

Royal



Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 41, No. 16

August 4, 2017

Contents

Act	Reg. No.	Page
Dairy Industry Act		
Bulk Haulage Regulations—amendment.	107/2017	594
Electricity Act		
Renewable Electricity Regulations—amendment.	108/2017	595
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices.	106/2017	592
Prescribed Petroleum Products Prices.	111/2017	600
Summary Proceedings Act		
Summary Offence Tickets Regulations—amendment.	109/2017	596
—amendment.	110/2017	597
Utility and Review Board Act		
Assessment Appeal Rules—replacement.	113/2017	605
Board Regulatory Rules—amendment.	112/2017	602
Municipal Government Act Rules—replacement.	114/2017	617

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 106/2017

Made: July 13, 2017

Filed: July 14, 2017

Prescribed Petroleum Products Prices

Order dated July 13, 2017
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08173****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Steven M. Murphy, MBA, P. Eng., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 13, 2017, are:

Grade 1 Regular gasoline	51.9¢ per litre
Ultra-low-sulfur diesel oil	49.6¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	51.9¢ per litre
Grade 2	54.9¢ per litre
Grade 3	57.9¢ per litre
Ultra-low-sulfur diesel oil	49.6¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil ¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.3¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., July 14, 2017.

Dated at Halifax, Nova Scotia, this 13th day of July 2017.

sgd: Lisa Wallace
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on July 14, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	59.1	10.0	15.5	84.6	103.2	105.3	103.2	999.9
Mid-Grade Unleaded	62.1	10.0	15.5	87.6	106.6	108.8	106.6	999.9
Premium Unleaded	65.1	10.0	15.5	90.6	110.1	112.2	110.1	999.9
Ultra-Low-Sulfur Diesel	56.6	4.0	15.4	76.0	93.3	95.4	93.3	999.9
Zone 2								
Regular Unleaded	59.6	10.0	15.5	85.1	103.7	105.9	103.7	999.9
Mid-Grade Unleaded	62.6	10.0	15.5	88.1	107.2	109.4	107.2	999.9
Premium Unleaded	65.6	10.0	15.5	91.1	110.6	112.8	110.6	999.9
Ultra-Low-Sulfur Diesel	57.1	4.0	15.4	76.5	93.8	96.0	93.8	999.9
Zone 3								
Regular Unleaded	60.0	10.0	15.5	85.5	104.2	106.4	104.2	999.9
Mid-Grade Unleaded	63.0	10.0	15.5	88.5	107.6	109.8	107.6	999.9
Premium Unleaded	66.0	10.0	15.5	91.5	111.1	113.3	111.1	999.9
Ultra-Low-Sulfur Diesel	57.5	4.0	15.4	76.9	94.3	96.5	94.3	999.9
Zone 4								
Regular Unleaded	60.1	10.0	15.5	85.6	104.3	106.5	104.3	999.9
Mid-Grade Unleaded	63.1	10.0	15.5	88.6	107.8	109.9	107.8	999.9
Premium Unleaded	66.1	10.0	15.5	91.6	111.2	113.4	111.2	999.9
Ultra-Low-Sulfur Diesel	57.6	4.0	15.4	77.0	94.4	96.6	94.4	999.9
Zone 5								
Regular Unleaded	60.1	10.0	15.5	85.6	104.3	106.5	104.3	999.9
Mid-Grade Unleaded	63.1	10.0	15.5	88.6	107.8	109.9	107.8	999.9
Premium Unleaded	66.1	10.0	15.5	91.6	111.2	113.4	111.2	999.9
Ultra-Low-Sulfur Diesel	57.6	4.0	15.4	77.0	94.4	96.6	94.4	999.9
Zone 6								
Regular Unleaded	60.8	10.0	15.5	86.3	105.1	107.3	105.1	999.9
Mid-Grade Unleaded	63.8	10.0	15.5	89.3	108.6	110.7	108.6	999.9
Premium Unleaded	66.8	10.0	15.5	92.3	112.0	114.2	112.0	999.9
Ultra-Low-Sulfur Diesel	58.3	4.0	15.4	77.7	95.2	97.4	95.2	999.9

N.S. Reg. 107/2017

Made: July 5, 2017

Approved: July 14, 2017

Filed: July 18, 2017

Bulk Haulage Regulations—amendment

Order dated July 14, 2017
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia**Amendment to the *Bulk Haulage Regulations*
made under the *Dairy Industry Act***

I certify that on July 5, 2017, the Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, carried a motion to amend the *Bulk Haulage Regulations*, N.S. Reg. 23/2003, made by the Dairy Farmers of Nova Scotia on July 17, 2002, and approved by the Natural Products Marketing Council on August 13, 2002, in the manner set forth in the attached Schedule “A”, effective on and after August 1, 2017.

Signed at Truro, in the County of Colchester, Nova Scotia on July 14, 2017.

Dairy Farmers of Nova Scotia

per: sgd: *Brian Cameron*
Brian Cameron
General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on July 14, 2017.

Natural Products Marketing Council

per: sgd: *E. A. Crouse*
Elizabeth A. Crouse, P.Ag.
General Manager

Schedule “A”**Amendment to the *Bulk Haulage Regulations*
made by the Dairy Farmers of Nova Scotia
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Section 7 of the *Bulk Haulage Regulations*, N.S. Reg. 23/2003, made by the Dairy Farmers of Nova Scotia on July 17, 2002, and approved by the Natural Products Marketing Council on August 13, 2002, is amended by repealing clause (a) and substituting the following clause:

(a) for farm pick-up:

Transporter	Maximum Rate/100 L
Agropur Co-operative	\$2.25
Agropur Scotsburn Division	\$2.91
Fisher Transport Limited	\$1.61
Winterthur Farm–Rudolph Burghardt	\$5.02

N.S. Reg. 108/2017

Made: July 17, 2017

Filed: July 19, 2017

Renewable Electricity Regulations–amendment

Order in Council 2017-187 dated July 17, 2017

Amendment to regulations made by the Governor in Council
pursuant to subsection 4B(7A) and Sections 4C and 5 of the *Electricity Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated July 6, 2017, and pursuant to subsection 4B(7A) and Sections 4C and 5 of Chapter 25 of the Acts of 2004, the *Electricity Act*, is pleased to amend the *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, to adjust the dates for each program year for the Solar Electricity for Community Buildings Program, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 17, 2017.

Schedule “A”**Amendment to the *Renewable Electricity Regulations*
made by the Governor in Council under Sections 4B, 4C and 5
of Chapter 25 of the Acts of 2004, the *Electricity Act***

The *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, are amended by striking out subsection 37E(1) and substituting the following subsection:

(1) In this Section,

“program year” means

- (i) 2017, for contracts awarded by the procurement administrator under the solar program before December 1, 2017,
- (ii) 2018, for contracts awarded by the procurement administrator under the solar program after November 30, 2017, and before December 1, 2018,
- (ii) 2019, for contracts awarded by the procurement administrator under the solar program after November 30, 2018, and before December 1, 2019.

N.S. Reg. 109/2017

Made: July 17, 2017

Filed: July 20, 2017

Summary Offence Tickets Regulations—amendment

Order dated July 17, 2017

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***Order****Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, under Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the Cape Breton Regional Municipality by-laws as summary offence ticket offences in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made July 17, 2017[,] at Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

Honourable Mark Furey

Minister of Justice and Attorney General

Schedule “A”**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-1 to the *Summary Offence Ticket[s] Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by repealing the heading “Vendors and Traders of Goods By-law” and items 1-17 under that heading, and substituting the following heading and items:

Vendors By-law - V-200:

1	Vending without licence	5(1)	\$237.50
2	Leaving vending vehicle or stand (specify) unattended on street	7(1)(a)	\$237.50

3	Leaving location without disposing of trash remaining from sales	7(1)(b)	\$237.50
4	Placing item related to vending anywhere other than in, on or under vending stand, vending vehicle, litter receptacle, recycling receptacle or table	7(1)(c)	\$237.50
5	Dumping trash, fat or food substances into CBRM's sewer system	7(1)(d)	\$352.50
6	Soliciting business orally or by sound emitted by device	7(1)(e)	\$237.50
7	Vending within 30.5 m (100 ft.) of doorway of permanent business establishment in building subject to property tax and selling similar products as vendor	7(1)(f)	\$237.50
8	Allowing vending vehicle, stand or item relating to vending (specify) to lean against or hang from building on private property or structure lawfully on public property without owner's permission	7(1)(g)	\$237.50
9	Vending from unsightly stand or vending vehicle (specify)	7(1)(h)	\$237.50
10	Vending vehicle or stand (specify) location restricts or interferes with vehicles using driveway that accesses street or pedestrians entering building	7(1)(i)	\$237.50
11	Vending vehicle or stand (specify) left at location not used for vending purposes for over 1 week	7(1)(j)	\$237.50
12	Vending vehicle or stand (specify) obstructing view of approved signage or display in storefront window	7(1)(k)	\$237.50
13	Vending to person in motor vehicle	7(1)(l)	\$237.50
14	Vending from motor vehicle, pedestrian-powered vehicle or stand (specify) on sidewalk contrary to the by-law (specify)	8	\$237.50
15	Vending at special event without vending licence and written approval of special event organizer	9(2)	\$352.50
16	Retailing Christmas trees during Christmas season without licence	11(1)	\$237.50
17	Vending seafood without licence	11(2)	\$237.50
18	Vending without conspicuously displaying licence	14	\$237.50

N.S. Reg. 110/2017

Made: July 17, 2017

Filed: July 20, 2017

Summary Offence Tickets Regulations—amendment

Order dated July 17, 2017

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***Order**

**Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, under Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this Order, hereby

- (a) amend Schedule M-2 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under Halifax Regional Municipality by-laws as summary offence ticket offences, in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made July 17, 2017, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

Honourable Mark Furey

Attorney General and Minister of Justice

Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Schedule M-2 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by repealing the heading “Animal By-law - A-300” and all items under that heading, and replacing that heading and items with the following heading and items:

Animal By-law—A-700:

