



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CROWN BUILDING CORPORATION ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 6, 2022. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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Table of Contents

Section	Page
1. Definitions.....	5
2. Corporation continued.....	5
3. Public Sector Pension Plan Act not to apply	6
4. Body corporate, powers	6
5. Objects of the Corporation	7
6. Provincial lands.....	8
7. Accounting system	8
8. Audit by Minister	9
9. Reports by Corporation	9
10. Majority vote.....	9
11. Accounts in chartered bank	9
12. Affairs to be administered by directors	9
13. Section 15 of <i>Companies Act</i>	10
14. Capacity of Corporation.....	10
15. Acquisition of lands and expropriation	10



CROWN BUILDING CORPORATION ACT

CHAPTER C-31

1. Definitions

In this Act

- (a) “**board**” means the board of directors of the Corporation;
- (b) “**Corporation**” means the corporation incorporated by this Act;
- (c) “**director**” means a member of the board;
- (d) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to have supervision of the administration of this Act. *R.S.P.E.I. 1974, Cap. C-30, s.2.*

2. Corporation continued

- (1) For the purposes set forth in this Act, there is hereby continued as a corporation, a corporation called the “Prince Edward Island Crown Building Corporation”, consisting of a president and four other directors.

Officers

- (2) The Lieutenant Governor in Council shall appoint a president and four other directors.

Term of office

- (3) Each director holds office during pleasure and the Lieutenant Governor in Council may remove or suspend, *re*-appoint or reinstate, or replace any director.

Delegation of authority of board

- (4) The board may delegate to the president or general manager or any director, officer, employee or agent of the Corporation, authority to act in the conduct of the business of the Corporation in all matters that are not by this Act or by the bylaws of the Corporation specifically reserved to be done by the board.

Power to make bylaws

- (5) Subject to the approval of the Lieutenant Governor in Council, the board may make such bylaws respecting the calling of meetings of the board and the conduct of business thereat, the duties and conduct of directors, officers, employees and agents of the Corporation and generally as to the conduct of the affairs of the Corporation.

Head office

- (6) The head office of the Corporation shall be in the City of Charlottetown in the Province of Prince Edward Island or in such other place as the Lieutenant Governor in Council may designate but meetings of the directors may be held at such other places as the directors may decide.



General manager

- (7) There may be an officer of the Corporation to be known as the general manager who shall be appointed by the Lieutenant Governor in Council upon such terms as the Lieutenant Governor in Council may fix. *R.S.P.E.I. 1974, Cap. C-30, s.4; 1988, c.16, s.1.*

3. Public Sector Pension Plan Act not to apply

- (1) The *Public Sector Pension Plan Act* R.S.P.E.I. 1988, Cap. P-32.11, does not apply to officers and servants employed by the Corporation, but the Corporation may with the approval of the Lieutenant Governor in Council establish and support a pension fund or group insurance plan or other pension or superannuation arrangement for the benefit of officers and servants employed by the Corporation and their dependants.

Exception

- (2) Notwithstanding subsection (1) or any other statute or law, a person who immediately prior to his employment by the Corporation was a contributor under the *Public Sector Pension Plan Act* continues while employed by the Corporation to be a contributor under this Act; for the purposes of that Act his service with the Corporation shall be counted as service in the public service; and in the event of his being retired from employment with the Corporation for any reason other than that of misconduct, he shall be eligible for reappointment in the civil service or receive the same benefits as he might have been granted if he were retired under like circumstances from a position in the public service.

Application of Civil Service Act

- (3) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 does not apply to the appointment or employment of any person as an employee of any company owned by the Corporation. *R.S.P.E.I. 1974, Cap. C-30, s.4; 1988, c.16, s.1; 2020, c.60, s.19(2).*

4. Body corporate, powers

- (1) The Corporation is a body corporate having capacity to contract and to sue and be sued in the name of the Corporation, and to have a common seal which may be altered from time to time.

Agent of the Government

- (2) The Corporation is for all purposes an agent of the Government and its powers under this Act may be exercised by it only as such agent.

Property vested in

- (3) Property acquired by the Corporation is the property of the Government, and title thereto may be vested in the name of the Government or in the name of the Corporation.

Actions in name of Corporation

- (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation, whether in its name or in the name of the Government, may be brought or taken by or against the Corporation, in the name of the Corporation, in any court that would have jurisdiction if the Corporation were not an agent of the Government.

