

EC2009-550

**ENVIRONMENTAL PROTECTION ACT
A CODE FOR PLUMBING SERVICES REGULATIONS
AMENDMENT**

Pursuant to clause 25(1)(f) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. Subsection 1(1) of the *Environmental Protection Act* A Code of Plumbing Services Regulations (EC666/86) is revoked and the following substituted:

1. (1) The National Plumbing Code of Canada 2005 Edition is hereby adopted as a regulation and subject to the amendments, variations, additions and deletions set out in these regulations. Adoption of Code

2. Clause 2(1)(a) of the regulations is amended by the deletion of the words “National Plumbing Code of Canada 1995” and the substitution of the words “National Plumbing Code of Canada 2005”.

3. Subsection 2(2) of the regulations is amended by the deletion of the words “explained in the guide set out in the Schedule” and the substitution of the words “explained in the Preface of the Code”.

4. The regulations are amended by the revocation of section 5 and the substitution of the following:

4. (1) Division B of Part 2 of the Code is amended by the deletion of the following provisions: Air admittance valves
 (a) article 2.2.10.16;
 (b) subsection 2.5.9.

(2) Division B of Part 2 of the Code is amended by the deletion of sentences 2.2.5.12. (2) and (3). Fire safety, combustible and non-combustible piping

(3) Division B of Part 2 of the Code is amended in subsection 2.4.9. by the addition of the following sentence: Minimum diameter of drainage pipe
2.4.9.2. (5) The minimum diameter of drainage pipe to be used underground shall be 2”.

(4) Division B of Part 2 of the Code is amended by the deletion of sentence 2.6.2.1.(3) and the substitution of the following: Backflow preventers
2.6.2.1. (3) Backflow preventers shall be selected, installed, and field-tested as required by the regulatory authority.
2.6.2.1. (4) When setting the requirements for the selection, installation, and field testing of backflow preventers pursuant to sentence (3), the regulatory authority may have reference to, but is not bound by, the provisions of CSA B64.10, “Backflow Prevention Devices - Selection, Installation, Maintenance and Field Testing”.

5. Division C of Part 2 of the Code is amended by the deletion of subsection 2.2.1. Administrative requirements

5. Sections 6 to 8.1 of the regulations are revoked.

6. The regulations are amended by renumbering section 9 as section 6.

7. The Schedule to the regulations is revoked.

8. Appendix B as set out in Appendix B of the regulations is amended

(a) in subclauses 1(1)(a)(i) and (ii), by the deletion of the words “\$10” wherever they occur and the substitution of the words “\$11”; and

(b) in subclause 1(1)(a)(iii) by the deletion of the words “\$30” and the substitution of the words “\$33”.

9. These regulations come into force on November 19, 2009.

EXPLANATORY NOTES

SECTIONS 1 & 2 provide for the adoption of the National Plumbing Code of Canada 2005. Currently, the province enforces the National Plumbing Code of Canada 1995.

SECTION 3 makes an amendment that refers to the Preface of the new Code for an explanation of its new decimal numbering system. (There is an explanation of the numbering system of the current Code in the Schedule of the regulations, but that Schedule is being repealed as the new Code has a somewhat different numbering system.)

SECTIONS 4 to 6 make amendments to the regulations respecting provisions of the Code concerning air admittance valves, the fire safety of piping, the minimum diameter of drainage pipe, and the selection, installation and testing of backflow preventers. These sections also revoke unnecessary provisions of the current regulations dealing with these subjects.

SECTION 7 repeals the Schedule of the regulations, which provides an explanation of the numbering system of the current Code. As the new Code being adopted by these regulations uses a different numbering system, the Schedule is no longer needed.

SECTION 8 increases the fees for applications for certain permits by ten percent.

SECTION 9 provides for the commencement of these regulations.

EC2009-551

ENVIRONMENTAL PROTECTION ACT SEWAGE DISPOSAL SYSTEMS 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 1 of the *Environmental Protection Act* Sewage Disposal Systems Regulations (EC403/03) is amended

(a) by the revocation of clause (c) and the substitution of the following:

(c) “authority having jurisdiction” means the Department of Environment, Energy and Forestry; authority having jurisdiction

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

(oo.1) “septage holding facility” means a facility that is used for the temporary storage of septage prior to the final disposal of septage within a wastewater treatment facility approved to receive septage by the authority having jurisdiction; septage holding facility

2. (1) Subsections 22(1), (3.1) and (4) of the regulations are amended by the deletion of the words “septage or”.

