

Royal



Gazette

Part II Regulations under the Regulations Act

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N.S. Reg. 86/2003 and 87/2003

Made: April 10, 2003

Filed: April 14, 2003

Highway 104 Western Alignment Regulations and
Summary Offence Tickets Regulations

Order in Council 2003-155 dated April 10, 2003
Amendments to regulations made by the Governor in Council
pursuant to Section 20 of the *Highway 104 Western Alignment Act*
and Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works and the Minister of Justice dated March 13, 2003,

- (a) pursuant to Section 20 of Chapter 4 of the Acts of 1995, the *Highway 104 Western Alignment Act*, is pleased to amend the *Highway 104 Western Alignment Regulations* made by the Governor in Council by Order in Council 96-357 dated May 14, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation

effective on and after March 1, 2003.

N.S. Reg. 86/2003

Highway 104 Western Alignment Regulations

Schedule "A"

**Amendments to the *Highway 104 Western Alignment Regulations*
made by the Governor in Council pursuant to Section 20 of
Chapter 4 of the Acts of 1995, the *Highway 104 Western Alignment Act***

- 1 The *Highway 104 Western Alignment Regulations* made by the Governor in Council by Order in Council 96-357 dated May 14, 1996, are amended by adding the heading "**Citation**" immediately before Section 1.
- 2 The regulations are further amended by adding the heading "**Delineation and further definition of Western Alignment**" immediately before Section 2.
- 3 The regulations are further amended by adding the following heading and Section immediately after Section 2:

Prohibition respecting non-payment of toll

- 3 (1) No person shall operate a vehicle within the Western Alignment unless the toll for doing so has been paid or unless the person and the Corporation have entered into an agreement for the payment of the toll.
- (2) A person who operates a vehicle within the Western Alignment without having paid the toll for doing so or without having entered into an agreement referred to in Section 1 is guilty of an offence and is liable on summary conviction to a minimum fine of \$50.00.

N.S. Reg. 87/2003

Summary Offence Tickets Regulations

ORDER

I, Jamie Muir, Minister of Justice and Attorney General of Nova Scotia, do hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of any offence set out in the amendments to the Schedules to the *Summary Offence Tickets Regulations* as set forth in Schedule "B", shall be the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount shall include the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order shall be effective on and from the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "B".

DATED AND MADE _____, 2003, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *J. Muir*
The Honorable Jamie Muir
Minister of Justice
and Attorney General of Nova Scotia

Schedule "B"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by adding the following Schedule immediately after Schedule 22:

**Schedule 23
Regulations made pursuant to the Highway 104 Western Alignment Act**

Offence	Section	Out of Court Settlement
Highway 104 Western Alignment Regulations		
1. Failure to pay toll on Western Alignment	3(1)	\$157.50

N.S. Reg. 88/2003 to 90/2003

Made: April 10, 2003

Filed: April 14, 2003

Minimum Wage Order (General),
 Minimum Wage Order (Road Building and Heavy Construction Industry)
 and Minimum Wage Order (Logging and Forest Operations)

Order in Council 2003-163 dated April 10, 2003
 Amendments to regulations made by the Governor in Council
 pursuant to Sections 50 and 52 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated March 28, 2003, and pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased, effective October 1, 2003, to

- (a) amend the *Minimum Wage Order (General)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (b) amend the *Minimum Wage Order (Road Building and Heavy Construction Industry)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation; and
- (c) amend the *Minimum Wage Order (Logging and Forest Operations)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation.

N.S. Reg. 88/2003

Minimum Wage Order (General)

Schedule "A"

**Amendments to the *Minimum Wage Order (General)*
 made by the Governor in Council pursuant to Sections 50 and 52
 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

- 1 Section 6 of the *Minimum Wage Order (General)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following Section substituted:
- 6 The minimum wages for experienced and inexperienced employees are fixed at the hourly rates set out in the following table:

Effective Date	Class of Employees	Rate per Hour
October 1, 2003	Experienced	\$6.25
	Inexperienced	\$5.80
April 1, 2004	Experienced	\$6.50
	Inexperienced	\$6.05

