



BILL NO. 141

Government Bill

*1st Session, 65th General Assembly
Nova Scotia
4 Charles III, 2025*

An Act Respecting Municipal Modernization

CHAPTER 17
ACTS OF 2025

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 3, 2025**

The Honourable John Lohr
Minister of Municipal Affairs

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Municipal Modernization

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Municipal Modernization (2025) Act*.

PART I

HALIFAX REGIONAL MUNICIPALITY CHARTER

2 Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by adding immediately after Section 87 the following Section:

87A (1) The Council may, by policy, provide for the reduction, to the extent that the Council considers appropriate, of the taxes payable with respect to a rebuilt property if a dwelling situate on the property has been destroyed by wildfire, hurricane, flood, storm or other natural disaster, and provide for the reimbursement of any overpayment resulting from the reduction.

(2) In adopting a policy pursuant to subsection (1), the Council may consider the taxable assessed value of the property prior to the destruction of the dwelling.

(3) Upon a request by the Clerk, the Director of Assessment shall provide information regarding the assessed values and taxable assessed values of a property, both before and after the destruction of the dwelling.

(4) A policy adopted pursuant to subsection (1) does not affect the assessment of the property under the *Assessment Act*.

3 Subsection 104A(1) of Chapter 39, as enacted by Chapter 25 of the Acts of 2016 and amended by Chapter 9 of the Acts of 2018 and Chapters 19 and 36 of the Acts of 2019, is further amended by adding immediately after clause (a) the following clause:

(aa) equipment installed in respect of voluntary access to the district energy system for a property located outside of the Cogswell District Energy Boundary;

4 (1) Subsection 163(1) of Chapter 39 is amended by striking out “Payment” and substituting “Subject to subsection (1A), payment”.

(2) Section 163 of Chapter 39 is further amended by adding immediately after subsection (1) the following subsection:

(1A) The Council may, by resolution, permit payment at a tax sale by legal tender delivered by another method acceptable to the Council, in addition to the payment methods described in subsection (1).

5 (1) Subsection 188(1) of Chapter 39, as amended by Chapter 64 of the Acts of 2010, Chapter 9 of the Acts of 2018 and Chapter 2 of the Acts of 2024, is further amended by adding immediately after clause (la) the following clause:

(laa) subject to the regulation of the Nova Scotia Energy Board, the establishment of an option for voluntary access to the district energy system for a property located outside of the Cogswell District Energy Boundary;

(2) Clause 188(2)(e) of Chapter 39 is amended by adding immediately after subclause (iv) the following subclauses:

(iva) setting out the conditions that must be met before the Municipality will allow deferred payment of fees for licences, permits or approvals related to building development,

(ivb) requiring a bond or other security acceptable to the Municipality to qualify for deferred payment of fees for licences, permits or approvals related to building development,

(ivc) providing that fees for licences, permits or approvals related to building development are first liens on the real property relevant to the building development and may be collected in the same manner as other taxes,

6 Subsection 219(3) of Chapter 39 is amended by striking out “The” and substituting “Subject to any order made by the Minister under subsection 223A(2), the”.

7 Chapter 39 is further amended by adding immediately after Section 223 the following Section:

223A (1) Where the Minister has refused to approve planning documents under clause 223(6)(c), the Minister may, by order, require the Council to amend its planning documents, within the time prescribed by the Minister, for the purpose of

- (a) protecting a provincial interest;
- (b) achieving consistency with a statement of provincial interest;
- (c) fulfilling the minimum planning requirements; or
- (d) achieving consistency with the law.

(2) Where the Minister makes an order under subsection (1), the Minister may, by order, prescribe parameters or requirements for the Municipality’s public participation program with respect to the amendments ordered under subsection (1).

8 Chapter 39 is further amended by adding immediately after Section 229C the following Section:

229D (1) In this Section,

- (a) “childcare facility” means any childcare use, operation, service or facility operated or to be operated by a person other than the Province, but licensed or otherwise authorized by the Province, including any related or incidental facility;

(b) “childcare facility area” means an area within the Municipality designated as a childcare facility area by an order made under subsection (2).

(2) The Minister may, by order, on such terms as the Minister considers necessary for accomplishing the purpose of this Section,

(a) deem as urgently required for the purpose of this Section any existing or proposed childcare facility;

(b) identify and describe the area of land on which the childcare facility is or will be located and designate it as a childcare facility area for the purpose of this Section; and

(c) prescribe terms with respect to the subdivision of land within the childcare facility area, permissible uses within the childcare facility area or development of the childcare facility, that the Minister considers advisable for accomplishing the purpose of this Section, which may include terms, conditions or events upon which the order ceases to be in force in whole or in part.

(3) Where the Minister has made an order under subsection (2), Parts VIII and IX of this Act and any municipal planning strategies, land-use by-laws, development agreements, policies and subdivision by-laws in force in the Municipality do not apply to the childcare facility area or to the establishment, siting, development, operation or use of a childcare facility within the childcare facility area, or to the subdivision of land in connection therewith, except to the extent the Minister may specify in the order.

(4) Before making or amending an order pursuant to subsection (2), the Minister shall consult with the Municipality.

(5) A childcare facility that is the subject of an order is deemed to hold a development permit for the purpose of the *Building Code Act* and to comply with the requirements of any other enactment identified in the order.

(6) Where the Minister is satisfied that an order is no longer required to expedite the development or availability of a childcare facility, the Minister shall revoke the order.

(7) Notwithstanding the revocation of an order under subsection (6), a childcare facility exempted from the application of Parts VIII and IX and the municipal planning strategies, land-use by-laws and subdivision by-laws in force in the Municipality under subsection (3) may continue without change and in accordance with any terms prescribed in the order notwithstanding any non-conforming structure, non-conforming use of land or non-conforming use in a structure.