1	Owning unlicensed dog	5(1)	\$237.50
2	Providing false information to license administrator when applying for license	6(10)	\$237.50
3	Failing to keep license tag affixed to animal	7(1)	\$237.50
4	Failing to keep viable microchip in licensed animal	7(3)	\$237.50
5	Owning (specify animal other than cat or dog) that is off owner’s property and not secured	8(1)(a)	\$352.50
6	Owning (specify animal other than cat or dog) that damages property	8(1)(b)	\$352.20
7	Failing to immediately remove (specify animal other than cat or dog) defecation	8(1)(c)	\$352.50
8	Owning cat that damages property	10(a)	\$352.50
9	Failing to immediately remove cat defecation	10(b)	\$352.50
10	Owning dog that runs at large	11(1)(a)	\$352.50
11	Owning dog that damages property	11(1)(b)	\$352.50
12	Owning dog that is in municipal park designated by signage as area prohibiting dogs	11(1)(c)	\$352.50
13	Failing to immediately remove dog defecation	11(2)(a)	\$352.50

14	Owning unspayed dog that is in heat and not enclosed	11(3)	\$352.50
15	Owning dog that unreasonably disturbs quiet of neighbourhood	12(1)	\$352.50
16	Owning animal that attacks person or other animal	13(1)(a)	\$467.50
17	Owning dangerous dog that attacks person or other animal	13(1)(b)	\$812.50
18	Failing to license dog as dangerous dog within 10 days of receiving designation	13(4)(a)	\$467.50
19	Failing to keep dangerous dog securely restrained indoors or in outdoor enclosure	13(4)(b)	\$467.50
20	Failing to muzzle dangerous dog	13(4)(c)(i)	\$467.50
21	Failing to ensure dangerous dog is under the control of person at least 18 years old	13(4)(c)(ii)	\$467.50
22	Failing to ensure dangerous dog is on leash	13(4)(c)(iii)	\$467.50
23	Failing to ensure dangerous dog is securely restrained indoors or in escape-proof enclosure	13(4)(c)(iv)	\$467.50
24	Owning prohibited animal	15(1)(a)	\$352.50
25	Disposing of prohibited animal other than by releasing it to Peace Officer	15(1)(b)	\$352.50
26	Selling or offering for sale prohibited animal	15(1)(c)	\$352.50
27	Feeding waterfowl on land adjacent to lake	16(1)(a)	\$352.50
28	Feeding birds at locations where prohibited by by-law	16(1)(b)	\$352.50
29	Violating by-law or order (specify, including Section of by-law violated)	32(1)(a)	\$467.50
30	Failing to comply with order made under (specify Section of by-law order issued under)	32(1)(b)	\$467.50
31	Permitting violation of by-law or order (specify, including Section of by-law violated or Section of by-law order issued under)	32(1)(c)	\$467.50
32	Obstructing or hindering person performing duties under by-law or order (specify)	32(1)(d)	\$467.50
2	Schedule M-2 to the regulations is further amended by striking out "H" in the Out of Court Settlement column for each item listed under the heading "Taxi and Limousine By-law - T-1000" and substituting "\$237.50".		

N.S. Reg. 111/2017

Made: July 20, 2017

Filed: July 21, 2017

Prescribed Petroleum Products Prices

Order dated July 20, 2017
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08191****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Murray E. Doehler, CPA, CA, P.Eng., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 19, 2017, are:

Grade 1 Regular gasoline	53.0¢ per litre
Ultra-low-sulfur diesel oil	50.5¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:

Grade 1	53.0¢ per litre
Grade 2	56.0¢ per litre
Grade 3	59.0¢ per litre
Ultra-low-sulfur diesel oil	50.5¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.3¢ per litre
Ultra-low-sulfur diesel oil:	nil ¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., July 21, 2017.

Dated at Halifax, Nova Scotia, this 20th day of July 2017.

sgd: Bruce A. Kiley
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on July 21, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	60.5	10.0	15.5	86.0	104.8	107.0	104.8	999.9
Mid-Grade Unleaded	63.5	10.0	15.5	89.0	108.2	110.4	108.2	999.9
Premium Unleaded	66.5	10.0	15.5	92.0	111.7	113.8	111.7	999.9
Ultra-Low-Sulfur Diesel	57.8	4.0	15.4	77.2	94.6	96.8	94.6	999.9
Zone 2								
Regular Unleaded	61.0	10.0	15.5	86.5	105.3	107.5	105.3	999.9
Mid-Grade Unleaded	64.0	10.0	15.5	89.5	108.8	111.0	108.8	999.9
Premium Unleaded	67.0	10.0	15.5	92.5	112.2	114.4	112.2	999.9
Ultra-Low-Sulfur Diesel	58.3	4.0	15.4	77.7	95.2	97.4	95.2	999.9
Zone 3								
Regular Unleaded	61.4	10.0	15.5	86.9	105.8	108.0	105.8	999.9
Mid-Grade Unleaded	64.4	10.0	15.5	89.9	109.2	111.4	109.2	999.9
Premium Unleaded	67.4	10.0	15.5	92.9	112.7	114.9	112.7	999.9
Ultra-Low-Sulfur Diesel	58.7	4.0	15.4	78.1	95.7	97.9	95.7	999.9
Zone 4								
Regular Unleaded	61.5	10.0	15.5	87.0	105.9	108.1	105.9	999.9
Mid-Grade Unleaded	64.5	10.0	15.5	90.0	109.4	111.6	109.4	999.9
Premium Unleaded	67.5	10.0	15.5	93.0	112.8	115.0	112.8	999.9
Ultra-Low-Sulfur Diesel	58.8	4.0	15.4	78.2	95.8	98.0	95.8	999.9
Zone 5								
Regular Unleaded	61.5	10.0	15.5	87.0	105.9	108.1	105.9	999.9
Mid-Grade Unleaded	64.5	10.0	15.5	90.0	109.4	111.6	109.4	999.9
Premium Unleaded	67.5	10.0	15.5	93.0	112.8	115.0	112.8	999.9
Ultra-Low-Sulfur Diesel	58.8	4.0	15.4	78.2	95.8	98.0	95.8	999.9
Zone 6								
Regular Unleaded	62.2	10.0	15.5	87.7	106.7	108.9	106.7	999.9
Mid-Grade Unleaded	65.2	10.0	15.5	90.7	110.2	112.4	110.2	999.9
Premium Unleaded	68.2	10.0	15.5	93.7	113.6	115.8	113.6	999.9
Ultra-Low-Sulfur Diesel	59.5	4.0	15.4	78.9	96.6	98.8	96.6	999.9

N.S. Reg. 112/2017

Made: July 13, 2017

Filed: July 24, 2017

Board Regulatory Rules—amendment

Order dated July 13, 2017

Amendment to regulations made by the Nova Scotia Utility and Review Board
pursuant to Section 12 of the *Utility and Review Board Act***Order****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 *Board Regulatory Rules***

Before: Peter W. Gurnham, Q.C., Chair
Roland A. Deveau, Q.C., Vice Chair
David J. Almon, LL.B., Member
Murray E. Doehler, P.Eng., CA, Member
Dawna J. Ring, Q.C., Member
Roberta J. Clarke, Q.C., Member
Richard J. Melanson, LL.B., Member
Steven Murphy, MBA, P.Eng., Member

Whereas the Nova Scotia Utility and Review Board, at a meeting of the Board held on December 16, 2016, passed a motion to amend the *Board Regulatory Rules*, N.S. Reg. 235/2005, made December 23, 2005;

It is hereby ordered that the *Board Regulatory Rules*, N.S. Reg. 235/2005, made December 23, 2005, under s. 12 of the *Utility and Review Board Act*, S.N.S. 1992, c. 11, are hereby amended as set out in Schedule “A” attached to and forming part of this order.

Dated at Halifax, Nova Scotia, this 13th day of July, 2017.

sgd: *Bruce A. Kiley*
Clerk of the Board

Schedule A**Amendment to the *Board Regulatory Rules*
made by the [Nova Scotia] Utility and Review Board
under Section 12 of Chapter 11 of the Acts of 1992, the *Utility and Review Board Act***

- 1 Section 7 of the *Board Regulatory Rules*, N.S. Reg. 235/2005, made by the Utility and Review Board by order dated December 23, 2005, is amended by
 - (a) adding a sentence “No hard copy or fax is required to be filed with respect to a complaint filed by email by a ratepayer in relation to a utility.” immediately after the first sentence in subsection (4).
- 2 Section 20 of the Rules is amended by adding “(1)” immediately after 20; [and]
 - (a) adding subsection (2) immediately at the end of subsection (1):

- (2) A Book of Authorities or any case, is not required to be filed electronically or by paper, if they are available online. A list of the authorities and citations should be included at the end of the submissions. Specific paragraphs relied upon should be included in the text.
- 3 Delete the existing attachment, Form A – Information Request, and substitute it with a new attachment, Form A, attached to this schedule;
- 4 Delete the existing attachment, Form B – Response to Information Request, and substitute it with a new attachment, Form B, attached to this schedule.

[Please note: Unless otherwise noted, square brackets in Forms A and B do *not* indicate editorial corrections made by the ORR. They are part of the forms.]

Form A – Information Requests

M0XXXX

Nova Scotia Utility and Review Board

In the Matter of: the XXXX Act

– and –

In the Matter of: insert **application / matter** name

Information Requests

[insert whether **Non-Confidential / Confidential / Redacted**]

To: insert party name
insert counsel name
insert email address

From: insert party name – e.g. Nova Scotia Utility and Review Board

Responses due: insert date – e.g. Wednesday, December 14, 2017

Copies: 1 electronic copy (PDF searchable)
xx hard copies
[as directed by pre-hearing order or the Board Clerk]

Contact person: insert individual's name and contact details – e.g. see below
(name)
Senior Advisor
Nova Scotia Utility and Review Board
Tel: (902) 424-4448; Fax: (902) 424-3919
xxxxx@novascotia.ca

Issued at _____, Nova Scotia, this _____ day of _____, 20____.

Clerk of the Board

Document: XXXXXXX

Date filed: Mo. Day/Yr.

UARB(Recipient) Page X of X

1 Questions: [Questions are to be numbered sequentially with **line numbering applied**]

2

3 **Request IR-1: (Question Identifier to be bolded)**

4

5 One clear space between identifier and the question:

6 a) Subparagraphs to be indented and lettered.

7 b) No clear space between subparagraphs.

8

9 **Request IR-2:**

10

11 Footer to be inserted on each page.

12

13

Document: XXXXXX

Date filed: Mo. Day/Yr.