- 2 Subsection 8(1) of the regulations is repealed and the following subsection substituted:

- (1) If an employer furnishes board or lodging, or both, to an employee, the employer shall not deduct from the minimum wage of the employee an amount exceeding the applicable amount set out in the following table:

	Maximum Deductible	
	Effective October 1, 2003	Effective April 1, 2004
for board and lodging, per week	\$57.50	\$59.80
for board only, per week	\$46.55	\$48.45
for lodging only, per week	\$12.95	\$13.50
for single meals	\$3.00	\$3.15

N.S. Reg. 89/2003

Minimum Wage Order (Road Building and Heavy Construction Industry)

Schedule "B"

**Amendments to the *Minimum Wage Order (Road Building and Heavy Construction Industry)*
made by the Governor in Council pursuant to Sections 50 and 52
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

Section 4 of the *Minimum Wage Order (Road Building and Heavy Construction Industry)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following Section substituted:

- 4 The minimum wage for employees engaged in road building and heavy construction is fixed at the hourly rate set out in the following table:

Effective Date	Rate per Hour
October 1, 2003	\$6.25
April 1, 2004	\$6.50

N.S. Reg. 90/2003

Minimum Wage Order (Logging and Forest Operations)

Schedule "C"

**Amendments to the *Minimum Wage Order (Logging and Forest Operations)*
made by the Governor in Council pursuant to Sections 50 and 52
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code***

- 1 Subsection 5(1) of the *Minimum Wage Order (Logging and Forest Operations)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following subsection substituted:

- (1) The minimum wages for employees in a logging or forest operation are fixed at the rates set out in the following table:

Effective Date	Class of Employees	Rate
October 1, 2003	Time workers	\$6.25 per hour
	Other workers	\$1224.00 per month
April 1, 2004	Time workers	\$6.50 per hour
	Other workers	\$1273.00 per month

2 Subsection 6(1) of the regulations is repealed and the following subsection substituted:

- (1) If an employer furnishes board and lodging to an employee, the employer shall not deduct from the minimum wage of the employee an amount exceeding the amount set out in the following table:

Effective Date	Maximum Deductible
October 1, 2003	\$9.05 per day
April 1, 2004	\$9.45 per day

N.S. Reg. 91/2003

Made: April 16, 2003

Filed: April 17, 2003

Revenue Act Regulations

Order in Council 2003-165 dated April 16, 2003
Amendment to regulations made by the Governor in Council
pursuant to Section 12 of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated March 24, 2003, and pursuant to Section 12 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation effective on and after April 16, 2003.

Schedule "A"

Amendments to the *Revenue Act Regulations* made by the Governor in Council pursuant to Section 12 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*

Section 27 of the *Revenue Act Regulations* made by [the] Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by adding the following subsection immediately after subsection (8):

- (8A) Despite subsection (8), a person may purchase marked gasoline or marked diesel oil without a Consumer's Exemption Permit if the marked gasoline or marked diesel oil is delivered directly into the fuel system of a commercial vessel for commercial shipping purposes.

N.S. Reg. 92/2003

Made: March 28, 2003

Filed: April 17, 2003

Designations of Courts and Facilities

Order in Council 2003-131 dated March 28, 2003
Designations made by the Governor in Council
pursuant to Sections 2, 13, 30, 85, 88 and 157 of the *Youth Criminal Justice Act* (Canada)
and Sections 3 and 25 of the *Youth Justice Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 7, 2003, and pursuant to Sections 2, 13, 30, 85, 88 and 157 of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, and Sections 3 and 25 of Chapter 38 of the Acts of 2001, the *Youth Justice Act*, effective April 1, 2003, is pleased to:

- (1) Designate the Minister of Justice as the Minister who may establish community-based programs pursuant to s. 157 of the *Youth Criminal Justice Act*.
- (2) Designate the Supreme Court Family Division, the Provincial Court of Nova Scotia and the Family Court of Nova Scotia as Youth Justice Courts for the purposes of subsection 13(1) of the *Youth Criminal Justice Act*.
- (3) Designate the Executive Director of Correctional Services as a provincial director and delegate to the Executive Director of Correctional Services the authority to appoint or designate in the province either generally or in a specific case those persons or classes of persons who may perform any of the duties or functions of a provincial director under the *Youth Criminal Justice Act*, pursuant to Sections 2 and 22 of the *Youth Criminal Justice Act* and Section 3 of the *Youth Justice Act*.
- (4) Delegate to the Executive Director of Correctional Services as the authority to appoint or designate in the province either generally or in a specific case those persons or classes of persons who may perform any of the duties of a “youth worker” pursuant to Section 2 of the *Youth Criminal Justice Act* and Section 3 of the *Youth Justice Act*.
- (5) Designate each of the Nova Scotia Youth Centre, Shelburne Youth Centre and the Cape Breton Young Offender Detention Centre as:
 - (a) a place of detention and custody pursuant to subsection 25(1) of the *Youth Justice Act*;
 - (b) a place of temporary detention pursuant to subsection 30(1) of the *Youth Criminal Justice Act*;
 - (c) a custody facility with the least degree of restraint of the young person pursuant to subsection 85(2) of the *Youth Criminal Justice Act*; and
 - (d) a place of closed/secure custody pursuant to subsection 85(2) of the *Youth Criminal Justice Act*.
- (6) Designate each of the Antigonish Correctional Centre, Cape Breton Correctional Centre and the Cumberland Correctional Centre as:
 - (a) a place of detention, but not custody, pursuant to subsection 25(1) of the *Youth Justice Act*;
 - (b) a place of temporary detention pursuant to subsection 30(1) of the *Youth Criminal Justice Act*;
- (7) Designate each of the Cape Breton Correctional Centre and the Cumberland Correctional Centre as a place of closed/secure custody pursuant to subsection 85(2) of the *Youth Criminal Justice Act*.
- (8) Order pursuant to s. 88 of the *Youth Criminal Justice Act* that the power to make determinations of the level of custody for young persons and to review those determinations be exercised in

accordance with the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985. The following provisions of that Act apply, with any modifications that the circumstances require, to the exercise of those powers:

- (a) the definitions “review board” and “progress report” in subsection 2(1);
 - (b) section 11;
 - (c) sections 24.1 to 24.3; and
 - (d) sections 28 to 31.
- (9) Delegate to the Deputy Attorney General the authority to designate a place or class of places of temporary detention pursuant to subsection 30(1) of the *Youth Criminal Justice Act*, and a place of detention pursuant to subsection 25(1) of the *Youth Justice Act*.

N.S. Reg. 93/2003

Made: April 4, 2003

Filed: April 17, 2003

Designations of Courts and Judges

Order in Council 2003-153 dated April 4, 2003
Designations made by the Governor in Council
pursuant to Section 13 of the *Youth Justice Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated April 2, 2003, and pursuant to Section 13 of Chapter 38 of the Acts of 2001, the *Youth Justice Act*, is pleased to designate the Supreme Court Family Division, the Provincial Court of Nova Scotia and the Family Court of Nova Scotia as Youth Justice Courts and to designate the judges of such courts as Youth Justice Court Judges, effective on and after April 4, 2003.

N.S. Reg. 94/2003

Made: April 8, 2003

Filed: April 17, 2003

Schedule 1 - General Regulations

Order dated April 8, 2003
made by the Natural Products Marketing Council
pursuant to clauses 9(c) and (d) of the *Dairy Industry Act*

The Natural Products Marketing Council pursuant to clauses 9(c) and (d) of Chapter 23 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on April 8, 2003, amended regulations in the manner set out in the form attached to this certificate as Schedule “A”, effective April 8, 2003.

The amendments attached as Schedule “A” amend clause 22(1)(b) of Schedule 1 - General Regulations made pursuant to Section 13 of the *Dairy Commission Act* on December 1, 2000.