(8) Where there is a conflict or inconsistency between this Section and another provision of this Act or between this Section and any other enactment, this Section prevails.

(9) For greater certainty, where a childcare facility area overlaps with a special planning area created pursuant to subsection 15(1) of the *Housing in the Halifax Regional Municipality Act*, within the overlapping area, this Section prevails.

- (10) Upon making an order under subsection (2), the Minister shall
- (a) send a copy of the order to the Clerk; and
 - (b) give notice that the order is in effect on the Province’s website.

(11) Where the Clerk receives a copy of the order under clause (10)(a), the Clerk shall cause the order to be posted on a publicly available website for the Municipality.

(12) The Minister may make such regulations as are in the Minister’s opinion required to implement this Section fully and effectively.

(13) The exercise by the Minister of the authority contained in subsections (2) and (12) is a regulation within the meaning of the *Regulations Act*.

9 Subsection 235(5) of Chapter 39, as amended by Chapter 41 of the Acts of 2008, Chapter 18 of the Acts of 2013, Chapter 16 of the Acts of 2014, Chapters 9 and 10 of the Acts of 2018 and Chapter 33 of the Acts of 2021, is further amended by adding immediately after clause (jb) the following clause:

(jba) permit, where the Council considers it appropriate, that a building or other structure built outside of the Cogswell District Energy Boundary may be voluntarily connected to the district energy system;

10 Clause 246(3)(l) of Chapter 39, as amended by Chapter 41 of the Acts of 2008, Chapter 16 of the Acts of 2009 and Chapter 18 of the Acts of 2013, is further amended by striking out “in the HRM by Design Downtown Plan Area and the Centre Plan Area”.

PART II

HALIFAX REGIONAL WATER COMMISSION ACT

11 Subsection 2(1) of Chapter 55 of the Acts of 2007, the *Halifax Regional Water Commission Act*, as amended by Chapter 60 of the Acts of 2012, Chapter 23 of the Acts of 2016 and Chapter 2 of the Acts of 2024, is further amended by adding immediately after clause (e) the following clause:

(ea) “district energy system” means a system designed to supply heating or cooling by continuously circulating, to more than one building, through a system of interconnected pipes, steam or water that is heated or cooled using thermal energy recovered from wastewater and acting as a public utility as defined in the *Public Utilities Act*;

12 Subsection 9(1) of Chapter 55, as amended by Chapter 60 of the Acts of 2012, is further amended by

(a) adding “, and to the management and overseeing of a district energy system and its incidental activities,” **immediately after “facilities” the first time it appears; and**

(b) adding “, or to the management and overseeing of a district energy system and its incidental activities” immediately after “management” in clause (f).

13 Subclause 26(a)(i) of Chapter 55 is amended by adding “, or a district energy system” immediately after “system” the second time it appears.

14 Section 27A of Chapter 55, as enacted by Chapter 60 of the Acts of 2012, is amended by adding “, or any district energy system” immediately after “facilities”.

PART III

HOUSING IN THE HALIFAX REGIONAL MUNICIPALITY ACT

15 Section 3 of Chapter 21 of the Acts of 2021, the *Housing in the Halifax Regional Municipality Act*, is amended by

(a) striking out “Municipal Affairs and Housing” in clause (f) and substituting “Growth and Development”;

(b) adding immediately after clause (f) the following clause:

(fa) “municipal planning strategy” has the same meaning as in the Charter;

and

(c) adding immediately after clause (h) the following clause:

(ha) “planning documents” has the same meaning as in the Charter;

16 Subsection 9(2) of Chapter 21 is amended by striking out “Municipal Affairs and Housing” and substituting “Growth and Development”.

17 Clause 15(3)(b) of Chapter 21 is amended by adding “, or on the Province’s website” immediately after “affected”.

18 (1) Subsection 16(1) of Chapter 21 is repealed and the following subsection substituted:

(1) The Minister may, in the Minister’s sole discretion, or on the recommendation of the Panel, and in place of the Council or a community council who may otherwise have authority to act, make, amend or repeal any one or more planning documents applicable to a special planning area if considered necessary by the Minister to advance the purpose of this Act, or the Minister may order the Municipality to make a planning document if one does not already exist.

(2) Subsection 16(2) of Chapter 21 is amended by adding “, except while acting under a Minister’s order to make a planning document” immediately after “matters”.

(3) Subsection 16(3) of Chapter 21 is amended by

(a) striking out “amendment or repeal” and substituting “making, amendment, repeal or order”; and

(b) adding “, or on the Province’s website” immediately after “Municipality” in clause (a).

(4) Subsection 16(5) of Chapter 21 is amended by striking out “clause (1)(a) with respect to an amendment, the amendment is deemed to be a by-law” and substituting “subsection (1), the making, amendment, repeal or order is deemed to be a planning document”.

19 Clause 17(3)(a) of Chapter 21 is amended by adding “, or on the Province’s website” immediately after “Municipality”.

PART IV

MUNICIPAL ELECTIONS ACT

20 Clause 2(1)(r) of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, is repealed and the following clause substituted:

(r) “Minister” means the Minister of Municipal Affairs;

21 Chapter 300 is further amended by adding immediately after Section 2 the following section:

2A Notwithstanding any other provision of this Act, where public notice is required to be provided by insertions of the notice in a circulating newspaper, it is also permissible to use the alternative public method of posting the notice on the municipality’s publicly accessible website and in at least five conspicuous places in the municipality.

