

# Royal



# Gazette

## Part II

# Regulations under the Regulations Act

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### *Corrections*

In Volume 22, Issue 26 dated December 18, 1998, N. S. Reg. 91/98 should read "Order dated November 16, 1998" *instead of* "Order dated November 24, 1998" and the name of N. S. Reg. 92/98 is "Hospital and Medical Services Program for International Students Employed as Teaching or Research Assistants Regulations" *instead of* "Hospital and Medical Services Program for Persons on Student Visas"

**A complete quarterly sectional index of regulations is available from the Office of the Registrar of Regulations. For subscriptions please call 424-6723.**

N.S. Reg. 95/98

Made: December 9, 1998

Filed: December 15, 1998

Pharmacy Act Regulations

Order in Council 1998-629 made December 9, 1998  
Amendment to regulations approved by the Governor in Council  
pursuant to Section 51  
of the *Pharmacy Act*

The Governor in Council on the report and recommendation of the Minister of Health dated November 18, 1998, pursuant to Section 51 of Chapter 343 of the Revised Statutes of Nova Scotia, 1989, the *Pharmacy Act*, is pleased to approve the making by the Council of the Nova Scotia Pharmaceutical Society of amendments to the regulations approved by Order in Council 81-1312 dated October 27, 1981, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Amendments to the regulations made pursuant to Section 51  
of Chapter 343 of the Revised Statutes of  
Nova Scotia, 1989, the *Pharmacy Act***

The regulations made by the Council of the Nova Scotia Pharmaceutical Society and approved by the Governor in Council by Order in Council 81-1312 dated October 27, 1981, are amended by adding to Schedule III:

- (a) "Fexofenadine (Allegra®)" immediately after "Famotidine and its salts for oral use in strengths of 10 mg or less per dosage unit";
- (b) "Nicotine transdermal patches" immediately after "Nicotine and its salts in chewing gum form in doses of 4 mg or less per dosage unit";  
and
- (c) "Sodium cromoglycate 2% nasal solution" immediately after  
"Ranitidine for oral use in strengths of 75 mg or less per dosage unit".

N.S. Reg. 96/98

Made: December 8, 1998

Filed: December 15, 1998

Ministerial Order re Cape Breton  
Development Corporation

Order dated December 8, 1998  
made under subsection 125(1) of the  
*Environment Act*

98-4

**IN THE MATTER OF** Chapter 1 of the Statutes of Nova Scotia 1994-95,  
the *Environment Act* (the "Act")

- and -

**IN THE MATTER OF** a Ministerial Order issued pursuant to the  
provisions of the said *Act* to the **Cape Breton Development Corporation**,  
a body corporate under Chapter C-25 by the Revised Statutes of Canada  
1985 (hereafter called the "Corporation").

### **MINISTERIAL ORDER**

I. **WHEREAS** the Corporation owns, occupies, operates or is responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a coal shipping facility at its International Pier Site, which is located at or near Whitney Pier, in the City of Sydney, in the Cape Breton Regional Municipality, Province of Nova Scotia, hereafter called the "Site";

II. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*, to wit:

- (a) Section 67(2) releasing or permitting the release of a substance that causes or may cause a significant adverse effect.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

### **IT IS HEREBY ORDERED:**

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at its own cost, comply with the terms and conditions, including compliance times, set forth in Schedules "A" and "B" attached to and forming part of this Ministerial Order.

**AND TAKE NOTICE** if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to Section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

**AND FURTHER TAKE NOTICE** that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

**DATED** at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 8<sup>th</sup> day of December, 1998.

Signed: *Don Downe*  
The Honourable Don Downe  
Minister of the Environment

**SCHEDULE "A"**  
**TERMS AND CONDITIONS**

**98-4**

**CAPE BRETON DEVELOPMENT CORPORATION**

**1. Volume of Coal:**

Unless agreed otherwise in writing by the Regional Manager, Department of Environment, Sydney, at no time shall there be located on the ground at the Site more than 4,000 tonnes of coal during summer operations and 12,000 tonnes of coal during winter operations.

**2. Summer Operation Requirements - Mode of Operation:**

Details respecting the storage and handling of coal during summer operations shall be as follows:

- (a) No more than 4,000 tonnes of coal shall be located beneath the vessel loading trestle prior to the arrival of a vessel.
- (b) Water spray systems (trestle sprays and/or water truck) shall be used as required during dumping and during the wait for the arrival of a vessel as determined by the Supervisor, Cape Breton Development Corporation ("the Supervisor") who is situated at the International Pier Site.
- (c) Balance of coal required for the loading of a vessel shall be delivered in unit train lots after the vessel has arrived and loading commenced.
- (d) Water spray systems shall be used as required during dumping and loading operations as determined by the Supervisor.