DATED AND SIGNED at Truro, Nova Scotia, April 8, 2003.

sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"

**Amendments to *Schedule 1 - General Regulations*
made pursuant to clauses 4[9](c) and (d) of Chapter 24 of the Acts
of Nova Scotia, 2000, the *Dairy Industry Act***

1 Section 22 is amended by repealing clause (1)(b) and replacing it with

- (b) Container Sizes
 - (i) 20 L
 - (ii) 10 L
 - (iii) 5 L
 - (iv) 4 L
 - (v) 2 L
 - (vi) 1 L
 - (vii) 500 ml
 - (viii) 375 ml
 - (ix) 250 ml
 - (x) 200 ml
 - (xi) 15 ml
 - (xii) 10 ml
 - (xiii) 4 fl oz

N.S. Reg. 95/2003

Made: April 8, 2003

Filed: April 17, 2003

Fluid Dairy Pricing Regulations

Order dated April 8, 2003
made by the Natural Products Marketing Council
pursuant to clauses 9(c) and (d) of the *Dairy Industry Act*

The Natural Products Marketing Council, pursuant to clauses 9(c) and (d) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on April 8, 2003, made regulations respecting the pricing of fluid dairy products in the form set forth in Schedule "A", effective April 8, 2003.

The regulations attached as Schedule "A" replace the *Fluid Dairy Pricing Regulations* made pursuant to clauses 9(c) and (d) of the *Dairy Industry Act* on March 11, 2003.

DATED AND SIGNED at Truro, Nova Scotia, April 8, 2003.

sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"

**Regulations Respecting the Pricing of Fluid Dairy Products
made by the Natural Products Marketing Council pursuant to
clauses 9(c) and 9(d) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Citation

1 These regulations may be cited as the *Fluid Dairy Pricing Regulations*.

Minimum prices

2 Except as otherwise provided in these regulations, the minimum wholesale and minimum retail prices of milk in containers sold in Nova Scotia from processors to retailers and from retailers to customers must be

(a) whole milk (including fortified products)

20 L	\$27.10
10 L	13.55
5 L	6.78
4 L	5.19
2 L	2.71
1 L	1.38
500 ml	.74
375 ml	.65
250 ml	.43
125 ml	.30
10 ml	.03

(b) partly skimmed milk (including fortified products)

20 L	\$26.90
10 L	13.45
5 L	6.73
4 L	5.19
2 L	2.69
1 L	1.37
500 ml	.73
375 ml	.65
250 ml	.43
125 ml	.30
10 ml	.03

(c) skim milk (including fortified products)

20 L	\$26.50
10 L	13.25
5 L	6.63
4 L	5.19
2 L	2.65
1 L	1.35
500 ml	.72
375 ml	.65
250 ml	.43
125 ml	.30
10 ml	.03

(d) chocolate milk, chocolate partly skimmed milk and flavoured milk (including fortified products)

20 L	\$29.90
10 L	14.95
5 L	7.48
4 L	5.74

	2 L	2.95
	1 L	1.50
	500 ml	.79
	375 ml	.75
	250 ml	.50
(e)	buttermilk	
	2 L	\$2.67
	1 L	1.36
	500 ml	.68
(f)	blend cream (containing 10% - 17.9% butterfat)	
	20 L	\$40.92
	10 L	20.46
	5 L	10.23
	1 L	2.05
	500 ml	1.09
	375 ml	.84
	250 ml	.56
	10 ml	.032
(g)	coffee cream (containing 18% - 34.9% butterfat)	
	20 L	\$50.44
	10 L	25.22
	5 L	12.61
	1 L	2.53
	500 ml	1.32
	375 ml	.99
	10 ml	.037
(h)	whipping cream (containing not less than 35% butterfat)	
	1 L	\$4.07
	500 ml	2.06
	375 ml	1.67
	250 ml	1.11
(i)	egg nog	
	2 L	\$3.65
	1 L	1.85
	375 ml	.78
	250 ml	.52
(j)	concentrated milk	
	1 L	\$3.22

Maximum discounts

- 3** The maximum discount that may be extended by a distributor to any end user is 10% of the minimum wholesale price.
- 4** The maximum discount that may be extended by a distributor to any customer other than an end user is 18.5% of the minimum wholesale price.

Equipment

- 5** A processor must not place or replace their equipment with a customer without the prior approval of the Council, unless the equipment is provided

- (a) for a fair, special event, promotion, or special situation on a temporary basis; or

- (b) to a school providing milk under a School Milk Program, administered by the Department of Agriculture and Fisheries.

