

EC2011-129**COMMUNITY DEVELOPMENT EQUITY TAX CREDIT ACT
DECLARATION RE**

Under authority of section 20 of the *Community Development Equity Tax Credit Act* Stats. P.E.I. 2010, c. 6 Council ordered that a Proclamation do issue proclaiming the said "Community Development Equity Tax Credit Act" to come into force effective 4 July 2011.

EC2011-130**COMMUNITY DEVELOPMENT EQUITY TAX CREDIT ACT
GENERAL REGULATIONS**

Pursuant to section 17 of the *Community Development Equity Tax Credit Act* R.S.P.E.I. 1988, Cap. C-13.01, Council made the following regulations:

- 1. In these regulations**
- | | |
|---|--------------------------|
| | Definitions |
| (a) "Act" means the <i>Community Development Equity Tax Credit Act</i> R.S.P.E.I. 1988, Cap. C-13.01; | Act |
| (b) "defined community" means a group of persons situated within the Province that may be reasonably distinguished by common geographic, economic or cultural characteristics; | defined community |
| (c) "eligible business entity" means a business entity | eligible business entity |
| (i) that is | |
| (A) a company or an association, and | |
| (B) a taxable corporation, and | |
| (ii) that meets the criteria set out in subsection 5(2) of the Act applicable to | |
| (A) a taxable corporation, if the business entity is a company, or | |
| (B) an association, if the business entity is an association; | |
| (d) "individual" does not include a trust except a trust governed by a registered retirement savings plan where | individual |
| (i) the individual makes contributions to the trust and those contributions, and no other funds, can reasonably be considered to have been used by the trust to acquire or subscribe for the share, and | |
| (ii) the annuitant under the plan is the individual or a spouse of the individual; | |
| (e) "voting share" means, where that share refers to an association, a share that would, if it were the only share owned by the member, entitle the member to a vote in the affairs of the association. | voting share |
- 2. For the purposes of clause 1(e) of the Act, a community economic-development plan shall contain or make provisions for at least the following:**
- | | |
|---|-------------------------------------|
| | Community economic-development plan |
| (a) a mission statement outlining the economic-development strategy of the community economic-development business and the defined community it intends to serve; | |
| (b) in the case of a company, | |

- (i) the amount of equity capital to be raised under the plan, and
- (ii) that the shares issued under the plan
 - (A) are equity shares,
 - (B) are of only one class without series and have never previously been issued,
 - (C) will only be issued from the treasury of the corporation on being fully paid for in cash,
 - (D) will, immediately following their issue, be registered in the name of each shareholder that purchases them or in the name of a trustee, if the shares are held by the trustee for the benefit of a shareholder, and
 - (E) do not have any rights or restrictions that are prohibited by the Act or these regulations;
- (c) in the case of an association,
 - (i) the amount of equity capital to be raised under the plan, and
 - (ii) that the shares issued under the plan,
 - (A) are membership shares any of which would entitle the member to vote in the affairs of the association if it were the only share owned by the member, and
 - (B) do not have any rights or restrictions that may be prohibited by the Act or these regulations;
- (d) a statement that, if a share certificate is not required to be issued to each new shareholder under the plan, an investment confirmation will be issued to each new shareholder within 30 days of share registration, setting out at least the following:
 - (i) the number of shares acquired,
 - (ii) the price paid per share,
 - (iii) the total amount paid,
 - (iv) the procedure for obtaining the tax credit receipt pursuant to the Act.

3. For the purposes of clause 2(1)(d) of the Act, an application shall contain the following information:

Application for registration, content

- (a) the amount of equity to be raised by the specified issue;
- (b) the proposed use of funds raised by the specified issue;
- (c) a summary of the major business activities of the company or association, including major revenue sources;
- (d) a listing of the Directors of the company or association including their names, addresses and background information.

