

# Royal



# Gazette

## Part II

# Regulations under the Regulations Act

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Halifax, Nova Scotia

Vol. 23, No. 7

April 9, 1999

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**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. 22/99

Made: March 19, 1999

Filed: March 23, 1999

Proclamation, S. 93, S.N.S. 1998, c. 22

Order in Council 1999-107 made March 19, 1999

Proclamation made by the Governor in Council  
pursuant to Section 93  
of the *Physiotherapy Act*

The Governor in Council on the report and recommendation of the Acting Minister of Health dated February 25, 1999, pursuant to Section 93 of Chapter 22 of the Acts of 1998, the *Physiotherapy Act*, is pleased to order and declare by proclamation that Chapter 22 of the Acts of 1998, the *Physiotherapy Act*, come into force on and not before March 22, 1999.

PROVINCE OF NOVA SCOTIA

Sgd: *J. James Kinley*

G/S

of God,

ELIZABETH THE SECOND, by the Grace  
of the United Kingdom, Canada and Her  
Other Realms and Territories, Queen, Head  
of the Commonwealth, Defender of the  
Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE  
SAME MAY IN ANY WISE CONCERN,

GREETING:

#### A PROCLAMATION

WHEREAS in and by Section 93 of Chapter 22 of the Acts of 1998, the  
*Physiotherapy Act*, it is enacted as follows:

**93** This Act comes into force on such day as the Governor in Council  
orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 22 of the Acts of 1998, the  
*Physiotherapy Act*, come into force on and March 22, 1999;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 22 of the Acts of 1998, the *Physiotherapy Act*, come into force on March 22, 1999, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the Great  
Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour  
the Honourable J. James Kinley, C.D.,  
S.M., D.Eng., P.Eng., F.E.I.C., Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 19<sup>th</sup> day of March, in the  
year of Our Lord one thousand nine  
hundred and ninety-nine and in the forty-  
eighth year of Our Reign.

BY COMMAND:

Sgd: *R. S. Harrison*  
Provincial Secretary  
Attorney General and Minister of Justice

N.S. Reg. 23/99

Made: March 19, 1999

Filed: March 23, 1999

Nova Scotia College of Physiotherapists Registration Regulations  
and Nova Scotia College of Physiotherapists Professional  
Corporations Regulations

Order in Council 1999-108 made March 19, 1999  
Regulations approved by the Governor in Council  
pursuant to Section 6  
of the *Physiotherapy Act*

The Governor in Council on the report and recommendation of the Acting Minister of Health dated March 4, 1999, pursuant to Section 6 of Chapter 22 of the Acts of 1998, the *Physiotherapy Act*, is pleased to:

- (a) repeal the regulations respecting physiotherapists made by the Board of the Nova Scotia College of Physiotherapists and approved by Order in Council 87-449 dated April 7, 1987; and
- (b) approve the making by the Board of the Nova Scotia College of Physiotherapists of new regulations
  - (i) respecting registration in the form set forth in Schedule “A”, and
  - (ii) respecting professional corporations in the form set forth in Schedule “B”,

attached to and forming part of the report and recommendation, effective on, from and after March 22, 1999.

#### **Schedule “A”**

**Regulations respecting physiotherapist registration approved by  
the Governor in Council pursuant to Section 6 of  
Chapter 22 of the Acts of Nova Scotia, 1998, the *Physiotherapy Act***

#### **Citation**

- 1 These regulations may be cited as the *Nova Scotia College of Physiotherapists Registration Regulations*.