(2) Subsection 22(3) of the regulations is amended by the deletion of the words “septage or” wherever they occur.

3. The regulations are amended by the addition of the following after section 23:

23.1 Notwithstanding section 23, no person shall dispose of septage or septage temporarily held at a septage holding facility other than at a waste treatment system approved by the authority having jurisdiction, as outlined in Schedule II, Appendix F.

Disposal of septage

4. Section 24 of the regulations is amended by the deletion of the word “him” and the substitution of the words “the person”.

5. The regulations are amended by the addition of Appendix F, as set out in the Schedule to these regulations, after Appendix E.

6. These regulations come into force on January 1, 2010.

SCHEDULE

APPENDIX F

Wastewater Treatment Facilities Approved for the Receipt of Septage or Unstabilized Sewage

The following wastewater treatment facilities are approved for the receipt and treatment of septage or unstabilized sewage:

- (1) Charlottetown - Water and Sewer Utility wastewater treatment facility
- (2) Summerside - Water and Sewer Utility wastewater treatment facility

EXPLANATORY NOTES

SECTION 1 adds a definition to the definition section of the regulations.

SECTION 2 removes terms that are no longer required.

SECTION 3 adds a new provision which provides that the disposal of septage may only take place at a waste treatment system approved by the authority having jurisdiction. (“Authority having jurisdiction” is a defined term in the regulations and means the Department of Environment, Energy and Forestry.)

SECTION 4 amends the provision to provide for gender neutral language.

SECTION 5 adds a Schedule to the regulations in respect of approved wastewater treatment facilities.

SECTION 6 provides for the commencement of these regulations.

EC2009-552**ENVIRONMENTAL PROTECTION ACT
SAND REMOVAL FROM BEACHES REGULATIONS
REVOCATION**

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

- 1. The *Environmental Protection Act* Sand Removal from Beaches Regulations (EC323/90) are revoked.**
- 2. These regulations come into force on October 31, 2009.**

EXPLANATORY NOTES

SECTION 1 revokes the Sand Removal from Beaches Regulations made under the *Environmental Protection Act*.

SECTION 2 provides for the commencement of these regulations.

EC2009-553**ENVIRONMENTAL PROTECTION ACT
WATERCOURSE AND WETLAND PROTECTION
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 2 of the *Environmental Protection Act* Watercourse and Wetland Protection Regulations (EC720/08) is amended by the addition of the following after subsection (3):**

(4) Notwithstanding clause 2(1)(a), a person may remove sand, gravel, stones, rocks, aggregate or material from a beach if the sand, gravel, stones, rocks, aggregate or material is ^{Exception}

- (a) removed from below the high water mark;
- (b) utilized for personal domestic non-commercial purposes;
- (c) transported directly from the beach to the point of use;
- (d) hauled with a motor vehicle that has a load capacity not larger than a single axle light duty truck;
- (e) loaded manually through the use of hand tools; and
- (f) of a volume that does not exceed one cubic meter.

- 2. These regulations come into force on October 31, 2009.**

EXPLANATORY NOTES

SECTION 1 authorizes the removal of sand, gravel, stones, rocks, aggregate or material from a beach in the described circumstances.

SECTION 2 provides for the commencement of these regulations.

EC2009-554

EXECUTIVE COUNCIL ACT
 MINISTER OF HEALTH
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (PROJECT AGREEMENT
 PEER TO PEER NETWORK FOR PRINCE EDWARD ISLAND)
 WITH
 CANADA HEALTH INFOWAY INC.

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 Canada Health Infoway Inc. to establish a Peer to Peer Network for Prince Edward Island to support health care professionals in the engagement and use of electronic health record solutions within the practice setting, such as more particularly described in the draft agreement.

EC2009-555

FINANCIAL ADMINISTRATION ACT
 SPECIAL WARRANT
 (SUPPLEMENTARY CAPITAL EXPENDITURE
 FOR FISCAL YEAR 2009-2010)
 DEPARTMENT OF HEALTH

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary capital payment out of the Operating Fund for the Department of Health as follows:

Account Class	Account Name	Amount
1115-05124	Clinical Information System	<u>\$133,300.00</u>

Further, Council noted that this amount will be fully offset by revenue from Canada Health Infoway Inc. under the terms of the Peer-to-Peer Network for Prince Edward Island Project.