4. For the purposes of clause 2(2)(e) of the Act, the prescribed conditions for the registration for a community economic-development business are that the company or association

Registration, prescribed conditions

- (a) has a constitution that
 - (i) restricts the business of the company or association to
 - (A) operating or carrying on business that is an active business or to evaluating and making eligible investments in one or more active businesses based on a set of criteria defined by the company or association,
 - (B) providing information to and educating investors in the defined community as to the role of capital in business, the value of equity investments to the defined community and the rights and obligations of companies, associations and shareholders,
 - (C) investing the capital raised, to which a tax credit pursuant to the Act has been issued, in eligible business entities located within the defined community,
 - (D) exercising ownership rights with respect to the eligible investments made by the company or association, and
 - (E) providing the administrative support necessary to carry on the business of the company or association, including preparation of annual reports and the holding of meetings of shareholders and the Board of Directors,
 - (ii) describes the defined community for which the company or association was formed, and
 - (iii) makes provisions for annual general meetings of the shareholders;
- (b) has a Board of Directors, elected by the shareholders at a general meeting of the shareholders, consisting of not less than six

- individuals who are residents of the defined community in which the company or association carries on business; and
(c) is not a non-profit, charitable or non-taxable company or association.
- 5.** For the purposes of clause 3(e) of the Act, an association shall carry on business or operations in such activity or activities that
- Association to be a taxable corporation and to carry on active business
- (a) the association is a taxable corporation; and
(b) all or substantially all of the fair market value of the property of the association is attributable to property used in an active business or shares of a body corporate where all or substantially all of the fair market value of the property of that body corporate is attributable to property used in an active business.
- 6.** (1) For purposes of clause 4(1)(f) of the Act, the Minister may revoke a certificate of registration of a community economic-development business where the community economic-development business
- Revocation of a certificate of registration
- (a) has not invested
- (i) at least 40 per cent of the equity capital raised in the Province in an eligible business entity within 12 months after the closing date of a specified issue,
(ii) at least 60 per cent of the equity capital raised in the Province in an eligible business entity within 24 months after the closing date of a specified issue, or
(iii) at least 80 per cent of the equity capital raised in the Province in an eligible business entity within 36 months after the closing date of a specified issue;
- (b) has purchased, redeemed or otherwise acquired shares issued by it if
- (i) without the prior written approval of the Minister, the cost of the purchase, redemption or acquisition exceeds 20 per cent of the corporation's retained earnings, or
(ii) the purchase, redemption or acquisition results in the corporation being unable to pay its liabilities as they become due;
(c) fails to comply with the requirements of the provisions of the *Securities Act* R.S.P.E.I. 1988, Cap. S-31, its regulations or its rules;
(d) fails to provide the applicable information or returns as provided in clause 10(c) or (d).
- (2) In lieu of revoking a certificate under subsection (1), the Minister may, if a community economic-development business does not meet the requirements of clause 1(a), assess a penalty equal to 1/6 of any shortfall unless imposition of the penalty would result in the bankruptcy of the community economic-development business.
- Penalty
- 7.** (1) For the purposes of clause 5(2)(d) of the Act, the total assets of an eligible business at the end of a taxation year as shown in its financial statements, means the aggregate of the following amounts shown in those financial statements:
- Total assets of an eligible business
- (a) the amounts which are the net carrying costs of assets, other than assets the cost of which is depreciated or amortized; and
(b) the amounts which are the undepreciated cost and unamortized cost of those assets, the cost of which is depreciated or amortized.
- (2) There shall be no duplication in calculating the amounts referred to in subsection (1).
- No duplication of amounts included in calculation
- (3) If any portion of the appraisal surplus in respect of any assets shown in the financial statements has been depreciated or amortized by the corporation, the amount referred to in subsection (1) shall be the amount of the appraisal surplus in respect of the asset, less the amount of all depreciation or amortization taken in respect of such appraisal surplus.
- Appraisal surplus
- 8.** For the purposes of clause 5(2)(g) of the Act, an association shall carry on business or operations in such an activity or activities that the association is a taxable corporation.
- Association to be a taxable corporation
- 9.** For the purposes of subsection 6(1) of the Act, a community economic-development business shall make an application for a tax credit certificate, on or before the 10th day of the month following the month in which a share was issued, as part of a specified issue for which the tax credit is being requested.
- Application for tax credit certificate