UARB(Recipient) Page X of X

Form B – Response to Information Request

M0XXXX

Nova Scotia Utility and Review Board

In the Matter of: the XXXX Act

– and –

In the Matter of: insert **application / matter** name

Responses to Information Requests

[insert whether **Non-Confidential / Confidential / Redacted**]

To: [insert name of party (or Board) requesting information]

From: [name of party responding]

Date: insert date response is filed with the Board

Date files [filed]*: Month, day, year

Respondent(Originator) IR-# Page X of X

[* editorial correction]

1 **Request IR-1:**

2
3 Questions are to be restated sequentially and completely. **Line numbering must be applied.**

4
5 **Response IR-1**

6
7 One clear space between identifier and response. Response to be written in full – attach any schedules and
8 attachments relating to the response

9
10 **** [each separate response must start on a separate page and must include the heading as above]**

11
12
13
14

Date files [filed]*: Month, day, year
[* editorial correction]

Respondent(Originator) IR-# Page X of X

N.S. Reg. 113/2017

Made: July 10, 2017

Filed: July 24, 2017

Assessment Appeal Rules–replacement

Order dated July 10, 2017

Replacement of regulations made by the Nova Scotia Utility and Review Board
pursuant to Section 12 of the *Utility and Review Board Act*

Order

Nova Scotia Utility and Review Board
In the matter of the *Utility and Review Board Act*
– and –

In the matter of a motion to repeal and replace the *Assessment Appeal Rules*

Before: Peter W. Gurnham, Q.C., Chair
Roland A. Deveau, Q.C., Vice Chair
David J. Almon, LL.B., Member
Murray E. Doehler, CPA, CA, P.Eng., Member
Dawna J. Ring, Q.C., Member
Roberta J. Clarke, Q.C., Member
Richard J. Melanson, LL.B., Member
Steven Murphy, MBA, P.Eng., Member

Whereas the Nova Scotia Utility and Review Board, at a meeting of the Board held on April 27, 2017, passed a motion to repeal and replace the *Assessment Appeal Rules*, N.S. Reg. 79/2006 (made May 25, 2006);

It is hereby ordered that the *Assessment Appeal Rules*, N.S. Reg. 79/2006 (made May 25, 2006) under s. 12 of the *Utility and Review Board Act*, S.N.S. 1992, c. 11, are hereby repealed, and the *Assessment Appeal Rules*, as set out in Schedule “A” attached hereto and forming part of this order, are substituted therefor.

Dated at Halifax, Nova Scotia, this 10th day of July 2017.

sgd: *Bruce A. Kiley*
Clerk of the Board

Schedule "A"

Nova Scotia Utility and Review Board Rules of Practice and Procedure Respecting Appeals under the *Assessment Act*

1 These *Assessment Appeal Rules* are made pursuant to Section 12 of the *Utility and Review Board Act* and apply to any appeals to the Board under the *Assessment Act*.

Short title and object

2 (1) These rules may be cited as the *Assessment Appeal Rules*.

(2) The object of these rules is to secure the just, speedy and economic determination of every appeal.

Definitions

3 In these Rules

(a) "Act" means the *Assessment Act*;

(b) "agent or representative" means a person who has been lawfully authorized to act on behalf of an Appellant;

(c) "appeal" means an appeal pursuant to Section 86 of the *Assessment Act*;

(d) "appellant" means the person who is appealing to the Board under the Act;

(e) "Board" means the Nova Scotia Utility and Review Board;

(f) "Clerk" means the Clerk of the Board;

(g) "holiday" means Saturday or a holiday as defined in the *Interpretation Act*, s. 7(1)(j);

(h) "written evidence" includes, but is not limited to, reports, documents, letters, appraisals, hard copies of overhead projection sheets, calculations and other data which a party intends to present as evidence at the hearing or pre-hearing;

(i) "audio-visual evidence" includes, but is not limited to, photographs, maps, audio tapes, videos, charts, models, overlays and computer-generated images which a party intends to present as evidence at the hearing or pre-hearing.

General

4 (1) Where procedures are not provided for in these rules or in an enactment, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

(2) The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of these rules at any time by making a procedural order, if it is satisfied that the special circumstances

of the appeal so require, or it is in the public interest to do so.

- (3) The Board may make directions on procedure and procedural orders which shall govern the conduct of a specific appeal.
- (4) Except as governed by s. 86(1) of the Act, the Board may extend or abridge the time fixed by these rules or otherwise fixed by the Board, and may do so of its own initiative or in response to a motion by any party whether the motion to extend or abridge the time is made after the time so fixed has expired or not.
- (5) Unless otherwise specified, where these rules or a Board order make reference to the number of days between two events, not expressed to be clear days, the number of days shall be calculated by excluding the day on which the first event happens and including the day on which the second event happens. If the last day falls on a day the Board offices are closed, the time shall automatically be extended to the next business day.
- (6) No appeal before the Board shall be defeated or affected by any technical objection or by any objection based upon defects in form or procedure.

Filing of Notice of Appeal or other documents

- 5 (1) Any Notice of Appeal or other document to be filed with the Board shall be filed with the Clerk.
- (2) A Notice of Appeal shall be in writing and shall be signed by the appellant, or the agent, solicitor or representative acting on behalf of the appellant.
 - (3) Any document to be filed with the Board, including a Notice of Appeal pursuant to s. 86(2) of the Act, shall be filed with the Clerk by any of the following methods:
 - (a) delivering a copy to the Clerk at the Board's office;
 - (b) mailing a copy to the Clerk;
 - (c) transmitting a copy to the Clerk via fax or e-mail; or
 - (d) such other manner as the Board may determine.
 - (4) A Notice of Appeal under the Act must be filed with the Board within 30 days from the date the decision was mailed by the Recorder of the Nova Scotia Assessment Appeal Tribunal ("NSAAT"), except when the 30th day falls on a holiday, in which case the Notice of Appeal must be filed with the Board on the next day that is not a holiday. (The date of filing of a Notice of Appeal has been interpreted as the date, up to midnight, that the document is received by the Board (not the date it is sent), and that the Board has no power to grant extensions).
 - (5) All documents filed shall be date-stamped by the Board and any document, other than a Notice of Appeal or other document the filing of which is required by the Act, filed with the Board after 2:00 p.m. or on a holiday shall be considered to have been filed on the next working day.
 - (6) In all cases where documentary evidence is offered, the Board, in lieu of requiring the originals thereof to be filed, may accept true copies of such evidence or such parts of the same as may be relevant, or may require such evidence to be transcribed as part of the record.
 - (7) When a document is filed with the Board by e-mail transmission, a hard copy or fax of the document shall be provided to the Board within one (1) day thereafter.

- (8) When a document is filed with the Board by e-mail transmission or fax, the sender shall obtain an acknowledgement from the Clerk of its receipt.

Contents of notice of appeal

- 6 (1) In addition to the requirements of s. 86(2) of the Act (including the civic address, property identification number or assessment account number), the Notice of Appeal shall include
- (a) the name of the appellant;
 - (b) the name of the owner of the property, if not the appellant, which is the subject of the appeal;
 - (c) the geographical location of the property which is the subject of the appeal;
 - (d) the date the decision was rendered;
 - (e) the date that the decision was mailed by the Recorder;
 - (f) a copy of the NSAAT decision;
 - (g) the grounds of appeal (paragraphs 1, 2, and 3 of Form A must be completed);
 - (h) the address of the appellant or the name and address of the appellant's agent, solicitor or representative upon whom documents or notices relating to the appeal may be served;
 - (i) a telephone number, email address or facsimile number at which the appellant or the individual referred to in clause (h) may be reached during normal business hours.
- (2) A Notice of Appeal shall be signed by the appellant or the agent, solicitor or representative acting on behalf of the appellant.
- (3) A Notice of Appeal shall be in Form A.

Service of documents

- 7 (1) Where any document is required to be served on another person, service shall be effected by any of the following methods:
- (a) personal service upon the person;
 - (b) delivering a copy to the person's proper address;
 - (c) sending a copy by ordinary mail addressed to the person at his or her proper address;
 - (d) transmitting a copy to the person via fax or e-mail, where the person has provided a fax number or e-mail address; or
 - (e) such other manner as the Board may determine.
- (2) Where a person has indicated that he or she shall be represented by an agent, counsel or representative, service of a document, including a Notice of Appeal, shall be effected upon that person's agent, counsel or representative by any of the methods listed in subsection (1).
- (3) Service of any document, including a Notice of Appeal, may be proved by affidavit, oral testimony, or both.

- (4) When a document is served on a person by e-mail transmission, a hard copy or fax of the document shall be provided to the Board one (1) day thereafter.

Confidential documents

- 8 (1) Subject to subsection (2), all documents filed in respect of an appeal shall be placed on the public record.
- (2) A party may request that all or any part of any document be held in confidence by the Board, which request shall be placed on the public record.
- (3) The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.
- (4) Any request for confidentiality shall
 - (a) include a summary of the nature of the information in the document;
 - (b) state
 - (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed, and
 - (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and
 - (c) be filed with the Board and served on the parties.
- (5) Where a party has made a request under subsection (2), the document shall be held in confidence unless the Board orders otherwise.
- (6) A party may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (7) An objection shall state the reasons
 - (a) why the party requires disclosure of the document; and
 - (b) why disclosure would be in the public interest.
- (8) The party claiming confidentiality will have an opportunity to reply to any objection.
- (9) The Board may decide the issue with or without a hearing. Where the Board holds a hearing, the Board may direct that the hearing be held in the absence of the public.
- (10) In ruling on a request for confidentiality the Board shall consider
 - (a) whether the document may disclose matters involving public security;
 - (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or

- (c) such other matters as the Board deems appropriate.
- (11) The Board may
- (a) order that the document be held in confidence by the Board;
 - (b) order that the document be placed on the public record;
 - (c) order that an abridged version of the document be placed on the public record;
 - (d) order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Board considers appropriate, including the signing of a confidentiality undertaking in a form approved by the Board;
 - (e) order that the document be withdrawn; and
 - (f) make any other order the Board may deem to be in the public interest.
- (12) Where the Board rejects a claim for confidentiality, the party claiming confidentiality may, within seven (7) days of receiving the Board's decision, or such other time as the Board may allow, notify the Board in writing that
- (a) if the party has filed an appeal, the appeal is withdrawn; or
 - (b) if the party is an intervenor, the intervention is withdrawn.
- (13) Where a party provides written notice to the Board pursuant to subsection (12), if the document is on file with the Board, the Board shall immediately return the documents for which confidentiality was claimed.

