

EC2009-251**AN ACT TO AMEND THE CONDOMINIUM ACT
DECLARATION RE**

Under authority of section 4 of *An Act to Amend the Condominium Act* Stats. P.E.I. 2009, c. 68, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Condominium Act" to come into force effective 30 May 2009.

EC2009-252**CONDOMINIUM ACT
REGULATIONS
AMENDMENT**

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

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

(a) by the revocation of clause (e); and

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

(l) "structural plan" means, for the purposes of clause 4(1)(b) of the Act, a copy of the structural drawing prepared for the project; structural plan

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

(a) in the words preceding clause (a), by the deletion of the words "received for registration unless" and the substitution of the words "submitted for registration under the Act unless";

(b) in clause (a), by the deletion of the words "appears to be" and the substitution of the word "is"; and

(c) in clause (c), by the deletion of the words "and is approved by the Examiner".

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

(2) The description referred to in clause 1(c) shall contain the items set out in subsection 4(1) of the Act, or in the case of vacant land condominiums, the items set out in subsection 62(1). Items

(3) For greater certainty, nothing in the Act or these regulations exempts any person from a requirement to obtain approval Requirement for approval

(i) under the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 or its regulations, or

(ii) under an official plan approved under the *Planning Act* or the bylaws implementing an official plan, in respect of a property to which the Act applies.

3. Subsection 25(3) of the regulations is amended by the deletion of the word "Examiner" and the substitution of the words "surveyor making a survey and plan for the purposes of the Act".

4. Subsection 26(2) of the regulations is amended by the deletion of the words "presented for approval" and the substitution of the words "submitted for registration".

5. Sections 28 to 30 of the regulations are revoked.

6. Subsection 31(6) of the regulations is revoked.

7. Subsection 37(1) of the regulations is amended

(a) by the revocation of clause (f); and

(b) in clause (g), by the deletion of the words “Form 13” and the substitution of the words “Form 16”.

8. Subsection 54(2) of the regulations is amended by the deletion of the words “, and shall be reproduced on such material and by such process as the Examiner approves”.

9. Forms 13 and 18 of the regulations are revoked.

10. Form 14 of the regulations is amended

(a) in section 1, by the deletion of the words “*Land Survey Act*, R.S.P.E.I. 1974, Cap. L-4” and the substitution of the words “*Land Survey Act* R.S.P.E.I. 1988, Cap. L-2.1”;

(b) by the addition of the following after section 1:

2. This plan includes all items set out in subsection 4(1) of the Act, or in the case of vacant land condominiums, all items set out in subsection 62(1) of the regulations.

(c) by renumbering sections 2 to 4 as sections 3 to 5, respectively.

11. These regulations come into force on May 30, 2009.

EXPLANATORY NOTES

SECTION 1 removes the reference to the Examiner which no longer applies and corrects the reference to the term “means” which is used twice in the definition of “structural plan”.

SECTION 2 revokes an unnecessary reference to the “Examiner”. A subsection is also revoked that no longer applies.

SECTION 3 removes the reference to the “Examiner” and replaces it with “surveyor”.

SECTION 4 amends the provision to provide that a plan of survey shall be submitted for registration as opposed to presented for approval once the legislative requirements have been met.

SECTIONS 5 and 6 revoke provisions that no longer apply.

SECTION 7 removes the reference to a Form that is being revoked.

SECTION 8 removes the reference to the “Examiner” which no longer applies.

SECTION 9 revokes two forms that are no longer necessary due to the amendments effected by these regulations.

SECTION 10 corrects the citation in Form 14 to the *Land Survey Act*. The section also amends Form 14 to clarify the requirements that are to be certified by a land surveyor.

SECTION 11 provides for the commencement of these regulations.

EC2009-253

**ENVIRONMENTAL PROTECTION ACT
WASTE RESOURCE MANAGEMENT REGULATIONS
AMENDMENT**

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

1. Section 60 of the *Environmental Protection Act* Waste Resource Management Regulations (EC691/00) is revoked and the following substituted:

60. An application for approval under section 9 of the Act for the initial construction or operation a C & D disposal site shall be accompanied by a report prepared by a professional engineer engaged in the practice of engineering in the province verifying that the proposed C & D disposal site complies with the design requirements imposed by the Minister in respect of the construction or operation of the C & D disposal site.

Application for approval

60.1 The Minister may, prior to issuing a permit under clause 2(4)(b) to construct or operate a C & D disposal site, impose any one or more of the following design requirements or constraints in respect of the construction or operation of the C & D disposal site, including, but not limited to, requirements concerning:

Design requirements or constraints

- (a) the use or installation of liner systems;
- (b) the use or installation of leachate control and collection systems;
- (c) the use or installation of odor control and mitigation systems;
- (d) the use or installation of dust control and mitigation systems;
- (e) the use or installation of noise control and mitigation systems;
- (f) cell location, cell width, cell length, cell height or cell volume;
- (g) screening from view of a highway, public park, playground, public bathing beach, school, church, hospital, cemetery, residential premises or public hall.