EC2009-556

GRAIN ELEVATORS CORPORATION ACT
 PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION
 BOARD OF DIRECTORS
 APPOINTMENT

Pursuant to subsection 2(2) of the *Grain Elevators Corporation Act* R.S.P.E.I. 1988, Cap. G-5, Council made the following appointment:

NAME	TERM OF APPOINTMENT
Clayton Bulpitt Cardigan (vice Ian McIsaac, resigned)	20 October 2009 to 20 October 2012

EC2009-557INNOVATION PEI ACT
DECLARATION RE

Under authority of section 25 of the *Innovation PEI Act* Stats. P.E.I. 2008, c. 47, Council ordered that a Proclamation do issue proclaiming the said "Innovation PEI Act" to come into force effective 31 October 2009.

EC2009-558INNOVATION PEI ACT
MINISTER OF INNOVATION AND ADVANCED LEARNING
DESIGNATION

Pursuant to clause 1(m) of the *Innovation PEI Act*, Stats. P.E.I. 2008, c. 47, Council designated the Minister of Innovation and Advanced Learning to be responsible for administration of the said Act, effective 31 October 2009.

EC2009-559INNOVATION PEI ACT
INNOVATION PEI
CHIEF EXECUTIVE OFFICER - APPOINTMENT
NEIL STEWART
(APPROVED)

Pursuant to subsection 9(1) of the *Innovation PEI Act*, Stats. P.E.I. 2008, c. 47, Council appointed Neil Stewart to serve at pleasure as Chief Executive Officer of Innovation PEI, effective 31 October 2009.

EC2009-560FINANCIAL ADMINISTRATION ACT
REPORTING ENTITIES
AMENDMENT

Pursuant to section 64 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council amended Schedule B to the said Act

(a) by adding the following reporting entity:

(i) Innovation PEI; and

(b) by deleting the following reporting entities:

(i) Prince Edward Island Business Development Inc.; and

(ii) Prince Edward Island Science and Technology Corporation.

This amendment comes into force on 31 October 2009.

EC2009-561

**PRINCE EDWARD ISLAND
BUSINESS DEVELOPMENT INC. ACT
FINANCIAL ASSISTANCE REGULATIONS
REVOCATION**

Pursuant to section 11 of the *Prince Edward Island Business Development Inc. Act* R.S.P.E.I. 1988, Cap. B-6.2, Council made the following regulations:

1. The *Prince Edward Island Business Development Inc. Act* Financial Assistance Regulations (EC259/05) are revoked.

2. These regulations come into force immediately before the expiry of October 30, 2009.

EXPLANATORY NOTES

SECTION 1 revokes the Financial Assistance Regulations made under the *Prince Edward Island Business Development Inc. Act*.

SECTION 2 provides for the commencement of these regulations.

EC2009-562

**INNOVATION PEI ACT
GENERAL REGULATIONS**

Pursuant to section 22 of the *Innovation PEI Act* R.S.P.E.I. 1988, Cap. I-2.1, Council made the following regulations:

- | | |
|--|--------------------------------------|
| 1. (1) In these regulations | Definitions |
| (a) "Act" means the <i>Innovation PEI Act</i> R.S.P.E.I. 1988, Cap. I-2.1; | Act |
| (b) "affiliate" means an affiliate within the meaning of subsection (3); | affiliate |
| (c) "Code of Conduct" means the Code of Conduct for the persons employed by the Corporation that is established by the Corporation in a bylaw or policy made under subsection 5(1) of the Act; | Code of Conduct |
| (d) "Credit Management Committee" means the Credit Management Committee established under section 13 of the Act; | Credit Management Committee |
| (e) "employee of the Government" includes an employee or officer of any agency of the Crown, including any Crown corporation; | employee of the Government |
| (f) "fiscal year" means, in respect of the Corporation, the fiscal year as defined in the <i>Financial Administration Act</i> R.S.P.E.I. 1988, Cap. F-9; | fiscal year |
| (g) "person" includes any | person |
| (i) individual, partnership, body corporate or cooperative association, and | |
| (ii) any syndicate formed or existing for the purpose of jointly acquiring or administering assets. | |
| (2) For the purposes of the Act and these regulations the "Island Prosperity Strategy" or "IPS" means the " <i>Island Prosperity – A Focus for Change</i> " prepared by Michael Mayne for Premier Robert W.J. Ghiz, published by the Queen's Printer April 10, 2008 and approved by Executive Council (D2008-666). | Island Prosperity Strategy" or "IPS" |
| (3) For the purposes of these regulations, | Affiliated body corporate |
| (a) one body corporate is affiliated with another body corporate if | |
| (i) one of them is the subsidiary of the other or both are subsidiaries of the same body corporate, or | |
| (ii) each of them is controlled by the same person; | |