Amendment of documents

- 9 (1) Subject to subsection (2), a Notice of Appeal may be amended at any time with leave of the Board.
- (2) A Notice of Appeal may not be amended for the purpose of adding appellants.

Preliminary hearings

- 10 (1) In any appeal, the Board may, on its own initiative or at the request of any party, hold a preliminary hearing to deal with any matter that may aid in the disposition of the hearing, including to
- (a) consider any preliminary motion for an order dismissing the appeal on the grounds that the Board lacks jurisdiction to hear the appeal, including but not limited to, by reason of s. 86 of the Act;
 - (b) determine any question as to the admissibility of any evidence;
 - (c) clarify or simplify the issues;
 - (d) consider the necessity or desirability of an amendment to the Notice of Appeal or any other document;
 - (e) consider a request for access to information in the custody or control of any party;

- (f) consider the possibility of obtaining agreements to facts and to documents that will avoid unnecessary proof;
 - (g) fix dates for the hearing and for any procedural steps to be completed by the parties;
 - (h) make any directions for the pre-filing of witness lists or expert witness statements and reports (except as otherwise provided for in these rules), or direct further disclosure where necessary; and
 - (i) determine issues of confidentiality, including any need to hold a part of the hearing in the absence of the public, or to seal documents.
- (2) Following the preliminary hearing, the Board may make an order giving such directions as the Board deems advisable.
- (3) The Board member who presides at a preliminary hearing shall not be deemed to be seized of the appeal, and any subsequent hearing related to the appeal may be heard by that member or any other member.
- (4) Where a party intends to request dismissal of an appeal for lack of jurisdiction pursuant to ~~subsection~~ [clause] (1)(a) herein, the party shall seek a preliminary hearing to deal with the issue.
- (5) Where a party (“the applicant”) requests a preliminary hearing to seek an order, including an order relating to s. (1)(a), and intends to present written or audio-visual evidence at that preliminary hearing in support of the granting of that order, the applicant shall provide a copy of such evidence to any other party and to the Board, not less than five (5) business days before the preliminary hearing. Any party other than the applicant, who intends to present written or visual evidence at the preliminary hearing, shall provide a copy of such evidence to the applicant, to any other party, and to the Board, not less than one (1) business day prior to the preliminary hearing.

Disclosure of evidence before hearing

11 Subject to Rule 12,

- (1) An appellant who intends to present written or audio-visual evidence at a hearing shall provide a copy of such evidence to all other parties and to the Board, as directed by the hearing order referred to in Rule 13(4).
- (2) Any other party who intends to present written or audio-visual evidence at a hearing shall provide a copy of such evidence to all other parties and to the Board, as directed by the hearing order referred to in Rule 13(4).
- (3) Where market value of the property is at issue, the parties shall disclose to each other, and to the Board, pursuant to subsection[s] (1) and (2) herein, any sales data and replacement cost calculations (including depreciation) intended to be tendered or relied upon at the hearing.
- (4) Evidence so disclosed will be considered to be evidence before the Board, unless a party objects.

Disclosure of expert reports

12 Notwithstanding Rule 11,

- (1) Unless a copy of a report containing the full opinion of an expert, including the essential facts on which the opinion is based, a summary of the expert’s qualifications, and a summary of the grounds for each opinion expressed, has been served on each party and filed with the Board, as directed by

the hearing order referred to in Rule 13(4), the evidence of the expert shall not be admissible at the hearing without leave of the Board.

- (2) If the report of an expert does not comply with the requirements of subsection (1), the Board may, on the application of another party, make an order requiring the party providing the report to comply with that subsection.
- (3) Where a copy of the report has been filed and delivered as provided in subsection (1), the expert shall be required to attend at the hearing unless all other parties give notice that they do not require the attendance of the expert at the hearing, which notice shall be given as soon as is reasonably possible.

Hearing date

- 13** (1) The Clerk, in consultation with the parties, shall attempt to set a date for the hearing of the appeal.
- (2) Where the parties cannot reach agreement as to a date, the Chair shall set a date for the hearing.
 - (3) The Clerk shall notify the parties of the date of the hearing.
 - (4) The Board may issue a hearing order setting the date for the hearing and containing directions on disclosure and procedure.

Hearings

- 14** (1) Hearings may be conducted in an informal manner and need not follow the strict rules of practice and procedure required in a court of law.
- (2) The Board may, at its discretion, conduct a hearing or preliminary hearing in person, in writing or by teleconference, video conference or by any other electronic means.
 - (3) At the hearing of an appeal, the appellant shall present its evidence first, and after the evidence of all other parties is given, shall have the right to reply.
 - (4) A party may call and examine witnesses, cross-examine opposing witnesses and present arguments and submissions.
 - (5) The Board may receive in evidence any statement, document, information or matter that, in the opinion of the Board, may assist it to deal with the matter before the Board whether or not the statement, document, information or matter is given or produced under oath or would be admissible as evidence in a court of law.
 - (6) A party may be represented before the Board by counsel, agent, or representative.
 - (7) A hearing may be adjourned from time to time by the Board on reasonable grounds on its own motion or at the request of any party.
 - (8) The Board, whenever it deems it desirable, may require briefs to be filed by the parties within such time as the Board may prescribe.

Notice of higher assessment

- 15** (1) A party intending to seek a higher assessment than that fixed by the Nova Scotia Assessment Appeal Tribunal shall give notice of its intention to seek an increase in the assessment (and the amount sought) to all other parties and to the Board at least 30 days before the hearing of the appeal.

- (2) Where a party seeking an increase in assessment fails to comply with subsection (1) herein, the Board may refuse to consider the request for a higher assessment.

Informal settlement conference

- 16** (1) The Board may, on its own motion or at the request of any party, hold an informal settlement conference in relation to any appeal.
- (2) An informal settlement conference will be presided over by a Board member (the “Presiding Board Member”), and shall be subject to the following provisions:
 - (a) participation by a party is voluntary;
 - (b) the parties may attend the informal settlement conference with, or without, legal counsel; or
 - (c) when a party is represented by legal counsel, however, that legal counsel must, unless the Board otherwise directs, participate in the informal settlement conference.
 - (3) In the course of the informal settlement conference, the Presiding Board Member may offer opinions to the parties about the likely outcome, in the view of that Member, if the appeal proceeds to a hearing on the merits, and alternative procedures which may be available to the parties.
 - (4) The informal settlement conference will be confidential. Any information or documents provided or exchanged during the conference, and any suggestion for resolution of the issues, or any offer to settle, made during the conference, shall remain confidential, and not be disclosed in evidence in the present or any subsequent proceeding, nor be placed in the Board’s files, unless the party who provided the information or document, or who made the suggestion or offer, consents to such disclosure and to the manner of such disclosure.
 - (5) Any notes made by the Presiding Board Member during the informal settlement conference will remain confidential, and will not be released to any person or admitted into evidence in any proceeding.
 - (6) The Presiding Board Member may not participate in the hearing of the appeal, unless otherwise requested by all parties involved in the informal settlement conference.
 - (7) (a) An agreement between the parties may, depending upon the circumstances of the particular proceeding, and the nature of the proceeding itself, include
 - (i) withdrawal of an appeal,
 - (ii) withdrawal of opposition to an appeal,
 - (iii) agreement between the parties as to certain facts,
 - (iv) agreement between the parties that certain issues are to be included, or excluded, from the hearing on the merits, or
 - (v) such other agreement between the parties as the Board finds acceptable.
 - (b) If, as a result of the informal settlement conference, the parties are able to reach agreement with respect to certain matters, but not with respect to others, the Presiding Board Member may prepare a statement summarizing the points of agreement and disagreement, which will be distributed to the parties, and thereafter (with the consent of the parties) placed in the

Board file for the information of the Board member or members who may eventually conduct a hearing on the merits with respect to the remaining issues.

- (8) If, as a result of the informal settlement conference, an agreement is reached between the parties with respect to all or any of the issues, procedural or substantive, in the appeal, and the parties agree that an order of the Board may be appropriate in relation to that agreement, then the Presiding Board Member may take appropriate action, including
- (i) making an order to implement any matter agreed upon between the parties,
 - (ii) holding a hearing, with the consent of all parties, immediately or otherwise, or
 - (iii) scheduling a hearing, with the consent of all parties, to be held by another Board member, to consider any issues relating to the public interest or requirements of the governing legislation, including notice to possible intervenors, before issuing any order which implements such agreement.

Audio and video recording of hearings

- 17 (1) Audio and video recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.
- (2) The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the proceeding in any way.
- (3) Where recording is allowed, the following shall apply unless otherwise directed by the Board:
- (a) only equipment which does not produce distracting sound or light shall be used;
 - (b) where possible, existing audio systems present in the hearing room shall be used;
 - (c) media personnel shall not move about while the hearing is in progress; and
 - (d) equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.

Subpoenas

- 18 (1) At the request of a party, the Board may issue a subpoena, which shall be signed by the Clerk and sealed with the Board's seal.
- (2) A subpoena issued pursuant to subsection (1) shall be issued in the form prescribed by the Board and may set out the names of any number of persons required to appear before the Board.
- (3) No person served with a subpoena is required to appear before the Board pursuant to the subpoena unless the person has been paid or tendered conduct money in an amount sufficient to cover the person's reasonable fees and traveling expenses paid in accordance with the Act.
- (4) A subpoena shall be served personally on the person to whom it is directed at least two (2) clear business days prior to the date on which the person is to appear.

Destruction of exhibits

- 19 (1) A person who has submitted exhibits to the Board may request that the Board return the exhibits.

- (2) The Board, at the end of six (6) months from the date of the final order in the proceedings, provided no appeal or judicial review has been commenced within that time, may return requested exhibits and may destroy any remaining exhibits.

Costs

20 Any application for costs shall be governed by the Board’s *Cost[s] Rules*.

These *Assessment Appeal Rules* were made by the Nova Scotia Utility and Review Board at a Board meeting held on the 27th day of April 2017, and replace and supersede all previous *Assessment Appeal Rules*.

sgd: *Bruce A. Kiley*
Bruce A. Kiley
Clerk of the Board

[Please note: Square brackets in Form A do *not* indicate editorial corrections made by the ORR. They are part of the forms.]

