

**EC2007-597**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
DANIEL BERARD  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Daniel Berard of Joliette, Quebec to acquire an interest in a land holding of approximately fourteen decimal six one (14.61) acres of land in Lot 59, Kings County, Province of Prince Edward Island, being acquired from Island Quality Vegetables Inc. of Montague, Prince Edward Island.

**EC2007-598**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GORDON BRUCE CUMMINGS AND GILLIAN MARY CUMMINGS  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Gordon Bruce Cummings and Gillian Mary Cummings, both of Toronto, Ontario to acquire a land holding of approximately fifteen decimal eight (15.8) acres of land in Lot 41, Kings County, Province of Prince Edward Island, being acquired from Giles H. O'Neal of Macon, Georgia.

Further, Council noted that the said land holding, being part of Provincial Property No. 180539, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2007-599**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
JOANN DODDS  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to JoAnn Dodds of South Burlington, Vermont to acquire a land holding of approximately twenty-five (25) acres of land in Lot 11, Prince County, Province of Prince Edward Island, being acquired from the Estate of John W. Schrage of Pompton Plains, New Jersey PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-600**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
KEITH DUDLEY AND GILDA DUDLEY  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Keith Dudley and Gilda Dudley, both of Campbellford, Ontario to acquire a land holding of approximately thirty (30) acres of land in Lot 62, Queens County, Province of Prince Edward Island, being acquired from Sandra Lore of Kingston, Ontario PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-601**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
SHAWN JAMES AND LEEANN JAMES  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Shawn James and LeeAnn James, both of Calgary, Alberta to acquire a land holding of approximately thirty-five (35) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Lammert VanDuinkerken of Stratford, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-602**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DAVID MEYER  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to David Meyer of Calgary, Alberta to acquire an interest in a land holding of approximately zero decimal six three (0.63) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Wayne Vessey and Paula Vessey, both of Charlottetown, Prince Edward Island.

**EC2007-603**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DAVID MEYER  
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to David Meyer of Calgary, Alberta to acquire an interest in a land holding of approximately one decimal eight two (1.82) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Paul Reisling and Melissa Reisling, both of Monument, Colorado.

**EC2007-604**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ANNA TOMYN  
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Anna Tomy of Mayerthorpe, Alberta to acquire a land holding of approximately thirty (30) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from Clifford Poirier of St. Nicholas, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-605**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
789149 ALBERTA LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 789149 Alberta Ltd. of Calgary, Alberta to acquire a land holding of approximately zero decimal six three (0.63) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Wayne Vessey and Paula Vessey, both of Charlottetown, Prince Edward Island.

**EC2007-606**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
789149 ALBERTA LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 789149 Alberta Ltd. of Calgary, Alberta to acquire a land holding of approximately one decimal eight two (1.82) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Paul Reisling and Melissa Reisling, both of Monument, Colorado.

**EC2007-607**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GAUDETTE'S TRANSIT MIX LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Gaudette's Transit Mix Ltd. of St. Felix, Prince Edward Island to acquire a land holding of approximately zero decimal seven five (0.75) acres of land in Lot 2, Prince County, Province of Prince Edward Island, being acquired from Gary Wilson of Inverness, Prince Edward Island.

**EC2007-608**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GREAT WEST WIND LTD.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Great West Wind Ltd. of Anglo Tignish, Prince Edward Island to acquire a land holding of approximately sixty-eight decimal nine three (68.93) acres of land in Lot 1, Prince County, Province of Prince Edward Island, being acquired from Floyd Shea of Anglo Tignish, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-609**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GREAT WEST WIND LTD.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Great West Wind Ltd. of Anglo Tignish, Prince Edward Island to acquire a land holding of approximately eighty-two decimal seven (82.7) acres of land in Lot 1, Prince County, Province of Prince Edward Island, being acquired from Floyd Shea and Cecilia Shea, both of Anglo Tignish, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-610**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
JOHN J. AND ANNIE BECK NATURE RESERVE INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to John J. and Annie Beck Nature Reserve Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately seventy-two (72) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Ralph Harold Billard and Suzanne Lynn Billard, both of Murray River, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-611**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 JOHN J. AND ANNIE BECK NATURE RESERVE INC.  
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to John J. and Annie Beck Nature Reserve Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately fifteen (15) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Garth E. Jenkins of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-612**

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

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Malpeque Seafoods Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately forty-eight (48) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from the Estate of Colin Myers of Charlottetown, Prince Edward Island.

**EC2007-613**

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

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Malpeque Seafoods Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately eighty-four (84) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from the Estate of Colin Myers of Charlottetown, Prince Edward Island PROVIDED THAT the part of the said real property that is not located in the Community of Hazelbrook, approximately thirty-two decimal five (32.5) acres, is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2007-614**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MARWOOD PROPERTIES INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marwood Properties Inc. of Georgetown, Prince Edward Island to acquire a land holding of approximately twenty-two (22) acres of land in Lot 43, Kings County, Province of Prince Edward Island, being acquired from Iahn Shraph of Georgetown, Texas.

Further, Council noted that the said land holding, being Provincial Property No. 150557, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2007-615**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
VEGKISS PEI PRODUCTIONS INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Vegkiss PEI Productions Inc. of Joliette, Quebec to acquire a land holding of approximately fourteen decimal six one (14.61) acres of land in Lot 59, Kings County, Province of Prince Edward Island, being acquired from Island Quality Vegetables Inc. of Montague, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Vegkiss PEI Productions Inc. and on all successors in title.