Responsibility for Corporation

- (5) The Corporation is responsible to and is subject to the direction and control of the Minister, who shall be by reason of his office a member of the board. *R.S.P.E.I. 1974, Cap. C-30, s.5; 2022, c.62, s.15.*

5. Objects of the Corporation

- (1) The objects for which the Corporation is established are
- (a) to carry on the business of providing buildings to accommodate offices of and services provided by the Government of the Province of Prince Edward Island;
 - (b) to plan, design, and construct the buildings necessary to accommodate the veterinary teaching facility to be established as part of the University of Prince Edward Island pursuant to the agreements signed on June 3, 1983 on behalf of the Government of Canada and the Governments of the Provinces of Prince Edward Island, Nova Scotia, New Brunswick and Newfoundland;
 - (c) to acquire the facilities, furniture, equipment and materials and to engage planning and other staff necessary for the start-up of the facility;
 - (d) to assume the obligations of the province under the agreements in respect of the planning, design, construction and start-up of the facility;
 - (e) to acquire by purchase, lease, exchange, expropriation, hire or otherwise and to hold land, buildings, easements, privileges, licenses, concessions, rights, and powers and, generally property of all kinds, whether real or personal, moveable or immovable, or any interest therein, for the objects and purposes of the Corporation;
 - (f) to construct, erect and maintain either by the Corporation or other parties on the land of the Corporation or upon any other lands or property, buildings, roads, sewers and all other works, erections and things of any description whatsoever and whether of the foregoing kind or not and generally to alter, improve, or otherwise deal with the lands and other property of the Corporation;
 - (g) to pull down, *re-build*, enlarge, alter and improve existing buildings or works on land of the Corporation or upon any other lands;
 - (h) to pay all the costs, charges and expenses of the promotion and establishment of the Corporation;
 - (i) to borrow or raise money in such manner as the Corporation shall think fit and, in particular, by the issue of bonds, debentures or any other security whatsoever whether of the foregoing kind or not, but the aggregate of the amounts borrowed by the Corporation and outstanding at any time shall not exceed \$20 million and to secure the repayment of any money borrowed, raised, or owing by the Corporation by mortgage, charge or lien upon the whole or any part of the Corporation's property or assets, whether present or future, and also by a similar mortgage, charge or lien to secure and guarantee the performance by the Corporation of any obligation or liability it may undertake;
 - (j) to sell, lease, let, grant rights over, or otherwise dispose of, all or any part of the lands, buildings, easements, privileges, licenses, concessions or other property, rights or powers of the Corporation;
 - (k) to sell or otherwise dispose of the whole or any part of the undertaking and all or any part of the undertaking and all or any of the property of the Corporation for cash or for stock, shares, or securities of any other Corporation or for other consideration;
 - (l) to let out such part of the property of the Corporation as may not be immediately required for the principal business of the Corporation;
 - (m) to manage, improve, maintain, lease, and underlet, sell or otherwise deal with and dispose of all or any part of the lands, buildings or other property of the Corporation not required for the purposes of the Corporation;
 - (n) to remunerate any person, firm or company rendering services to the Corporation;

- (o) to draw, make, accept, endorse, execute, issue and negotiate bills of exchange, promissory notes and other negotiable or transferable instruments;
- (p) to effect insurance against any and all risks or losses to or for which the Corporation may be subject or liable;
- (q) to invest and deal with money of the Corporation not immediately required in such manner as the directors may think fit;
- (r) to carry on any other business which may seem to the directors of the Corporation capable of being conveniently carried on in conjunction with the attainment of the objects of the Corporation or calculated directly or indirectly to enhance the value of or render profitable any of the Corporation's property or rights and to cooperate in, aid in, subscribe to or subsidize any proceedings or undertakings which may seem to the directors calculated directly or indirectly to benefit the Corporation;
- (s) to acquire and deal with shares and stocks or securities in or of any company or undertaking the acquisition of which may promote or advance the interests of the Corporation;
- (t) to enter into working arrangements of all kinds with other associations, companies, firms or persons and also to make and carry into effect arrangements with respect to union of interest or amalgamation, either in whole or in part, or any other arrangements with any other associations, companies, firms or persons;
- (u) to acquire or obtain from any government or authority in Prince Edward Island or elsewhere or from any Corporation or person any charter, contract, decree, rights, privileges and concessions which may be considered conducive to any of the objects of the Corporation and to accept, make payments under, carry out exercise and comply with any such charter, contract, decree, rights, privileges and concessions;
- (v) to do all and any of things heretofore authorized, either alone, or in conjunction with or by or through factors, trustees or agents;
- (w) to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

Approval of objects

- (2) The objects or powers of the Corporation shall not be exercised, performed or otherwise given effect to without the prior approval of the Lieutenant Governor in Council.