- 10.** (1) For the purpose of clause 7(2)(b) of the Act, Repayment
- (a) no repayment of the amount referred to in clause 7(2)(a) of the Act is required where the disposition is
- (i) a result of the death of the person who held the share,
 - (ii) to a registered retirement savings plan or a registered retirement income fund pursuant to the *Income Tax Act* (Canada),
 - (iii) a result of the company or association that issued the share ceasing to conduct business because of, in the opinion of the Minister, the financial failure of the company or association, or
 - (iv) a result of an exchange of a share of one series in a class of shares for a share of a different series in the same class of shares, if each series of shares within the class meets the eligibility requirements of the Act; and
- (b) where the disposition is a result of the wind-up or dissolution of the company or association that issued the share for reasons other than as provided in subclause (a)(iii), repayment to the Minister shall be in the amount that is determined by multiplying the total amount of the tax credits received in respect of the shares by 60 minus the number of months the shares have been held, divided by 60 months.
- (2) A share acquired in accordance with subclause (1)(a)(iv) is deemed to have been acquired on the date on which the original share that was held before the exchange was acquired. Date share deemed acquired
- (3) Upon application, the Minister may waive or prorate repayment of an amount referred to in subsection 7(2) of the Act. Waiving or prorating repayment
- 11.** For the purposes of section 9 of the Act, the register must contain the name, address and registration certificate number of each company or association registered pursuant to the Act. Register, contents
- 12.** For the purposes of section 10 of the Act, the annual return shall be filed on a form acceptable to the Minister and contain at least the following information: Annual return, format contents
- (a) a copy of all forms and schedules required to be filed for the purposes of the *Income Tax Act* (Canada), including financial statements required by that Act;
 - (b) a list of all individuals who have made an investment in the company or association, as the case may be, in the taxation year and such list shall include the individual's name, social insurance number, address, amount of investment made and the date of the investment;
 - (c) details of investments, including financial statements of investees, made by a community economic-development business sufficient to determine compliance with clause 6(1)(a); and
 - (d) details of any purchase, redemption or acquisition of its shares by a community economic-development business sufficient to determine compliance with clause 6(1)(b).
- 13. These regulations come into force on July 4, 2011.**

EXPLANATORY NOTES

SECTION 1 sets out the definitions for words and terms used in these regulations.

SECTION 2 explains what details a community economic-development plan must contain.

SECTION 3 explains what details must be included in an application for registration as a community economic-development business.

SECTION 4 sets out the prescribed conditions for registering an applicant as a community economic-development business.

SECTION 5 clarifies when an association is eligible for registration as a community economic-development business.

SECTION 6 sets out the prescribed events that permit the Minister to revoke a certificate of registration.

SECTION 7 specifies the calculation of the value of assets of an eligible business.

SECTION 8 clarifies that associations are taxable corporations.

SECTION 9 specifies the time within which an application must be made to the Minister for a tax-credit certificate.

SECTION 10 explains the amount of the repayment that must be made to the Minister by a person who is not entitled to a tax credit.

SECTION 11 sets out the required contents of the register.

SECTION 12 sets out the required contents of an annual return.

SECTION 13 provides for the commencement of these regulations.

EC2011-131

ENERGY CORPORATION ACT PRINCE EDWARD ISLAND ENERGY CORPORATION AUTHORITY TO BORROW

Pursuant to subsection 8(2) of the *Energy Corporation Act* R.S.P.E.I. 1988, Cap. E-7, Council authorized the Prince Edward Island Energy Corporation to borrow from the Minister of Finance, Energy and Municipal Affairs to provide funding to Maritime Electric Company Limited as follows: (i) up to twelve million, five hundred thousand dollars (\$12,500,000.00) to cover costs related to decommissioning the Dalhousie Thermal Generating Station; and (ii) up to two million, three hundred and fifty-five thousand dollars (\$2,355,000.00) per month from March 2011 through to September 2012, for operating and maintenance commitments related to refurbishment of Point LePreau Nuclear Generating Station and replacement energy costs during the period of refurbishment.

