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3rd SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
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(Bill No. 49)

Appeals, Land and Regulatory Commission Act

Hon. Robin Croucher
Minister of Education and Early Years

GOVERNMENT BILL

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AMENDMENTS

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BILL NUMBER: **49**

PAGE No. 2 of 28 PAGES

TITLE: **Appeals, Land and Regulatory Commission Act**

#	SECTION	AMENDMENT	DATE

NOTED:

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COMMITTEE CLERK

CERTIFIED CORRECT:

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CHAIR, IN COMMITTEE

APPEALS, LAND AND REGULATORY COMMISSION ACT

BILL NO. 49 **2026**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

(1) In this Act,

(a) "**advisory committee**" means the Appointment Advisory Committee established under section 12;

(b) "**Board**" means the Energy and Utilities Board or the Land and Appeals Board, as the case may be;

(c) "**Commission**" means the Appeals, Land and Regulatory Commission;

(d) "**commissioner**" means a full-time or part-time member of the Commission;

(e) "**court**", other than in section 19, means the Supreme Court, and includes a judge of the Supreme Court;

(f) "**Department**" means the Department of Education and Early Years;

(g) "**Energy and Utilities Board**" means the Energy and Utilities Board established under subsection 3(2);

(h) "**Executive Committee**" means the persons appointed under subsection 5(3);

(i) "**Island Waste Management Corporation**" means the Island Waste Management Corporation established by an order made under section 18 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9;

(j) "**Land and Appeals Board**" means the Land and Appeals Board established under subsection 3(2);

(k) "**Minister**" means the Minister of Education and Early Years;

(l) "**renewable energy generator**" means a renewable energy generator as defined in the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1;

(m) "**utility**" means any person, and the lessees, trustees, liquidators and receivers of any person, that owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling, any plant or equipment

(i) for the production, transmission, distribution or furnishing of electrical energy, or

(ii) for the provision of water or sewerage or water and sewerage service,

either directly or indirectly, to or for the public.

Reference to Commission

(2) A reference to the Commission includes, unless otherwise specified, reference to the Energy and Utilities Board or the Land and Appeals Board, as the context requires, or to both Boards.

2. Administration by Minister

(1) The Minister is responsible for the administration of this Act.

Memorandum of agreement

(2) The Minister and the chairperson of the Commission shall enter into a memorandum of agreement respecting

(a) the administrative role of the Department with respect to this Act and the operations of the Commission;

(b) the independence of the Commission; and

(c) other matters that are relevant to the administration of this Act.

Public access to memorandum of agreement

(3) The Commission shall make the memorandum of agreement accessible to the public.

PART 2 - COMMISSION

3. Commission continued

(1) The Prince Edward Island Regulatory and Appeals Commission is hereby continued as a corporation to be called the Appeals, Land and Regulatory Commission.

Composition of Commission

(2) The Commission shall be composed of two divisions, as follows:

(a) the Land and Appeals Board;

(b) the Energy and Utilities Board.

Jurisdiction of commissioners

(3) The chairperson of the Commission may assign commissioners to ordinarily preside and exercise the jurisdiction of each Board.

Exception

(4) Despite subsection (3), any commissioner may preside as a member of either Board, subject to any condition on the commissioner's appointment that limits the commissioner's jurisdiction to certain types of matters.

Appointment

(5) The Lieutenant Governor in Council shall appoint commissioners in accordance with Part 7.

Continuation of commissioners

(6) For greater certainty, the continuation of the Commission as the Appeals, Land and Regulatory Commission has no effect on the validity or the term of appointment of the commissioners or the employment of the Commission's staff.

4. Commissioners

The Commission comprises

(a) a full-time commissioner who shall be the chairperson and chief executive officer of the Commission and the chairperson of each Board;

(b) four full-time commissioners, as follows:

(i) two commissioners who shall be assigned to ordinarily preside and exercise the jurisdiction of the Land and Appeals Board, including a vice-chairperson of that Board, and

(ii) two commissioners who shall be assigned to ordinarily preside and exercise the jurisdiction of the Energy and Utilities Board, including a vice-chairperson of that Board; and

(c) not more than three part-time commissioners.

5. Term of office

(1) Subject to removal from office for just cause, the term of office for a commissioner shall be up to five years, as determined by the Lieutenant Governor in Council at the time of the appointment.

Reappointment

(2) A commissioner is eligible for reappointment for further terms of up to five years each, but a commissioner who has been appointed for 15 consecutive years shall not be reappointed.

Executive Committee

(3) The chairperson of the Commissioner shall appoint an Executive Committee of the Commission consisting of two or more commissioners, one of whom may be the chairperson of the Commission.

Panel of Board

(4) A panel of a Board shall comprise at least one full-time commissioner.