(b) if two bodies corporate are affiliated with the same body corporate at the same time, they are deemed to be affiliated with each other;

(c) a body corporate is controlled by a person or by two or more bodies corporate if

(i) securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are held, other than by way of security only, by or for the benefit of that person or by or for the benefit of those bodies corporate, and

(ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate;

(d) a body corporate is the holding body corporate of another if that other body corporate is its subsidiary; and

(e) a body corporate is a subsidiary of another body corporate if

(i) it is controlled by

(A) that other body corporate,

(B) that other body corporate and one or more bodies corporate each of which is controlled by that other body corporate, or

(C) two or more bodies corporate each of which is controlled by that other body corporate, or

(ii) it is a subsidiary of a body corporate that is a subsidiary of that other body corporate.

(4) Each of the following sectors of the economy of Prince Edward Island is prescribed as an economic sector for the purposes of clause 1(h) of the Act: Economic sector

(a) Agriculture;

(b) Fisheries and Aquaculture;

(c) Manufacturing and Processing;

(d) Tourism and Small Business.

LOANS AND LOAN GUARANTEES

- 2.** (1) An application to the Corporation for a loan or loan guarantee shall be made in writing and shall be in such form and provide such information as the Credit Management Committee may require. Applications
- (2) An applicant for a loan or loan guarantee who is an employee of the Government shall, in his or her application, advise the Corporation that the applicant is an employee of the Government. Applications by employees of Government
- (3) An application to the Corporation for a loan or loan guarantee in an amount less than \$500,000 shall be reviewed and determined by the Chief Executive Officer. Loans or loan guarantees under \$500,000
- (4) Every application referred to in subsection (3) shall be reviewed by the staff and the Corporation before the application is referred to, and reviewed and determined by, the Chief Executive Officer. Review of application by staff
- (5) Subject to subsection (6), an application to the Corporation for a loan or loan guarantee in an amount equal to or exceeding \$500,000 shall be reviewed and determined by the Credit Management Committee. Loans or loan guarantees equal to or over \$500,000
- (6) Every application referred to in subsection (5) shall be reviewed by the staff of the Corporation before the application is referred to, and reviewed and determined by, the Credit Management Committee. Review of application by staff
- 3.** (1) The Chief Executive Officer may, subject to the provisions of the Act and these regulations, approve, reject, defer or otherwise deal with an application for a loan or loan guarantee referred to in subsection 2(3) in such manner as the Chief Executive Officer considers appropriate. Approval or rejection of applications for loans or loan guarantees by the Chief Executive Officer
- (2) The Credit Management Committee may, subject to the provisions of the Act and these regulations, approve, reject, defer or otherwise deal with an application for a loan or loan guarantee referred to in subsection 2(5) in such manner as the Credit Management Committee considers appropriate. Approval or rejection of applications for loans or loan guarantees by the Committee

(3) In determining whether to approve an application for a loan or loan guarantee, the Credit Management Committee or the Chief Executive Officers, as the case may be, shall consider Considerations

- (a) the IPS;
- (b) the interest rates that have been established by the Corporation for loans and loan guarantees; and
- (c) such other matters as the Credit Management Committee or the Chief Executive Officer may consider appropriate.

4. (1) After reviewing an application from a person for a loan or loan guarantee, the Credit Management Committee or the Chief Executive Officer, as the case may be, may approve the application and advance the loan or loan guarantee to the person if the sum of Advance of a loan or loan guarantee, restriction

- (a) the amount of the requested loan or loan guarantee;
- (b) the total amount owed by the person to the Corporation in respect of any other financial assistance received by the person from the Corporation, including any subsisting loan guarantees provided by the Corporation;
- (c) if the person is a body corporate, the total amount owed by each affiliate of the body corporate to the Corporation in respect of any financial assistance received by the affiliate from the Corporation, including any subsisting loan guarantees provided by the Corporation; and
- (d) if the person is an individual who holds a controlling interest in a body corporate that has received any other financial assistance from the Corporation,
 - (i) the total amount owed by the body corporate to the Corporation in respect of that financial assistance, including any subsisting loan guarantees provided by the Corporation, and
 - (ii) the total amount owed by each affiliate of the body corporate to the Corporation in respect of any other financial assistance received by the affiliate from the Corporation, including any subsisting loan guarantees provided by the Corporation,

does not exceed \$2,500,000.