- (e) A small collection area shall be maintained inside the rail loop adjacent to the said trestle to pile clean-up material, coal left over from the loading of a vessel, and other materials prior to re-loading on rail car and removal from the Site.
- (f)
  - (i) The Supervisor shall be in full control of operations at the Site.
  - (ii) The Supervisor shall determine when water sprays are required and shall ensure that they are activated.
  - (iii) The Supervisor shall also ensure that coal movement from the Lifting Banking Centre (LBC), Victoria Junction Plant, occurs only during appropriate periods.

**3. Winter Operation Requirements - Mode of Operation:**

Details respecting the storage and handling of coal during winter operations shall be as follows:

- (a)
  - (i) No more than 12,000 tonnes of coal shall be located at the Site prior to the arrival of a vessel.
  - (ii) No more than 4,000 tonnes shall be located under the vessel loading trestle and no more than 4,000 tonnes shall be located to each side of the said trestle.
- (b) Depending on weather conditions, water spray systems shall be used as required during dumping and during the wait for the arrival of a vessel as determined by the Supervisor.
- (c) Balance of coal required for the loading of a vessel shall be delivered in unit train lots after the vessel has arrived and loading commenced.
- (d) Depending on weather conditions, water spray systems shall be used as required during dumping and vessel loading operations as determined by the Supervisor.
- (e) Coal transport to the Site and dumping operations shall cease when:
  - (i) there is no snow cover and sub-zero Celsius temperatures make water spraying impractical and the wind is from the direction  $215^{\circ}$  to  $305^{\circ}$  (True North) at a velocity of 35 km/hr or more; or
  - (ii) the weather control station located at the Cape Breton Development Corporation International Pier malfunctions.
- (f) If either event described in clause (e) occurs, any partially unloaded unit trains remaining on the said rail loop shall be dumped and coal remaining under the said trestle shall be loaded on board the vessel.

- (g) A small collection area shall be maintained inside the said rail loop adjacent to the said trestle to collect frozen lumps of coal left over from vessel loading, clean-up material, etc., prior to re-loading on rail car and removal from the Site.
  - (h)
    - (i) The Supervisor shall be in full control of operations on the Site.
    - (ii) The Supervisor shall determine when water sprays are required and shall ensure that they are activated.
    - (iii) The Supervisor shall monitor wind and temperature conditions and, subject to Paragraph 7, shall determine whether shut-down conditions exist.
    - (iv) The Supervisor shall ensure that coal moved from the Lifting Banking Centre (LBC), Victoria Junction Plant, occurs only during appropriate periods.
4. **Water Spray System Requirement:**  
A water spray system along both sides of the vessel loading trestle shall be used in dry weather whenever coal is being dumped or loaded onto the conveyor system.
5. **Dumping/Loading Requirement:**  
During dumping or loading of coal, a water spray system and/or water spray truck(s) shall be used to control dust from leaving the Site.
6. **Wind Monitoring Requirement:**
- (a) Within seven days of the date of this Ministerial Order, wind direction and velocity shall be measured by an on-site recording anemometer and wind indicator.
  - (b) The Corporation shall submit monthly records of wind monitoring and related shutdowns to the Nova Scotia Department of the Environment, Sydney Office.
  - (c) If the anemometer or wind indicator becomes damaged or is inoperable for any reason, all coal dumping and loading operations at the Site shall cease immediately.
  - (d) Approval to resume operations shall be obtained from the Regional Manager, Nova Scotia Department of the Environment, Sydney, or a person designated by the said Regional Manager.
7. **Cease Operations:**
- (a) If, in the opinion of the Regional Manager, Sydney, or a person designated by the said Regional Manager, it is apparent that undesirable dust emissions from coal handling operations are leaving the Site, all loading and/or dumping operations at the Site shall immediately cease.