Decision or order of Commission

(5) A decision or order made by each Board, or a panel of a Board, is a decision or order of the Commission.

Functions of Executive Committee

(6) The Executive Committee may establish forms to be used by each Board and make rules governing administration and general procedure, including

(a) authorizing the establishment of Board panels to exercise the powers of the Board;

(b) the imposition of time constraints on parties appearing before a Board, where time constraints are in the interest of speedy resolution of matters before the Board; and

(c) practice and procedure at hearings.

Authority of Board

(7) Where any matter is before either Board, the Board may give directions to the parties with respect to the conduct of the hearing.

Control and direction by chairperson

(8) The chairperson of the Commission has control and direction over the duties to be performed by the Executive Committee, the other commissioners and the staff of the Commission.

Authority of commissioner

(9) A commissioner may, for the purpose of discharging the commissioner's functions,

(a) administer oaths;

(b) certify to official acts; and

(c) by subpoena, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and other evidence.

Refusal is contempt

(10) A refusal of a witness to testify or a failure to respond to a subpoena or other process of the Commission is a contempt and the court may, on application of the Commission or any commissioner, compel obedience for contempt in the same manner as for contempt of the court.

Oath of office

(11) Before entering on the discharge of their duties, each of the commissioners shall be sworn to the faithful discharge of those duties before the court.

Chairperson as decider

(12) In the case of equal division of opinion on the part of the commissioners, the decision of the chairperson of the Commission or the commissioner appointed by the chairperson to preside in any matter before the Commission shall prevail.

6. Rules respecting conflicts of interest

(1) The Commission shall, within one year after the date this section comes into force, make rules governing the obligations of commissioners respecting conflicts of interest.

Publication

(2) The Commission shall make the rules referred to in subsection (1) available to the public.

Required disclosure

(3) Every Commissioner shall file with the Commission a private disclosure statement, in the form required by the Commission,

(a) within 60 days of being appointed as a commissioner; and

(b) subsequently, once in every following calendar year on or after the date required by the rules made by the Commission.

Transitional requirement – disclosure statements

(4) A commissioner whose appointment is continued under section 33 shall file the disclosure statement required by subsection (3) within 60 days after this subsection comes into force, and subsequently in accordance with clause (3)(b).

Conflict of interest

(5) A commissioner is in a conflict of interest where the commissioner

(a) makes use of privileged information for personal gain or the gain of others; or

(b) accepts any remuneration, fee, gift, gratuity or other benefit which could reasonably be considered to influence the commissioner's decision in respect of the performance of the commissioner's functions.

Conflicts

(6) A commissioner who serves on the Energy and Utilities Board shall not be directly or indirectly employed by or hold an interest in a utility or be interested in a share, stock, bond, mortgage security or contract of a utility.

Voluntary disqualification

(7) Where a commissioner who serves on the Energy and Utilities Board voluntarily becomes interested under subsection (6), the commissioner's office shall be deemed to be vacant and the Commissioner shall resign within 14 days.

Involuntary disqualification

(8) Where a commissioner becomes interested under subsection (6) otherwise than voluntarily, the commissioner shall, as soon as practicable, divest the interest and, if the commissioner fails to do so, the office shall be deemed to be vacant and the commissioner shall resign within 14 days.

Effect of vacancy

(9) A vacancy in the office of commissioner does not impair the ability of the remaining commissioners to act.

PART 3 – ENERGY AND UTILITIES BOARD

7. Functions of Energy and Utilities Board

The functions of the Energy and Utilities Board are

(a) subject to the provisions of the *Electric Power Act* R.S.P.E.I. 1988, Cap. E-4, and the *Water and Sewerage Act* R.S.P.E.I. 1988, Cap. W-2, to regulate utilities, except sewerage and water utilities owned, operated, managed or controlled by the City of Charlottetown or the City of Summerside or the Towns of Stratford and Cornwall;

(b) subject to the provisions of the *Electric Power* Act, to participate in regional energy planning and cost-allocation discussions in the interests of consumers;

(c) to perform specified functions that are conferred on the Board or the Commission under

(i) section 18.1 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9,

(ii) Part VII of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4,

(iii) the *Petroleum Products Act* R.S.P.E.I. 1988, Cap. P-5.1, and

(iv) the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1; and

(d) to perform other functions related to energy and utilities that may be conferred on the Board or the Commission under any enactment.