(2) After reviewing an application from a person for a loan or loan guarantee, the Credit Management Committee or the Chief Executive Officer, as the case may be, may not, without the prior consent of the Lieutenant Governor in Council, approve the application and advance the loan or loan guarantee to the person if the sum of Idem

- (a) the amount of the requested loan or loan guarantee;
- (b) the total amount owed by the person to the Corporation in respect of any other financial assistance received by the person from the Corporation, including any subsisting loan guarantees provided by the Corporation;
- (c) if the person is a body corporate, the total amount owed by each affiliate of the body corporate to the Corporation in respect of any financial assistance received by the affiliate from the Corporation, including any subsisting loan guarantees provided by the Corporation; and
- (d) if the person is an individual who holds a controlling interest in a body corporate that has received any other financial assistance from the Corporation,
 - (i) the total amount owed by the body corporate to the Corporation in respect of that financial assistance, including any subsisting loan guarantees provided by the Corporation, and
 - (ii) the total amount owed by each affiliate of the body corporate to the Corporation in respect of any other financial assistance received by the affiliate from the Corporation, including any subsisting loan guarantees provided by the Corporation,

equals or exceeds \$2,500,000.

5. (1) When the Chief Executive Officer approves an application for a loan or loan guarantee, the Chief Executive Officer shall, subject to any requirement for consent under subsection 4(2), decide such matters relating to the loan or loan guarantee as the Chief Executive Officer may consider appropriate, including, where applicable, Decisions of the Chief Executive Officer respecting loans and loan guarantees

- (a) the amount, the interest rate and terms and conditions of the loan or loan guarantee;

- (b) the security to be provided and the fees to be paid by the applicant receiving the loan or loan guarantee;
- (c) the covenants to be entered into by the applicant receiving the loan or loan guarantee;
- (d) the terms of repayment of any loan or loan guarantee, after appropriate consideration being given by the Chief Executive Officer to the economic life of any asset being financed by the loan or loan guarantee; and
- (e) the form and content of any documents to be signed or provided by the applicant.

(2) When the Credit Management Committee approves an application for a loan or loan guarantee, the Credit Management Committee shall, subject to any requirement for consent under subsection 4(2), decide such matters relating to the loan or loan guarantee as the Credit Management Committee may consider appropriate, including, where applicable,

Decisions of the Credit Management Committee respecting loans and loan guarantees

- (a) the amount, the interest rate and terms and conditions of the loan or loan guarantee;
- (b) the security to be provided and the fees to be paid by the applicant receiving the loan or loan guarantee;
- (c) the covenants to be entered into by the applicant receiving the loan or loan guarantee;
- (d) the terms of repayment of any loan or loan guarantee, after appropriate consideration being given by the Credit Management Committee to the economic life of any asset being financed by the loan or loan guarantee; and
- (e) the form and content of any documents to be signed or provided by the applicant.

(3) When the Corporation has extended a loan or loan guarantee to an applicant on the approval of the Chief Executive Officer, the Chief Executive Officer, subject to any requirement for consent under subsection 4(2), may in his or her discretion extend, defer, adjust or compromise the repayment of any such loan or loan guarantee and may amend, vary or alter the terms and conditions of the loan or loan guarantee.

Extension or deferral of repayment by Chief Executive Officer

(4) When the Corporation has extended a loan or loan guarantee to an applicant on the approval of the Credit Management Committee, the Credit Management Committee, subject to any requirement for consent under subsection 4(2), may in its discretion extend, defer, adjust or compromise the repayment of any such loan or loan guarantee and may amend, vary or alter the terms and conditions of the loan or loan guarantee.

Extension or deferral of repayment

(5) The power to amend, vary or alter the terms and conditions of any loan or loan guarantee under this section includes the power to agree to the release or partial release of any security held by the Corporation.