- (b) As a result of a shutdown in operation described in clause (a), loading and/or dumping during summer operations shall not resume when the wind is from 215<sup>o</sup> to 305<sup>o</sup> (True North) at a velocity of 35km/hr or more based on a 10 minute average.
  - (c) Loading or dumping shall not resume until the 10 minute mean velocity has returned to below the critical velocity of 35 km/hr or the wind has shifted out of the critical range of 215<sup>o</sup> to 305<sup>o</sup> (True North).
  - (d) Criteria described in clauses (b) and (c) shall thereafter apply to any further loading and/or dumping operations.
8. **Train Restrictions:**
- (a) Trains containing any coal shall not remain waiting on the rail loop or in the area of Railway Street and Henry Street, situate in the City of Sydney, Province of Nova Scotia, during periods when operations are shutdown under paragraph 7.
  - (b) A minimum of 50% of unit trains travelling to the Site shall discharge their loads at the vessel loading trestle coming from the western side of the said rail loop.
  - (c) At no time shall more than one loaded unit train be stationed on the said rail loop.
9. **Truck Removal of Coal:**  
Coal shall not be delivered nor removed from the Site by truck without the written approval of the Regional Manager, Sydney or a person designated by the said Regional Manager.
10. **Failure to Comply:**  
Section 132 of the *Environment Act* makes it an offence when a Ministerial Order is served upon a person to whom it is directed and that person fails to comply with the Ministerial Order immediately or within the time specified therein as the case may be.

**SCHEDULE "B"**  
**TERMS AND CONDITIONS**

**98-4**

**CAPE BRETON DEVELOPMENT CORPORATION**

**1. Volume of Coal:**

Unless agreed otherwise in writing by the Regional Manager, Nova Scotia Department of the Environment, Sydney Regional Office, at no time shall there be located on the ground at the Site more than 4,000 tonnes of coal during the summer operations and 12,000 tonnes of coal during winter operations.

**2. Off-loading Requirements - Mode of Operation:**

Details respecting the storage and handling of coal during the off-loading of ships or vessels to the Site shall be as follows:

- (a) The coal bank lay down area (located to the west of the trestle on CBDC's drawing # 230731-A, attached) shall be bermed and all runoff collected and treated prior to discharge.
- (b) Dust suppressant systems shall be used as required at all transfer points from the ship unloader, transfer conveyor, radial stacker, the coal bank lay down area, and at the train car loader as determined by the Supervisor, Cape Breton Development Corporation, ("the Supervisor") who is situated at the International Pier Site.
- (c) The Supervisor shall implement a contingency plan in the event of dusting from the loaded train cars.
- (d) Vessel off-loading and train car loading shall cease when:
  - (i) dust suppressant spraying is impractical and the wind is from the direction 215° to 305° (True North) at a velocity of 35 km/hr or more based on a 10 minute average; or
  - (ii) the weather control station located at the International Pier Site malfunctions.
- (e) If either event described in clause (d) occurs, any partially loaded unit trains on the rail loop shall be immediately moved to the Victoria Junction site.
- (f) A small collection area shall be maintained inside the coal bank lay down area to pile clean-up material, coal left over from the off-loading of a vessel, and other materials prior to loading on rail car for removal from the Site.
- (g)
  - (i) The Supervisor shall be in full control of the operations on the Site.
  - (ii) The Supervisor shall determine when dust suppressants are required and shall ensure that they are activated.
  - (iii) The Supervisor shall monitor wind and temperature conditions and, subject to Paragraph 4, shall determine whether shut-down conditions exist.
  - (iv) The Supervisor shall ensure that coal moved from a vessel and the Site only occurs during appropriate periods.
  - (v) The Supervisor shall ensure that record (stacker flow rates and train loading rates in tonnes/hr) are maintained in a log.
  - (vi) The Supervisor shall ensure that delivery of coal from a vessel to the coal bank lay down area does not exceed the 12,000 tonnes in the pile.

- (vii) The Supervisor shall provide these records to a NSDOE inspector upon request.
- (h) (i) The coal bank lay down area shall be defined on the ground (floor area times height) to ensure that the 12,000 tonnes of coal is not exceeded during the vessel off-loading.
- (ii) A contingency plan to undertake a site survey to measure the volume of coal in the coal bank lay down area shall be in place and this survey shall be implemented when requested by NSDOE.
- (i) Upon completion of vessel off-loading, all coal shall be removed from the coal bank lay down area in a continuous operation subject to clause (d).

**3. Wind Monitoring Requirement:**

- (a) The Corporation shall ensure that wind direction and velocity be measured by an on-site recording anemometer and wind indicator.
- (b) The Corporation shall submit records of wind monitoring and related shutdowns to the Nova Scotia Department of the Environment, Sydney Regional Office.
- (c) If the anemometer or wind indicator becomes damaged or is inoperable for any reason, all coal off-loading and loading operations at the Site shall cease immediately.
- (d) Approval to resume operations shall be obtained from the Regional Manager, Nova Scotia Department of the Environment, Sydney Regional Office, or a person designated by the said Regional Manager.