22 Section 14 of Chapter 300, as amended by Chapter 26 of the Acts of 1994 and Chapter 47 of the Acts of 2015, is further amended by striking out “the first advance” wherever it appears and substituting “ordinary” in each case.

23 Clause 15(a) of Chapter 300 is repealed.

24 (1) Clause 35(1)(ba) of Chapter 300, as enacted by Chapter 26 of the Acts of 1994, is amended by adding “or mark to be obscured” immediately after “strike”.

(2) Section 35 of Chapter 300, as amended by Chapter 26 of the Acts of 1994, is further amended by adding immediately after subsection (2) the following subsections:

(2A) No person’s name or other personal information shall be marked to be obscured on the list of electors unless the person has personally appeared before the revising officer to request that action for the purpose of prohibiting

the disclosure of that person's information to the public or any third parties, including candidates.

(2B) Where a person's information has been marked to be obscured on a shared list of electors, that information remains included in the version of the final list of electors used by the municipal returning officer for the election, and that person remains eligible to vote if the person is otherwise entitled to do so.

25 Section 36 of Chapter 300, as amended by Chapter 26 of the Acts of 1994, is further amended by adding immediately after subsection (4) the following subsections:

(5) A person may apply under subsection (1) for the person's name to be marked to be obscured on the list of electors for the purpose of it not appearing on any lists of electors that are made public or shared by the returning officer with third parties, including candidates.

(6) Where an amendment is made under subsection (5), that person's name or other personal information shall not be included in the list of electors shared with the Chief Electoral Officer for the Province under subsection 30B(5), or in the final list of electors under Section 115 when that list is made public or shared with third parties, including candidates.

PART V

MUNICIPAL GOVERNMENT ACT

26 Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by adding immediately after Section 69A the following Section:

69B (1) The council may, by policy, provide for the reduction, to the extent that the council considers appropriate, of the taxes payable with respect to a rebuilt property if a dwelling situate on the property has been destroyed by wildfire, hurricane, flood, storm or other natural disaster, and provide for the reimbursement of any overpayment resulting from the reduction.

(2) In adopting a policy pursuant to subsection (1), the council may consider the taxable assessed value of the property prior to the destruction of the dwelling.

(3) Upon request by the clerk, the Director of Assessment shall provide information regarding the assessed values and taxable assessed values of a property, both before and after the destruction of the dwelling.

(4) A policy adopted pursuant to subsection (1) does not affect the assessment of the property under the *Assessment Act*.

27 (1) Subsection 148(1) of Chapter 18, as amended by Chapter 7 of the Acts of 2004, is further amended by striking out "Payment" and substituting "Subject to subsection (1A), payment".

(2) Section 148 of Chapter 18, as amended by Chapter 7 of the Acts of 2004, is further amended by adding immediately after subsection (1) the following subsection:

(1A) A council may, by resolution, permit payment at a tax sale by legal tender delivered by another method acceptable to the council, in addition to the payment methods described in subsection (1).

28 Chapter 18 is further amended by adding immediately after Section 214C the following Section:

214D(1) In this Section,

(a) “childcare facility” means any childcare use, operation, service or facility operated or to be operated by a person other than the Province, but licensed or otherwise authorized by the Province, including any related or incidental facility;

(b) “childcare facility area” means an area within a municipality designated as a childcare facility area by an order made under subsection (2).

(2) The Minister may, by order, on such terms as the Minister considers necessary for accomplishing the purpose of this Section,

(a) deem as urgently required for the purpose of this Section any existing or proposed childcare facility;

(b) identify and describe the area of land on which the childcare facility is or will be located and designate it as a childcare facility area for the purpose of this Section; and

(c) prescribe terms with respect to the subdivision of land within the childcare facility area, permissible uses within the childcare facility area or development of the childcare facility that the Minister considers advisable for accomplishing the purpose of this Section, which may include terms, conditions or events upon which the order ceases to be in force in whole or in part.

(3) Where the Minister has made an order under subsection (2), Parts VIII and IX of this Act and any municipal planning strategies, land-use by-laws, development agreements, policies and subdivision by-laws in force in the municipality do not apply to the childcare facility area or to the establishment, siting, development, operation or use of a childcare facility within the childcare facility area, or to the subdivision of land in connection therewith, except to the extent the Minister may specify in the order.

(4) Before making or amending an order pursuant to subsection (2), the Minister shall consult with the municipality in which the childcare facility is to be located.

(5) A childcare facility that is the subject of an order is deemed to hold a development permit for the purpose of the *Building Code Act* and to comply with the requirements of any other enactment identified in the order.

(6) Where the Minister is satisfied that an order is no longer required to expedite the development or availability of a childcare facility, the Minister shall revoke the order.

(7) Notwithstanding the revocation of an order under subsection (6), a childcare facility exempted from the application of Parts VIII and IX and the municipal planning strategies, land-use by-laws and subdivision by-laws in force in the municipality under subsection (3) may continue without change and in accordance with any terms prescribed in the order notwithstanding any non-conforming structure, non-conforming use of land or non-conforming use in a structure.

(8) Where there is a conflict or inconsistency between this Section and another provision of this Act or between this Section and any other enactment, this Section prevails.

(9) Upon making an order under subsection (2), the Minister shall

(a) send a copy of the order to the clerk of the municipality in which the childcare facility is to be located; and

(b) give notice that the order is in effect on the Province's website.

(10) Where the clerk receives a copy of the order under clause (9)(a), the clerk shall cause the order to be posted on a publicly available website for the municipality.

(11) The Minister may make such regulations as are in the Minister's opinion required to implement this Section fully and effectively.

(12) The exercise by the Minister of the authority contained in subsections (2) and (11) is a regulation within the meaning of the *Regulations Act*.