FORM A

Matter No. M _____
(NSUARB USE ONLY)

Nova Scotia Utility and Review Board

1601 Lower Water Street, Suite 300
PO Box 1692, Unit “M”
Halifax, Nova Scotia B3J 3S3

Tel: 902-424-4448

Fax: 902-424-3919

Email: board@novascotia.ca

In the matter of: An appeal under Section 86 of the *Assessment Act* by:

(name(s) of appellant(s))

Notice of Appeal

Take notice that the appellant(s) appeal from a decision of the Nova Scotia Assessment Appeal Tribunal (NSAAT) 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 applicable decision **must** be attached).

And that

(1) the specific matters of appeal are (check all that apply):

Assessment too high

Wrong classification

Incorrect ownership

Other (please specify):

- This form must be accompanied by a copy of the applicable NSAAT decision(s).
 - This form must be signed by the appellant(s)/agent/representative/solicitor.
 - When filing an electronic copy, a “hard” copy or facsimile copy of the documents must be provided within one (1) day thereafter.
 - If insufficient space is provided to complete the substantiation for the grounds of appeal, please attach a **separate sheet of paper for each selected ground of appeal.**
-

N.S. Reg. 114/2017

Made: July 10, 2017

Filed: July 24, 2017

Municipal Government Act Rules—replacement

Order dated July 10, 2017

Replacement of regulations made by the Nova Scotia Utility and Review Board
pursuant to Section 12 of the *Utility and Review Board Act***Order****Nova Scotia Utility and Review Board
In the matter of the *Utility and Review Board Act***

– and –

In the matter of a motion to repeal and replace the *Municipal Government Act Rules*

Before: Peter W. Gurnham, Q.C., Chair
Roland A. Deveau, Q.C., Vice Chair
David J. Almon, LL.B., Member
Roberta J. Clarke, Q.C., Member
Richard J. Melanson, LL.B., Member
Steven Murphy, MBA, P.Eng., Member

Whereas the Nova Scotia Utility and Review Board, at a meeting of the Board held on June 29, 2017, passed a motion to repeal and replace the *Municipal Government Act Rules*, N.S. Reg. 322/2008, made July 9, 2008;

It is hereby ordered that the *Municipal Government Act Rules*, N.S. Reg. 322/2008, made July 9, 2008, under s. 12 of the *Utility and Review Board Act*, S.N.S. 1992, c. 11, are hereby repealed and the *Municipal Government Act Rules* set out in Schedule “A” attached to and forming part of this order are substituted therefor.

Dated at Halifax, Nova Scotia, this 10th day of July, 2017.

sgd: *Bruce A. Kiley*
Clerk of the Board

[Note: Formatting, numbering and lettering are as in original.]

Nova Scotia Utility and Review Board
Rules of Practice and Procedure
Respecting *Municipal Government Act* and
***Halifax Regional Municipality Charter* Proceedings**

1 These rules are made pursuant to Section 12 of the *Utility and Review Board Act* and apply to appeals and applications under the *Municipal Government Act* and appeals under the *Halifax Regional Municipality Charter*.

Short title and object

2 (1) These rules may be cited as the *Municipal Government Act Rules*.

(2) The object of these rules is to secure the just, speedy and economic determination of every appeal or application.

Definitions

3 In these rules

- (a) “Act” means the *Municipal Government Act* or the *Halifax Regional Municipality Charter* (“Charter”), as the context requires;
- (b) “agent” means a person who has been lawfully authorized to act on behalf of an applicant or an appellant;
- (c) “Board” means the Nova Scotia Utility and Review Board;
- (d) “Clerk” means the Clerk of the Board;
- (e) “decision” includes a refusal, failure or neglect to make the decision sought;
- (f) “holiday” means Saturday or a holiday as defined in the *Interpretation Act*, s. 7(1)(j);
- (g) “person” includes an unincorporated organization, a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (h) “proceeding” includes any application, appeal, matter or thing that the Board has jurisdiction to hear or determine under the Act;
- (i) “written evidence” includes reports, documents, letters, appraisals, hard copies of overhead projection sheets, calculations and other data which a party intends to present as evidence at the hearing or pre-hearing;
- (j) “audio-visual evidence” includes photographs, maps, audio tapes, videos, charts, models, overlays and computer generated images which a party intends to present as evidence at the hearing or pre-hearing.

General

4 (1) Where procedures are not provided for in these rules or in an enactment, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

(2) The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of these rules at any time by making a procedural order, if it is satisfied that the special circumstances

of the appeal or application so require, or it is in the public interest to do so.

- (3) The Board may make directions on procedure and procedural orders which shall govern the conduct of a specific appeal or application.
- (4) The Board may extend or abridge the time fixed by these rules or otherwise fixed by the Board, and may do so of its own initiative or in response to a motion by any party whether or not the motion to extend or abridge the time is made after the time so fixed has expired.
- (5) Unless otherwise specified, where these rules or a Board order make reference to the number of days between two events, not expressed to be clear days, the number of days shall be calculated by excluding the day on which the first event happens and including the day on which the second event happens. If the last day falls on a day the Board offices are closed, the time shall automatically be extended to the next business day.
- (6) No appeal or application before the Board shall be defeated or affected by any technical objection or by any objection based upon defects in form or procedure.

Filing of Notice of Appeal, application or other documents

- 5 (1) Any Notice of Appeal, application or other document to be filed with the Board shall be filed with the Clerk.
- (2) A Notice of Appeal or application shall be in writing and shall be signed by the appellant, the applicant, or the agent or solicitor acting on their behalf.
 - (3) Any document to be filed with the Board, including a Notice of Appeal or application, shall be filed with the Clerk by any of the following methods:
 - (a) delivering a copy to the Clerk at the Board's office;
 - (b) mailing a copy to the Clerk;
 - (c) transmitting a copy to the Clerk via fax or e-mail; or
 - (d) such other manner as the Board may determine.
 - (4) A Notice of Appeal under the Act must be filed with the Board within 14 days after the date prescribed in s. 249 of the Act or s. 264 of the Charter, except when the 14th day falls on a holiday, in which case the Notice of Appeal must be filed with the Board on the next day that is not a holiday. (The date of filing of a Notice of Appeal has been interpreted as the date, up to midnight, that the document is actually received by the Board (not the date it is sent), and that the Board has no power to grant extensions).
 - (5) All documents filed shall be date-stamped by the Board and any document, other than a Notice of Appeal or other document the filing of which is required by the Act, filed with the Board after 2:00 p.m. or on a holiday shall be considered to have been filed on the next working day.
 - (6) In all cases where documentary evidence is offered, the Board, in lieu of requiring the originals thereof to be filed, may accept true copies of such evidence or such parts of the same as may be relevant, or may require such evidence to be transcribed as part of the record.
 - (7) When a document is filed with or served on the Board by e-mail transmission, a hard copy or fax of the document shall be provided to the Board within one day thereafter.

- (8) When a document is filed with or served on the Board by e-mail transmission or fax, the sender shall obtain an acknowledgement from the Clerk of its receipt. At the Board's discretion, electronic files may be deemed to be the official record; the requirement to file paper copies of documents may be waived.

Service of documents

- 6 (1) Where any document is required to be served on another person, service shall be effected by any of the following methods:
- (a) personal service upon the person;
 - (b) delivering a copy to the person's proper address;
 - (c) sending a copy by ordinary mail addressed to the person at his or her proper address;
 - (d) transmitting a copy to the person via fax or e-mail, where the person has provided a fax number or e-mail address; or
 - (e) such other manner as the Board may determine.
- (2) Where a person has indicated that he or she shall be represented by an agent or counsel, service of a document, including a Notice of Appeal, shall be effected upon that person's agent or counsel by any of the methods listed in subsection (1).
- (3) Service of any document, including a Notice of Appeal or application, may be proved by affidavit, oral testimony, or both.
- (4) When a document is served on a person by e-mail transmission, a hard copy or fax of the document shall be provided within a reasonable period thereafter if requested by the recipient.

Confidential documents

- 7 (1) Subject to subsection (2), all documents filed in respect of an appeal or application shall be placed on the public record.
- (2) A party may request that all or any part of the document be held in confidence by the Board, which request shall be placed on the public record.
- (3) The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.
- (4) Any request for confidentiality shall
- (a) include a summary of the nature of the information in the document;
 - (b) state
 - (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed, and
 - (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and
 - (c) be filed with the Board and served on the parties.

- (5) Where a party has made a request under subsection (2), the document shall be held in confidence unless the Board orders otherwise.
- (6) A party may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (7) An objection shall state the reasons
 - (a) why the party requires disclosure of the document; and
 - (b) why disclosure would be in the public interest.
- (8) The party claiming confidentiality will have an opportunity to reply to any objection.
- (9) The Board may decide the issue with or without a hearing. Where the Board holds a hearing, the Board may direct that the hearing be held in the absence of the public.
- (10) In ruling on a request for confidentiality the Board shall consider
 - (a) whether the document may disclose matters involving public security;
 - (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or
 - (c) such other matters as the Board deems appropriate.
- (11) The Board may
 - (a) order that the document be held in confidence by the Board;
 - (b) order that the document be placed on the public record;
 - (c) order that an abridged version of the document be placed on the public record;
 - (d) order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Board considers appropriate, including the signing of a confidentiality undertaking in a form approved by the Board;
 - (e) order that the document be withdrawn; and
 - (f) make any other order the Board may deem to be in the public interest.
- (12) Where the Board rejects a claim for confidentiality, the party claiming confidentiality may, within seven (7) days of receiving the Board's ruling, or such other time as the Board may allow, notify the Board in writing that
 - (a) if the party has filed an appeal or application, the appeal or application is withdrawn; or
 - (b) if the party is an intervenor, the intervention is withdrawn.

- (13) Where a party provides written notice to the Board pursuant to subsection (12), if the document is on file with the Board, the Board shall immediately return the documents for which confidentiality was claimed.

Amendment of documents

- 8 Subject to Section 9, a document received by the Board may be amended at any time with leave of the Board.
- 9 A Notice of Appeal may not be amended for the purpose of adding appellants.

Admission of facts

- 10 (1) The parties to any proceeding before the Board may, by admission in writing filed with the Board, agree upon the facts or any of the facts involved therein, which admission, if filed, shall be regarded and used as evidence at the hearing.
- (2) The Board may require such additional evidence as it may deem necessary.