**4. Air Monitoring Program:**

- (a) The Corporation will utilize two, high-volume, air samplers at or near the eastern boundary of the International Pier Site, in the vicinity of the residential areas during vessel off-loading.
- (b) NSDOE will operate an independent, high-volume air sampler in proximity to one of the Corporation's air samplers.
- (c) Each high-volume air sampler will be run for at least one, 24-hour period during a vessel off-loading.
- (d) The high-volume air sampler filters will be analysed for total suspended particulates (TSP) at the Environmental Services Laboratory at UCCB or such other laboratory approved in writing by the Department.
- (e) The TSP data will be reported to NSDOE (Sydney Office) as soon as it is available.

**5. Cease Operations:**

- (a) If, in the opinion of the Regional Manager, Sydney Regional Office or a person designated by the said Regional Manager, it is apparent that undesirable dust emissions from coal handling operations are leaving the Site, all off-loading and/or loading operations at the Site shall immediately cease.
- (b) As a result of a shutdown in operations described in clause (a), off-loading and/or loading operations shall not resume when the Wind is from 215° to 305° (True North) at a velocity of 35 km/hr or more based on a 10 minute average.
- (c) Off-loading or loading shall not resume until the 10 minute mean velocity has returned to below the critical velocity of 35 km/hr or the wind has shifted out of the critical range 215° to 305° (True North).
- (d) Criteria described in clauses (b) and (c) shall thereafter apply to any further off-loading and/or loading operations.

**6. Train Restrictions:**

- (a) Partially loaded trains shall not remain waiting on the rail loop during periods when operations are shutdown under Paragraph 5.
- (b) Unit trains travelling to the Site shall receive their loads coming from the eastern side of the said rail loop.
- (c) At no time shall more than one loaded unit train be stationed on the said rail loop.

**7. Truck Removal of Coal:**

Coal shall not be removed from the Site by truck without the written approval of the Regional Manager, Sydney Regional Office or person designated by the said Regional Manager.

**8. Failure to Comply:**

Section 132 of the *Environment Act* makes it an offence when a Ministerial Order is served upon a person to whom it is directed and that person fails to comply with the Ministerial Order immediately or within the time specified therein as the case may be.

N.S. Reg. 97/98

Made: December 8, 1998

Filed: December 15, 1998

Revocation of Ministerial Order re Greater Homes  
Construction Ltd. and Harbour Foundations Ltd.

Order dated December 8, 1998  
made under clause 131(1)(b) of the  
*Environment Act*

**D.O.E. 98-5**

**IN THE MATTER OF** clause 131(1)(b), Chapter 1 of the Statutes of Nova  
Scotia 1994-95, the *Environment Act*

- and -

**IN THE MATTER OF** the revocation of a Ministerial Order directed  
towards **GREATER HOMES CONSTRUCTION LIMITED**, a body  
corporate with head office in Bedford, in Halifax Regional Municipality,  
Province of Nova Scotia, and **HARBOUR FOUNDATIONS LIMITED**, a  
body corporate with head office in Dartmouth, in Halifax Regional  
Municipality, Province of Nova Scotia.

### **REVOCATION ORDER**

**WHEREAS** by Ministerial Order issued pursuant to subsection 125(1) of  
the *Environment Act* dated the 8th day of August, 1997, signed by the Minister of the  
Environment, the Honourable Wayne Adams, and duly filed in the Office of the  
Registrar of Regulations on the 14th day of August, 1997, (Reg. 109/97) and  
published in the Royal Gazette, Part II, Volume 21, Number 18 on the 29th day of  
August, 1997, from page 559 to 561, the persons named in the Ministerial Order  
were ordered to comply with the conditions set forth in Schedule "A" attached to the  
Ministerial Order respecting the construction/installation of an on-site sewage  
disposal system on lands (Building Lot #821) owned or claimed by Brian J.  
MacLeod and Linda D. MacLeod which is located at or near Kingswood  
Subdivision, Hammonds Plains, in Halifax Regional Municipality, Province of Nova  
Scotia;

**AND WHEREAS** the Honourable Minister of the Environment wishes to  
revoke the aforesaid Ministerial Order while maintaining the authority to issue  
further Ministerial Orders in future against the persons named in the said Ministerial  
Order if the circumstances so merit;

**IT IS HEREBY ORDERED** that upon service of this Order of  
Revocation, the Ministerial Order dated the 8th day of August, 1998, is revoked and  
of no further force or effect.