2. Section 62 of the regulations is revoked and the following substituted:

62. (1) Every owner of a C & D disposal site shall ensure that the C & D disposal site has,

C & D disposal site requirements

- (a) where the C & D disposal site was constructed before April 18, 2009,
 - (i) a minimum of 1 metre of soil with a hydraulic conductivity of 1×10^{-5} cm/sec or less between the lowest elevation of any of the waste and the highest elevation of the groundwater or bedrock,
 - (ii) a coverage plan for the placement of cover on the waste,
 - (iii) a controlled site entry and exit infrastructure,
 - (iv) a drainage plan for surface water including control infrastructure (sedimentation ponds),
 - (v) appropriately designed road surfaces,
 - (vi) signs that indicate
 - (A) the name of the C & D disposal site,
 - (B) the hours of operation of the C & D disposal site,
 - (C) the names of persons to contact and their contact information in the event of an emergency, and
 - (D) all materials acceptable for disposal at the C & D disposal site,
 - (vii) at least one groundwater monitoring well installed hydraulically above the gradient of the site and at least three groundwater monitoring wells installed hydraulically below the gradient direction,
 - (viii) weigh scales approved and functioning pursuant to Weights and Measures Canada Standards, for the purpose of weighing waste received at the C & D disposal site,
 - (ix) a minimum separation distance of 30 m from the nearest active disposal area to
 - (A) the nearest property boundary, or
 - (B) the road allocation of any common or public highway,

- (x) a minimum separation distance of 30 m from the nearest active disposal area to any watercourse boundary,
 - (xi) a minimum separation distance of 30 m from the nearest active disposal area to any wetland boundary, and
 - (xii) a minimum separation distance of 150 m from the nearest active disposal area to the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes; and
- (b) where the C & D disposal site is constructed after April 18, 2009,
- (i) a minimum of 1 metre of soil with a hydraulic conductivity of 1×10^{-5} cm/sec or less between the lowest elevation of any of the waste and the highest elevation of the groundwater or bedrock,
 - (ii) a coverage plan for the placement of cover on the waste,
 - (iii) a controlled site entry and exit infrastructure,
 - (iv) a drainage plan for surface water including control infrastructure (sedimentation ponds),
 - (v) appropriately designed road surfaces,
 - (vi) signs that indicate
 - (A) the name of the C & D disposal site,
 - (B) the hours of operation of the C & D disposal site,
 - (C) the names of persons to contact and their contact information in the event of an emergency, and
 - (D) all materials acceptable for disposal at the C & D disposal site,
 - (vii) at least one groundwater monitoring well installed hydraulically above the gradient of the site and at least three groundwater monitoring wells installed hydraulically below the gradient direction,
 - (viii) weigh scales approved and functioning pursuant to Weights and Measures Canada Standards, for the purpose of weighing waste received at the C & D disposal site,
 - (ix) a minimum separation distance of 300 m from the nearest active disposal area to the nearest property boundary,
 - (x) a minimum separation distance of 200 m from the nearest active disposal area to any watercourse boundary, and
 - (xi) a minimum separation distance of 100 m from the nearest active disposal area to any wetland boundary.
- (2) For greater certainty,
- (a) the requirements set out in this subsection do not apply to the issuance of subsequent permits pursuant to clause 2(4)(b) of these regulations; and
 - (b) every owner of a C & D disposal site shall ensure that the C & D disposal site has, where the C & D disposal site is initially constructed after April 18, 2009, the following minimum separation distances in respect of the initial construction of the C & D disposal site:
 - (i) a minimum separation distance of 500 m from the nearest active disposal area to the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes,
 - (ii) a minimum separation distance of 150 m from the nearest active disposal area to the road allocation of any common or public highway,
 - (iii) a minimum separation distance of 500 m from the nearest active disposal area to any public school, hospital, church, public park or playground.

Application, initial construction of C & D disposal site

3. These regulations come into force on June 6, 2009.

EXPLANATORY NOTES

SECTION 1 replaces the provision dealing with an application for approval, under section 9 of the Act, to construct or operate a C & D disposal site. A provision is included to provide that the Minister may, prior to issuing a permit under clause 2(4)(b), impose design requirements or constraints in respect of the construction or operation of a C & D disposal site.

SECTION 2 replaces the provision dealing with the requirements that an owner of a C & D disposal site must comply with in respect of the C & D disposal site. The provision outlines that the owner of a C & D disposal site must ensure that the C & D disposal site contains the listed requirements outlined in the provision in respect of a site that was constructed before April 18, 2009 or is being constructed after April 18, 2009.

A provision is added to outline that a minimum separation distance of 500 m is required from the nearest active disposal area to

- (a) the foundation of the nearest off-site structures; and
- (b) any public school, hospital, church, public park or playground and a separation distance of 150 m is required from the nearest active disposal area to any common or public highways

in respect of a C & D disposal site that is initially constructed after April 18, 2009.

SECTION 3 provides for the commencement of these regulations.