EC2011-132

ENERGY CORPORATION ACT PRINCE EDWARD ISLAND ENERGY CORPORATION AUTHORITY TO BORROW

Pursuant to subsection 8(2) of the *Energy Corporation Act* R.S.P.E.I. 1988, Cap. E-7, Council authorized the Prince Edward Island Energy Corporation to borrow from the Minister of Finance and Municipal Affairs, the amount of twelve million, six hundred thousand dollars (\$12,600,000.00) for loan to the Wind Energy Institute of Canada to assist in financing a wind development park in the West Prince area.

EC2011-133

**FINANCIAL ADMINISTRATION ACT
CERTAIN ACCOUNTS RECEIVABLE
UNDER THE
REAL PROPERTY TAX ACT
AUTHORITY TO CANCEL**

Pursuant to subsection 26(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the cancellation of certain accounts receivable under the *Real Property Tax Act* totalling \$309,969.54 (including interest to 31 March 2011) as follows:

**SCHEDULE
(REAL PROPERTY TAX ACT, CANCELLATIONS)**

ACCOUNT OF	AMOUNT CANCELLED
100875 PEI Inc.	\$ 73,129.51
Annand, Edgar and Lesley	3,930.92
Apex Homes (PEI) Ltd.	310.16
Arsenault, Michael and Gesele	6,311.06
Bennett, Leo	3,226.50
Benson, Donald	2.52
Butler, Norma Rose Marie	685.82
Cabinetmaster Architectural Woodwork Ltd.	83,382.07
Cairns, Joan	43.32
Cameron, Justin and Leona	150.11
Cameron, Michael David	3,836.70
Campbell, Christopher Gary	2,708.34
Campbell, Gertrude Elizabeth	258.65
Campbell, Justin and Angela	37.58
Champion, James A.	3,193.28
Clark, James Colin	226.01
Compton, Duane A.R.	827.13
Constable, Harold	2,986.56
Coughlin, Roger	220.63
Crockett, Irene	4,266.96
Cudmore, Andrew and Stacey	300.70
Dixon, Mark	59.14
Doucette, Diana Marie	1,742.41
Drover, Valerie Marie	2,882.84
Farrell, J. Ernest and Sue-Ann	171.84
Fiddlin Lobster	1,631.77
Fraser, Janet Lee	2,816.14
Gallant, Chad and Raquel	185.47
Gallant, Estate of Maurice	1,795.54
Gallant, Trent	2,112.16
Gaudet, Alan Leslie	813.44
Giddings, Kenneth	4,578.83
Greencorn, Jody and Trudy	212.46
Gregory, Everett	5,717.26
Harper, Hensley and Luanne	2,532.13
Hartz, Augustus Melvin	4,307.58
Higginbotham, Sterling	20.70
Lockhart, Kim Lee Ann	380.45
MacDonald, Leonard J.	95.72
MacDonald, Lowell	1,533.30
MacEachern, Tammy Elizabeth	2,299.02
MacInnis, Trevor and Darlene	116.88
MacLean, Harry Melvin	1,770.60
MacLellan, Justin Leigh	1,291.39
MacPhail, Stephan	726.59
MacPhee, Bernard	610.20