#### **Definitions**

- 2 In these regulations,
  - (a) “Act” means the *Physiotherapy Act*;
  - (b) “Annual Renewal Form” means the form used by members to renew their registration and licence and shall be in the form as determined by the Board;

- (c) “Board” means the Board of the College;
- (d) “College” means the Nova Scotia College of Physiotherapists;
- (e) “expiry date” means the date or dates approved by the Board for the expiry of registrations and licences of members of the College;
- (f) “Registrar” means the Registrar as defined in the Act;
- (g) “registration fee” means the annual registration fee prescribed by the Board;
- (h) “renewal date” means the date or dates approved by the Board, which are at least 2 weeks prior to the applicable expiry date;
- (i) “scope of practice” means,
  - (i) the specialty in which the member is registered in the Specialists Register,
  - (ii) the type of practice as specified in any other Register in the Act,
  - (iii) the type of practice determined by any terms or conditions attached to a licence,
  - (iv) those aspects of the practice of physiotherapy for which a physiotherapist possesses appropriate education and experience, as determined by the Board, or
  - (v) any other non-clinical physiotherapy practice,as the context requires;
- (j) “spouse” means a person married to another person and includes a man and woman who, not being married to each other, live together as husband and wife for at least one year; and
- (k) “TOEFL<sup>®</sup>” means the Test of English as a Foreign Language.

**Conflict**

- 3** Where these regulations pertain to matters described in clause 6(3)(a) of the Act and conflict with the *General Regulations* of the Board made pursuant to clauses 6(2)(g), (i), (j), (m), (n) or (o) of the Act, the *General Regulations* shall prevail.

**Annual fees**

- 4** An applicant for membership in the College shall pay to the Registrar, or such person as the Registrar may designate, the registration fee.

- 5 In order to renew the member's registration for the following licensing year, each member of the College shall pay to the Registrar, or such person as the Registrar may designate, the registration fee.
- 6 If an applicant is to be registered for a period of less than 3 months in any one licensing year, the applicant shall pay one-half of the registration fee referred to in Section 4.
- 7 Where an applicant is registered within 60 days prior to the renewal date in any year, the payment in full of the registration fee for the current year shall be deemed payment for the ensuing year as well.
- 8 The Board may, upon application for registration, waive payment of the registration fee of a physiotherapist who is registered in another jurisdiction and who will be practising in the Province for a period of less than 3 months for special purposes, as approved by the Board.

#### **Expiry and renewal**

- 9 The registration and licence of a member of the College shall expire each year on the applicable expiry date and the registration fee shall be payable by the applicable renewal date.
- 10 Each member shall be advised of the expiry date and the renewal date applicable to that member's registration and licence at the time of the granting or renewal of the registration and licence.

#### **Failure to renew**

- 11 Despite Section 37, where a member of the College fails to submit a completed Annual Renewal Form or to pay the registration fee by the renewal date, the Registrar shall forthwith notify the member and the employer of the member, if any, by registered mail,
  - (a) that the registration and licence of the member will be suspended for failing to submit a completed Annual Renewal Form or for non-payment of fees effective on the expiry date; and
  - (b) that the member will not be not permitted to practise after the expiry date until the requirements of the Act and the regulations have been complied with and the member is given a notice of re-instatement by the Registrar.
- 12 If a completed Annual Renewal Form or the registration fee is not received by the expiry date, the member's registration and licence shall be suspended by the Registrar effective on the expiry date and the Registrar shall notify the member and record the effective date of the suspension on the appropriate register.
- 13 (1) A member whose licence and registration has been suspended for failure to submit a completed Annual Renewal Form or to pay the registration fee may be re-instated by the Registrar upon compliance with the requirements and procedures set out in Sections 27 and 28 of the Act and these regulations or upon direction of the Board, as the case may be.

- (2) Any re-instatement pursuant to this Section shall be effective upon receipt by the member of a notice of re-instatement from the Registrar.

**Exemption from subsection 33(1) of the Act**

- 14 Pursuant to subsection 33(2) of the Act, a member who is absent from the Province for 2 weeks or less shall be exempted from the requirements of subsection 33(1) of the Act.

**Registration**

- 15 (1) For the purpose of this Section,

- (a) “practising” means actively engaging in the practice of physiotherapy in the Province by a physiotherapist who has met the requirements under the Act and regulations to practice; and
- (b) “non-practising” means not currently engaging in the practice of physiotherapy in the Province by a physiotherapist who has met the requirements under the Act and the regulations to practice and desires to maintain his or her registration and licence.

- (2) Any registration or licence granted pursuant to the Act shall be recorded in the relevant register as having either “practising” or “non-practising” status.

