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2nd SESSION, 61st GENERAL ASSEMBLY  
Province of Prince Edward Island  
49 ELIZABETH II, 2000

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**CHAPTER 17 (2nd Session)**

**(Bill No. 10)**

**An Act to Amend the Personal Property Security Act, the Probate  
Act and the Registry Act**

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Hon. Jeffrey E. Lantz  
Attorney General

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GOVERNMENT BILL

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**CHAPTER 17**

**An Act to Amend the Personal Property Security Act, the Probate Act and the Registry Act**

(Assented to December 20, 2000)

**1. The *Personal Property Security Act R.S.P.E.I. 1988, Cap. P-3.1* is amended by the addition of the following section:**

**71.1** (1) In this Act, “fees” includes fees, levies, charges, tariffs, rentals, taxes and any kind of payment for licenses, goods or services provided by the government under this Act. Fees

(2) The fees payable under this Act are as follows: Fees payable

- (a) to effect a registration where the period of time during which the registration is to be effective is 1 to 25 years
  - (i) initial registration fee ..... \$24.00
  - (ii) plus for each year of the period ..... \$7.00
- (b) to effect a registration where the period of time during which registration is to be effective is more than 25 years, or infinity ..... \$500.00
- (c) to renew a registration where the period of time during which the registration is to be extended is 1 to 25 years ..... \$7.00 per year
- (d) to renew a registration where the period of time during which the registration is to be extended is more than 25 years, or infinity ..... \$500.00
- (e) to discharge a registration .....no fee
- (f) to re-register a registration under subsection 35(6) of this Act .....no fee
- (g) to amend a registration ..... \$10.00
- (h) to effect a global change of multiple registrations ..... \$500.00
- (i) to search the Registry per search ..... \$8.00

(3) The fees provided for in subsection (1) shall be payable in advance for the registration period, upon completion of the search. Payable in advance

(4) The Registrar may enter into an agreement with a person establishing an account with the Registry to enable fees that are payable under subsection (1) to be charged on a continuing basis against the balance in the person’s account. Fee account

(5) The fee payable for the registration of a notice under subsection 49(3) or (7) is \$50. Fee, notice filed in deeds registry

Fee, demand for information

(6) Where a demand for information has been made under subsection 18(16), the person to whom the demand is made is entitled to require the payment of a fee not exceeding the sum of  
(a) \$20; and  
(b) \$0.50 for each page of a security agreement including any amendments if a demand is made for a copy of the security agreement.

Fee, copies of financial statements

(7) Where a demand has been made under subsection 64(6), the receiver is entitled to require the payment of a fee not exceeding the sum of  
(a) \$20; and  
(b) \$0.50 for each page of the receiver’s financial statement or final account if a demand is made for copies of the financial statement or final account.

**2. The Probate Act R.S.P.E.I. 1988, Cap. P-21 is amended by the addition of the following section:**

Probate value

**119.1** (1) In this section, “probate value” means the gross assets of the estate, but not including life insurance money passing on the death to a named beneficiary under a life insurance policy.

Fees

(2) In this Act, “fees” includes fees, levies, charges, tariffs, rentals, taxes and any kind of payment for licenses, goods or services provided by government under this Act.

Fees payable

(3) The fees payable pursuant to this Act are as set out in this section.

Petitions

(4) The fees for every petition for probate or administrator or for administration with the will annexed or for ancillary probate or ancillary administration with the will annexed or for resealing probate or administration with the will annexed or for proof of will in solemn form are as follows:

On estates with a probate value	Fee
up to \$10,000 .....	\$ 50
\$10,001 to \$25,000.....	\$ 100
\$25,001 to \$50,000.....	\$ 200
\$50,001 to \$100,000.....	\$ 400
exceeding \$100,000 .....	\$ 400 plus \$ 4 for each \$1,000 or fraction thereof

in excess of \$1,000

(5) Fees under subsections (4) and (15) include the filing of all papers and the swearing by a judge or registrar of all oaths necessary to ground the application, except where otherwise subject to a fee under this section. Includes documents

(6) There is an additional fee of \$1 for every renunciation and every dedimus for estates where the probate value exceeds \$1,000. Value exceeds \$1,000

(7) Notwithstanding subsection (6), where probate is required solely for the purpose of vesting the title to real property the fee is \$50. Vesting title only

(8) The fees payable on a petition for resealing an extra-provincial grant or for ancillary probate of a foreign grant are based on the probate value of the assets within the province. Probate value within province

(9) The fee for filing and registering a will without application for the appointment of a personal representative is \$10. File will, only

(10) The fee for the appointment of a guardian for one or more infants in one petition is Guardian  
 (a) where the probate value of the infant's estate is \$1,000 or less, \$3;  
 (b) where the probate value is over \$1,000, \$5 for the first \$1,000 and \$2 for each additional fraction of \$1,000.

(11) When probate or administration, whether limited or otherwise, or guardianship is granted, the registrar shall, without fee, furnish one fully complete and duly executed set of the letters with all necessary copies of papers annexed. Letters probate, or administration

(12) The fee for additional copies or certified copies of documents provided under subsection (11) is \$2 for each copy of the letters of administration or guardianship and \$4 for each copy of letters probate or administration with the will annexed. Duplicates

(13) For every petition for double probate, cessate probate, or to remove an executor or guardian, or for revocation of a grant the fee is \$10. Petitions, etc.