**DATED** at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, this 8<sup>th</sup> day of December, 1998.

Signed: *Don Downe*  
Honourable Don Downe  
Minister of the Environment

N.S. Reg. 98/98

Made: December 10, 1998

Filed: December 16, 1998

Human Rights Board of Inquiry Monetary  
Orders for Compensation Regulations

Order in Council 1998-639 made December 10, 1998  
Regulations made by the Governor in Council  
pursuant to Sections 5 and 6  
of the *Court and Administrative Reform Act*

The Governor in Council on the report and recommendation of the Minister responsible for the administration of the *Human Rights Act*, dated November 4, 1998, pursuant to Sections 5 and 6 of Chapter 23 of the Acts of 1996, the Court and Administrative Reform Act, is pleased to make regulations respecting the filing and enforcement of Human Right Boards of Inquiry monetary orders for compensation in the same manner as a judgement of the Supreme Court of Nova Scotia, in the form set forth in Schedule "A" attached to and forming part of the report and recommendations effective on, from and after December 10, 1998.

#### SCHEDULE "A"

**Regulations Respecting the filing and enforcement of Human Rights Boards of Inquiry Monetary Orders for Compensation in the Same Manner as a Judgement of the Supreme Court of Nova Scotia made by the Governor in Council pursuant to Sections 5 and 6 of Chapter 23 of the Acts of 1996, the *Court and Administration Reform Act*.**

#### Citation

- 1 These regulations may be cited as the *Human Rights Board of Inquiry Monetary Orders for Compensation Regulations*.

#### Interpretation

- 2 In these regulations,

- (a) "Board" means a board of inquiry established pursuant to the *Human Rights Act*;
- (b) "Supreme Court" means the Supreme Court of Nova Scotia

#### Filing and enforcement of monetary orders for compensation in the Supreme Court

- 3 (1) A monetary order for compensation of a Board, whether made before or after the coming into force of Section 5 of the *Court and Administration Reform Act* may for the purpose of enforcement, be filed with Supreme Court and shall be enforced in the same manner as a judgement of that Court.

- (2) To file a monetary order for compensation referred in subsection (1), the Chair of the Board shall endorse, date and sign a copy of the monetary order for compensation certified by the Chair to be a true copy as follows:

File the within monetary order for compensation in the amount of  
\$            within the Supreme Court of Nova Scotia.

Dated.....

.....  
Chair of the Human Rights Board of Inquiry

and forward the copy to a prothonotary of the Supreme Court who shall enter it as a record.

- (3) Any subsequent monetary order for compensation of a Board rescinding or varying a monetary order for compensation of that Board already filed with the Supreme Court may be filed in the manner set out in subsection (2).

N.S. Reg. 99/98

Made: December 15, 1998

Filed: December 18, 1998

Calculation of Default Contribution  
Rates Regulations

Order in Council 1998-640 made December 15, 1998  
Regulations approved by the Governor in Council  
pursuant to subsections 114(4) and 115(1.3)  
of the *Canada Pension Plan*

The Governor in Council on the report and recommendation of the Minister of Finance dated December 7, 1998, pursuant to subsection 114(4) and 115(1.3) of Chapter C-8 of the Revised Statutes of Canada, 1985, as amended, the *Canada Pension Plan*, is pleased to confirm that the Government of the Province of Nova Scotia hereby signifies its consent to the Calculation of Default Contribution Rates Regulations made by the Governor General of Canada by Privy Council Order 1998-2181, dated December 10, 1998.

### SCHEDULE "A"

JUS-600608  
(SOR/DORS)

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, pursuant to paragraphs 101(1)(d.1)<sup>a</sup> and 115(1.1)(c)<sup>b</sup> of the *Canada Pension Plan*, here makes the annexed *Calculation of Default Contribution Rates Regulations*.

