

EC2009-400

PRINCE EDWARD ISLAND BUSINESS DEVELOPMENT INC. ACT
FINANCIAL ASSISTANCE REGULATIONS
IRVING SHIPBUILDING INC.
AUTHORIZATION

Pursuant to subsection 2(3) of the *Prince Edward Island Business Development Inc. Act* Financial Assistance Regulations (EC259/05), Council authorized Prince Edward Island Business Development Inc. to advance a revolving line of credit loan to a maximum amount of up to twelve million dollars (\$12,000,000.00) to Irving Shipbuilding Inc. to finance the manufacture of tug vessels at East Isle Shipyard in Georgetown, Prince Edward Island, subject to terms and conditions satisfactory to the Board of Directors of Prince Edward Island Business Development Inc.

EC2009-401

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB#195/09 of 22nd July 2009), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of term loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding seven hundred and fifty thousand dollars (\$750,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the Bank of Nova Scotia's prime lending rate from the Bank of Nova Scotia in Kensington, Prince Edward Island (hereinafter referred to as "the lender"), from the 28th day of July 2009, through to and including 1700 hours on the 31st day of August 2014, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of August 2014.
2. Any advances made by the lender after the 31st day of August 2014 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of August 2014 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of August 2014, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.

5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2009-402**FINANCIAL ADMINISTRATION ACT
COMMUNITIES 13 INC.
GUARANTEE OF LOAN**

Having under consideration the recommendation of Treasury Board (reference Minute TB#197/09 of 22nd July 2009), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a revolving line of credit loan by Communities 13 Inc. (hereinafter referred to as "the borrower") in an amount not exceeding one hundred thousand dollars (\$100,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the floating prime rate with a floor of 3.5%, to the Metro Credit Union Ltd. of Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 28th day of July 2009 through to and including 1700 hours on the 1st day of August 2011, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 1st day of August 2011.
2. Any advances made by the lender after the 1st day of August 2011 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 1st day of August 2011 regardless of any advances that may have been made by the lender to the borrower unless on or before the 1st day of August 2011, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2009-403**FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
GUARANTEE OF LOAN**

Having under consideration the recommendation of Treasury Board (reference Minute TB196/09 of 22 July 2009), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a Revolving Line of Credit loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding nine million dollars (\$9,000,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the rate of prime minus zero decimal five (0.5) percent plus a standby fee of zero decimal zero six two five (0.0625) percent on the daily unused portion of the line of credit to the Bank of Nova Scotia in Kensington, Prince Edward Island (hereinafter referred to as "the lender"), from the 28th day of July 2009 through to and including 1700 hours on the 31st day of July 2010, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of July 2010.
2. Any advances made by the lender after the 31st day of July 2010 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of July 2010 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of July 2010, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.
7. Order-in-Council EC2008-780 of 23 December 2008 is hereby rescinded.

EC2009-404

FARM PRACTICES ACT
FARM PRACTICES REVIEW BOARD
APPOINTMENTS

Pursuant to subsection 3(1) of the *Farm Practices Act* R.S.P.E.I. 1988, Cap. F-4.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
via clause (a)	
Alan Coffin Pisquid (reappointed)	12 September 2009 to 12 September 2012
Kenneth Monaghan South Melville (vice Kelly Dawn Oliver, term expired)	25 September 2009 to 25 September 2012
via clause (b)	
Cynthia Frizzell Hunter River (reappointed)	25 September 2009 to 25 September 2012
Alvin Keenan Souris (reappointed)	12 September 2009 to 12 September 2012
John MacDonald St. Nicholas (reappointed)	12 September 2009 to 12 September 2012
Stewart MacRae Ebenezer (reappointed)	25 September 2009 to 25 September 2012

Further, Council designated Alvin Keenan as chairperson and Kenneth Monaghan as vice-chairperson of the Board in accordance with subsection 3(2) of the Act.

EC2009-405

AN ACT TO AMEND THE FILMS ACT
DECLARATION RE

Under authority of section 6 of *An Act to Amend the Films Act* Stats. P.E.I. 2009, c. 71 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Films Act" to come into force effective 8 August 2009.

EC2009-406
FILMS ACT
REGULATIONS
AMENDMENT

Pursuant to section 9 of the *Films Act* R.S.P.E.I. 1988, Cap. F-8, Council made the following regulations:

1. Section 6 of the *Films Act* Regulations (EC675/87) is amended

(a) by the deletion of the word “his” and the substitution of the words “the operator’s”; and

(b) by the deletion of the words “Board has given to the film” and the substitution of the words “film has been given under the System”.

2. Section 7 of the regulations is amended

(a) by the deletion of the word “his” and the substitution of the words “the operator’s”; and

(b) by the deletion of the words “by the Board” and the substitution of the words “under the System”.