PART 4 – LAND AND APPEALS BOARD

8. Functions of Land and Appeals Board

The functions of the Land and Appeals Board are

(a) to hear and decide matters relating to land use and to decide the disposition of applications respecting the acquisition of land by non-residents and corporations where required to do so by any Act;

(b) to hear and decide appeals from decisions of

(i) the Director under the *Business Practices Act* R.S.P.E.I. 1988, Cap. B-7,

(ii) the Registrar under the *Charitable Lotteries Act* R.S.P.E.I. 1988, Cap. C-3.2,

(iii) the Registrar under the *Collection Agencies Act* R.S.P.E.I. 1988, Cap. C-11,

(iv) the Registrar under the *Consumer Protection Act* R.S.P.E.I. 1988, Cap. C-19,

(v) the Registrar under the *Consumer Reporting Act* R.S.P.E.I. 1988, Cap. C-20,

(vi) the Registrar under the *Direct Sellers Act* R.S.P.E.I. 1988, Cap. D-11,

(vii) the Commissioner under the *Emergency 911 Act* R.S.P.E.I. 1988, Cap. E-5.1,

(viii) the Minister, an environment officer or another employee of the Department of Land and Environment under the *Environmental Protection Act*,

(ix) the Superintendent under the *Insurance Act*,

(x) the Registrar or Director under the *Payday Loans Act* R.S.P.E.I. 1988, Cap. P-2.1,

(xi) any person or entity whose decision may be appealed to the Commission under the *Planning Act* R.S.P.E.I. 1988, Cap. P-8,

(xii) the Registrar under the *Real Estate Trading Act* R.S.P.E.I. 1988, Cap. R-2,

(xiii) the Minister of Finance and Affordability under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, or the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5,

(xiv) the Director under the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11,

(xv) the Provincial Tax Commissioner under the *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2,

(xvi) the Superintendent under the *Securities Act* R.S.P.E.I. 1988, Cap. S-3.1, and

(xvii) the Director under the *Trust and Fiduciary Companies Act* R.S.P.E.I. 1988, Cap. T-7.1; and

(c) to perform other functions related to land use, applications for the acquisition of land and appeals of decisions that may be conferred on the Board or the Commission under any enactment.

PART 5 – POWERS AND FUNCTIONS OF COMMISSION

9. Powers

(1) The Commission has

(a) all the jurisdiction and powers conferred or vested in it by this Act or any other enactment, and all other implied or incidental powers necessary to perform its functions;

(b) the powers of a company incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14; and

(c) power to levy assessments, levies, licence fees and other charges to cover the cost of its operations, and those assessments and charges may be imposed upon the Government.

Levies respecting renewable energy generators

(2) The Commission may not under subsection (1), or under section 26, levy or issue an assessment on a renewable energy generator.

10. Levies respecting IWMC

The Commission may not, under section 9 or 26, levy or issue an assessment on the Island Waste Management Corporation.

11. Staff

(1) The Commission may

(a) appoint staff and define their duties; and

(b) engage the consultants or other assistants,

that it considers necessary to perform its functions.

Application of *Civil Service Act*

(2) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, does not apply to any person employed by the Commission.

PART 6 – APPOINTMENT ADVISORY COMMITTEE

12. Establishment of Appointment Advisory Committee

(1) The Appointment Advisory Committee is hereby established.

Composition of advisory committee

(2) The advisory committee shall be composed of three members, appointed by the Lieutenant Governor in Council, of whom

(a) one shall be a person nominated by the Minister, who shall be the chairperson;

(b) one shall be a nominee of the Law Society of Prince Edward Island; and

(c) one shall be a nominee of the Standing Committee on Legislative Assembly Management established under the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7.1.

Term

(3) A member of the advisory committee shall be appointed for a term not exceeding three years and may be reappointed.

Appointment of replacement

(4) Where a member of the advisory committee ceases to hold office before the member's term expires, the Lieutenant Governor in Council may appoint a new member who meets the same requirement of subsection (2) to hold office for a term in accordance with subsection (3).

Member continues after expiry of term

(5) A member of the advisory committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

Remuneration

(6) A member of the advisory committee who is not an employee of Government shall be paid as remuneration an amount equal to the amount paid as remuneration to members of the Indemnities and Allowances Commission.

Expenses

(7) Each member of the advisory committee shall be paid, subject to Treasury Board policy, the reasonable expenses actually incurred by the member in carrying out the member's duties.

Quorum

(8) A majority of the members of the advisory committee constitutes a quorum.

13. Functions

(1) The functions of the advisory committee are

(a) to establish, subject to subsection (2), criteria for the selection of candidates for appointment as commissioners, including but not limited to criteria respecting the assessment of experience, knowledge, community awareness and the personal suitability of candidates;

(b) to advertise for applications by candidates, in the manner approved by the advisory committee;

(c) to accept applications by candidates, in the form approved by the advisory committee;

(d) to evaluate applications by candidates, in the manner approved by the advisory committee;

(e) to provide the Minister as required with lists of qualified candidates for appointment as commissioners on a full-time or part-time basis;

(f) to advise the Minister respecting conditions to be attached to the appointment of a candidate as a commissioner;

(g) to establish criteria for the evaluation of the performance of commissioners who are being considered for reappointment; and

(h) to advise the Minister on the number of commissioners required for the administration of the duties and functions of the Commission.