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<sup>a</sup> R.S., c. 30 (2<sup>nd</sup> Supp.), s. 52

<sup>b</sup> S.C. 1997, c. 40, subs. 96(1)

### CALCULATION OF DEFAULT CONTRIBUTION RATES REGULATIONS:

#### INTERPRETATION

1. The definitions in this section apply in these Regulations.

"Act" means the *Canada Pension Plan*. (*Loi*)

"assets of the Canada Pension Plan" means the sum of the balance in the Canada Pension Plan Account and the investments of the Canada Pension Plan Investment Board. (*actif du Régime de pensions du Canada*)

"default contribution rate" means the contribution rate determined for a review period in accordance with sections 2 and 3 that is to be specified in the report referred to in paragraph 115(1.1)(c) of the Act. (*taux de cotisation implicite*)

"ratio of assets to expenditure for a year" means the assets of the Canada Pension Plan at the end of the year divided by the payments charged to the Canada Pension Plan Account under subsection 110(3) of the Act with respect to the following year. (*ratio actif/dépenses*)

"review period" means a three year period beginning with 1998 and with every third year thereafter. (*période d'examen*)

#### CALCULATION OF DEFAULT CONTRIBUTION RATE

- 2 (1) The default contribution rate for a review period is the smallest multiple of 0.01 percentage point that, when multiplied by projected total contributory salaries and wages and contributory self-employed earnings, as set out in sections 8, 9, and 10 of the Act, for each year after that review period yields projected contributions for the year that, when added to projected revenues of the Canada Pension Plan Account and projected investment income of the Canada Pension Plan Investment Board, less projected payments under subsection 108(3) of the Act for the year, produces a projected ratio of assets to expenditures in the 60th year after the third year of the review period that is not less than the projected ratio of assets to expenditures in the 10th year after the third year of the review period.
- (2) For the review period 1998 to 2000
  - (a) contributions for the years up to and including 2002 shall be projected by multiplying projected total contributory salaries and wages and contributory self-employed earnings by the contribution rate for self-employed persons set out in the schedule to the Act for those years, and
  - (b) the calculation of the default contribution rate shall begin in 2003.
- (3) For the review period 2001 to 2003 and for subsequent review periods, contributions for the years up to and including the third year of the review period shall be projected by multiplying projected total contributory salaries and wages and contributory self-employed earnings by the contribution rate for self-employed persons set out in the schedule to the Act for the years up to and including the third year of the review period.

#### ROUNDING OF AMOUNTS

3. Where a contribution rate determined under section 2 is not a multiple of 0.1%, it shall be rounded to the nearest multiple of 0.1% or, if equidistant from two consecutive multiples of 0.1% to the higher of those multiples.

#### COMING INTO FORCE

4. In accordance with subsections 114(4) and 115(1.3) of the Act, these Regulations come into force on a day to be fixed by order of the Governor in Council.

N.S. Reg. 100/98

Made: December 15, 1998

Filed: December 18, 1998

Cole Harbour-Lawrencetown Coastal Heritage Park System

Order in Council 1998-644 made December 15, 1998  
Regulations made by the Governor in Council  
pursuant to subsection 6(1) and Section 8  
of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated December 1, 1998, pursuant to subsection 6(1) and Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, and clause 19(f) of Chapter 235 of the said Revised Statutes, the *Interpretation Act*, is pleased to:

- (a) with respect to the constitution of parks and the setting aside of park reserve, rescind:
  - 1. Order in Council 87-348 dated March 31, 1987, and thereby terminate the status of Rainbow Haven Beach Provincial Park,
  - 2. Order in Council 87-896 dated July 28, 1987, and thereby terminate the status of Lawrencetown Beach Provincial Park, and
  - 3. Order in Council 93-727 dated September 8, 1993;
- (b) designate land situate at Cole Harbour-Lawrencetown, Halifax County, owned by Her Majesty in right of the Province of Nova Scotia, to be a provincial park, the said area of land being described in Schedule "A" and shown outlined in bold line on a copy of Provincial Crown Lands Record Centre Plan No. E-15-61 marked Schedule "B", both Schedules attached to and formed part of the report and recommendation; and
- (c) declare the provincial park referred to in paragraph (b) hereof, to be known by the name "Cole Harbour-Lawrencetown Coastal Heritage Park System".

**Schedule "A"**

ALL those certain lots, pieces, or parcels of land situate, lying and being at or near Cole Harbour and Lawrencetown, in the County of Halifax, Province of Nova Scotia, shown as Blocks A, B, C, D, E, F, G, I, J, K, together with a portion of the former Canadian National Railway right-of-way, as shown on a compiled plan showing "Cole Harbour-Lawrencetown Coastal Heritage Park System", Cole Harbour-Lawrencetown, Halifax County, Field Plot No. P-098/98, and filed in the Department of Natural Resources Office, Halifax, the said parcels of land being more particularly described as follows:

**Block “A”**

ALL those certain lots, pieces, or parcels of land shown as Parcel “A” and Parcel “B” on a compiled plan showing Cole Harbour Provincial Park, Field Plot No. P-158/87, except for revisions in two areas more particularly described as follows:

FOLLOWING the revised Crown boundaries as shown on a plan of survey of a portion of Cole Harbour Provincial Park, by S. Gregory Smith, N.S.L.S., Field Plot No. P-014/90, dated August 30, 1989, excepting and reserving therefrom the 4.572 metre easement as shown thereon.