PART VI

MUNICIPAL GRANTS ACT

29 Clause 2(d) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, is repealed and the following clause substituted:

(d) "Minister" means the Minister of Municipal Affairs;

30 Subsection 8(2) of Chapter 302, as enacted by Chapter 14 of the Acts of 2023, is amended by striking out "Governor in Council" and substituting "Minister".

PART VII

EFFECTIVE DATES

31 Sections 24 and 25 come into force on such day as the Governor in Council orders and declares by proclamation.

SCHEDULE

**An Act to Control Development
Around Transportation Corridor Lands**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Transportation Corridor Control Act*.

2 The purpose of this Act is to

- (a) foster coordination between the Province and landowners;
- (b) remove unnecessary barriers to transportation corridors in the Province; and
- (c) provide clear guidance to landowners respecting provincially significant priority transportation projects.

3 In this Act,

“actual cost”, in respect to the cost of work carried out by a utility company to comply with a notice under Section 18, means all costs properly attributed to the work, including

- (a) the actual wages paid to all workers up to and including the supervisors for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workers if necessary for the proper carrying out of the work;
- (b) the cost to the utility company of contributions related to such wages in respect of workplace safety and insurance premiums, vacation pay, employment insurance, pension or insurance benefits and other similar benefits;
- (c) the cost of using and transporting equipment and explosives used in the work;
- (d) the cost of planning, designing and engineering;
- (e) the cost of materials;
- (f) the cost of acquiring necessary permits, approvals and property rights; and
- (g) related administrative costs, such as for project management;

“Court” means the Supreme Court of Nova Scotia;

“Department” means the Department of Public Works;

“highway” means

- (a) a public street, highway, sidewalk, lane, road or alley; or
- (b) a part of a public park, beach or other public property that is accessible to the public for driving motor vehicles and not solely for driving off-highway vehicles;

and, for greater certainty, includes

- (c) any part of a highway;
- (d) all the space between the property boundary lines of a highway; and
- (e) any bridges and other structures that form part of a highway;

“inspection” means an inspection carried out under Section 32;

“Minister” means the Minister of Public Works;

“obstacle removal” means the removal of a thing under Section 40;

“priority transportation project” means a transportation project that is prescribed by the regulations as a priority transportation project;

“site assessment” means a site assessment carried out under Section 33;

“transportation corridor land” means land designated as transportation corridor land under Section 8;

“utility company” means a municipal corporation or commission or a private company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat or power;

“utility infrastructure” means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipelines and any other works, structures or appliances placed over, on or under land or water by a utility company.

4 Subject to the regulations and Section 56, in the event of a conflict between this Act and the *Expropriation Act*, the *Halifax Regional Municipality Charter*, the *Municipal Government Act*, the *Public Highways Act* or the *Public Utilities Act*, that Act prevails.

ADMINISTRATION

5 The Minister is responsible for the supervision and management of this Act.

6 (1) Subject to subsection (2), the Minister may, in writing, delegate any power or function of the Minister under this Act to

- (a) Link Nova Scotia; or
 - (b) a public body within the meaning of the *Public Service Act* that is prescribed for the purpose of this Section by the Governor in Council.
- (2)** The Minister may not delegate the Minister’s authority to
- (a) make and approve regulations;
 - (b) issue directives; or
 - (c) develop, make, revise or cancel a municipal service and municipal highway order.
- (3)** The Minister may set conditions or restrictions on a delegation under subsection (1).

7 The Minister may issue directives in writing to

- (a) Link Nova Scotia, in respect of any matter under this Act; or
- (b) a public body prescribed by the regulations for the purpose of subsection 6(1), in respect of any function delegated to that public body.

TRANSPORTATION CORRIDOR LAND

8 (1) The Governor in Council may, by order, designate land that is all or part of a provincial or municipal highway as transportation corridor land if, in the opinion of the Governor in Council, the land is or may be required for a priority transportation project.

(2) The Governor in Council may designate the land for some of the purposes of this Act and not others, and may later further designate the land for other purposes of this Act.

(3) Where land is designated as transportation corridor land, the Minister shall

- (a) make reasonable efforts to notify the owners and occupants of land that is at least partly on transportation corridor land or within 30 metres of transportation corridor land of
 - (i) the designation, and
 - (ii) this Act; and
- (b) either
 - (i) register a notice of designation under the *Land Registration Act* or the *Registry Act* in respect of the land referred to in clause (a), or
 - (ii) carry out a public notice process.

(4) The Governor in Council may, by order, revoke the designation of land as transportation corridor land.

(5) Where the Governor in Council revokes a designation of land as transportation corridor land, the Minister shall register the documents necessary to remove any notices made under subclause (3)(b)(i) in respect of the land for which the designation is revoked.

(6) Unless previously revoked or renewed, a designation under subsection (1) expires 10 years after the day it is made.

(7) The Governor in Council may renew a designation under subsection (1) at any point before the designation or a previous renewal of the designation expires for an additional period of 10 years.

(8) Subsections (2) and (3) apply, with necessary changes, to a renewal under subsection (7).

9 The Minister shall publish notice of any designation under subsection 8(1), revocation under subsection 8(4) or renewal under subsection 8(7) on a website of the Government and in the Royal Gazette.

PERMITS

10 (1) Unless otherwise provided by the regulations, no person shall

- (a) build, alter or place a building or other structure or road;
- (b) conduct excavation or dewatering; or
- (c) perform work of a type prescribed by the regulations

on or within 30 metres of transportation corridor land without a permit issued by the Minister.

(2) Subsection (1) does not apply to building, altering or placing utility infrastructure or conducting excavation or dewatering necessary for utility infrastructure.