Requirements

(2) A candidate for appointment as a commissioner shall have knowledge of the subject matter and legal issues dealt with by the Commission.

Performance evaluation, where available

(3) The advisory committee shall consider any applicable performance evaluation of a commissioner prepared by the chairperson of the Commission when evaluating the performance of a commissioner who is being considered for reappointment under this Part.

14. Resource staff

(1) The Minister shall designate an employee of the Department to be resource staff for the advisory committee.

Duties

(2) An employee designated under subsection (1) shall, under the direction of the chairperson of the advisory committee, carry out the duties assigned by the advisory committee.

15. Notification of vacancy

(1) Subject to subsection (6), the chairperson of the Commission shall notify the chairperson of the advisory committee when

(a) the position of a commissioner is vacant; or

(b) the term of appointment for a commissioner has expired or will expire within six months.

Advertisement by advisory committee

(2) The advisory committee shall advertise for applications by candidates to be appointed a commissioner within a reasonable time of receiving notification under subsection (1), in the manner approved by the advisory committee.

Meeting of advisory committee

(3) The chairperson of the advisory committee shall call a meeting of the advisory committee to evaluate

(a) the qualifications of candidates for appointment as commissioners; and

(b) the performance of candidate commissioners for reappointment.

Recommendations to Minister

(4) The advisory committee shall, after evaluating the qualifications or performance, as the case may be, of candidates, provide the Minister with

(a) a recommendation of at least three, and not more than six, qualified candidates for appointment or reappointment for each position of commissioner that is vacant or is expected to be vacant;

(b) if there are fewer than three qualified candidates for each position of commissioner that is vacant or is expected to be vacant, information respecting the number of applications received and a recommendation for appointment or reappointment of the qualified candidates;

(c) if there is no qualified candidate for a position of commissioner that is vacant or is expected to be vacant, a recommendation as to whether the vacant position should be advertised again in accordance with subsection (2); and

(d) information respecting the criteria used by the advisory committee to assess the applications.

Recommendation respecting conditions

(5) The advisory committee may recommend to the Minister that conditions be imposed on the appointment of a candidate as a commissioner, including conditions that restrict the type of matters that the candidate may hear or consider as a commissioner.

Recommendation to appoint from list

(6) Notwithstanding subsection (1), if the advisory committee has, within the six-month period prior to the vacancy, provided the Minister with a list of recommended candidates for a position of commissioner, and the list is not exhausted, the Minister may recommend to the Lieutenant Governor in Council that one of the remaining qualified candidates from that list be appointed to the position.

Particular qualifications – Energy and Utilities Board

(7) The advisory committee shall, in fulfilling its functions under this section, take into consideration the need of the Energy and Utilities Board to be composed of commissioners who have expertise in the law, engineering, accountancy or finance.

PART 7 – COMMISSIONERS

16. Appointment of commissioners

(1) The Lieutenant Governor in Council may, on the recommendation of the Minister, appoint a person as a commissioner in accordance with this Part.

Criteria for eligibility

(2) A person is eligible to be appointed as a commissioner if the person

(a) has been recommended for appointment or reappointment as a commissioner by the advisory committee under section 15;

(b) is 18 years of age or older; and

(c) ordinarily resides in the province at the time of the appointment.

Ineligible persons

(3) The following persons shall not be appointed or continue to serve as commissioners:

(a) a member of

(i) the Legislative Assembly or the Parliament of Canada, or

(ii) a council, as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;

(b) a sitting judge of the Provincial Court, Supreme Court or the Court of Appeal;

(c) a person who is employed at the time of the appointment as an administrative support person to a person referred to in clause (a) or (b).

Conditions may be imposed

(4) The Lieutenant Governor in Council may impose one or more conditions on the appointment of a commissioner, including a condition that limits the jurisdiction of the commissioner to certain types of matters.

Remuneration – full-time commissioners

(5) Full-time commissioners shall be paid as remuneration by the Commission an amount equivalent to the remuneration payable to a deputy head under subsection 8(2) of the *Civil Service Act*.

Remuneration – part-time commissioners

(6) Part-time commissioners shall be paid as remuneration by the Commission an amount to be determined by the Lieutenant Governor in Council.

Termination

(7) A person appointed as a commissioner under subsection (1) holds office until the earlier of

(a) the effective date of the person's retirement or resignation from office; and

(b) the expiry of the commissioner's appointment.

Requirement to resign

(8) A person who becomes ineligible to serve as a commissioner in accordance with subsection (3) shall resign within 14 days.

17. Designation of chairperson, vice-chairpersons

The Lieutenant Governor in Council shall, on the recommendation of the Minister, designate the chairperson of the Commission and the vice-chairperson of each Board.