N.S. Reg. 96/2003

Made: March 21, 2003

Filed: April 24, 2003

Designation of Species-at-risk Conservation Fund

Order in Council 2003-99 dated March 21, 2003
 Designation made by the Governor in Council
 pursuant to Sections 2 and 17 of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister of Finance and the Minister of Natural Resources dated February 20, 2003, pursuant to Sections 2 and 17 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, is pleased to designate as a special fund within the meaning of the *Provincial Finance Act*, the Species-at-risk Conservation Fund established under Section 8 of the *Endangered Species Act*, and to authorize that the fund be administered in accordance with the provisions of the *Endangered Species Act*.

N.S. Reg. 97/2003

Made: April 16, 2003

Filed: April 24, 2003

Assessment Appeal Rules

Order dated April 16, 2003
 Amendment to rules made by Utility and Review Board
 pursuant to Section 12 of the *Utility and Review Board Act*

ORDER**NSUARB****NOVA SCOTIA UTILITY AND REVIEW BOARD****IN THE MATTER OF THE UTILITY AND REVIEW BOARD ACT**

- and -

IN THE MATTER OF A MOTION TO AMEND THE ASSESSMENT APPEAL RULES

BEFORE: John A. Morash, C.A., Chair
 Margaret A.M. Shears, Vice-chair
 John L. Harris, Q.C., Member
 David J. Almon, Member
 Roland A. Deveau, Member
 Wayne D. Cochrane, Q.C., Member
 Kulvinder Dhillon, P. Eng., Member

ORDER

WHEREAS the Nova Scotia Utility and Review Board at its meeting held on the 28th day of February, 2003, passed a motion to amend the Assessment Appeal Form attached to the **Assessment Appeal Rules**, N.S. Reg. 287/92, made December 23, 1992;

IT IS HEREBY ORDERED that the **Assessment Appeal Rules**, N.S. Reg. 287/92, made December 23,

1992, under s. 12 of the **Utility and Review Board Act**, S.N.S. 1992, c. 11, are hereby amended by replacing **Form A** with the amended version of attached **Form A**, attached hereto.

DATED at Halifax, Nova Scotia, this 16th day of April, 2003.

sgd: *Elaine Wagner*
Clerk of the Board

FORM A

NSUARB-

NOVA SCOTIA UTILITY AND REVIEW BOARD

1601 Lr. Water Street, Suite 300

PO Box 1692, Unit "M"

Halifax, Nova Scotia

B3J 3S3

Tel: 902-424-4448

Fax: 902-424-3919

IN THE MATTER OF: An appeal under **Section 86** of the **ASSESSMENT ACT** by:

NOTICE OF APPEAL

TAKE NOTICE the Appellant(s) appeal from a decision of the Nova Scotia Regional Assessment Appeal Court made the _____ day of _____, 20____ **and** mailed by the Recorder to the Appellant(s) on the _____ day of _____, 20____ respecting property **owned by** _____ **and** located at _____ In the **County of** _____ **Property Identification No.** _____ **Assessment Account No.** _____ which decision is attached (a copy of the decision must be attached).

AND THAT

- (1) **the specific matters of appeal are:** [examples: the assessment is too high; or the classification is wrong; or assessed ownership is incorrect; or other - specify]

- (2) **the specific component of the assessment being appealed is:** [examples: land value too high; or building value too high; or property should be classified as residential, not commercial; or incorrect ownership; or general level of assessment; or other - specify]

(3) **the specific reason for the appeal:** [examples: Not enough depreciation allowance for a building; or land sales or house sale prices around the base date indicate a lower value; or replacement cost (new) too high; or uniformity (general level of assessment) is wrong; or my activity on the property does not constitute a commercial one and I should be assessed as a residential property and not commercial; or the property sold to another person prior to December 1st preceding the assessment year; or other - specify]

DATED at _____, Nova Scotia, this _____ day of _____ 20_____.

Appellant, Solicitor or Agent

Mailing Address:

Home Phone No. _____
Business. Phone No. _____
Fax No. _____