Information requests

- 11 (1) In applications related to annexation, amalgamation and dissolution of a town, the Board may provide for information requests necessary to
- (a) clarify evidence filed by a party;
 - (b) simplify the issues;
 - (c) permit a full and satisfactory understanding of the matters to be considered; or
 - (d) expedite the appeal or application.
- (2) An Information Request shall be in accordance with Schedule A and shall
- (a) be directed to the party from whom the response is sought;
 - (b) number the questions consecutively, or as otherwise directed by the Board, in respect of each item of information requested;
 - (c) list the name, address and telephone and fax numbers of persons who may be contacted in case clarification of questions is required; and
 - (d) be forwarded to the party from whom a response is sought, with copies being sent simultaneously to the Board and all other parties.
- (3) An Information Request shall not be directed to any party upon whose behalf no evidence has been filed, without leave of the Board or consent of the party from whom a response is sought.
- (4) A party seeking leave under Rule 11(3) shall, within any time limit fixed by the Board, file with the Board and serve on the party to whom the Information Request is directed, the proposed Information Request and the reasons therefor.
- (5) The Board shall not grant leave pursuant to Rule 11(3) unless the party to whom the Information Request is directed has been given an opportunity to comment on the proposed Information Request.
- 12 (1) Subject to Rule 12(3), where an Information Request has been directed to a party that party shall

file a Response to Information Request within the time fixed by the Board.

- (2) A Response to Information Request shall be in accordance with Schedule B and shall
 - (a) provide a full and adequate response to each question;
 - (b) state the question at the beginning of each response;
 - (c) begin each response on a new page;
 - (d) number each response to correspond with each item of the Information Request;
 - (e) specify which witness or which member of a witness panel prepared the response;
 - (f) file and serve the Response to Information Request as directed by the Board; and
 - (g) set out the date on which the Response to Information Request is filed and served.
- (3) A party who is unable or unwilling to provide a full and adequate response to a question in an Information Request shall file and serve a response
 - (a) where the party contends that the information requested is not relevant, setting out specific reasons in support of that contention;
 - (b) where the party contends that the information necessary to provide an answer is not available or cannot be provided with reasonable effort, setting out the reasons why the information is unavailable and providing any alternative available information that the party considers would be of assistance to the party directing the information request;
 - (c) where the party contends that the information sought is of a privileged nature, setting out the reasons why it is considered privileged;
 - (d) where the party contends that the information sought is of a confidential nature, requesting that it be held in confidence, or not filed, pursuant to Rule 7; and
 - (e) otherwise explaining why such a response cannot be given.
- (4) Where a party is not satisfied with the response provided or objects to a claim of privilege, the party may apply to the Board for direction.

Preliminary hearings

- 13 (1)** In any appeal or application, the Board may, on its own initiative or at the request of any party, hold a preliminary hearing to deal with any matter that may aid in the disposition of the hearing, including to
- (a) consider any preliminary motion for an order dismissing the appeal or application on the grounds that the Board lacks jurisdiction to hear the appeal or application, that an appellant is not an aggrieved person, that a Notice of Appeal was filed too late, or for other reasons that may appear;
 - (b) determine any question as to the admissibility of any evidence;
 - (c) clarify or simplify the issues;

- (d) consider the necessity or desirability of an amendment to the Notice of Appeal, application, or any other document;
 - (e) consider the participation by interested persons;
 - (f) consider a request for access to information in the custody or control of any party;
 - (g) consider the possibility of obtaining agreements to facts and to documents that will avoid unnecessary proof;
 - (h) fix dates for the hearing and for any procedural steps to be completed by the parties;
 - (i) make any directions for the pre-filing of witness lists or expert witness statements and reports (except as otherwise provided for in these rules), or direct further disclosure where necessary; and
 - (j) determine issues of confidentiality, including any need to hold a part of the hearing in the absence of the public, or to seal documents.
- (2) Unless otherwise ordered by the Board, it shall not be necessary to give notice of a preliminary hearing by advertisement in a newspaper.
- (3) Following the preliminary hearing, the Board may make an order giving such directions as the Board deems advisable.
- (4) The Board member who presides at a preliminary hearing shall not be deemed to be seized of the appeal or application, and any subsequent hearing related to the appeal or application may be heard by that member or any other member.
- (5) Where a party intends to request dismissal of an appeal or application pursuant to ~~subsection~~ [clause] (1)(a) herein, the party shall seek a preliminary hearing to deal with the issue.
- (6) Where a party requests a preliminary hearing to seek an order, including an order relating to ~~subsection~~ [clause] (1)(a), and intends to present written or visual evidence at that preliminary hearing in support of the granting of that order, the party shall provide a copy of such evidence to any other party and to the Board, not less than five business days before the preliminary hearing. Any other party, who intends to present written or visual evidence at the preliminary hearing, shall provide a copy of such evidence to all other parties, and to the Board, not less than one business day prior to the preliminary hearing.
- (7) Notwithstanding subsection (6), where a preliminary hearing is convened to determine whether an appellant is an aggrieved person, the person seeking standing as an aggrieved person shall first file the written or visual evidence sought to be relied upon at the preliminary hearing.

Disclosure of evidence before hearing

14 Subject to Rule 15,

- (1) An appellant, or a party who filed an application, who intends to present written or audio-visual evidence at a hearing shall provide a copy of such evidence to all other parties and to the Board, as directed by the hearing order referred to in Rule 16(4).
- (2) Any other party who intends to present written or audio-visual evidence at a hearing shall provide a copy of such evidence to all other parties and to the Board, as directed by the hearing order referred

to in Rule 16(4).

- (3) Evidence so disclosed will be considered to be evidence before the Board, unless a party objects.

Disclosure of expert reports

15 Notwithstanding Rule 14,

- (1) Unless a copy of a report containing the full opinion of an expert, including the essential facts on which the opinion is based, a summary of the expert's qualifications, and a summary of the grounds for each opinion expressed, has been served on each party and filed with the Board, as directed by the hearing order referred to in Rule 16(4), the evidence of the expert shall not be admissible at the hearing without leave of the Board.
- (2) If the report of an expert does not comply with the requirements of subsection (1), the Board may, on the application of another party, make an order requiring the party providing the report to comply with that subsection.
- (3) Where a copy of the report has been filed and delivered as provided in subsection (1), the expert shall be required to attend at the hearing unless all other parties give notice that they do not require the attendance of the expert at the hearing, which notice shall be given as soon as is reasonably possible.

Hearing date

- 16** (1) The Clerk, in consultation with the parties, shall attempt to set a date for the hearing of the appeal or application.
- (2) Where the parties cannot reach agreement as to a date, the Chair shall set a date for the hearing.
- (3) The Clerk shall notify the parties of the date of the hearing.
- (4) The Board may issue a hearing order setting the date for the hearing and containing directions on disclosure and procedure.

Hearings

- 17** (1) Hearings may be conducted in an informal manner and need not follow the strict rules of practice and procedure required in a court of law.
- (2) The Board may, at its discretion, conduct a hearing or preliminary hearing in person, in writing or by teleconference, video conference or by any other electronic means.
- (3) At the hearing of an appeal or application, the appellant or applicant shall present its evidence first, and after the evidence of all other parties is given, shall have the right to reply.
- (4) A party may call and examine witnesses, cross-examine opposing witnesses and present arguments and submissions.
- (5) The Board may receive in evidence any statement, document, information or matter that, in the opinion of the Board, may assist it to deal with the matter before the Board whether or not the statement, document, information or matter is given or produced under oath or would be admissible as evidence in a court of law.
- (6) A party may be represented before the Board by counsel or an agent.

- (7) A hearing may be adjourned from time to time by the Board on reasonable grounds on its own motion or at the request of any party.
- (8) The Board, whenever it deems it desirable, may require briefs to be filed by the parties within such time as the Board may prescribe.

Informal settlement conference

- 18** (1) The Board may, on its own motion or at the request of any party, hold an informal settlement conference in relation to any appeal or application.
- (2) An informal settlement conference will be presided over by a Board member (the “Presiding Board Member”), and shall be subject to the following provisions:
 - (a) participation by a party is voluntary;
 - (b) the parties may attend the informal settlement conference with, or without, legal counsel; or
 - (c) when a party is represented by legal counsel, however, that legal counsel must, unless the Board otherwise directs, participate in the informal settlement conference.
 - (3) In the course of the informal settlement conference, the Presiding Board Member may offer opinions to the parties about the likely outcome, in the view of that member, if the appeal or application proceeds to a hearing on the merits, and alternative procedures which may be available to the parties.
 - (4) The informal settlement conference will be confidential. Any information or documents provided or exchanged during the conference, and any suggestion for resolution of the issues, or any offer to settle, made during the conference, shall remain confidential, and not be disclosed in evidence in the present or any subsequent proceeding, nor be placed in the Board file, unless the party who provided the information or document, or who made the suggestion or offer, consents to such disclosure and to the manner of such disclosure.
 - (5) Any notes made by the Presiding Board Member during the informal settlement conference will remain confidential, and will not be released to any person or admitted into evidence in any proceeding.
 - (6) The Presiding Board Member may not participate in the hearing of the appeal or application, unless otherwise requested by all parties involved in the informal settlement conference.
 - (7) (a) An agreement between the parties may, depending upon the circumstances of the particular proceeding, and the nature of the proceeding itself, include
 - (i) withdrawal of an appeal or application,
 - (ii) withdrawal of opposition to an appeal or application,
 - (iii) agreement between the parties as to certain facts,
 - (iv) agreement between the parties that certain issues are to be included, or excluded, from the hearing on the merits, or
 - (v) such other agreement between the parties as the Board finds acceptable.

- (b) If, as a result of the informal settlement conference, the parties are able to reach agreement with respect to certain matters, but not with respect to others, the Presiding Board Member may prepare a statement summarizing the points of agreement and disagreement, which will be distributed to the parties, and thereafter (with the consent of the parties) placed in the Board file for the information of the Board member or members who may eventually conduct a hearing on the merits with respect to the remaining issues.
- (8) If, as a result of the informal settlement conference, an agreement is reached between the parties with respect to all or any of the issues, procedural or substantive, in the appeal or application, and the parties agree that an order of the Board may be appropriate in relation to that agreement, then the Presiding Board Member may take appropriate action, including:
- (i) making an order to implement any matter agreed upon between the parties,
 - (ii) holding a hearing, with the consent of all parties, immediately or otherwise, or
 - (iii) scheduling a hearing, with the consent of all parties, to be held by another Board member, to consider any issues relating to the public interest or requirements of the governing legislation, including notice to possible intervenors, before issuing any order which implements such agreement.