(3) Subsection (1) does not apply to work carried out

- (a) on behalf of or on the instruction of the Department; or
- (b) as part of a priority transportation project.

11 Unless otherwise provided by the regulations, a utility company shall not build, alter or place utility infrastructure that would require grading or excavation on or under transportation corridor land or within 10 metres of transportation corridor land without a permit issued by the Minister.

12 (1) The Minister may issue a permit for the purpose of Section 10 or 11.

(2) The Minister may attach terms and conditions to a permit issued under subsection (1) and may change those terms and conditions at any time.

(3) The Minister may cancel a permit issued under subsection (1) at any time.

(4) The Minister is not required to provide advance notice or reasons for a decision made under this Section.

13 (1) Notwithstanding Sections 10 and 11, a municipality, a utility company or a public safety agency, including the Department of Emergency Management and the Department of Natural Resources, may conduct work that would otherwise be prohibited by Section 10 or 11 if the work is necessary in response to an emergency situation.

(2) The municipality or utility company shall inform the Minister of any work conducted under subsection (1) as soon as is reasonably practicable in the circumstances.

14 (1) Subject to subsection (2), Sections 10 and 11 do not apply to work that has received all required approvals prior to the land the work is to be performed on or near being designated as transportation corridor land.

(2) The Minister may, by service of notice to the work's proponent, impose a condition that, where the work is not completed during the period ending on the day that is six months after the day of the notice, subsection (1) will cease to apply to the work unless an agreement is negotiated.

15 (1) Following the service of notice under subsection 14(2), the Minister shall negotiate in good faith to enable work to be carried out

- (a) to the extent possible;
- (b) within a reasonable time; and
- (c) in a matter compatible with the needs and timing of a priority transportation project.

(2) Where an agreement has not been reached within the period ending on the day six months after the day on which notice was served under subsection 14(2), the Minister may, by service of notice on the proponent of the work, impose a permit with respect to the work.

(3) Where an agreement has not been reached within the period ending on the day six months after the day on which notice was served under subsection 14(2), the exemption in subsection 13(1) ceases to apply to the work and no person shall conduct or continue the work without a permit issued under Section 12 or imposed under subsection (2).

(4) Subsections 12(2) to (4) apply, with necessary changes, to the imposition of a permit under subsection (2).

16 (1) The Minister may establish a review process respecting the issuance or non-issuance of permits and any terms and conditions attached to permits.

(2) Where a review process has been established under subsection (1), the Minister shall ensure that any notification with respect to a permit is accompanied by information outlining the review process.

(3) The Minister may set fees with respect to the review process.

17 Where a review process has been established under Section 16, a person may seek a review of a decision made by the Minister with respect to the issuance or non-issuance of a permit or any terms and conditions attached to a permit in accordance with that process.

UTILITY COMPANIES

18 (1) Notwithstanding any permit or agreement to the contrary, the Minister may, by notice, require a utility company to take up, remove or change the location of the utility company's utility infrastructure if, in the opinion of the Minister, it is necessary to do so for a priority transportation project.

(2) A notice under subsection (1) must be in writing and must be served in accordance with Section 55.

(3) For greater certainty, where a notice under subsection (1) applies notwithstanding a permit or agreement to the contrary, the permit or agreement continues to have effect to the extent that it does not conflict with requirements of the notice.

19 Promptly following the service of notice under Section 18, the Minister and the utility company shall enter into negotiations to coordinate the taking up, removal or change of location.

20 Upon receiving a notice under Section 18, a utility company shall make reasonable efforts to acquire any permits, approvals and property rights needed to comply with the notice.

21 A notice under Section 18 must specify the date by which the notice must be complied with, which must not be earlier than the earlier of

- (a) a date agreed to by Link Nova Scotia and the utility company; and
- (b) 60 days after the date the notice is served.

22 (1) A utility company may apply to the Court for an order extending a date in a notice served on the utility company under Section 18 to a specified later date.

Court. (2) The utility company shall serve notice of the application on Link Nova Scotia as directed by the

(3) Where the Court finds that additional time is required due to physical, technical or other difficulties in complying with the notice, the Court may make whatever order the Court considers appropriate in the circumstances.

MUNICIPAL SERVICE AND MUNICIPAL HIGHWAY ACCESS

23 (1) Link Nova Scotia may, by notice, require a municipality to provide municipal service and municipal highway access if Link Nova Scotia determines that any of the following apply:

(a) the construction of a priority transportation project requires municipal service and municipal highway access in the form of the use, occupation, modification or temporary closure of a municipal service or municipal highway; or

(b) the construction or operation of a priority transportation project requires municipal service and municipal highway access in the form of use of, access to or modification of

(i) infrastructure that is

(A) related to sewage works, water works or fire hydrants, and

(B) under municipal ownership or control, and

(ii) municipal services related to infrastructure referred to in subclause (i).

(2) A notice under subsection (1) must be in writing and must include

(a) the particulars of what municipal service and municipal highway access are required; and

(b) the date that the municipal service and municipal highway access are required by.

(3) Promptly following the service of a notice under subsection (1), Link Nova Scotia and the municipality shall enter into negotiations to agree on terms for the municipal service and municipal highway access.

24 Where, in the opinion of the Minister, following reasonable efforts by Link Nova Scotia, Link Nova Scotia and the municipality are unable to agree on terms for the municipal service and municipal highway access, the Minister shall

(a) consult with Link Nova Scotia and the municipality in a manner that the Minister considers appropriate;

(b) require Link Nova Scotia and the municipality to produce any information that the Minister, in the Minister's opinion, requires to develop an order; and

(c) obtain any technical or other advice that the Minister requires to develop an order.