Malcolm, Ian and Katherine Elaine	1,598.81
Mallard, Terry S.	36.58
McCarthy, John Lorne	1,359.48
McEachern, Robert	1,062.27
McGowan Tractor & Equipment Ltd.	9,242.64
McInnis, Wendy Darlene	818.78
Milligan, Albert Lorne	2,113.84
Mills, David and Stacey	6,525.76
Morrell, Wade and Kimberly	348.11
Murphy, Todd Christopher	1,172.22
Noye, Wayne Adolf	269.30
Percy, James and Livermore, Sandra Lynn	4,568.05
Phillips, Leland Dwight	2,487.90
Pridham, Alton L.	1,321.42
Randall, Robert and Bernice	1,016.07
Richards, Gary	255.74
Robertson, Doris Margaret Jean	191.72
Robertson, Milford	1,933.16
Roche, Michael Gerard and Lea Mary	1,132.68
Sanderson, Carl	875.33
Schurman Farm Ltd.	935.55
Shaw, Raymond and Karen	3,746.55
Sherren, Michael Allison	1,415.14
Sheppard, Brendon Heath and Wilt, Glenda Marie	154.80
Simpson, Rachelle	1,069.03
Simpson, Timothy	923.65
Singleton, Veronica Stacy Marie	2,389.69
Starlite Holdings Inc.	28,712.65
Tremere, Kevin	490.21
Toews, Allison and Regan	1,946.51
Travellers Rest Mini Homes Ltd.	3,210.29
Watts, Gordon	117.54
Watts, Samantha Jean	<u>3,036.76</u>
Total	<u>\$309,969.54</u>

EC2011-134

**FINANCIAL ADMINISTRATION ACT
CERTAIN ACCOUNTS RECEIVABLE
UNDER THE
REVENUE TAX ACT
AUTHORITY TO WRITE-OFF**

Pursuant to subsection 26.1(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the write-off of certain accounts receivable under the *Revenue Tax Act* totalling \$141,139.72 (including interest to 31 March 2011) as follows:

**SCHEDULE
(REVENUE TAX ACT, WRITE-OFFS)**

ACCOUNT OF	AMOUNT CANCELLED
Bridges, Quentin Tyne Valley	\$ 1,034.24
Cassey, Donna sometimes carrying on business under the style name The Cowhide Café Miscouche	2,684.20
Collins, David M. sometimes carrying on business under the style name The Health Associates Centre of Complementary Medicine & Acupuncture Charlottetown	1,902.54

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Compton, Todd Kensington	271.06
Curtis, Shawn sometimes carrying on business under the style name Vibe Health & Wellness Summerside	8,657.44
Gorman Restaurant Equipment Inc. Moncton, NB	1,095.42
Green, Warren Kevin Cardigan	1,348.23
Hambly, John Freetown	345.58
Holder Card and Gift Shop Charlottetown	2,482.02
Jorgensen, Dana Breadalbane	1,085.19
Kennedy, Rose Marie sometimes carrying on business under the style name Rose's Home Baking Charlottetown	454.69
Kesea Management Ltd. sometimes carrying on business under the style name The Millstream Barn Brackley Beach	3,462.15
L.T.L Services Inc. Cardigan	8,720.05
Leonard, Kevin sometimes carrying on business under the style name ACC Business Services & Bookkeeping Montague	312.25
MacDonald, Keith sometimes carrying on business under the style name J & M Repair Murray River	15,816.01
MacKinnon, Brian Slemon Park	379.20
Meraw, Rachel sometimes carrying on business under the style name All Occasion Florist Charlottetown	17,811.86
Nuesch, Sabine sometimes carrying on business under the style name Victoria's Cool Breeze Victoria	6,658.37
Sheidow, Marcia sometimes carrying on business under the style name MJ Ventures Summerside	51,362.74
Smooth Cycle Inc. Charlottetown	13,040.21
Thompson, Jennifer sometimes carrying on business under the style name Kensington Clothing Company 2005 Kensington	669.86
Zapp, Kim Cora Belle River	<u>1,546.41</u>
Total	<u>\$141,139.72</u>

EC2011-135

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2010/11)
DEPARTMENT OF INNOVATION AND ADVANCED LEARNING

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 payment out of the Operating Fund for the Department of Innovation and Advanced Learning as follows:

Account Class	Account Name	Amount
	SKILLS PEI	
	Skills PEI	
0761-04302	Labour Market Agreement	\$2,474,600.00
	TRAINING AND POST SECONDARY EDUCATION	
	Post Secondary Grants	
0441-04114	Holland College Capital Assistance	<u>878,600.00</u>
		<u>\$3,353,200.00</u>

Further, Council noted that \$1,214,200.00 of this amount will be offset by revenue from the federal government under the terms of the Labour Market Development Agreement.