Idem

GRANTS AND CONTRIBUTIONS

6. (1) An application to the Corporation for a grant or contribution shall be made in writing and shall be in such form and provide such information as the Chief Executive Officer may require.

Applications

(2) An applicant for a grant or contribution who is an employee of the Government shall, in his or her application, advise the Corporation that the applicant is an employee of the Government.

Applications by employees of Government

(3) Every application to the Corporation for a grant or contribution shall be reviewed by the staff of the Corporation before the application is referred

Review of application by staff

- (a) to the Chief Executive Officer for his or her review and determination under subsection 7(1); and
- (b) to any other employee or officer of the Corporation for his or her review and determination under subsection 7(3).

7. (1) The Chief Executive Officer

- (a) shall review and determine any application to the Corporation for a grant or contribution in an amount not exceeding \$500,000; and
- (b) may make or give any such grant or contribution where the Chief Executive Officer considers it appropriate to do so.

Grants or contributions under \$500,000

(2) The Board may, by a policy or bylaw made under subsection 5(1) of the Act, Grants or contributions in excess of \$500,000

- (a) determine which employees or officers of the Corporation
 - (i) shall review and determine any application to the Corporation for a grant or contribution in an amount exceeding \$500,000, and
 - (ii) may make or give any such grant or contribution where the employee or officer considers it appropriate to do so; and
- (b) the maximum amount of any grant or contribution that any such employee or officer of the Corporation may make or give.

(3) Subject to subsection (4), any employee or officer of the Corporation who is authorized to review and determine any application to the Corporation for a grant or contribution in an amount exceeding \$500,000 *Idem*

- (a) shall review and determine any such application that is referred to the employee or officer; and
- (b) may make or give any such grant or contribution where the employee or officer considers it appropriate to do so.

(4) An employee or officer of the Corporation may not make any grant or give any contribution on behalf of the Corporation unless Limits on amounts given by staff

- (a) the employee or officer is authorized to do so by a bylaw or policy referred to in subsection (2); and
- (b) the amount of the grant or contribution does not exceed the maximum amount that the employee or officer is authorized by the Corporation to make or give on its behalf.

8. (1) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended from the funds available to the Corporation. Funding for grants or contributions

(2) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended only from the specific applicable program budget approved by the Legislative Assembly. Expending amounts from approved program budget

FINANCIAL ASSISTANCE ELIGIBILITY RESTRICTIONS

9. (1) Financial assistance shall not be provided by the Corporation for any commercial business or other activity that is carried out by a charitable club or other charitable organization. Ineligibility for financial assistance

(2) Financial assistance shall not be provided by the Corporation to any person for any business activity involving *Idem*

- (a) the supply of residential accommodations;
- (b) the supply of business premises to non-related persons;
- (c) the lending of money or other activities of a finance company, loan company or trust company; or
- (d) the provision of insurance within the meaning of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4,

or any other business activity excluded by the Corporation or by the Minister.

(3) The Corporation shall not, on receipt of an application for financial assistance from an employee or officer of the Corporation, give financial assistance to the employee or officer unless Code of Conduct

- (a) the Deputy Minister of the Department
 - (i) has, on the request of the employee or officer, reviewed whether the application for or the receipt of the financial assistance by the employee or officer would be contrary of the Code of Conduct, and
 - (ii) issues a written statement indicating that, in the opinion of the Deputy Minister, the application for or receipt of the financial assistance by the employee or officer would not be contrary to the Code of Conduct; and
- (b) the employee or officer provides a copy of the written statement from the Deputy Minister to the Corporation with the application of the employee or officer.

(4) An applicant for a loan or loan guarantee in an amount less than \$500,000 is not eligible for the loan or loan guarantee unless, in the opinion of the Chief Executive Officer, Ineligibility for a loan or loan guarantee less than \$500,000