- (3) If the status of a physiotherapist changes from either practising to non-practising or non-practising to practising, the physiotherapist shall notify the Registrar in writing within 7 days.

- 16 All applications for registration shall be made in the form approved by the Board.

- 17 An application form shall be provided to an applicant by the Registrar upon request and the Registrar shall provide any applicant with a copy of the Act and regulations.

- 18 An applicant for registration shall satisfy the Registrar by a sworn statement indicating

- (a) their good standing in any of the jurisdictions in which they have practised and that neither their professional conduct nor their practice is under investigation in any other jurisdiction;
- (b) that the applicant has not been and is not the subject of any disciplinary proceedings in any jurisdiction; and
- (c) that the applicant has not been convicted of a criminal offence that would reasonably have negative implications for the profession as a whole or the applicant’s practice of physiotherapy.

**19** An applicant for registration shall

- (a) be a Canadian citizen or satisfy the Registrar that they are legally entitled to live and work in Canada;
- (b) be able to demonstrate competency in both written and oral English to the satisfaction of the Registrar or achieve a TOEFL<sup>®</sup> score as determined by the Board;
- (c) be a graduate of a school of physiotherapy from a Canadian university that meets the standards considered acceptable by the Board or have completed the credentialing process required by the Board;
- (d) complete the application form required under Section 16 and submit it to the Registrar with the following:
  - (i) an unmounted passport size photograph,
  - (ii) a birth certificate or other identification documents satisfactory to the Registrar,
  - (iii) a certified copy of any degrees or diplomas and certificates relating to physiotherapy and physiotherapy specialties,
  - (iv) a curriculum vitae with a chronological listing of previous education and employment that includes a description of that person's clinical and non-clinical experience,
  - (v) a letter of good standing from the licensing body of any jurisdiction in which the applicant has practised in the past,
  - (vi) proof of professional liability insurance coverage in the minimum amount required by the Board, and
  - (vii) proof of successful completion of the examination process required by the Board; and
- (e) consent to the release of information relevant to the application by such references as are requested by the Registrar.

**20** Applicants may be required to have a personal interview with the Registrar, the Credentials Committee or the Board.

**21** Applicants are required to pay any applicable fees for documentation, registration or any other fees relative to the application.

**22** Applicants shall comply with any requirement of the Board for information pursuant to clause 25(d) of the Act.

**Conditions on licence**

**23** The Board may impose such reasonable limitations or qualifications on a member's licence as it considers appropriate, including, but not limited to, categories of clients, procedures and interventions.

**Scope of practice**

**24** In addition to any conditions imposed under Section 23, it is a term, condition and limitation of registration that the member practise only within the scope of practice in which the member is educated and experienced.

**25** When considering the scope of practice in which the member is educated and experienced, the Board may take into account their

- (a) graduate education in physiotherapy or physiotherapy specialties;
- (b) performance in qualifying examinations in physiotherapy and physiotherapy specialties;
- (c) non-clinical physiotherapy practice, where registration is a requirement of employment;
- (d) graduate education in, and evaluation of the member's performance in, health disciplines not included in clauses (a) or (b), but considered appropriate by the Board; and
- (e) scope of practice in which they were engaged in the 5 years prior to initial registration or annual renewal of licence.

**26** Should a member wish to change the scope of practice from the one that the member has practised for the previous 5 years, the Board may request that the member provide the Board with evidence that the member is competent to engage in that scope of practice.

**27** All requests from members to change their scopes of practice shall be handled on an individual basis.

**General registration**

**28** An applicant who is accepted by the Board as a member of the College engaging in the general clinical practice of physiotherapy and who is not otherwise registered in the Provisional Register or the Defined Register may be registered in the Register pursuant to Section 19 of the Act.

**29 (1)** In order to be registered in the Register pursuant to Section 28, the applicant shall meet the minimum clinical practice hour requirements as determined by the Board.

**(2)** Where the applicant wishes to be registered in the Register pursuant to Section 28 and does not satisfy the minimum clinical practice hour requirements, the applicant shall be required to meet the requirements of Section 30 governing the re-entrance process.