INCLUDING land conveyed to the Crown from Davies Poultry Products Ltd. and excluding land conveyed to Davies Poultry Products Ltd. from the Crown as shown on a plan of survey of Land Exchange Between the Crown and Davies Poultry Products Ltd., by S. Gregory Smith, N.S.L.S., Field Plot No. P-001/90, dated December 7, 1989.

ALSO INCLUDING all that certain portion of the former Canadian National Railway right-of-way as defined on a plan showing Lands of Her Majesty the Queen (Canadian Government Railways), Mile 20.50 to 48.02, Dartmouth Subdivision, by Robert A. Miller, Regional Land Surveyor, Plan No. 11596-607, dated August 15, 1990, the certain portion herein described beginning at the eastern boundary of the re-aligned Bissett Road, said road boundary being at old chainage of approximately 380+75 on the above-referenced Railway plan, and from thence extending eastward 700 metres more or less to the ordinary high water mark of Cole Harbour.

**Block “B”**

ALL that certain lot, piece, or parcel of land shown as Parcel “C” on a compiled plan showing Cole Harbour Provincial Park, Field Plot No. P-158/87, and including the various small parcels of land along the northeastern side of the Bissett Road conveyed to the Crown under Document No. 3064.

**Block “C”**

ALL that certain lot, piece, or parcel of land known as Flying Point, bounded on the east, south, and west by the ordinary high water mark of Cole Harbour and all other boundaries being as shown on two plans showing survey of portions of Crown Park Reserve, by S. Gregory Smith, N.S.L.S., Field Plot No. P-146/97 and P-147/97, both plans dated June 20th, 1997.

**Block “D”**

ALL those certain lots, pieces, or parcels of land known as the Viewplane Lands and more particularly described as follows:

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Proposed Conveyance to the Crown from William Landymore and Joan L.G. Landymore, Field Plot No. P-031/91-1, dated February 21, 1991.

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Proposed Conveyance to the Crown from the Estate of Margaret E. Oland, Field Plot No. P-031/91-2, dated March 7, 1991.

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Proposed Conveyance to the Crown from Margaret Sellars, Field Plot No. P-031/91-3, dated March 12, 1991.

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Proposed Conveyance to the Crown from Daniel J. Casavechia and Terrance D. Casavechia, Field Plot No. P-031/91-4, dated March 12, 1991.

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Proposed Conveyance to the Crown from Fulton W. Sellars and Helen V. Sellars, Field Plot No. P-031/91-5, dated March 13, 1991.

ALL that certain lot, piece, or parcel of land known as Lot 8 and conveyed to the Crown from Richard H. Oland and Barbara L. Oland in Book 5264, Page 1097, the location of the eastern boundary of said Lot 8 being subject to survey, not including the “free right of way, roadway to pass and repass at the south west end of Lot No. Three from Cole Harbour to the Main Road.”

ALL that certain lot, piece, or parcel of land known as Lot 9 and conveyed to the Crown from Terry Bonang, Sharon Thomas, and Lloyd Bonang in Book 5208, Page 147.

ALL that certain lot, piece, or parcel of land conveyed to the Crown from Skyview Homes Limited and shown on a plan showing Proposed Conveyance to the Crown for Viewplane Purposes, by S. Gregory Smith, N.S.L.S., Field Plot No. P-100/94, dated June 23, 1994.

ALL that certain lot, piece, or parcel of land together with a right-of-way conveyed to the Crown from Aubrey B. Campbell and Bernadine E. Campbell in Book 6130, Page 226, excepting and reserving therefrom that portion of said right-of-way external to Block “D” and more particularly described as lying between the West Lawrencetown Road and the southeastern boundary of Crown Land as shown on above-referenced Field Plot No. P-100/94.

ALSO all that certain portion of the former Canadian National Railway right-of-way crossing Lot 8 and Lot 9 as described above, the said former Canadian National Railway right-of-way being as defined on a plan showing Lands of Her Majesty the Queen (Canadian Government Railways), Mile 20.50 to 48.02, Dartmouth Subdivision, by Robert A. Miller, Regional Land Surveyor, Plan No. 11596-607, dated August 15, 1990.