Audio and video recording of hearings

- 19 (1) Audio and video recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.
- (2) The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the proceeding in any way.
- (3) Where recording is allowed, the following shall apply unless otherwise directed by the Board:
- (a) only equipment which does not produce distracting sound or light shall be used;
 - (b) where possible, existing audio systems present in the hearing room shall be used;
 - (c) media personnel shall not move about while the hearing is in progress; and
 - (d) equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.

Subpoenas

- 20 (1) At the request of a party, the Board may issue a subpoena, which shall be signed by the Clerk and sealed with the Board's seal.
- (2) A subpoena issued pursuant to subsection (1) shall be issued in the form prescribed by the Board and may set out the names of any number of persons required to appear before the Board.
- (3) No person served with a subpoena is required to appear before the Board pursuant to the subpoena unless the person has been paid or tendered conduct money in an amount sufficient to cover the person's reasonable fees and traveling expenses as fixed by the Board from time to time.
- (4) A subpoena shall be served personally on the person to whom it is directed at least two clear business days before the date on which the person is to appear.

Destruction of exhibits

- 21 (1)** A person who has submitted exhibits to the Board may request that the Board return the exhibits.
- (2)** The Board, at the end of six months from the date of the final order in the proceedings, provided no appeal or judicial review has been commenced within that time, may return requested exhibits and may destroy any remaining exhibits.

Costs

- 22** Costs shall be governed by the Board's *Cost[s] Rules* and ~~Section~~ [subsections] 250A(6) and (7) of the Act or ~~Section~~ [subsections] 266(6) and (7) of the Charter.

Planning appeals

- 23 (1)** A planning appeal to the Board under Section 247 of the Act or Section 262 of the Charter shall be by notice in writing and shall contain
- (a)** the name of the appellant;
 - (b)** the name of the person making the decision;
 - (c)** the date of the decision;
 - (d)** the date that public notification of the decision was given; or the date on which written notice of the decision was received; or the date on which the decision is deemed to have been refused;
 - (e)** a brief summary of the decision or a copy of the decision;
 - (f)** the address of the appellant or the name and address of an individual upon whom documents or notices relating to the appeal may be served;
 - (g)** a phone number at which the appellant or the individual referred to in ~~paragraph~~ [clause] (f) may be reached during normal business hours and a fax number, if available; and
 - (h)** reasons for appealing.
- (2)** A Notice of Appeal may be in Form A (for an appeal from the decision of a municipal council) or Form B (for an appeal from the decision of a development officer).
- 24 (1)** A Notice of Appeal shall be accompanied by the written undertaking of the appellant, his solicitor, or his agent, agreeing to pay the costs of advertising the Notice of Public Hearing for the appeal, and agreeing to keep the list of names and addresses of assessed owners, which will be provided, confidential, and not to disclose it to any person, nor use it for any purpose, not related to the planning appeal.
- (2)** Where a Notice of Appeal filed with the Board is not accompanied by the required written undertaking, the Board may extend the time for filing such undertaking, provided however that such extension of the time shall not exceed 7 days from the date of filing the Notice of Appeal.
- (3)** Failure by the appellant, his solicitor, or his agent to file the written undertaking shall not preclude the Board from setting the appeal down for hearing, advertising the Notice of Public Hearing, and thereafter recovering the cost of such advertisement from the appellant.

- 25** When more than one Notice of Appeal is filed with the Board, arising out of the same decision, or

affecting the same matter, the Board may require the several appellants, or their solicitors or agents, to file a joint undertaking agreeing to pay the cost of advertising a Notice of Public Hearing, and agreeing to keep the list of names and addresses of assessed owners, which will be provided, confidential, and not to disclose it to any person, nor use it for any purpose, not related to the planning appeal.

- 26 (1)** Pursuant to s. 250A(1) of the Act or s. 266(1) of the Charter, the municipality which is responsible for the decision which is the subject of the appeal shall, within 14 business days of being notified by the Board of the filing of the Notice of Appeal, file with the Clerk and with any other party, the complete electronic and hard copy of the Appeal Record and an electronic copy of the relevant Municipal Planning Strategy, Land Use By-law, Zoning By-law, Subdivision By-law or Subdivision Regulations.
- (2)** An Appeal Record shall consist of the following:
- (a) a table of contents;
 - (b) the application;
 - (c) the decision under appeal;
 - (d) a copy of the advertisements for any public hearing held relating to the subject of the appeal;
 - (e) a copy of the minutes of any public hearing respecting the subject of the appeal;
 - (f) a copy of the minutes of any council meeting at which the subject of the appeal was discussed;
 - (g) a copy of any report, letter, submission, recommendation or other matter respecting the subject of the appeal which was submitted to or was considered by council or the Development Officer, excluding any legal opinion prepared for the municipality for which privilege is claimed; and
 - (h) a copy of the publication of the notice of the decision; or a copy of the written notice which was sent to the applicant.
- (3)** The pages of the Appeal Record shall be numbered.
- (4)** Nothing in this Section shall be deemed to prejudice the right of any party to inspect and obtain copies of any documents prior to the time that the Appeal Record is to be filed.
- (5)** In the case of an appeal from a decision of the Provincial Director of Planning or a Provincial Development Officer, the Appeal Record shall be prepared and filed by the Provincial Director of Planning or the Provincial Development Officer who made the decision.
- 27 (1)** Upon receipt of the Notice of Appeal, the Clerk shall schedule a preliminary hearing to be held within 14 business days.
- (2)** The Clerk shall publish in the newspaper a Notice of Public Hearing advising the public that a Notice of Appeal has been filed with the Board, and advising that any aggrieved person has the right to intervene and participate in the public hearing.
- (3)** Upon receipt of a list of assessed owners from the Clerk, the appellant shall, within three business days, serve a copy of the Notice of Public Hearing on all assessed owners of land within a distance of 500 feet of the property which is the subject of the appeal.

- (4) The Board may require the appellant to serve such other persons as the Board determines necessary with a copy of the Notice of Public Hearing.
 - (5) Any aggrieved person wishing to intervene in the public hearing shall file a notice with the Board advising of his or her intention to participate in the hearing.
- 28
- (1) Pursuant to s. 250A(2) of the Act, or s. 266(2) of the Charter, a hearing must begin within 45 days from the filing of the Appeal Record unless the Board determines that it is necessary in the interests of justice for the hearing to begin at some later time or unless all the parties agree that the hearing may begin at some later time.
 - (2) In the event that the Board directs the filing of post-hearing written submissions, such submissions must be filed with the Board, pursuant to s. 250A(5) of the Act or s. 266(5) of the Charter, within 14 days after the close of the hearing unless the Board determines that it is necessary in the interests of justice for such submissions to be submitted at some later time or unless all the parties agree that the submissions may be filed at some later time.
- (2A) A hard copy of submissions, is not required by the Board, unless specifically directed by the Board.
- (2B) A Book of Authorities or any case, is not required to be filed electronically or by paper, if they are available online. A list of the authorities and citations should be included at the end of the submissions. Specific paragraphs relied upon should be included in the text.
- (3) Pursuant to s. 250A(3) of the Act or s. 266(3) of the Charter the Board shall render its decision within 60 days after the close of submissions by the parties, unless the Board otherwise states at the close of the hearing or unless it is necessary in the interests of justice.

Municipal boundaries

- 29
- (1) An application under Section 368 or 369 of the Act by a municipality which has been divided into polling districts shall contain the following information:
 - (a) a list of the polling districts in the municipality and the number of councillors elected from each;
 - (b) a brief description of each polling district, including the names of the larger communities, its geographic size, any relevant geographic features, and any factors which establish a particular community of interest in the polling district;
 - (c) the latest available population statistics for the municipality and for each polling district; and
 - (d) a table which shows the following information from the most recent municipal election:
 - (i) the number of electors in each polling district,
 - (ii) the total number of electors in the municipality,
 - (iii) the percentage of the total number of electors in each polling district,
 - (iv) the average number of electors per councillor for the municipality,
 - (v) the number of electors per councillor for each polling district, and the number by which it exceeds or is less than the average number of electors per councillor,

- (vi) the number expressed as a percentage by which the number of electors per councillor in each polling district exceeds or is less than the average number of electors per councillor.
- (2) Where the application is to confirm the number and boundaries of the existing polling districts and the number of councillors to be elected therefrom, it shall contain the reasons why the status quo should continue.
 - (3) Where the application is to change the number or boundaries of the polling districts or the number of councillors elected therefrom, or both, it shall contain an outline of the proposed changes, reasons for the changes, a table similar to that referred to in ~~subsection~~ [clause] (1)(d) which shows an estimate of the elector statistics which will result if the change is approved.
 - (4) The application shall be signed by the mayor/warden and the clerk of the municipality and shall be accompanied by a copy of the resolution of council authorizing or directing the making of the application, certified by the clerk of the municipality to be a true copy of the resolution.
 - (5) An application may be in Form C.
- 30 (1) An application under Section 368 or 369 of the Act by a town which has not been divided into wards or polling districts shall contain the following information:
- (a) the number of councillors;
 - (b) the geographic size of the town;
 - (c) the latest available population statistics for the town;
 - (d) the total number of electors in the most recent municipal election:
- (2) Where the application is to confirm the number of councillors, it shall contain the reasons why the status quo should continue.
 - (3) Where the application is to change the number of councillors, it shall contain an outline of the proposed changes and the reasons for the proposed changes.
 - (4) The application shall be signed by the mayor and the clerk of the town and shall be accompanied by a copy of the resolution of council authorizing or directing the making of the application, certified by the clerk of the town to be a true copy of the resolution.
 - (5) An application may be in Form D.
- 31 (1) Every application shall be accompanied by
- (a) a copy of any advertisement soliciting input from the public in conducting the study;
 - (b) a copy of the minutes of any council meeting and public hearing respecting the study or application;
 - (c) a map showing the boundaries of the existing polling districts;
 - (d) a description of the boundaries of the existing polling districts;

- (e) where the application is to change the number or boundaries of the polling districts, a map showing the boundaries of the proposed polling districts and a description of the boundaries of the proposed polling districts;
- (f) such additional information as Council determines.

- (2) Where an application under Section 358 (amalgamation or annexation), Section 368 (polling districts), or Section 394 (dissolution of a town) of the Act is made, the application shall contain, to the extent possible, the information outlined in Rules 29, 30 and 31(1) above, including Forms E and F, depending upon the nature of the application.

32 These *Municipal Government Act Rules* shall take effect upon proclamation of *An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act*, S.N.S. 2008, c. 25, and shall only apply to appeals filed on or after the said proclamation date.