EC2011-136

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEPHEN DIEHLMANN AND PATRICIA DIEHLMANN
(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 Stephen Diehlmann and Patricia Diehlmann, both of Deer Isle, Maine to acquire a land holding of approximately forty-two (42) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from the Royal Bank of Canada of Charlottetown, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 617944, 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.

EC2011-137

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JOHAN MIDDELKAMP
(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 Johan Middelkamp of Zeewolde, Netherlands to acquire an interest in a land holding of approximately one hundred and forty-four (144) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from MacRae Farms Inc. of Charlottetown, Prince Edward Island.

EC2011-138

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JOHAN MIDDELKAMP
(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 Johan Middelkamp of Zeewolde, Netherlands to acquire an interest in a land holding of approximately nine (9) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from Jeffrey A. MacRae of Greenfield, Prince Edward Island.

EC2011-139

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101449 P.E.I. 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 101449 P.E.I. Inc. of York, Prince Edward Island to acquire a land holding of approximately zero decimal eight nine (0.89) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Arcadia Sites Limited of Saint John, New Brunswick.

EC2011-140

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DIXON'S BACKHOEING (2007) 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 Dixon's Backhoeing (2007) Ltd. of Panmure Island, Prince Edward Island to acquire a land holding of approximately six (6) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from the Estate of Eileen Johnston of Montague, Prince Edward Island.

EC2011-141

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DUNROVIN 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 Dunrovin Inc. of Victoria, Prince Edward Island to acquire a land holding of approximately zero decimal seven five (0.75) acres of land in Lot 29, Queens County, Province of Prince Edward Island, being acquired from Donald Wood of Victoria, Prince Edward Island.

EC2011-142

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KINKORA AND AREA BUSINESS COMMISSION 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 the Kinkora and Area Business Commission Inc. of Kinkora, Prince Edward Island to acquire a land holding of approximately fifteen (15) acres of land in Lot 27, Prince County, Province of Prince Edward Island, being acquired from Patrick Johnston and Kim Johnston, both of Kinkora, Prince Edward Island.

EC2011-143

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MGM INVESTMENTS INC.
(DENIAL)

Council, having under consideration an application (#C5104) for acquisition of a land holding under authority of section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to MGM Investments Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately thirty-four decimal two eight (34.28) acres of land in Lot 19, Prince County, Province of Prince Edward Island, currently owned by M. Curtis Crozier and Robert Lea Crozier, both of Kensington, Prince Edward Island.

EC2011-144

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MACGUIGAN HOLDINGS 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 MacGuigan Holdings Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately three decimal zero four (3.04) acres of land at Charlottetown,

Queens County, Province of Prince Edward Island, being acquired from Brett Realty Ltd. of Saint John, New Brunswick.

EC2011-145

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MIDDELKAMP AGRO BV
(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 Middelkamp Agro BV of Zeewolde, Netherlands to acquire a land holding of approximately one hundred and forty-four (144) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from MacRae Farms Inc. of Charlottetown, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property Nos. 686931 and 782730, 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.

EC2011-146

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MIDDELKAMP AGRO BV
(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 Middelkamp Agro BV of Zeewolde, Netherlands to acquire a land holding of approximately nine (9) acres of land in Lots 49 and 50, Queens County, Province of Prince Edward Island, being acquired from Jeffrey A. MacRae of Greenfield, 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.

EC2011-147

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
QUEENS COUNTY RESIDENTIAL SERVICES 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 Queens County Residential Services Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately three decimal two three (3.23) acres of land in Lot 33, Queens County, Province of Prince Edward Island, being acquired from Richard Boyd Vessey and Donna Jean (Smith) Vessey, both of Brackley Beach, Prince Edward Island.