25 (1) After consulting Link Nova Scotia and the municipality under Section 24, the Minister may make an order respecting municipal service and municipal highway access.

(2) An order made under subsection (1) is binding on Link Nova Scotia and on the municipality to which it relates.

(3) An order made under subsection (1) may

(a) require the municipality to provide municipal service and municipal highway access as specified in the order; and

(b) set terms governing Link Nova Scotia and the municipality in respect of municipal service and municipal highway access, including

(i) implementation of adequate measures to mitigate the impact on the public of the municipal service and municipal highway access,

(ii) provision of resources and compensation to address the effect of the municipal service and municipal highway access on the municipality,

(iii) measures to address potential liability of the municipality arising from the municipal service and municipal highway access,

- (iv) technical standards that must be met to support the municipal service and municipal highway access,
- (v) methods of dispute resolution, and
- (vi) any other terms the Minister considers necessary or advisable.

- 26** (1) The Minister may revise or cancel a municipal service and municipal highway access order.
- (2) Where the Minister revises or cancels a municipal service and municipal highway access order, the Minister shall serve notice of the revision or cancellation on Link Nova Scotia and the municipality.
- (3) A notice under subsection (2) must be in writing and must include
- (a) the particulars of why the order needs to be revised or cancelled and, in the case of a revision, the particulars of the revision; and
 - (b) the effective date of the revision or cancellation.
- (4) Sections 24 and 25 apply, with necessary changes, to the revision or cancellation of an order.
- 27** A municipal service and municipal highway access order may be filed with the Court and, upon being filed, may be enforced as if it were an order of the Court.

ORDERS TO STOP WORK

- 28** (1) The Minister may order work described in subsection 10(1) or Section 11 to stop and every person to whom the order is issued shall comply with the order.
- (2) An order may not be issued under subsection (1) with respect to
- (a) work authorized under a permit and carried out in accordance with that permit; or
 - (b) work that, under subsection 10(2) or the regulations, does not need a permit.
- (3) An order made under subsection (1) must be in writing, served in accordance with Section 55 and must include
- (a) a description of what work must stop; and
 - (b) the consequences of failing to comply with the order, including the associated offence and potential fine.
- 29** An order made under subsection 28(1) may be filed with the Court and, upon being filed, may be enforced as if it were an order of the Court.
- 30** Where a utility company fails to comply with a notice under Section 18 or an order under subsection 28(1), the Court may, on application made by the Minister,
- (a) order the utility company to comply; or
 - (b) authorize Link Nova Scotia to carry out the work described in the notice at the expense of the utility company.
- 31** (1) A utility company shall compensate the Crown in right of the Province for any loss or expense incurred as a result of the utility company failing to comply with a notice under Section 18 or an order under subsection 28(1).
- (2) The Crown in right of the Province and the utility company may agree on compensation owed under subsection (1).
- (3) Where the Crown in right of the Province and the utility company are unable to reach an agreement on compensation owed under subsection (1), the Nova Scotia Energy and Regulatory Boards Tribunal shall determine the compensation, on application by the Minister.
- (4) Where the Department carries out the work, the compensation that the Crown in right of the Province is entitled to under subsection (1) does not include the Department's costs of carrying out the work.

INSPECTIONS AND SITE ASSESSMENTS

32 For the purpose of ensuring that a permit or order is being complied with, the Minister may enter and inspect any property that the permit or order relates to.

33 (1) For the purpose of conducting a site assessment, the Minister may enter any property on or within 30 metres of transportation corridor land and may take non-invasive and non-destructive samples of structures, soil, plants or water on the land.

(2) A site assessment must not

(a) exceed eight hours in duration; or

(b) alter, damage or disturb the land or any structures on the land beyond a minimal level necessary to complete the site assessment.

(3) No compensation is payable to a property owner in respect of a site assessment on the property owner's property.

34 (1) The Minister, in conducting an inspection or a site assessment, may not enter or inspect a private dwelling place.

(2) An inspection or a site assessment must

(a) where a place has regular business hours, take place during those regular business hours;

(b) where a place does not have regular business hours, take place while the place is open;

or

(c) take place at any time during daylight hours, upon the provision of two days' notice.

35 An individual carrying out an inspection or a site assessment shall produce evidence of being authorized to do so upon request.

36 An individual carrying out an inspection or a site assessment may not use force to enter or carry out the inspection.

37 No person shall hinder, obstruct or interfere with an inspection or a site assessment.

38 (1) A justice of the peace may issue a warrant authorizing an individual named in the warrant to enter property specified in the warrant to carry out an inspection or a site assessment if the justice of the peace is satisfied on information under oath that

(a) an individual has been prevented from carrying out an inspection or a site assessment, as the case may be; or

(b) there are reasonable grounds to believe that an individual will be prevented from carrying out an inspection or a site assessment, as the case may be.

(2) A warrant issued under subsection (1) must state the date that it expires, which date must not be later than 30 days after the day the warrant is issued.

(3) A justice of the peace may extend the date a warrant expires on for an additional period of no more than 30 days upon application by the individual named in the warrant.

(4) Unless specified otherwise in the warrant, a warrant may only be executed

(a) where a place has regular business hours, during those regular business hours;

(b) where a place does not have regular business hours, while the place is open; or

(c) at any time during daylight hours.

(5) The individual named in a warrant shall produce, on request, evidence of

(a) the warrant; and

(b) being the individual named in the warrant.

(6) Unless specified otherwise in a warrant, the individual named in the warrant may be accompanied by one or more individuals under the named individual's direction to assist in executing the warrant.