- (a) the applicant has fulfilled credit assessment requirements to justify economic viability, including an assessment of the competence of management, probable market demand and competition, earning prospects, the applicant's equity and the security available with respect to any loan or loan guarantee and any potential environmental impacts;
- (b) the applicant has obtained all approvals, permits or licenses that may be required from any regulatory agency that has lawful authority to regulate the activities of the applicant's business;
- (c) the provision of the loan or loan guarantee to the applicant represents a significant economic benefit to the Province and will be in the best interests of the Province and of the community in which the business is or is to be located;
- (d) the provision of the loan or loan guarantee to the applicant will not unfairly impact on any other business already operating within the Province; and
- (e) there is no acceptable competitive alternative by which a loan or loan guarantee could be obtained by the applicant from another source on reasonable terms and conditions.
- (5) An applicant for a loan or loan guarantee in an amount equal to or exceeding \$500,000 is not eligible for the loan or loan guarantee unless, in the opinion of the Credit Management Committee,
- Ineligibility for a loan or loan guarantee equal to or more than \$500,000
- (a) the applicant has fulfilled credit assessment requirements to justify economic viability, including an assessment of the competence of management, probable market demand and competition, earning prospects, the applicant's equity and the security available with respect to any loan or loan guarantee and any potential environmental impacts;
- (b) the applicant has obtained all approvals, permits or licenses that may be required from any regulatory agency that has lawful authority to regulate the activities of the applicant's business;
- (c) the provision of the loan or loan guarantee to the applicant represents a significant economic benefit to the Province and will be in the best interests of the Province and of the community in which the business is or is to be located;
- (d) the provision of the loan or loan guarantee to the applicant will not unfairly impact on any other business already operating within the Province; and
- (e) there is no acceptable competitive alternative by which a loan or loan guarantee could be obtained by the applicant from another source on reasonable terms and conditions.

GENERAL

- 10.** In preparing an annual audit report for a fiscal year for submission to the Minister pursuant to subsection 16(2) of the Act, the Chief Executive Officer shall Annual audit report
- (a) set out in the annual audit report
- (i) the interest rates that were established by the Corporation for loans and loan guarantees,
- (ii) the number of loans outstanding to each of the strategic sectors and the economic sectors prescribed in subsection 1(4),
- (iii) the number of loan guarantees outstanding to each of the strategic sectors and the economic sectors prescribed in subsection 1(4),
- (iv) the value of loans outstanding to each of the strategic sectors and the economic sectors prescribed in subsection 1(4),
- (v) the value of loan guarantees outstanding to each of the strategic sectors and the economic sectors prescribed in subsection 1(4), and
- (vi) the list of recipients of approved grants and contributions for each program type for the fiscal year; and
- (b) address, in the annual audit report, such other matters as the Minister may request.
- 11.** Upon default in the obligations owed to the Corporation by any person, the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation in accordance with policies and procedures adopted by the Board. Power of Corporation on default

COMMENCEMENT

12. These regulations come into force on October 31, 2009.

Commencement

EXPLANATORY NOTES

SECTION 1 sets out the definitions that apply to these regulations. The section also sets out the prescribed economic sectors for the purposes of the Act.

SECTION 2 explains the process for applying to the Corporation for a loan or loan guarantee. The section also indicates that the Chief Executive Officer shall review and determine on applications for loan or loan guarantees in amounts less than \$500,000. Applications for loan or loan guarantees equal to or exceeding \$500,000 shall be reviewed and determined by the Credit Management Committee.

SECTION 3 sets out items that the Credit Management Committee or the Chief Executive Officer may consider when reviewing an application for a loan or loan guarantee. The section also provides that the Credit Management Committee or Chief Executive Officer may approve, reject, defer or otherwise deal with an application for a loan or loan guarantee.

SECTION 4 indicates that the Credit Management Committee or Chief Executive Officer may approve loan or loan guarantee applications and advance the loan or loan guarantee to the applicant where the amounts of the applicant's indebtedness to the Corporation, including the new loan or loan guarantee, do not exceed \$2,500,000. The section also indicates that the prior consent of the Lieutenant Governor in Council is needed before the Credit Management Committee or Chief Executive Officer approve and advance a loan or loan guarantee to an applicant whose indebtedness to the Corporation, including the new loan or loan guarantee exceed \$2,500,000.

SECTION 5 sets out the matters relating to the loan or loan guarantee to be decided by the Chief Executive Officer or Credit Management Committee when considering an application for a loan or loan guarantee. The section also provides that the Chief Executive Officer or Credit Management Committee may extend, defer, adjust or compromise the repayment of any loan or loan guarantee.

SECTION 6 provides that all applications to the Corporation for grants or contributions shall be reviewed by the staff of the Corporation before the application is referred to, reviewed and determined by, the Chief Executive Officer or another officer or employee of the Corporation.