PART 8 – PROCEDURAL MATTERS

18. Procedure

In the exercise of its jurisdiction, the Commission

(a) may require a party to provide any records, books or information that the Commission considers necessary to decide the matter in issue; and

(b) may decide all matters of procedure not otherwise provided for in the rules made under subsection 5(6).

19. Determining questions of fact

In determining any question of fact, the Commission is not bound by the finding or judgment of any court in any suit, prosecution or proceeding involving the determination of that fact, but the finding or judgment, in proceedings before the Commission, is *prima facie* evidence only.

20. Defects in procedure, effect of

A substantial compliance with the requirements of this Act or any other Act conferring jurisdiction, power or authority on the Commission is sufficient to give effect to all the rules, orders, acts and regulations of the Commission, and no rule, regulation, order, decision, or act of the Commission shall be declared inoperative, illegal or void for any omission of a technical nature in respect of it.

21. Reference of matters to court

(1) If in any matter before it, the Commission is of the opinion that any issue involved is properly triable in the court, it may of its own motion, or upon application of any party, transmit a statement of the issue to the court.

Procedures

(2) The court shall determine the procedure to be followed on the transmission referred to in subsection (1) and may enlarge or amend any issue involved.

Jurisdiction of court

(3) The court shall try the issue transmitted to it under subsection (1) or the enlarged or amended issue and remit the matter to the Commission with its decision.

22. Alternative dispute resolution

(1) The Commission may use alternative dispute resolution where it considers it appropriate to do so for the purpose of resolving any issue or matter in dispute before the Commission.

Jurisdiction of court

(2) The terms of any agreement signed as a result of the use of alternative dispute resolution procedures may be incorporated in and form part of an order made by the Commission.

23. Review, etc., of decisions

The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.

24. Appeal

(1) An appeal lies from a decision or order of the Commission to the Court of Appeal on a question of law or jurisdiction.

Notice of appeal

(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within 30 days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.

Commission deemed a party

(3) The Commission shall be deemed to be a party to the appeal.

Costs

(4) No costs shall be payable by any party to an appeal under this section unless the Court of Appeal, in its discretion, for special reasons, so orders.

25. Stated case to the Court of Appeal by Commission

(1) The Commission may, of its own motion or on the application of any party and on any security being given that the Commission may direct, state a case in writing for the opinion of the Court of Appeal on any question which in the opinion of the Commission is a question of law.

By Minister

(2) A similar reference may also be made at the request of the Minister.

Jurisdiction of court

(3) The Court of Appeal shall hear and determine the question stated under subsection (1) or (2) and all questions of law arising from it and remit the matter to the Commission with the opinion of the court.

26. Annual expenses

(1) The annual expenses of the Commission shall be borne by the several utilities and other persons who are subject to the supervision or control of the Commission under this or any other enactment or are parties to appeals to the Commission, and the Commission may levy assessments upon them for that purpose.

Assessments, classification

(2) The Executive Committee shall determine the amount to be assessed, having regard to the amount required for the previous year, and for the purpose of providing for an equitable apportionment of the expenses of the Commission among utilities and other persons, the Executive Committee may classify the utilities and other persons and determine the total amount to be paid by each utility or class of person and the basis upon which the share of each utility or class of person shall be arrived at.

Assessment within each class

(3) After the Executive Committee has determined the total amount required from each of the utilities or classes of persons so determined, it shall forthwith assess the amount required from each utility or person and shall determine the manner and time within which each payment is to be made.

Notification of persons assessed

(4) Except in the case of a licence fee payable on the granting of a licence, the Commission shall immediately notify each public utility or other person of the amount assessed and the time within which payment shall be made.

Payment of assessment, enforcement of

(5) If any utility or person fails to pay the amount assessed or any installment or portion of it within the time fixed by the Commission for the payment of the amount, the Commission may make application, without notice to any person, to the court for an order that judgment for the amount of the assessment in default may be entered in the court against the utility or person.

Jurisdiction of court

(6) The court shall grant the order referred to in subsection (5) on proof by affidavit of the amount of the assessment in arrears and of the giving of the notice of the assessment as required by this section.

Execution

(7) On any judgment entered under this section, execution may be issued as on any other final judgment of the court.

PART 9 – GENERAL MATTERS

27. Annual report

(1) As soon as practicable after the end of the fiscal year of the Commission, the chairperson of the Commission shall submit to the Minister an annual report on the activities of the Commission, including information respecting the following:

(a) a review of the operation of the Commission and each Board during the preceding fiscal year;

(b) performance indicators for the preceding fiscal year, including details of the number, nature, time to resolution and outcome of matters that came before each Board during that year;

(c) details of the number and nature of matters before each Board that were outstanding at the end of the fiscal year;

(d) the number of matters in which alternative dispute resolution was offered and was accepted, and the number of matters in which the dispute was resolved by alternative dispute resolution;

(e) details of any trends or special problems that emerged during the preceding fiscal year;

(f) a statement of the Commission's receipts and expenditures for the preceding year;

(g) forecasts of the workload of the Commission and each Board in the present fiscal year;

(h) plans for improving the operation of the Commission and each Board in the present fiscal year.