#### **Block “E”**

ALL that certain lot, piece, or parcel of land or water as shown on a compiled plan showing Rainbow Haven Beach Provincial Park, Field Plot No. P-057/85.

#### **Block “F”**

ALL that certain lot, piece, or parcel of land or water as shown on a plan showing survey of Conrod Island Park Reserve, by S. Gregory Smith, N.S.L.S., Field Plot No. P-109/92-1, dated April 27, 1993.

**Block “G”**

ALL that certain lot, piece, or parcel of land or water as shown on a compiled plan showing Lawrencetown Beach Provincial Park, Field Plot No. P-056/85“C”.

**Block “I”**

ALL that certain lot, piece, or parcel of land conveyed to the Crown from Robert S. M. Crowell in Book 4552, Page 787.

**Block “J”**

ALL that certain lot, piece, or parcel of land as shown on a compiled plan showing Parcel “A”, lands of Charles J. L. Hardy and Andrea M. Hardy, Field Plot No. P-066/81, dated March 31, 1981.

EXCEPTING AND RESERVING THEREFROM that portion of Parcel “A” identified as License No. CL-58, currently issued to John McStay, formerly Lease No. L-3611, and shown on a plan showing survey of 20' Water Easement to Crown and Lease to Haynes, by S. Gregory Smith, N.S.L.S., Field Plot No. P-216/87, dated November 6, 1987.

**Block “K”**

ALL those certain lots, pieces, or parcels of land conveyed to the Crown in Book 5509, Page 500, shown as Parcels A, B, G, and a portion of Parcel “C” on a plan showing survey of land of Philip W. Oland, by Garry S. Parker, N.S.L.S., dated December 28, 1989.

ALSO all that certain portion of the old public highway from the southern boundary of the former Canadian National Railway right-of-way to the eastern boundary of above-mentioned land conveyed to the Crown in Book 5509, Page 500, shown on a compiled plan showing a portion of Old Public Highway, Field Plot No. P-129/93, the subject parcel identified thereon as Parcel A, land conveyed to the Crown in Book 5523, Page 471, excepting and reserving therefrom Parcel A-1, land disposed of by the Crown in Book 5562, Page 832.

ALSO all that certain portion of the former Canadian National Railway right-of-way as defined on a plan showing Lands of Her Majesty the Queen (Canadian Government Railways), Mile 20.50 to 48.02, Dartmouth Subdivision, by Robert A. Miller, Regional Land Surveyor, Plan No. 11596-607, dated August 15, 1990, the certain portion herein described lying to the south of Highway No. 207 and extending from the eastern boundary of Wyndenfog Lane to the prolongation of the eastern boundary of above-mentioned land conveyed to the Crown in Book 5509, Page 500, said eastern boundary being at old chainage of approximately 941+65 on the above-referenced Railway plan.

**Former Canadian National Railway Right-of-way:**

ALL those certain portions of the former Canadian National Railway right-of-way not previously described, as defined on a plan showing Lands of Her Majesty the Queen (Canadian Government Railways), Mile 20.50 to 48.02, Dartmouth Subdivision, by Robert A. Miller, Regional Land Surveyor, Plan No. 11596-607, dated August 15, 1990, and more particularly described as lying between the following bounds:

BOUNDED ON THE WEST by the eastern boundary of the re-aligned Bissett Road, said road boundary being at old chainage of approximately 380+75 on the above-referenced Railway plan;

BOUNDED ON THE EAST by a line on the prolongation of the eastern boundary of BLOCK "K" as previously described, the said prolongation line being at old chainage of approximately 941+65 on the above-referenced Railway plan;

EXCEPTING AND RESERVING THEREFROM that certain portion of the Canadian National Railway right-of-way lying to the north of BLOCK "K" as previously described and extending beyond the northern boundary of Highway No. 207, said portion beginning where the right-of-way width changes from 99 feet to 149.5 feet, at old chainage of approximately 937+35 on the above-referenced Railway plan, and extending from thence easterly to the prolongation of the eastern boundary of BLOCK "K" as previously described, the said prolongation line being at old chainage of approximately 941+65 on the above-referenced Railway plan.

ALSO EXCEPTING AND RESERVING THEREFROM any public roadways crossing the above-described portion of the Canadian National Railway right-of-way, and any portion of Wyndenfog Lane lying within the former Canadian National Railway right-of-way.

**Subject to Prior Existing Rights:**

ALL properties herein described being subject to any prior existing rights including those rights reserved by the grantor in any of the individual conveyances to the Crown.