(7) The individual named in a warrant may request police assistance and a police officer who accepts the request may use whatever force is necessary to assist in executing the warrant.

(8) A warrant may contain such terms and conditions that the justice of the peace considers advisable in the circumstances.

SITE PREPARATION AND OBSTACLE REMOVAL

39 (1) The Minister may enter private property that is on or within 30 metres of transportation corridor land for the purpose of conducting site preparation.

(2) Site preparation may include preparatory work, exploratory work, the taking of invasive samples and the alteration or disturbance of the land or any structures, other than buildings, on the land.

(3) Sections 34 to 38 apply, with necessary changes, to site preparation.

(4) Where the Minister decides to not obtain a property interest in land where site preparation was conducted, the Minister shall restore the land to its condition before the site preparation.

40 The Minister may determine that the construction of a priority transportation project requires the alteration or removal of

- (a) a structure, other than utility infrastructure or a building or part thereof, on or within 30 metres of transportation corridor land;
- (b) a tree, shrub or hedge on or within 30 metres of transportation corridor land; or
- (c) a thing prescribed by the regulations.

41 The Minister shall notify a property owner that the alteration or removal of the thing on the property owner's property is required.

42 A notification under Section 41 must be in writing and include

- (a) a description of the work to be carried out;
- (b) the date by which the work must be completed;
- (c) that the owner of the property shall be negotiated with in good faith to further the work;
- (d) that, where an agreement has not been reached during the period ending on the day that is 30 days after the day the notice was served, the Minister may carry out the work;
- (e) the entitlement to compensation;
- (f) the procedure for determining compensation; and
- (g) contact information for further information.

43 A notification under Section 41 must be served in accordance with Section 55.

44 (1) Thirty days after a notification under Section 40 is served, or such shorter time as may be negotiated, the Minister may carry out the obstruction removal, including entering on land and doing anything else necessary to carry out the obstruction removal.

(2) The Minister shall provide notice of the commencement of the obstruction removal to the property owner and any adult residents of the property.

(3) A notice under subsection (2) must be in writing and include the date and approximate time of the obstruction removal.

(4) Sections 34 to 38 apply, with necessary changes, to an obstruction removal.

(5) A person who interferes with an obstruction removal loses any entitlement to compensation under Sections 45 and 46.

45 The Minister shall

- (a) compensate the owner of the land for the thing altered or removed and any damages resulting from the obstruction removal in accordance with Section 46; and
- (b) after the obstruction removal is carried out,
 - (i) make reasonable efforts to resort the property to its condition prior to the work, aside from any alterations or removals described in the notice, and
 - (ii) plant trees to replace any trees removed in carrying out the work.

46 (1) The Minister shall negotiate compensation in good faith with any property owner whose property is subject to site preparation or an obstruction removal.

(2) Where the Minister and the property owner are unable to agree on compensation, the Minister shall apply to the Nova Scotia Energy and Regulatory Boards Tribunal for a determination of the amount of compensation.

OFFENCE AND PENALTIES

47 (1) In this Section and Sections 48 to 52,

“prescribed provision” means a provision of this Act or the regulations prescribed by the regulations;

“review authority” means a person or organization prescribed by the regulations for the purpose of reviewing administrative penalties imposed under this Section.

(2) Where the Minister is satisfied on reasonable grounds that a person is contravening or not complying with a prescribed provision, the Minister may order the person to pay an administrative penalty in accordance with this Section, Sections 48 to 52 and the regulations.

- (3) The purpose of an administrative penalty imposed under this Section and Sections 48 to 52 is to
 - (a) ensure compliance with prescribed provisions; and
 - (b) prevent a person or entity from deriving, directly or indirectly, any economic benefit as a result of contravening prescribed provisions.

(4) The amount of an administrative penalty must be determined in accordance with the regulations but may not exceed \$500,000.

(5) Where a person contravenes a prescribed provision on more than one day, the person is liable to be ordered to pay an additional administrative penalty for each day on which the person continues the contravention.

- (6) An order to pay an administrative penalty applies to the person even if
 - (a) the person took all reasonable steps to prevent the contravention; or
 - (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

(7) An order to pay an administrative penalty must be served in accordance with, and must contain the information prescribed by, the regulations and, upon being served, becomes due and payable.

(8) Notwithstanding the maximum administrative penalty set out in subsection (4) or the regulations, where an administrative penalty is with respect to a contravention or failure to comply that constitutes an offence, the amount of the administrative penalty may not exceed the maximum fine that would be applicable to the person for the offence.

(9) An administrative penalty may be imposed alone or in conjunction with any other regulatory measure under this or another Act and may be imposed in conjunction with a fine for the same infraction.

48 (1) The Minister and a person who may be or has been ordered to pay an administrative penalty may enter into an agreement that

- (a) identifies the contravention in respect of which the order has been made;
- (b) requires the person against whom the order may be or has been made to take measures specified in the agreement within the period specified in the agreement; and
- (c) provides that, in accordance with the regulations and the terms of the agreement, the obligation to pay the administrative penalty may be cancelled or the amount of the penalty may be reduced.

(2) A person who satisfies the terms of an agreement entered into under subsection (1) may not be convicted of an offence under this Act in respect of the same contravention.

49 An administrative penalty may only be imposed within the time period prescribed by the regulations.

50 There is no right to be heard before an order imposing an administrative penalty is made.

51 (1) A person who receives an order imposing an administrative penalty on the person may request the review authority to review the order by applying to the review authority for a review, in a form approved by the Minister, within

- (a) the number of days after the order is served prescribed by the regulations; or
- (b) a longer period of time specified by the review authority if the review authority considers it appropriate in the circumstances to extend the time for applying.