EC2011-148LENDING AGENCY ACT
D.P. MURPHY INC.
AUTHORIZATION

Pursuant to subsection 2(2) of the *Lending Agency Act* Regulations (EC1999-406) Council authorized the Agency to permit D.P. Murphy Inc. to assume responsibility for loans of Stanhope Beach Inn Limited in the amount of two hundred and sixteen thousand dollars (\$216,000.00), on terms and conditions acceptable to the Board of Directors of the P.E.I. Lending Agency.

EC2011-149NATURAL PRODUCTS MARKETING ACT
PRINCE EDWARD ISLAND MARKETING COUNCIL
APPOINTMENT

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

NAME	TERM OF APPOINTMENT
as member	
Michael Carmichael	29 March 2011
Albany	to
(vice Scott Lewis, resigned)	29 March 2014

EC2011-150PROVINCIAL DEBENTURE ISSUE
MAXIMUM AGGREGATE PRINCIPAL AMOUNT \$100,000,000.00
STATEMENT
RECEIVED

Pursuant to subsection 49(6) of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, Council received the following details from the Minister of Finance and Municipal Affairs as to the sums of money raised pursuant to Order-in-Council EC2011-127 dated 15 March 2011:

Principal Amount:	\$100,000,000.00
Interest Rate:	4.60%
Date of Issue:	16 March 2011
Maturity Date:	19 May 2041

EC2011-151**PROVINCIAL DEBENTURE ISSUES TO CANADA PENSION PLAN
VARIOUS, MONTHLY
TOTTALLING \$9,794,000.00**

The Executive Council having under consideration the matter of issuing Provincial Debentures:

WHEREAS by virtue of the *Loan Act* 2010, Stats. P.E.I. 2010, c. 22 (the “*Loan Act* 2010”) and the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, (the “*Financial Administration Act*”), the Lieutenant Governor in Council is authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the purposes mentioned in the said Acts, inter alia, for discharging the cost of carrying on public works authorized by the Legislature and the payment of any indebtedness of the Province, provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of these Acts, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole the sum of the *Loan Act* 2010 - One Hundred Million Dollars (\$100,000,000.00); and

WHEREAS an amount of Seventy-Six Million, Seven Hundred and Sixty-Eight Thousand, Five Hundred Dollars (\$76,768,500.00) authorized by Order-in-Council No. EC2011-127, has been borrowed under the authority of the *Loan Act* 2010 and it is deemed expedient to borrow under the said authority, by the rollover and reissue of new five (5) to thirty (30) year Debentures on a monthly basis, in varying amounts, and at various rates of interest to the Canada Pension Plan Investment Board for the purpose of discharging the cost of carrying on public works authorized by the Legislature and the payment, in part, of certain indebtedness of the Province;

THE EXECUTIVE COUNCIL THEREFORE ADVISES THAT under the authority of and pursuant to the provisions of the *Loan Act* 2010, and the *Financial Administration Act*, the Province may borrow by the issue and sale of Debentures of the Province in the principal amount of Nine Million, Seven Hundred and Ninety-Four Thousand Dollars (\$9,794,000.00) over the twelve months commencing April 1, 2011 until March 31, 2012 in various amounts, at various interest rates, with interest payments being payable every six months from the date of issuance.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Debentures will be represented by certificates issued directly to the Canada Pension Plan Investment Board on a monthly basis.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the principal amounts totalling Nine Million, Seven Hundred and Ninety-Four Thousand Dollars (\$9,794,000.00) of the Debentures, the issued whereof is hereby provided for, is declared to be necessary to realize the net sum required to be raised by way of loan pursuant to the said *Loan Act* 2010 and the *Financial Administration Act*.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the said interest shall be payable on the new debentures semi-annually on the issue dates and six months later for each individual debenture and that both the principal and interest payments on each individual debenture shall be payable in lawful money of Canada, in the manner provided in the conditions thereon. The first such interest payment shall be made six months from the date of initial issue.