3. Section 9 of the regulations is amended

(a) in the words preceding clause (a), by the deletion of the words “by the Board” and the substitution of the words “under the System”;

(b) in clause (a), by the deletion of the word “or”;

(c) in clause (b),

(i) by the deletion of the words “Graphic Sexual Content” and the substitution of the words “Explicit Sexual Content”, and

(ii) by the deletion of the comma following clause (b) and the substitution of the words “; or”; and

(d) by the addition of the following after clause (b):

(c) as “Adult”,

4. These regulations come into force on August 8, 2009.

EXPLANATORY NOTES

SECTIONS 1 and 2 amend the provisions to provide for gender neutral language and to correct the reference to the entity that is responsible for the classification of films in video outlets in the province.

SECTION 3 corrects the reference to the entity that is responsible for the classification of films in video outlets in the province; amends the reference from “Graphic Sexual Content” to “Explicit Sexual Content” in respect of “Restricted” material, and adds the classification of “Adult” to the classifications of films that may not be provided to a person under the age of 18 years.

SECTION 4 provides for the commencement of these regulations.

EC2009-407

**HOUSING CORPORATION ACT
ALBERTON HOUSING AUTHORITY
APPOINTMENT**

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member	
Doug Gallant Alberton (reappointed)	21 June 2009 to 21 June 2012

EC2009-408

**HOUSING CORPORATION ACT
CHARLOTTETOWN HOUSING AUTHORITY
APPOINTMENTS**

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and chairperson	
Don MacRae Charlottetown (vice Roger Doiron, term expired)	20 July 2009 to 21 June 2012
as member	
Allan Poulton Charlottetown (vice Hubert McIsaac, term expired)	20 July 2009 to 21 June 2012

EC2009-409

HOUSING CORPORATION ACT
 GEORGETOWN HOUSING AUTHORITY
 APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member	
Robbie LaVie Georgetown (vice Anthony Burke, term expired)	20 July 2009 to 21 June 2012

EC2009-410

HOUSING CORPORATION ACT
 MONTAGUE HOUSING AUTHORITY
 APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member	
Marie Magennis Montague (reappointed)	21 June 2009 to 21 June 2012

EC2009-411

HOUSING CORPORATION ACT
 MOUNT STEWART HOUSING AUTHORITY
 APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and chairperson	
Colleen Mullen-Doyle Mount Stewart (vice Muriel Coffin, term expired)	20 July 2009 to 21 June 2012
as member and vice-chairperson	
Ray Young Mount Stewart (vice Bruce Jay, term expired)	20 July 2009 to 21 June 2012

EC2009-412

HOUSING CORPORATION ACT
O'LEARY HOUSING AUTHORITY
APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member and vice-chairperson	
Rushelle MacDonald	20 July 2009
O'Leary	to
(vice Daryl MacDonald, term expired)	21 June 2012

EC2009-413

HOUSING CORPORATION ACT
SOURIS HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as member and chairperson	
Mary Lang	21 June 2009
Souris	to
(reappointed)	21 June 2012
as member	
Timmy Carter	20 July 2009
Souris	to
(vice Jeremy Lewis, term expired)	21 June 2012

EC2009-414

HOUSING CORPORATION ACT
SUMMERSIDE HOUSING AUTHORITY
APPOINTMENTS

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
as members	
Eileen Keough	20 July 2009
Summerside	to
(vice Edith MacLean, term expired)	21 June 2012

Arlene DesRoches	20 July 2009
Summerside	to
(vice Gerard Pendergast, term expired)	21 June 2012

EC2009-415

HOUSING CORPORATION ACT
TIGNISH HOUSING AUTHORITY
APPOINTMENT

Pursuant to subsection 10(3) of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member	
June Watterson	21 June 2009
Tignish	to
(reappointed)	21 June 2012

EC2009-416

EXECUTIVE COUNCIL ACT
MINISTER OF HEALTH
AUTHORITY TO ENTER INTO AN AGREEMENT
(ESTABLISHMENT OF NATIONAL CORD BLOOD BANK)
WITH
CANADIAN BLOOD SERVICES
AND
THE PROVINCES (EXCEPT QUEBEC)
AND
THE TERRITORIES

Pursuant to clauses 10(b) and (d) 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 Canadian Blood Services, the Provinces (except Quebec), and the Territories, as represented by their respective Ministers responsible for Health, to establish a national, public umbilical cord blood bank.

EC2009-417

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE
AUTHORITY TO ENTER INTO AN AGREEMENT
(RESEARCH SUPPORT 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 Agriculture to enter into an agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food Canada, to support research and development of agronomic data relative to potential new oilseed crops as part of an innovative crop development program for Prince Edward Island, such as more particularly described in the draft agreement.

EC2009-418

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ISLAND COASTAL SERVICES LTD.
AND
VESEY'S SEEDS 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 Island Coastal Services Ltd. of Charlottetown, Prince Edward Island and Vesey's Seeds Ltd. of Little York, Prince Edward Island to acquire a land holding of approximately twenty-eight (28) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Kirk Simpson and Charlotte Reque-Block, both of Bayview, Prince Edward Island.