(2) Where a person who has received an order imposing an administrative penalty on the person does not apply for a review under subsection (1), the person shall pay the penalty within 30 days after the day the order was served.

(3) Where a person who has received an order imposing an administrative penalty on the person applies for a review under subsection (1), the review authority shall conduct the review in accordance with the regulations.

(4) A review commenced under subsection (1) acts as a stay of the order imposing the administrative penalty until the review authority provides its decision.

(5) On a review, the review authority may find that

- (a) the person did not contravene the provision of this Act or the regulations specified in the order and rescind the order;
- (b) the person did contravene the provision of this Act or the regulations specified in the order and affirm the order; or
- (c) the person did contravene the provision of this Act or the regulations specified in the order, but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, and amend the order by reducing the amount of the penalty.

(6) A decision of the review authority is final.

52 (1) Where the review authority finds under clause 51(5)(b) or (c) that a person has contravened a provision of this Act or the regulations specified in the order, the person shall pay the penalty required by the review authority within 30 days after the day the decision was made.

(2) Where a person fails to pay an administrative penalty within the time required under subsection 51(2) or subsection (1), as applicable, the order or decision, as the case may be, may be filed with the Court and, upon being so filed, may be enforced as if it were a judgment of the Court.

53 Every person who contravenes subsection 10(1), Section 11, subsection 28(1), Section 37 or the terms or conditions of a permit is guilty of an offence.

- 54** A person who is guilty of an offence under Section 53 is liable on conviction
- (a) in the case of an individual,
 - (i) for a first offence, to a fine of not more than \$50,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
 - (ii) for a second or subsequent offence, to a fine of not more than \$100,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences; or
 - (b) in the case of a corporation,
 - (i) for a first offence, to a fine of not more than \$500,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
 - (ii) for a second or subsequent offence, to a fine of not more than \$1,000,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences.

MISCELLANEOUS

- 55** (1) Except as otherwise provided in this Act, a notice, order or other document that is required to be given or served on a person under this Act is sufficiently given or served if it is
- (a) delivered directly to the person;
 - (b) sent by registered mail to the person's last known address;
 - (c) sent by electronic mail to the person's last known address for electronic mail;
 - (d) sent by any means mutually agreed to by the sending and receiving parties; or
 - (e) given by other means specified by the regulations.
- (2) Subject to subsection (3),
- (a) a document sent under clause (1)(c) is deemed to have been received on the first business day after the day it was sent; and
 - (b) a document sent under clause (1)(e) is deemed to have been received on the day determined under the regulations.
- (3) Subsection (2) does not apply if the person to whom the document is being served establishes that the person, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, such as absence, accident, disability or illness.

56 (1) Notwithstanding Section 318 of the *Halifax Regional Municipality Charter* and Section 308 of the *Municipal Government Act*, the designation of a transportation corridor does not vest ownership in the Crown in right of the Province in any street or highway and any maintenance obligations remain with the municipality that owns the street or highway.

(2) For greater certainty, subsection (1) does not prevent the Minister, the Department or the Crown in right of the Province from entering into an agreement with a municipality respecting the ownership or maintenance of a street or highway.

57 (1) Nothing in this Act or the regulations and no action authorized under this Act or the regulations constitutes a de facto expropriation of a landowner's property and no compensation is payable by the Minister, the Department, the Crown in right of the Province, Link Nova Scotia or any public authority for any loss, including loss of value or loss of use, suffered by a person as a result of the enactment or application of this Act, the regulations or any action authorized under this Act or the regulations, unless the enactment, regulation or action results in the actual acquisition of a proprietary interest in the property.

(2) Subsection (1) does not apply to claims for injurious affection.

(3) No action or proceeding may be brought against the Minister, the Department, the Crown in right of the Province, Link Nova Scotia or any public authority in respect of anything done or omitted to be done in good faith under this Act or the regulations.

REGULATIONS

- 58 (1)** The Governor in Council may make regulations
- (a) prescribing transportation projects as priority transportation projects;
 - (b) respecting the designation of lands as transportation corridor lands under Section 8;
 - (c) providing for the resolution of any conflict between this Act and the *Expropriation Act*, the *Halifax Regional Municipality Charter*, the *Municipal Government Act*, the *Public Highways Act* or the *Public Utilities Act*;
 - (d) prescribing public bodies for the purpose of Section 6 and governing and providing for other matters relating to the prescribing of public bodies for the purpose of Section 6;
 - (e) respecting any matter necessary or advisable for the administration of a system of administrative penalties, including
 - (i) prescribing provisions of this Act and of the regulations for the purpose of subsection 47(1),
 - (ii) prescribing a person or organization as the review authority for the purpose of subsection 47(1),
 - (iii) prescribing the amount of a penalty, or a method for calculating the amount of a penalty, and prescribing different penalties or ranges of penalties for different types of contraventions or failures to comply and different penalties or ranges of penalties depending on specified criteria,
 - (iv) respecting agreements entered into in respect of an administrative penalty,
 - (v) respecting the collection of administrative penalties,
 - (vi) respecting reviews of administrative penalties;
 - (f) defining any term or expression used but not defined in this Act;
 - (g) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.
- (2)** The Minister may make regulations
- (a) governing anything that, in this Act, is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations, or as authorized, specified or provided for in the regulations, except for any matter referred to in subsection (1);
 - (b) exempting an entity from a provision of this Act and setting conditions for the exemption;
 - (c) respecting any matter or thing the Minister considers necessary or advisable to effectively carry out the intent and purpose of this Act.
- (3)** The exercise by the Governor in Council or the Minister of the authority contained in subsection (1) or (2) is a regulation within the meaning of the *Regulations Act*.
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