**Re-entrance process**

- 30 (1)** Any person who has practised for a period of less than 10 full time equivalent months within the 5 consecutive years immediately previous to the date of application for membership or for renewal shall be required to successfully complete the Physiotherapy National Exam offered by the Canadian Alliance of Physiotherapy Regulators in order to be registered pursuant to the Act.
- (2)** Despite subsection (1), persons may be granted registration in the Defined Register pursuant to the *Defined Register Regulations* where they give a written undertaking to the College that they will not engage in any form of clinical practice.

**Provisional registration**

- 31** For the purpose of Section 20 of the Act, a provisional registration may be granted to an applicant who meets the requirements for registration contained in the Act and regulations
- (a)** where written confirmation of a requirement for registration is temporarily unavailable but will be provided within a reasonable period of time in the opinion of the Registrar and where the Registrar is able to verify the information through some other acceptable means; or
  - (b)** where the applicant is a visiting physiotherapist currently licensed in another province and is in the Province to participate in a sports event or to attend an educational course, or

for such other reasons as the Board may deem appropriate.

- 32** A provisional registration and licence may be granted subject to terms and conditions
- (a)** as to the length of time and the place in which the person may be permitted to practice;
  - (b)** as to the nature of the services the person is permitted to perform,

or any other conditions that the Registrar may, in his or her sole discretion, consider necessary and appropriate.

**Supervised practice**

- 33 (1)** Applicants and physiotherapists may be required to undergo a period of supervised practice and to demonstrate competence to practice.
- (2)** Persons who require supervised practice may include, but are not limited to, persons who are enrolled to take the Physiotherapy National Exam and physiotherapists who wish to change their scope of practice.

- 34 (1)** A person who requires supervised practice shall notify the College of the name of a physiotherapist who agrees to act as the person's sponsor.
- (2)** A sponsor referred to in subsection (1) shall
- (a) be registered with the College but not be registered on the Defined Register or the Provisional Register;
  - (b) reside in the Province;
  - (c) practise physiotherapy at the same site as the sponsored person;
  - (d) be engaged in a scope of practice comparable to that of the sponsored person;
  - (e) enter into a written agreement with the College with such terms and conditions as may be determined by the Board to be applicable to the relationship between the College, the sponsor and the sponsored person;
  - (f) report in writing on a regular basis, as considered necessary by the Board, on the performance of the sponsored person;
  - (g) notify the College promptly if concerned about the practice of the sponsored person or if any change in supervision occurs; and
  - (h) comply with any other requirements considered necessary by the Board.

**Publication**

- 35** Where a member's licence or registration is suspended or revoked,
- (a) a notice of the suspension or revocation shall be published in at least one newspaper with circulation throughout the Province;
  - (b) the College shall notify licensing authorities in other Canadian jurisdictions;
  - (c) the College shall notify the Canadian Alliance of Physiotherapy Regulators; and
  - (d) the College shall notify the Federation of State Boards of the United States.

**Records and accounts**

- 36** Physiotherapists and professional corporations are required to maintain such records and accounts as may be required by the *Standards of Practice* approved by the Board, as amended from time to time, and such records and accounts shall be made available for examination and inspection by the College upon request and the College may make copies of such records and accounts at its own expense.

**Suspension of licence**

- 37** The licence of a member may be suspended by the Registrar without notice or investigation upon contravention of any regulation that requires the member to pay a fee, file a document or to do any other act by a specified or ascertainable date.
- 38** A licence suspended pursuant to Section 37 shall not be re-instated until such time as the member has paid the fee, filed the document or carried out whatever act was required.
- 39** Where the Registrar suspends the licence of a member pursuant to Section 37, the member shall immediately cease practice until such time as they are re-instated by the Registrar and a notice of re-instatement is received from the Registrar.

**Minimum professional liability insurance**

- 40** Every physiotherapist shall ensure that they are covered by a minimum of \$1 000 000.00 professional liability insurance prior to engaging in the practice of physiotherapy and no member shall engage in the practice of physiotherapy unless they are insured in accordance with this Section.