THE EXECUTIVE COUNCIL FURTHER ADVISES that the said debenture be in substantially the following form:

No CPP-249-PE11 \$2,451,000.00

Province of Prince Edward Island

THE PROVINCE OF PRINCE EDWARD ISLAND will pay to the Canada Pension Plan Investment Board, on the 2nd day of April 2041, on presentation and surrender of this Debenture, the principal sum of Two Million, Four Hundred & Fifty-One Thousand Dollars in lawful money of Canada, and will pay interest on the said principal sum, in like money from the date of this Debenture until the day of maturity at the rate of Five percent (5.00%) per annum payable semi-annually on the 2nd day of April and on the 2nd day of October in each year. Such principal and interest are payable in the City of Toronto.

This debenture is issued pursuant to, and governed by, the letter agreement dated July 1, 2005 attached hereto, the terms of which letter as they relate to this debenture being hereby incorporated by reference and thereby forming part hereof.

The principal moneys secured by this Debenture are raised upon the credit of the Operating Fund of Prince Edward Island and the said principal moneys and the interest thereon are hereby charged on and shall be paid out of the said Fund.

This Debenture is not negotiable or transferable and is assignable only to a wholly-owned subsidiary of the Canada Pension Plan Investment Board.

This Debenture is issued under authority of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, as amended, and an order of the Lieutenant Governor in Council of the Province of Prince Edward Island.

DATED AT Charlottetown in the Province of Prince Edward Island this 2nd day of April, 2011.

SIGNED on behalf of the
Province of Prince Edward Island

K. Scott Stevens
Comptroller

Doug Clow
Deputy Minister of Finance and Municipal Affairs

EC2011-152**ROLLOVER OF PROVINCIAL DEBENTURE ISSUES**

Further to the immediately preceding Order-in-Council No. EC2011-151 dated this date and entitled "Provincial Debenture Issues to Canada Pension Plan" in the matter of the issuance of Nine Million, Seven Hundred and Ninety-Four Thousand Dollars (\$9,794,000.00) in the form of four Province of Prince Edward Island Debentures in the amounts and at the rates (only insofar as they are now known) listed below, Council agreed to reissue/rollover said debentures.

Maturity Date	Principal	Original Interest Rate	Forecast Interest Rate	Projected Annual Interest Savings
02-Apr-11	\$2,451,000.00	10.01%	5.00%	\$122,795.10
01-May-11	\$2,581,000.00	9.81%	5.00%	\$124,146.10
03-Jun-11	\$2,860,000.00	9.86%	5.00%	\$138,996.00
02-Jul-11	\$1,902,000.00	10.04%	5.00%	\$ 95,860.80
01-Aug-11	\$0.00	0.00%	0.00%	\$0.00
01-Sep-11	\$0.00	0.00%	0.00%	\$0.00
01-Oct-11	\$0.00	0.00%	0.00%	\$0.00
01-Nov-11	\$0.00	0.00%	0.00%	\$0.00
01-Dec-11	\$0.00	0.00%	0.00%	\$0.00
01-Jan-12	\$0.00	0.00%	0.00%	\$0.00
01-Feb-12	\$0.00	0.00%	0.00%	\$0.00
01-Mar-12	\$0.00	0.00%	0.00%	\$0.00
	<u>\$9,794,000.00</u>			<u>\$481,798.00</u>

Delivery of the above-noted debentures will be against delivery of the maturing debentures by the Canada Pension Plan. All future payments of principal and interest will be made at the Canada Pension Plan offices in Toronto either electronically or in the form of cheques in lawful money of Canada.

EC2011-153

**STUDENT FINANCIAL ASSISTANCE ACT
GENERAL REGULATIONS
INTEREST RATES APPLICABLE
TO STUDENT LOANS**

Pursuant to section 38 of the *Student Financial Assistance Act* General Regulations (EC709/10), Council determined that the following interest rates shall be applicable to student loans:

Fixed Interest Rate:	Bank of Canada Prime plus 4%
Floating Interest Rate:	Bank of Canada Prime plus 2%