SECTION 7 provides that the Chief Executive Officer shall review and determine any application to the Corporation for a grant or contribution in an amount not exceeding \$500,000. The Board may determine which employees or officers of the Corporation shall review and determine any application to the Corporation for a grant or contribution in an amount exceeding \$500,000.

SECTION 8 provides that any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended only from the specific program budget approved by the Legislative Assembly.

SECTION 9 sets out circumstances where the Corporation shall not provide financial assistance to an applicant.

SECTION 10 outlines the necessary information to be contained in the annual audit report for a fiscal year that the Chief Executive Officer submits to the Minister.

SECTION 11 provides that the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation upon the default of obligations of any person to the Corporation.

SECTION 12 provides for the commencement of these regulations.

EC2009-563

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 CANOE COVE CHRISTIAN CAMP 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 Canoe Cove Christian Camp Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal five five (0.55) acres of land in Lot 65, Queens County, Province of Prince Edward Island, being acquired from the Trustees of Canoe Cove Christian Camp of Charlottetown, Prince Edward Island.

EC2009-564

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 CANOE COVE CHRISTIAN CAMP 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 Canoe Cove Christian Camp Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately nineteen (19) acres of land in Lot 65, Queens County, Province of Prince Edward Island, being acquired from the Trustees of Canoe Cove Christian Camp of Charlottetown, 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 Canoe Cove Christian Camp Inc. and on all successors in title.

EC2009-565

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 FRIENDS OF ELMIRA RAILWAY MUSEUM 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 Friends of Elmira Railway Museum Inc. of Souris, Prince Edward Island to acquire a land holding of approximately one decimal nine (1.9) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from the Government of Canada, c/o Municipal Grants Division of Charlottetown, Prince Edward Island.

EC2009-566

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
GREENWICH INVESTMENTS 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 Greenwich Investments Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately thirty-four (34) acres of land in Lot 35, Queens County, Province of Prince Edward Island, being acquired from James Daniel MacNabb of Little York, 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.

EC2009-567

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HOWMAC FARMS 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 Howmac Farms Ltd. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately eighty-five decimal five (85.5) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Merrill E. Carew and Donna Carew, both of Greenvale, 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.

EC2009-568

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PERRY'S CONSTRUCTION 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 Perry's Construction Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately sixty-one (61) acres of land in Lot 4, Prince County, Province of Prince Edward Island, being acquired from Ann Marie H. Stemmi of Ocean Pines, Maryland.

EC2009-569

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PERRY'S CONSTRUCTION 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 Perry's Construction Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately fifty-nine decimal two six (59.26) acres of land in Lot 4, Prince County, Province of Prince Edward Island, being acquired from Ann Marie H. Stemmie of Ocean Pines, Maryland 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.

EC2009-570

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RAMSAY FARMS 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 Ramsay Farms Ltd. of Alberton, Prince Edward Island to acquire a land holding of approximately one hundred and thirty-two decimal eight six (132.86) acres of land in Lot 3, Prince County, Province of Prince Edward Island, being acquired from Pridham Bros. Ltd. of Alberton, 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.

EC2009-571

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

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Selkirk Enterprises Ltd. of Eldon, Prince Edward Island to acquire a land holding of approximately zero decimal five nine (0.59) acres of land in Lot 57, Queens County, Province of Prince Edward Island, being acquired from Louise Aalders of Coldbrook, Nova Scotia and Joyce Archibald of Kentville, Nova Scotia.

EC2009-572

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 264374, LOT 15, PRINCE COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-one (21) acres of land, being Provincial Property No. 264374 located in Lot 15, Prince County, Prince Edward Island and currently owned by Bruce Schegan of Coronado, California and John Schegan of San Diego, California.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one decimal seven five (1.75) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 20 October 2009.

EC2009-573

LENDING AGENCY ACT
ATLANTIS HEALTH SPA LTD.
AUTHORIZATION

Pursuant to subsection 2(2) of the Lending Agency Act Regulations (EC1999-406) Council authorized the Agency to advance a working capital loan of up to \$7,000,000.00 to Atlantis Health Spa Ltd. subject to terms and conditions required by the Board of Directors of the P.E.I. Lending Agency.

EC2009-574

PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENT

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointment was made:

Honourable Valerie Docherty to be Acting Minister of Education and Early Childhood Development and Acting Attorney General commencing on the 18th day of October 2009, and continuing for the duration of the absence from the Province of Honourable Gerard Greenan.