**EC2007-616**

NATURAL PRODUCTS MARKETING ACT  
PRINCE EDWARD ISLAND MARKETING COUNCIL  
APPOINTMENTS

Pursuant to subsection 2(2) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
as member and chairperson	
Gordon MacBeath	9 October 2007
Marshfield	to
(vice Allison Ellis, term expired)	9 October 2010

as members

Guy Cudmore	9 October 2007
North Winsloe	to
(vice Axel Irving, term expired)	9 October 2010
Debbie MacLellan	9 October 2007
Wellington Centre	to
(vice Deanna Curran, term expired)	9 October 2010
Rodney MacWilliams	9 October 2007
Springfield West	to
(vice Raymond Dorgan, resigned)	9 October 2010
Allister Veinot	9 October 2007
Avondale Road	to
(vice Bruce Wood, term expired)	9 October 2010

**EC2007-617**

POLICE ACT  
PROVINCIAL POLICE CONSTABLE  
APPOINTMENTS

Pursuant to section 6 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11 Council authorized the following persons to exercise the powers of a provincial police constable effective 9 October 2007:

Matthew Lee  
John MacDonald  
Diana McConnell  
Adam Robar

Further, Council ordered that, should any of the aforementioned persons cease to be employed with the Charlottetown Police Department, his or her appointment as a provincial police constable shall terminate coincident with the date employment with the Charlottetown Police Department is terminated.

**EC2007-618**

SUPREME COURT ACT  
DEPUTY REGISTRAR  
SUPREME COURT OF PRINCE EDWARD ISLAND  
NANCY COOK  
APPOINTMENT

Pursuant to section 20.2 of the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10 Council appointed Nancy Cook of Marshfield as a deputy registrar for all divisions and sections of the Supreme Court, effective 17 September 2007.

Further, Council ordered that, should the said Nancy Cook cease to be employed with the Supreme Court, her appointment to the aforementioned position shall terminate coincident with the date of termination of her employment.



**EC2007-619**

SUPREME COURT ACT  
REFERENCE TO THE APPEAL DIVISION  
RE: POTENTIAL LIABILITY  
IN BROOME ET AL V. PEI PROTESTANT CHILDREN'S TRUST AND  
GOVERNMENT OF PRINCE EDWARD ISLAND

Pursuant to subsection 18(1) of the *Supreme Court Act*, R.S.P.E.I. 1988, Cap. S-10, upon the recommendation of the Attorney General, and having regard to the Agreed Statement of Facts to be submitted to the Appeal Division by the Office of the Attorney General, Council refers the following questions to the Appeal Division for hearing and consideration:

1.
  - a) As at 1928, did the Province owe a general duty of care to children placed in the Mount Herbert Orphanage/Protestant Children's Home by parents, family members, guardians or charities?
  - b) If so, what was that duty of care, when did it arise and how did it arise?
  - c) If there was such a general duty of care as at 1928, what was the nature and scope of that duty?
2.
  - a) If there was not a general duty of care in 1928, did such a duty arise subsequent to 1928?
  - b) If so, what was that duty of care, when did it arise and how did it arise?
  - c) If there was a duty of care that arose after 1928, what was the nature and scope of that duty?
3.
  - a) As at 1928, did the Province have any duty to supervise the operation of the Mount Herbert Orphanage/Protestant Children's Home?
  - b) If so, what was that duty of supervision, and when and how did it arise?
  - c) if there was a duty of supervision, what was the nature and scope of that duty?
4.
  - a) If there was not a duty to supervise the operation of the Mount Herbert Orphanage/Protestant Children's Home at 1928, did such a duty arise subsequent to 1928?
  - b) If so, what was the duty of supervision, when did it arise and how did it arise?
  - c) If there was a duty of supervision after 1928, what was the nature and scope of that duty?
5.
  - a) Was there any legislation or common law that made the Province vicariously liable for the acts or omissions of the Trustees, volunteers or staff of the Mount Herbert Orphanage/Protestant Children's Home either as at 1928 or subsequently?

- b) If so, when and how did such vicarious liability arise, and what is the nature and scope of that vicarious liability?
- 6.
- a) As at 1928, did the Province owe a fiduciary duty to the residents of the Mount Herbert Orphanage/Protestant Children's Home by virtue of their being residents of the Mount Herbert Orphanage/Protestant Children's Home?
  - b) If so, how did such a fiduciary duty arise and what was the nature and scope of that fiduciary duty?
- 7.
- a) If the Province did not owe such a fiduciary duty to the residents of the Mount Herbert Orphanage/Protestant Children's Home as at 1928, did such a duty arise subsequently?
  - b) If so, what when and how did such a fiduciary duty arise and what was the nature and scope of that fiduciary duty?
- 8.
- a) As at 1928, did the Province have a non-delegable duty with respect to the care given to the former residents of the Mount Herbert Orphanage/Protestant Children's Home by the Trustees, volunteers and staff of the Mount Herbert Orphanage/Protestant Children's Home?
  - b) If so, when and how did that non-delegable duty arise and what was the nature and scope of that non-delegable duty?
9. If any of the above duties are found to have existed, did the Province owe any of the duty to the residents of the Mount Herbert Orphanage/Protestant Children's Home who were resident during a time when a parent was also a resident and/or employee of the Mount Herbert Orphanage/Protestant Children's Home?