) and (5) of the Act from the date of separation to the later of the member's, vested former member's or pensioner's retirement or the date the division was effected; and

C is a factor to adjust A for the percentage by which the member's, vested former member's or pensioner's pension was reduced pursuant to subsection 16(1.3) of the Act.

(3) The temporary yearly pension amount payable to a member, vested former member or pensioner to whom subsection (1) applies shall be adjusted as of the later of the date of retirement or the date the division was effected by subtracting an amount determined by the formula

Formula –
temporary yearly
pension

$$A \times B \times C$$

where

A is the amount the spouse or former spouse of the member, vested former member or pensioner would receive as an unreduced yearly temporary separate pension amount under subsection 31.92(2) of the Act if the spouse or former spouse were eligible to receive an unreduced yearly separate pension and prior to any indexing under subsection 31.92(4) of the Act;

B is a factor which adjusts A for indexing pursuant to subsections 31.92(4) and (5) of the Act from the date of separation to the later of the member's, vested former member's or pensioner's retirement or the date the division was effected; and

C is a factor to adjust A for the percentage by which the member's, vested former member's or pensioner's pension was reduced pursuant to subsection 16(1.3) of the Act.

(4) The contributions of the member, vested former member or pensioner to whom subsection (1) applies shall be adjusted as of the date of separation by subtracting an amount determined by the formula

Formula -
contributions

$$A \times B \div C \times D$$

where

A is the total contributions with interest made by the member, vested former member or pensioner to the date of separation;

B is the member's service during the period of the spousal relationship, which is equal to the sum of

(i) the number of years and part years that occurred and were credited as service to the member during the period of the spousal relationship and are included in C,

(ii) in respect of purchased service, the number of years and part years that occurred prior to the commencement of the spousal relationship which were not included to calculate benefits at the commencement of the spousal relationship but were credited as

service to the member during the period of the spousal relationship and are included in C at the date of separation,

(iii) in respect of service transferred from another pension plan on or before the date of separation under a reciprocal transfer agreement entered into pursuant to section 30 of the Act, the number of years and part years of service that were credited to the member under the other pension plan during the period of the spousal relationship and are included in C at the date of separation;

C is the member's service up to the date of separation, which is equal to the total number of years and part years of service which would be used to calculate the pension benefits of the member on the date of termination of employment or the date of separation whichever occurred first; and D is the share of the member's pension benefits earned during the spousal relationship that is attributed to the spouse or former spouse upon division of pension benefits, which in no case shall exceed 50 per cent.

Commencement

10. These regulations come into force on March 12, 2016.

EXPLANATORY NOTES

SECTION 1 establishes a definition of "Act" for the purposes of the regulations, and also provides that the regulations apply to all applications to divide the pension benefits of a member, vested former member or pensioner under subsection 31.1(1) of the Act.

SECTION 2 specifies the information to be provided for an application for information under subsection 31.1(1) of the Act and an application for division under subsection 31.1(1.1) of the Act.

SECTION 3 specifies to whom a notice of receipt is required to be sent for the purposes of subsection 31.2(2) of the Act.

SECTION 4 authorizes an applicant to withdraw an application under section 31.1 of the Act by submitting a written notice of withdrawal to the Minister.

SECTION 5 specifies the information required to be provided for the purposes of 31.9(2) of the Act.

SECTION 6 sets out, in subsection (1), the formula to be used in determining the pension benefits subject to division of a member or vested former member, and in subsection (2), the formula to be used in determining the pension benefits subject to division of a pensioner.

SECTION 7 specifies the method of determining factor A for the purposes of subsections 31.91(1) and (2) of the Act. The section also provides that any separate pension to which a spouse or former spouse is entitled under the Act shall commence to be paid not later than December 31 of the year in which the spouse or former spouse turns seventy-one.

SECTION 8 sets out the formula for determining the cash payment to be made to a spouse or former spouse under subsection 31.1(6) of the Act, and provides for interest to be credited to that amount from the date of separation to the date of payment.

SECTION 9 sets out the formula for determining the yearly pension payable to a member, vested former member or pensioner where a division of pension benefits has been effected by a transfer or payment under subsection 31.1(6), 31.5(3) or 31.5(3.1) of the Act.

SECTION 10 provides for the commencement of the regulations.

Certified a true copy,

Brian W. Douglas
Clerk of the Executive Council
and Secretary to Cabinet

PART II
REGULATIONS INDEX

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
C-9	Civil Service Superannuation Act				
	Division of Benefits on Marriage Breakdown Regulations	EC455/00	s.1(c) [rev] s.1.1 [added] s.2 Heading s.2 [R&S] s.3(1) s.3(2) [R&S] s.3(3) [R&S] s.4 Heading s.4(1) s.4(2) s.4(3) [R&S] s.4(5) s.5 Heading s.5 [R&S] s.6 [R&S] s.7.1 [added] [eff] Mar. 12/2016	EC2016-103 (2016.03.01)	17-25
			[rev] [eff] Dec. 31/2019		
	Division of Benefits and Separate Pension Regulations		[new] [eff] Mar. 12/2016	EC2016-104 (2016.03.01)	25-31
T-1	Teachers' Superannuation Act				
	Regulations	EC206/77	s.3 [R&S] s.4 [rev] s.5(1) [rev] s.6 [rev] s.7 [R&S] s.8 [rev] s.10 [added] [eff] Mar. 12/2016	EC2016-130 (2016.03.01)	32-34
	Division of Benefits on Marriage Breakdown Regulations	EC672/09	s.1(c) [rev] s.1.1 [added] s.2 Heading s.2(1) [R&S] s.2(2) [R&S] s.2(3)(b) [R&S] s.2(4) s.2(5) s.3(1) s.3(2) [R&S] s.3(3) [R&S] s.4 Heading s.4(1) s.4(2) s.4(3) [R&S] s.4(5) s.5 Heading s.5 [R&S]	EC2016-131 (2016.03.01)	34-42

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			s.6 [R&S] s.7.1 [added] [eff] Mar. 12/2016		
	Division of Benefits and Separate Pension Regulations		[new] [eff] Mar. 12/2016	EC2016-132 (2016.03.01)	43-49