EC2009-419

AN ACT TO AMEND THE NATURAL PRODUCTS MARKETING ACT
DECLARATION RE

Under authority of section 8 of *An Act to Amend the Natural Products Marketing Act* Stats. P.E.I. 2009, c. 82 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Natural Products Marketing Act" to come into force effective 16 August 2009.

EC2009-420

NATURAL PRODUCTS MARKETING ACT
DAIRY FARMERS OF PRINCE EDWARD ISLAND
REGULATIONS
AMENDMENT

On the recommendation of the Prince Edward Island Marketing Council and under the authority of subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

- 1. Subsection 2(4) of the *Natural Products Marketing Act Dairy Farmers of Prince Edward Island Regulations (EC215/04)* is amended by the deletion of the words “, except that the powers vested in the Board under clause 4(3)(o) of the Act shall apply only to classes of industrial milk”.**
- 2. Subsection 3(5) of the regulations is amended by the deletion of the words “90 days” and the substitution of the words “four months”.**
- 3. Clauses 4(a) and (c) of the regulations are amended by the deletion of the words “120 days” and the substitution of the words “five months”.**
- 4. Subsection 15(1) of the regulations is amended by the deletion of the words “four months” and the substitution of the words “five months”.**
- 5. These regulations come into force on August 8, 2009.**

EXPLANATORY NOTES

SECTION 1 authorizes the Board to fix the minimum price for any class of milk. Currently, the Board may only do so in respect of classes of industrial milk.

SECTION 2 requires the audited financial statements of the Board to be submitted to the Board within four months of the close of the Board's fiscal year. Currently, these statements must be submitted within 90 days of the close of the fiscal year.

SECTION 3 requires the Board to file with the Marketing Council a certified copy of the Board's audit financial statement within five months of the close of the Board's fiscal year. Currently, these statements must be submitted within 120 days of the close of the Board's fiscal year.

SECTION 4 requires the Board to call an annual meeting of the quota holders within five months within of the close of the Board's fiscal year. Currently, the Board must call an annual meeting within four months of the close of the Board's fiscal year.

SECTION 5 provides for the commencement of these regulations.

EC2009-421**PLANNING ACT
SUBDIVISION AND DEVELOPMENT REGULATIONS
AMENDMENT**

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

1. Section 63 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended

(a) by the revocation of clause (10)(c); and

(b) in clause (10)(d), by the deletion of the words "pursuant to clause (c)".

2. These regulations come into force on August 8, 2009.**EXPLANATORY NOTES**

SECTION 1 revokes a clause that authorizes a municipality to zone land for new or additional residential use to allow a subdivision of residential lots to a maximum number of lots that is based on a quota formula that has become out-dated and is no longer relevant. The amendment also revokes an internal reference to the clause that is being revoked.

SECTION 2 provides for the commencement of these regulations.

EC2009-422**PLANNING ACT****SUBDIVISION AND DEVELOPMENT REGULATIONS
AMENDMENT**

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

1. Section 1 of the *Planning Act* Subdivision and Development Regulations (EC693/00) is amended by the addition of the following after clause (1.3):

(1.4) “name plate capacity” means, in respect of a wind energy conversion system development, the rated electric output of each wind turbine of the wind energy conversion system development; name plate capacity

2. Section 54.1 of the regulations is amended

(a) by the revocation of subsection (2) and the substitution of the following:

(2) No permit holder shall locate a wind turbine tower of a wind energy conversion system development with a name plate capacity of greater than 100 kilowatts within the distance equal to four times the total height of the wind turbine tower from any existing habitable building. Setback from habitable buildings

(b) by the addition of the following after subsection (2):

(2.01) No permit holder shall locate a wind turbine tower of a wind energy conversion system development with a name plate capacity of 100 kilowatts or less within the distance equal to three times the total height of the wind turbine tower from any existing habitable building. Idem

(c) in subsection (2.1), by the deletion of the words “subsection (2)” and the substitution of the words “subsection (2.01)”.

3. These regulations come into force on August 8, 2009.

EXPLANATORY NOTES

SECTION 1 adds a definition for “name plate capacity” in the definition section of the regulations.

SECTION 2 amends the setback distance between a wind turbine tower of a wind energy conversion system development with a name plate capacity of greater than 100 kilowatts and any existing habitable building. The original setback distance was equal to three times the total height of the wind turbine from any existing habitable building. This setback distance has been changed from three times to four times the total height of the wind turbine tower from any existing habitable building. A new provision is added to provide for the setback distance of a wind turbine tower of a wind energy conversion system development with a name plate capacity of 100 kilowatts or less and any existing habitable building. The setback distance is equal to three times the total height of the wind turbine tower from any existing habitable building.

SECTION 3 provides for the commencement of these regulations.

EC2009-423

PUBLIC TRUSTEE ACT
ADVISORY COMMITTEE TO THE PUBLIC TRUSTEE
ANNUAL REPORT
2007-2008
RECEIVED

Council received the Annual Report of the Advisory Council to the Public Trustee for the year ended 31 March 2008, presented pursuant to subsection 11(5) of the *Public Trustee Act* R.S.P.E.I. 1988, Cap. P-32.2.