

Transportation Corridor Control Act

SCHEDULE OF CHAPTER 17 OF THE ACTS OF 2025



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

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(The table of contents is not part of the statute)

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(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. 2025, c. 17, Sch., s. 3.

Conflict with other Acts

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. 2025, c. 17, Sch., s. 4.

ADMINISTRATION

Supervision and management of Act

5 The Minister is responsible for the supervision and management of this Act. 2025, c. 17, Sch., s. 5.

Delegation by Minister

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). 2025, c. 17, Sch., s. 6.

Ministerial directives

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.
- 2025, c. 17, Sch., s. 7.

TRANSPORTATION CORRIDOR LAND

Designation of 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). 2025, c. 17, Sch., s. 8.

Publication of notice, revocation or renewal

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. 2025, c. 17, Sch., s. 9.

PERMITS

General prohibition without permit

- 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. 2025, c. 17, Sch., s. 10.

Prohibition without permit for utility company

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. 2025, c. 17, Sch., s. 11.

Permit

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. 2025, c. 17, Sch., s. 12.

Exemption for emergency situation

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. 2025, c. 17, Sch., s. 13.

Exemption where approvals received

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. 2025, c. 17, Sch., s. 14.

Agreement to enable work

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). 2025, c. 17, Sch., s. 15.

Review process

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. 2025, c. 17, Sch., s. 16.

Person may seek review

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. 2025, c. 17, Sch., s. 17.

UTILITY COMPANIES

Utility infrastructure

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. 2025, c. 17, Sch., s. 18.

Negotiations following 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. 2025, c. 17, Sch., s. 19.

Requirements to comply with notice

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. 2025, c. 17, Sch., s. 20.

Date of compliance

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. 2025, c. 17, Sch., s. 21.

Extension of date

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.

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

(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. 2025, c. 17, Sch., s. 22.

MUNICIPAL SERVICE AND MUNICIPAL HIGHWAY ACCESS

Requirement for 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. 2025, c. 17, Sch., s. 23.

Where disagreement on terms

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. 2025, c. 17, Sch., s. 24.

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. 2025, c. 17, Sch., s. 25.

Revision or cancellation of order

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. 2025, c. 17, Sch., s. 26.

Enforcement of 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. 2025, c. 17, Sch., s. 27.

ORDERS TO STOP WORK

Order 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. 2025, c. 17, Sch., s. 28.

Enforcement of order

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. 2025, c. 17, Sch., s. 29.

Court order for utility company

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. 2025, c. 17, Sch., s. 30.

Compensation

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. 2025, c. 17, Sch., s. 31.

INSPECTIONS AND SITE ASSESSMENTS

Minister may enter and inspect

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. 2025, c. 17, Sch., s. 32.

Site assessment

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. 2025, c. 17, Sch., s. 33.

Requirements for inspection and site assessment

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. 2025, c. 17, Sch., s. 34.

Evidence of authority

35 An individual carrying out an inspection or a site assessment shall produce evidence of being authorized to do so upon request. 2025, c. 17, Sch., s. 35.

No use of force

36 An individual carrying out an inspection or a site assessment may not use force to enter or carry out the inspection. 2025, c. 17, Sch., s. 36.

Hindrance, obstruction and interference prohibited

37 No person shall hinder, obstruct or interfere with an inspection or a site assessment. 2025, c. 17, Sch., s. 37.

Warrant for inspection or 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. 2025, c. 17, Sch., s. 38.

SITE PREPARATION AND OBSTACLE REMOVAL

Site preparation

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. 2025, c. 17, Sch., s. 39.

Alteration or removal

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. 2025, c. 17, Sch., s. 40.

Notification of property owner

41 The Minister shall notify a property owner that the alteration or removal of the thing on the property owner's property is required. 2025, c. 17, Sch., s. 41.

Requirements for notification

- 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. 2025, c. 17, Sch., s. 42.

Notice must be served

43 A notification under Section 41 must be served in accordance with Section 55. 2025, c. 17, Sch., s. 43.

Obstruction removal

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. 2025, c. 17, Sch., s. 44.

Compensation and remediation

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. 2025, c. 17, Sch., s. 45.

Determination of amount of compensation

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. 2025, c. 17, Sch., s. 46.

OFFENCE AND PENALTIES

Administrative 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. 2025, c. 17, Sch., s. 47.

Agreement

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. 2025, c. 17, Sch., s. 48.

Time period for imposition of administrative penalty

49 An administrative penalty may only be imposed within the time period prescribed by the regulations. 2025, c. 17, Sch., s. 49.

No right to be heard

50 There is no right to be heard before an order imposing an administrative penalty is made. 2025, c. 17, Sch., s. 50.

Review of order

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. 2025, c. 17, Sch., s. 51.

Payment and enforcement of administrative penalty

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. 2025, c. 17, Sch., s. 52.

Offence

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. 2025, c. 17, Sch., s. 53.

Penalty

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. 2025, c. 17, Sch., s. 54.

MISCELLANEOUS

Service of notice, order or document

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. 2025, c. 17, Sch., s. 55.

Maintenance obligations remain with municipality

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. 2025, c. 17, Sch., s. 56.

No expropriation, compensation or action

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. 2025, c. 17, Sch., s. 57.

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*. 2025, c. 17, Sch., s. 58.