Liberal interpretation

- (3) In the interpretation of subsection (1) the meaning of any of the objects shall not be restricted by reference to any other objects or by the juxtaposition of two or more objects and that, in the event of any ambiguity, this section shall be construed in such a way as to widen and not to restrict the powers of the Corporation. *R.S.P.E.I. 1974, Cap. C-30, s.6;1984, c.16, s.1.*

6. Provincial lands

The Lieutenant Governor in Council may convey to the Corporation such lands of the province and for such consideration as he may determine. *R.S.P.E.I. 1974, Cap. C-30, s.7.*

7. Accounting system

The Corporation shall

- (a) establish and maintain an accounting system satisfactory to the Minister; and
- (b) render to the Minister detailed statements of its receipts and expenditures at such times and for such periods as he may specify. *R.S.P.E.I. 1974, Cap. C-30, s.8.*

8. Audit by Minister

- (1) All books of accounts, records, bank books and papers of the Corporation shall at all times be open to audit and inspection by the Minister or any person thereunto by him authorized;

Audit by Auditor General

- (2) The accounts of the Corporation shall be audited by the Auditor General, and the audited statements of such accounts shall be included in the Corporation's annual report;

Fiscal year

- (3) The fiscal year of the Corporation shall correspond to the fiscal year of the province. *R.S.P.E.I. 1974, Cap. C-30, s.9; 1980, c.10, s.21.*

9. Reports by Corporation

The Corporation shall

- (a) annually submit to the Minister a report of its affairs and operations for the preceding twelve months containing its financial statements and such other information as the Minister may prescribe, and such reports shall be tabled in the Legislature by the Minister, if the Legislature is then in session, or within fifteen days of the commencement of the next session of the Legislature;
- (b) in addition to the annual report, make to the Minister such other reports of its affairs and operations or of any particular transaction or part of its business as the Minister may require. *R.S.P.E.I. 1974, Cap. C-30, s.10.*

10. Majority vote

- (1) Subject to subsection (2), at any board meeting a decision of the majority of the directors present and constituting the quorum is a decision of the Corporation, and in the event of a tie, the president, or other director acting as chairman, has the casting vote.

Adjournment of meetings

- (2) The president or other director acting as chairman may at any time during any board meeting that is not attended by the Minister, and without a motion for adjournment, declare the meeting adjourned until such time as the Minister's pleasure, with respect to any matter under discussion, may be ascertained.

Quorum

- (3) Three directors constitute a quorum at any meeting of the board. *R.S.P.E.I. 1974, Cap. C-30, s.11.*

11. Accounts in chartered bank

The Corporation shall establish and maintain in its own name one or more accounts in a chartered bank and deposit therein all moneys received by the Corporation and shall pay out of the accounts all administrative and operating costs and expenses of the Corporation. *R.S.P.E.I. 1974, Cap. C-30, s.12.*

12. Affairs to be administered by directors

Subject to the prior approval of the Lieutenant Governor in Council the directors may administer the affairs of the Corporation in all things and make or cause to be made for the Corporation any description of contract which the Corporation may lawfully enter into; and generally may exercise and do all such other acts and things that the Corporation may

lawfully exercise and do and are not by this Act or by the bylaws of the Corporation expressly directed or required to be exercised or done in any other manner. *R.S.P.E.I. 1974, Cap. C-30, s.13.*

13. Section 15 of *Companies Act*

Subject to this Act, section 15 of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14 applies to the Corporation in the same manner as if the provisions were incorporated herein. *R.S.P.E.I. 1974, Cap. C-30, s.14.*

14. Capacity of Corporation

The Corporation has the general capacity which the common law ordinarily attaches to Corporations created by Royal Charter. *R.S.P.E.I. 1974, Cap. C-30, s.15.*

15. Acquisition of lands and expropriation

- (1) With the prior approval of the Lieutenant Governor in Council, the Corporation may, without the consent of the owner, take or acquire lands for the purposes of this Act, except as otherwise provided in this section, and all the provisions of the *Expropriation Act* R.S.P.E.I. 1988, Cap. E-13 are, with the necessary changes, applicable to the taking, acquisition or abandonment of lands by the Corporation under this section.

Plan and description

- (2) For the purposes of section 7 of the *Expropriation Act* the plan and description may be signed by the Minister.

Compensation

- (3) The Corporation shall pay out of the funds administered by it the compensation agreed upon adjudged by the court to be payable. *R.S.P.E.I. 1974, Cap. C-30, s.16.*