(14) The fee for every petition for an administration *de bonis non*, with or without the will annexed, is calculated in accordance with subsections (4), (5), (6) or (7) based on the probate value of the estate left unadministered. Administration *de bonis non*

(15) The fees for every order or decree on passing accounts, or an application to prove a will in solemn form, or any other contested application, the fees are as follows: Orders, decrees, etc.

On estates with a probate value	Fee
up to \$500.....	3% of gross assets
\$501 to \$3,000.....	1% of gross assets
\$3,001 to \$10,000.....	0.7% of gross assets
\$10,001 to \$15,000.....	0.5% of gross assets
\$15,001 to \$40,000.....	0.4% of gross assets
\$40,001 to \$90,000.....	0.3% of gross assets

Where the probate value exceeds \$90,000 the fee is 0.2% of the gross assets of the estate.

Certified copies (16) For every certified copy of any document on file, prepared by the Registrar the fee is \$5.

No assets (17) Where the deceased has no assets other than personal clothing and effects and administration is sought to assert an action for damages for tort, the fee payable on a petition is \$10.

Bankrupt estate (18) Where it appears on an application to pass the accounts of a personal representative that the estate is bankrupt, the fee payable in respect of the petition for the passing and all subsequent proceedings is one-half that payable under subsection (15).

Subsequent grants (19) Where there has been more than one grant of probate or administration, the fee for any subsequent grant is \$100.

Fee book (20) There shall be kept among the records of the court a book to be called the "fee book" and the registrar shall enter therein a minute showing the cause, matter or proceeding in respect of which a fee is chargeable, the fee charged, and the name of the person by whom the same is, or is to be, paid.

**3. The *Registry Act* R.S.P.E.I. 1988, Cap. R-10 is amended by the addition of the following section:**

Definitions **50.1** (1) For the purposes of this section

deed of mortgage (a) "deed of mortgage" means deed of mortgage as that expression is used in the *Real Property Act* R.S.P.E.I. 1988, Cap. R-3, but does not include an assignment of mortgage, release of mortgage, certificate of discharge of mortgage or a release of judgement lien;

value (b) "value" means the consideration given for real property conveyed.

(2) In this Act, “fees” includes fees, levies, charges, tariffs, rentals, taxes and any kind of payment for licenses, goods or services provided by government under this Act.

(3) The fees payable under this Act are as follow: Fees payable

DEED OF CONVEYANCE	FEE
(a) For registration of every deed of conveyance where the value of the real property conveyed is \$10, 000 .....	\$ 50.00
(b) For registration of every deed of conveyance where the value of the real property conveyed is \$10,000 or greater but less than \$20,000 .....	\$ 100.00
(c) For registration of every deed of conveyance where the value of the real property conveyed is \$20,000 or greater but less than \$50,000 .....	\$ 150.00
(d) For registration of every deed of conveyance where the value of the real property conveyed is \$50,000 or greater but less than \$100,000 .....	\$ 225.00
(e) For registration of every deed of conveyance where the value of the real property conveyed is \$100,000 or greater but less than \$150,000 .....	\$300.00
(f) For registration of every deed of conveyance where the value of the real property conveyed is \$150,000 or greater but less than \$200,000 .....	\$ 375.00
(g) For registration of every deed of conveyance where the value of the real property conveyed is \$200,000 or greater..	\$ 450.00
<b>DEED OF MORTGAGE</b>	
(a) For registration of every deed of mortgage where the principal sum is less than \$10,000 .....	\$ 50.00
(b) For registration of every deed of mortgage where the principal sum is \$10,000 or greater but less than \$20,000.....	\$100.00
(c) For registration of every deed of mortgage where the principal sum is \$20,000 or greater but less than \$50,000 ...	\$ 150.00
(d) For registration of every deed of mortgage where the principal sum is \$50,000 or greater but less than \$ 100,000 .....	\$ 225.00
(e) For registration of every deed of mortgage where the principal sum is \$100,000 or greater but less than \$150,000 .....	\$ 300.00
(f) For registration of every deed of mortgage where the principal sum is \$150,000 or greater but less than \$200,000 .....	\$ 375.00

(g) For registration of every deed of mortgage where the principal sum is \$200,000 or greater ..... \$ 450.00

ASSIGNMENT, RELEASE, ETC.

For registration of every assignment of mortgage, release of mortgage, release of judgement lien, mechanics' lien, lease, option to purchase and every writing relating to or affecting any interest in or title to land in the province in the name of a mortgage or relating thereto ..... \$ 50.00

SATISFACTION

For registration of a satisfaction of a mortgage..... \$ 25.00

CERTIFIED COPY

For every certified copy of any registered deed, document or mortgage ..... \$ 25.00

Fees confirmed

**4. All fees collected under the *Personal Property Security Act*, the *Probate Act* and the *Registry Act*, prior to the coming into force of this Act, are deemed to have been fees collected under the respective Acts.**

Effective date

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



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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	December 7, 2000
<i>2nd Reading:</i>	December 8, 2000
<i>To Committee:</i>	December 8, 2000
<i>Reported:</i>	December 8, 2000
<i>3rd Reading and Pass:</i>	December 12, 2000
<i>Assent:</i>	December 20, 2000

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Hon. Jeffrey E. Lantz  
Attorney General

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