Tabling by Minister

(2) After receiving an annual report under subsection (1), the Minister shall

(a) promptly lay the report before the Legislative Assembly if it is then sitting; or

(b) where the Legislative Assembly is not sitting, file the report with the Clerk of the Legislative Assembly.

28. Audit

The Executive Committee shall appoint an auditor to audit the accounts and financial transactions of the Commission.

29. Service of documents

Unless otherwise required by any Act conferring jurisdiction on the Commission, any notice, order, judgment or decision by the Commission may be served on any person affected by it by mailing it to the person by registered post.

30. Indemnity

A commissioner and any person acting on the instructions of the Commission or under the authority of this Act are not personally liable for any loss or damage suffered by any person by reason of any act done by them in good faith in the exercise or purported exercise of their functions.

31. Regulations

The Commission may make regulations.

32. Review

(1) Within six years after this section comes into force and every six years after that, the Minister shall appoint a person who is not an employee of Government or the Commission to

(a) undertake a comprehensive review of this Act and the operation of the Commission and both Boards; and

(b) within one year after beginning the review, submit a report on the review, including any recommendations, to the Minister.

Tabling of report

(2) After receiving a report under subsection (1), the Minister shall

(a) promptly lay the report before the Legislative Assembly, if it is then sitting; or

(b) where the Legislative Assembly is not sitting, file the report with the Clerk of the Assembly.

PART 10 – TRANSITIONAL PROVISIONS

33. Transitional matters – definitions

(1) In this section,

(a) "**former Act**" means the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;

(b) "**proceeding**" means any application, appeal, review, investigation, hearing or other matter brought before the Commission under an enactment.

Transitional matters – orders, etc.

(2) An order, decision, rule, regulation, directive or policy statement made by the Commission under the former Act continues in force according to its terms until it is revoked or replaced by a new order, decision, rule, regulation, directive or policy statement of the Commission under this Act.

Transitional matters – continuation by panel

(3) Where, immediately before the coming into force of this section, a panel of the Commission was seized of a matter, the panel shall, subject to subsection (4), remain seized of the matter and may continue to exercise, in relation to the matter, the powers and perform the duties that it could have exercised or performed under the former Act.

Reconstitution of panel, etc.

(4) Nothing in this section shall be construed as limiting the authority of the Commission to reconstitute a panel referred to in subsection (3) or transfer a matter referred to in subsection (3) to another panel of the Commission and, on the reconstitution or transfer, the new or replacement panel is seized of the matter.

Transitional matters – appointments of commissioners

(5) A person validly appointed as a commissioner under the former Act immediately before the coming into force of this section continues to be appointed in accordance with any conditions applicable to the appointment until the commissioner's term expires or the commissioner sooner ceases to hold office in accordance with this Act.

PART 11 – CONSEQUENTIAL AMENDMENTS

34. Archaeology Act

(1) The *Archaeology Act* R.S.P.E.I. 1988, Cap. A-17.1, is amended by this section.

(2) Clause 1(1)(f) of the Act is repealed and the following substituted:

(f) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

35. Business Corporations Act

(1) The *Business Corporations Act* R.S.P.E.I. 1988, Cap. B-6.01, is amended by this section.

(2) Subclause 28.4(1)(d)(i) of the Act is repealed and the following substituted:

(i) the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01,

36. Business Practices Act

(1) The *Business Practices Act* R.S.P.E.I. 1988, Cap. B-7, is amended by this section.

(2) Clause 1(a.1) of the Act is repealed and the following substituted:

(a.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

37. Charitable Lotteries Act

(1) The *Charitable Lotteries Act* R.S.P.E.I. 1988, Cap. C-3.2, is amended by this section.

(2) Clause 1(c) of the Act is repealed and the following substituted:

(c) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

38. Civil Service Act

(1) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, is amended by this section.

(2) Subclause 17(2)(b)(iv) of the Act is repealed and the following substituted:

(iv) Appeals, Land and Regulatory Commission;

39. Climate Leadership Act

(1) The *Climate Leadership Act* R.S.P.E.I. 1988, Cap. C-9.1, is amended by this section.

(2) Section 52 of the Act is amended by the deletion of the words "to the Island Regulatory and Appeals Commission in accordance with the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and the substitution of the words "**to the Appeals, Land and Regulatory Commission in accordance with the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01".