EC2009-254

EXECUTIVE COUNCIL ACT
MINISTER OF HEALTH
AUTHORITY TO ENTER INTO AN AGREEMENT
(DRUG TREATMENT FUNDING PROGRAM
CONTRIBUTION AGREEMENT)
WITH
THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health to enter into an agreement with the Government of Canada, as represented by the Minister of Health, to set out terms and conditions for funding a project pursuant to the Drug Treatment Funding Program to support after-hours, community-based early intervention and treatment services for youth in Prince Edward Island for the period 1 April 2009 to 31 March 2012, such as more particularly described in the draft agreement.

EC2009-255

EXECUTIVE COUNCIL ACT
MINISTER OF INNOVATION AND ADVANCED LEARNING
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADA-PRINCE EDWARD ISLAND AGREEMENT
ON TARGETED INITIATIVE FOR OLDER WORKERS
AMENDING AGREEMENT NO. 2)
WITH
THE GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Innovation and Advanced Learning to enter into an agreement with the Government of Canada, as represented by the Minister of Human Resources and Skills Development, to amend the Canada-Prince Edward Island Targeted Initiative for Older Workers Agreement dated 4 June 2008 as amended on 30 March 2009, to increase Canada's maximum financial contributions for fiscal years 2009/2010 through 2011/2012, such as more particularly described in the draft agreement.

EC2009-256**AN ACT TO AMEND THE REAL PROPERTY TAX ACT (NO. 4)
DECLARATION RE**

Under authority of section 3 of *An Act to Amend the Real Property Tax Act (No. 4)* Stats. P.E.I. 2009, c. 85 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Real Property Tax Act (No. 4)" to come into force effective 6 June 2009.

EC2009-257**REAL PROPERTY TAX ACT
REGULATIONS
AMENDMENT**

Pursuant to section 43 of the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, Council made the following regulations:

1. The *Real Property Tax Act* Regulations (EC512/72) are amended by the addition of the following after section 8:

8.1 For the purposes of subsections 14(2), (7) and (10) of the Act, the prescribed maximum amount of annual household income is \$35,000. Prescribed maximum amount

2. These regulations come into force on June 6, 2009.

EXPLANATORY NOTES

SECTION 1 prescribes the maximum amount of annual household income for the purposes of the provisions of the Act that provide a tax deferral for senior citizens.

SECTION 2 provides for the commencement of these regulations.

EC2009-258

**EXECUTIVE COUNCIL ACT
PROVINCIAL TREASURER
AND
MINISTER OF INNOVATION AND ADVANCED LEARNING
AUTHORITY TO ENTER INTO AN AGREEMENT
(BIOSCIENCE TAX REBATE AGREEMENT)
WITH
GENZYME DIAGNOSTICS P.E.I. INC.**

Pursuant to clause 10(d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Provincial Treasurer and the Minister of Innovation and Advanced Learning, as Minister responsible for Prince Edward Island Business Development Inc., to enter into an agreement with Genzyme Diagnostics P.E.I. Inc., to provide concessions on provincial corporate income taxes paid on bioscience related activities at facilities in Prince Edward Island, such as more particularly described in the draft agreement.

EC2009-259

ISLAND INVESTMENT DEVELOPMENT ACT
FINANCIAL ASSISTANCE REGULATIONS
DYNE HOLDINGS LIMITED AND FITZROY DEVELOPMENT INC.
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to advance term loans to a maximum of thirty-two million, eight hundred and thirty-eight thousand dollars (\$32,838,000.00) to Dyne Holdings Limited/Fitzroy Development Inc. on terms and conditions acceptable to the Board of Directors of Island Investment Development Inc.

Order-in-Council EC2008-644 of 28 October 2008 is hereby rescinded.

EC2009-260

LABOUR ACT
LABOUR RELATIONS BOARD
APPOINTMENT

Pursuant to subsections 3(2) and 3(2.1) of the *Labour Act* R.S.P.E.I. 1988, Cap. L-1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as employee representative	
Raymond McBride Tracadie	26 May 2009 to 26 May 2012

EC2009-261

PUBLIC DEPARTMENTS ACT
DEPARTMENT OF THE PROVINCIAL TREASURY
DEPUTY PROVINCIAL TREASURER - APPOINTMENT
PAUL R. JELLEY
(TO RESCIND)

Council, having under consideration Order-in-Council EC2004-566 of 5 October 2004, rescinded the said Order, thus rescinding the appointment of Paul R. Jelley as Deputy Provincial Treasurer and Secretary to the Treasury Board effective 30 May 2009.

EC2009-262

PUBLIC DEPARTMENTS ACT
DEPARTMENT OF THE PROVINCIAL TREASURY
INTERIM DEPUTY PROVINCIAL TREASURER - APPOINTMENT
M. DOUGLAS CLOW
(APPROVED)

Pursuant to subsection 7(1) of the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29 Council appointed M. Douglas Clow to serve at pleasure as Interim Deputy Provincial Treasurer effective 30 May 2009.

Council noted that in his capacity as Interim Deputy Provincial Treasurer, Mr. Clow shall serve as Secretary to the Treasury Board in accordance with subsection 8(4) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12.