These *Municipal Government Act Rules* were made by the Nova Scotia Utility and Review Board at a Board meeting held on the 29th day of June 2017, and replace and supersede all previous *Municipal Government Act Rules*.

sgd: *Bruce A. Kiley*
 Bruce A. Kiley
 Clerk of the Board

[Please note: Square brackets in Schedules A and B do *not* indicate editorial corrections made by the ORR. They are part of the schedules.]

Schedule A – Information Request(s)

Matter No. M_____

Nova Scotia Utility and Review Board

In the matter of: The Act
 - and -

In the matter of: insert **application / matter** name

Information Requests

[insert whether **Non-Confidential / Confidential / Redacted**]

To: insert party name or counsel name
 by e-mail: [insert email address]

From: insert name of party – e.g. Nova Scotia Utility & Review Board

Responses due: [as directed by pre-hearing order or the Board Clerk]
 e.g. Wednesday, December 14, 2017

Copies: [as directed by pre-hearing order or the Board Clerk]
 e.g. 1 electronic copy (PDF searchable)
 XX hard copies

Contact person: [insert individual's name, address, telephone/fax numbers of persons who may be contacted in

case clarification of questions is required]

Issued at Halifax, Nova Scotia, this day of , 20 .

Clerk of the Board

Questions:

- 1. [questions to be numbered consecutively]
- 2. etc.

Schedule B – Response(s) to Information Request(s)

Matter No. M_____

Nova Scotia Utility and Review Board

In the matter of the Act

- and -

In the matter of an application [name of applicant]

Response(s) to Information Request(s)

To: [name of party (or Board) requesting information]

From: [name of party information requested from]

Question 1. [repeat the question asked]

Response 1. [response – attach any schedules and attachments relating to this response]

**** [each response must start on a separate page and must include the heading as above]**

[date that response is filed with the Board]

FORM A (Decision of Council)

Nova Scotia Utility and Review Board

In the matter of: an appeal under Section 247 of the *Municipal Government Act* or Section 262 of the *Halifax Regional Municipality Charter*

Notice of Planning Appeal

Take notice that _____
(state name(s) of person(s) appealing)

has/have made an appeal from a decision made by _____
(municipal council)

on _____ respecting property located at _____
(date) (address)

in the County of _____, which decision states:
(or attach a copy of the decision)

Notice of the decision was published in the newspaper on _____.
(date)

Section [Subsection] 250(1) of the *Municipal Government Act* or Section [subsection] 265(1) of the *Halifax Regional Municipality Charter* provide that an aggrieved person or an applicant may only appeal on the grounds that the decision “does not reasonably carry out the intent of the municipal planning strategy” (“MPS”).

Specify each policy of the MPS which you allege council has not reasonably carried out the intent of and briefly describe how they have failed to do so:

(Attach additional pages if necessary)

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

Appellant, Solicitor or Agent

Contact information:

Mailing address:

_____ home phone: _____
(street)

_____ work phone: _____
(city, province)

_____ fax number: _____
(postal code)

e-mail address: _____

Undertakings

The appellant(s) agree(s) to pay the costs of any advertising of the Notice of Public Hearing for the appeal.

Appellant, solicitor or agent

The appellant **and** solicitor or agent further undertake to keep the list of names and addresses of owners, which will be provided, confidential, and not disclose it to any person, nor use it for any purpose, not related to this planning appeal. The appellant **and** solicitor or agent further undertake to dispose of the personal information at the conclusion of this matter.

Appellant or agent

Solicitor or agent for the appellant (if applicable)

FORM B (Decision of the Development Officer)

Nova Scotia Utility and Review Board

In the matter of: an appeal under Section 247 of the *Municipal Government Act* or Section 262 of the *Halifax Regional Municipality Charter*

Notice of Planning Appeal

Take notice that _____
(state name(s) of person(s) appealing)

has/have made an appeal from a decision made by _____
(name of development officer)

on _____ respecting property located at _____
(date)

in the County of _____, which decision states (or attach a copy of the decision):

Written notice of the decision was received on _____
(date)

Section [Subsection] 250(2) of the *Municipal Government Act* or Section [subsection] 265(2) of the *Halifax Regional Municipality Charter* provide that an applicant may only appeal a refusal to issue a development permit on the grounds that the decision of the development officer does not comply with the land-use by-law or a development agreement.

Describe how the decision of the development officer fails to comply with the land-use by-law or the development agreement

(Attach additional pages if necessary)

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

Appellant, Solicitor or Agent

Contact information:

Mailing address:

_____ home phone: _____
 _____ work phone: _____
 (street) _____
 _____ fax number: _____
 (city, province) _____
 _____ e-mail address: _____
 (postal code) _____

Undertakings

The appellant(s) agree(s) to pay the costs of any advertising of the Notice of Public Hearing for the appeal.

Appellant, solicitor or agent

The appellant **and** solicitor or agent further undertake to keep the list of names and addresses of owners, which will be provided, confidential, and not disclose it to any person, nor use it for any purpose, not related to this planning appeal. The appellant **and** solicitor or agent further undertake to dispose of the personal information at the conclusion of this matter.

Appellant or agent

Solicitor or agent for the appellant (if applicable)

FORM C

Nova Scotia Utility and Review Board

In the matter of: an application pursuant to Section 368 or 369 of the *Municipal Government Act*

The Council of the Municipality of _____ makes application to the Nova Scotia Utility and Review Board to:

- confirm the number and boundaries of polling districts
- confirm the number of councillors
- alter the number and boundaries of polling districts
- alter the number of councillors

1. There are at present _____ polling districts in the Municipality and _____ councillors.
2. The following is a brief outline of each polling district in the Municipality, including the names of the larger communities, the geographic size, any relevant geographic features, and any factors which establish a particular community of interest in the polling district:

Polling District 1:

3. The latest population statistics for the Municipality are as follows:

Polling District

Population

TOTAL:

4. The following table shows the results from the last municipal election which was held on

/	/	.
m	d	y

Polling District	Number of Electors	% of Total Electors	Variation from the Average Number of Voters	
			#	%

Total number of electors:
 Total number of councillors:
 Average number of electors per councillor:

5. The number and boundaries of the polling districts and the number of councillors elected therefrom should be confirmed for the following reasons:

OR

5. a) The following changes to the number and boundaries of the polling districts and the number of councillors to be elected therefrom are proposed:
- b) The reasons for these proposed changes are as follows:
- c) The following table shows an estimate of the voter statistics which will result if the changes are approved by the Board:

Polling District	Number of Electors	% of Total Electors	Variation from the Average Number of Voters	
			#	%

Total number of electors:
 Total number of councillors:
 Average number of electors per councillor:

Dated at _____)
 County of _____)
 this _____ day of _____)
 20 ____, _____) **Mayor/Warden**
)
)
)
)
) _____) **Clerk**

FORM D

Nova Scotia Utility and Review Board

In the matter of: an application pursuant to Section 368 or 369 of the *Municipal Government Act* for use by towns which do not have polling districts or wards

The Council of the Town of _____ makes application to the Nova Scotia Utility and Review Board to

- confirm the number of councillors
- alter the number of councillors

1. There are at present _____ councillors in the town.
2. The geographic size of the town is _____
3. The latest population statistics for the town are _____
4. The number of electors from the last municipal election which was held on _____ are [is] _____. month/day/year
5. The number of councillors elected should be confirmed for the following reasons:

OR

5. a) The following changes to the number of councillors to be elected are proposed:

b) The reasons for these proposed changes are as follows:

Dated at _____)
 County of _____)
 this _____ day of _____)
 20 _____, _____) **Mayor/Warden**
 _____)
 _____)
 _____)
 _____) **Clerk**
 _____)

FORM E

Nova Scotia Utility and Review Board

In the matter of: an application pursuant to Section 358 of the *Municipal Government Act*

- the Minister
- Municipality([ie]s) or Town(s) of _____
- the greater of ten percent or one hundred of the electors in the area proposed to be amalgamated or annexed

makes application for:

- amalgamation
- annexation

An application for a preliminary order shall include:

- 6.* The boundaries and the geographic size (including maps if available) of the area proposed to be amalgamated or annexed sufficient to identify the area is _____
 - 7.* An estimate of the population of the area proposed to be amalgamated or annexed _____
 - 8.* The total assessed value of taxable property and occupancy assessments in the area proposed to be amalgamated or annexed is _____
 - 9.* The proposed effective date of amalgamation or annexation is _____
- [*Numbering as in original.]

The applicant should attach the following information to this application:

- 5. Where the area is or contains a village, the audited financial statements of the village for the fiscal year immediately preceding the year in which the application is made;
- 6. A brief statement of the reasons for the application; and
- 7. Such other matters as the applicant considers relevant to this application.

Dated at _____)
 County of _____)
 this _____ day of _____)
 20 _____,) _____
) Mayor/Warden
)
)
)
) _____
) Clerk

 * Agent

*Authorized agent or representative of the applicant electors

**** The applicant shall serve a copy of the application for a preliminary order on the clerk of any municipality that would be affected by the annexation or amalgamation if granted, on the Minister and on such others as the Board directs.**

FORM F

Nova Scotia Utility and Review Board

In the matter of the *Municipal Government Act*

An application to dissolve a town under s. 394 is being made by:

- the Minister
- the council of the town; or
- ten percent of the electors of the town

Application for preliminary order (s. 395):

The application for a preliminary order shall include:

- a copy of any advertisement soliciting input from the public on the application;
- a copy of the minutes of any council meeting, public hearing or public meeting respecting the application;
- if a plebiscite(s) has been held with respect to the application, the date of such plebiscite(s), the question asked and the results of the plebiscite(s);
- a map showing the boundaries of the town;
- a description of the boundaries of the town;
- the geographic size of the town and the latest population statistics for the town;
- present number of councillors in the town;
- the boundaries of the town proposed to be dissolved;

- the total assessed value of taxable property and occupancy assessments in the town;
- the audited financial statements of the town for the fiscal year immediately preceding the year in which the application was made;
- a brief statement of the reasons for the application; and
- such other matters as the applicant considers relevant to the application

Dated at _____, Nova Scotia, this _____ day of _____, 20__.

Mayor

Clerk

**** The applicant shall serve a copy of the application for a preliminary order on the clerk of the town, the clerk of the district municipality to which the town would revert if dissolved and on such others as the Board directs.**