(3) Subsection 53(2) of the Act is amended by the deletion of the words "the Island Regulatory and Appeals Commission**" wherever they occur and substitution of the words "**the Appeals, Land and Regulatory Commission**".**

40. Collection Agencies Act

(1) The *Collection Agencies Act* R.S.P.E.I. 1988, Cap. C-11, is amended by this section.

(2) Clause 1(a.2) of the Act is repealed and the following substituted:

(a.2) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

41. Consumer Protection Act

(1) The *Consumer Protection Act* R.S.P.E.I. 1988, Cap. C-19, is amended by this section.

(2) Clause 1(c.1) of the Act is repealed and the following substituted:

(c.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

42. Consumer Reporting Act

(1) The *Consumer Reporting Act* R.S.P.E.I. 1988, Cap. C-20, is amended by this section.

(2) Clause 1(1)(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

43. Direct Sellers Act

(1) The *Direct Sellers Act* R.S.P.E.I. 1988, Cap. D-11, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

44. Electric Power Act

(1) The *Electric Power Act* R.S.P.E.I. 1988, Cap. E-4, is amended by this section.

(2) Clause 1(1)(b) of the Act is repealed and the following substituted:

(b) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Section 18 of the Act is amended by the deletion of the words "the *Island Regulatory and Appeals Commission Act*" **and substitution of the words "**the *Appeals, Land and Regulatory Commission Act*"**.**

(4) Subsection 31(2) of the Act is amended by the deletion of the words "the *Island Regulatory and Appeals Commission Act*" **and substitution of the words "**the *Appeals, Land and Regulatory Commission Act*"**.**

(5) Subsection 39(1) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act*" **and substitution of the words "***Appeals, Land and Regulatory Commission Act*"**.**

(6) Subsection 42(2) of the Act is amended by the deletion of the words "the *Island Regulatory and Appeals Commission Act*" **and substitution of the words "**the *Appeals, Land and Regulatory Commission Act*"**.**

(7) Section 44 of the Act is amended by the deletion of the words "the *Island Regulatory and Appeals Commission Act*" **and substitution of the words "**the *Appeals, Land and Regulatory Commission Act*"**.**

(8) Clause 46(2)(a) of the Act is amended by the deletion of the words "sections 6 and 15 of the *Island Regulatory and Appeals Commission Act*" **and substitution of the words "**sections 9 and 26 of the *Appeals, Land and Regulatory Commission Act*"**.**

45. Electricity Consumer Advocate Act

(1) The *Electricity Consumer Advocate Act* R.S.P.E.I. 1988, Cap. E-4.01, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

46. Emergency 911 Act

(1) The *Emergency 911 Act* R.S.P.E.I. 1988, Cap. E-5.1, is amended by this section.

(2) Clause 1(a.01) of the Act is repealed and the following substituted:

(a.01) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

47. Environmental Protection Act

(1) The *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, is amended by this section.

(2) Clause 18(1)(d) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "***Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01**".**

(3) Clause 18.1(1)(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act*;

(4) Subclause 25(1)(ppp)(i) of the Act is amended by the deletion of the words "Island Regulatory and Appeals Commission**" and substitution of the words "**Appeals, Land and Regulatory Commission**".**

(5) Subsection 29.1(1) of the Act is amended by the deletion of the words "Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "**Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01**".**

48. Financial Administration Act

(1) The *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, is amended by this section.

(2) Schedule D to the Act is amended by the deletion of the words "Island Regulatory and Appeals Commission**" and substitution of the words "**Appeals, Land and Regulatory Commission**".**

49. Heritage Places Protection Act

(1) The *Heritage Places Protection Act* R.S.P.E.I. 1988, Cap. H-3.1, is amended by this section.

(2) Subsections 5(8) and (9) of the Act are repealed.

(3) The Act is amended by the addition of the following after section 5:

5.1 "Commission", defined

(1) In this section, "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01.

Appeal to Commission

(2) The owner of any property designated under section 5, or the municipality in which the property is located, may appeal to the Commission against the decision of the Minister.

Powers of Commission

(3) The Commission shall conduct a hearing and make a final decision in the matter.

50. Insurance Act

(1) The *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, is amended by this section.

(2) Clause 1(d.11) of the Act is repealed and the following substituted:

(d.11) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Subsection 258.1(1) of the Act is amended by the addition of the following after clause (a):

(a.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act*;

(4) Subsection 258.2(2) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "***Appeals, Land and Regulatory Commission Act***".**

(5) Subsection 258.2(3) of the Act is amended by the deletion of the words "under section 15 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "**under section 26 of the *Appeals, Land and Regulatory Commission Act***".**

51. Municipal Government Act

(1) The *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, is amended by this section.

(2) Clause 1(b) of the Act is repealed and the following substituted:

(b) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

52. Payday Loans Act

(1) The *Payday Loans Act* R.S.P.E.I. 1988, Cap. P-2.1, is amended by this section.

(2) Clause 1(1)(b.1) of the Act is repealed and the following substituted:

(b.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

53. Performance-based Regulation Review Act

(1) The *Performance-based Regulation Review Act* R.S.P.E.I. 1988, Cap. P-2.3, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

54. Petroleum Products Act

(1) The *Petroleum Products Act* R.S.P.E.I. 1988, Cap. P-5.1, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Section 58 of the Act is amended by the deletion of the words "by section 13 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "**by section 24 of the *Appeals, Land and Regulatory Commission Act*"**.**

55. Planning Act

(1) The *Planning Act* R.S.P.E.I. 1988, Cap. P-8, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

56. Prince Edward Island Lands Protection Act

(1) The *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, is amended by this section.

(2) Clause 1(1)(c) of the Act is repealed and the following substituted:

(c) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Subsection 12(3) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act***" and substitution of the words "***Appeals, Land and Regulatory Commission Act***".**

57. Real Estate Trading Act

(1) The *Real Estate Trading Act* R.S.P.E.I. 1988, Cap. R-2, is amended by this section.

(2) Clause 1(b.1) of the Act is repealed and the following substituted:

(b.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

58. Real Property Assessment Act

(1) The *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, is amended by this section.

(2) Clause 1(1)(d.1) of the Act is repealed and the following substituted:

(d.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

59. Real Property Tax Act

(1) The *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, is amended by this section.

(2) Clause 1(b.1) of the Act is repealed and the following substituted:

(b.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

60. Renewable Energy Act

(1) The *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1, is amended by this section.

(2) Clause 1(1)(c) of the Act is repealed and the following substituted:

(c) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

61. Residential Tenancy Act

(1) The *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11, is amended by this section.

(2) Clause 1(b) of the Act is repealed and the following substituted:

(b) "**Commission**" means, except in section 56.1, the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Subsection 89(9) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11**" and substitution of the words "***Appeals, Land and Regulatory Commission Act***".**

62. Revenue Administration Act

(1) The *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2, is amended by this section.

(2) Section 1 of the Act is amended by the addition of the following after clause (a):

(a.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Subsection 10(1) of the Act is amended by the deletion of the words "to the Island Regulatory and Appeals Commission hereafter referred to as the "Commission""**" and the substitution of the words "**to the Commission**".**

63. Securities Act

(1) The *Securities Act* R.S.P.E.I. 1988, Cap. S-3.1, is amended by this section.

(2) Clause 1(1)(d.1) of the Act is repealed and the following substituted:

(d.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

64. Trust and Fiduciary Companies Act

(1) The *Trust and Fiduciary Companies Act* R.S.P.E.I. 1988, Cap. T-7.1, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

65. Unsightly Property Act

(1) The *Unsightly Property Act* R.S.P.E.I. 1988, Cap. U-5, is amended by this section.

(2) Clause 1(a.1) of the Act is repealed and the following substituted:

(a.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

66. Water Act

(1) The *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, is amended by this section.

(2) Section 1 of the Act is amended

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

(d.1) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(b) by the repeal of clause (q).

(3) Subsection 47(8) of the Act is amended by the deletion of the words "the Island Regulatory and Appeals Commission**" and substitution of the words "**the Commission**".**

(4) Subsection 68(1) of the Act is amended by the deletion of the words "the Island Regulatory and Appeals Commission" **and substitution of the words "**the Commission**".**

(5) Subsection 69(1) of the Act is amended by the deletion of the words "The Island Regulatory and Appeals Commission**" and substitution of the words "**The Commission**".**

67. Water and Sewerage Act

(1) The *Water and Sewerage Act* R.S.P.E.I. 1988, Cap. W-2, is amended by this section.

(2) Clause 1(a) of the Act is repealed and the following substituted:

(a) "**Commission**" means the Appeals, Land and Regulatory Commission continued under section 3 of the *Appeals, Land and Regulatory Commission Act* R.S.P.E.I. 1988, Cap. A-13.01;

(3) Subsection 2(1) of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act***" and substitution of the words "***Appeals, Land and Regulatory Commission Act***".**

(4) Section 26 of the Act is amended by the deletion of the words "*Island Regulatory and Appeals Commission Act***" and substitution of the words "***Appeals, Land and Regulatory Commission Act***".**

PART 12 – REPEAL AND COMMENCEMENT

68. Repeal

The *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11, is repealed.

69. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

(Bill No. 49)

Appeals, Land and Regulatory Commission Act

STAGE:	***DATE:***
1st Reading:	November 18, 2026
2nd Reading:	
To Committee:	
Reported:	
3rd Reading and Pass:	
Assent:	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

Hon. Robin Croucher
Minister of Education and Early Years

GOVERNMENT BILL

2026
3rd SESSION, 67th GENERAL ASSEMBLY