**Designated titles**

- 41** A member in the practice of physiotherapy shall only use the titles “Physiotherapist”, “Licensed Physiotherapist”, “Physical Therapist”, “Licensed Physical Therapist”, “Registered Physiotherapist” or “Registered Physical Therapist” and may use in association with the member’s name any academic degree, diplomas or certificates held by the member and approved by the Board for such use.
- 42** A physiotherapist under this Act who advertises or uses the words “Clinic”, “Institute”, “Health Service” or any other non-personal designation shall include with the designation the name or names of the physiotherapists working at such service.
- 43 (1)** No physiotherapist shall use or condone the use of any terms, titles or designations indicating specialization or expertise in any branch of physiotherapy or with respect to any particular aspect of physiotherapy or with respect to any area of preferred practice, whether approved by the Board as a specialist class or not, unless that person is registered in the Specialists Register and is using a term, title or designation approved by the Board.

- (2) For the purpose of this Section, in any proceedings under the Act, the onus of proving that a term, title, or designation is approved by the Board shall be on the physiotherapist seeking to rely upon such approval.
- (3) This Section shall apply mutatis mutandis to a professional corporation under the Act.

**Advertising**

- 44** Subject to Section 46, a physiotherapist may advertise the services they provide.
- 45** Any proposed notice or advertisement that deviates from Sections 41, 42, 43 or 46 shall be submitted to the Board, which may grant or refuse permission to publish such notice or advertisement.
- 46** No physiotherapist shall advertise the services they provide in a manner that
- (a) claims superiority of practice over that of another physiotherapist;
  - (b) is inaccurate;
  - (c) is capable of misleading the public;
  - (d) is in the nature of a testimonial or a comparative statement;
  - (e) makes any claim as to the quality or efficacy of the services provided;
  - (f) tends to promote the excessive or unnecessary use of the services provided; or
  - (g) is of a character which could reasonably be regarded as likely to bring the profession of physiotherapy into disrepute.
- 47** (1) No physiotherapist shall insert his or her name on any exercise program sheets except those of his or her personal patients.
- (2) A physiotherapist may insert his or her name on a general patient information sheet.
- 48** Professional signs shall
- (a) be dignified and restrained in character;
  - (b) be limited in position, size, design and wording to no more than is reasonably required to indicate the exact location of and entrance to the premises where the practice is carried on; and
  - (c) not display anything other than as outlined in Sections 41, 42, and 43.

**Professional standards**

- 49 (1)** A member in the practice of physiotherapy shall exercise generally accepted standards of practice and procedures in the performance of professional services and shall
- (a) maintain the premises in which the member engages in the practice of physiotherapy in a sanitary and hygienic condition;
  - (b) maintain the equipment with which the member engages in the practice of physiotherapy in working order and in a hygienic condition; and
  - (c) maintain a legible record respecting each patient of the member that shall include
    - (i) the name, address, age and sex of the patient,
    - (ii) the name of the patient's physician,
    - (iii) the patient's case history, including relevant medical and social data,
    - (iv) the evaluation procedures used, the findings obtained, and the problem or problems identified,
    - (v) progress notes containing a record of the treatment provided, the methods and the effects of treatment, and the status of the patient on discharge,
    - (vi) copies of reports respecting the patient received from other sources or issued to other sources,
    - (vii) a record of each date on which the patient is seen or treated or rendered a professional service by the member,
    - (viii) where applicable, a record of the member's fees and charges, and
    - (ix) the written diagnosis from the patient's physician and the referral or prescription by the physician for the patient.
- (2)** A member shall keep the records required under clause (1)(c) in a systematic manner and shall retain each record for a period of not less than 6 years after the date of the last entry in the record and, upon cessation of practice, shall ensure the safe custody of the member's records.
- (3)** A member shall make records kept pursuant to clause (1)(c) and books, records, documents, equipment and things relevant thereto available at reasonable hours for inspection by a member or members of a committee of the College.

**Conflict of interest**

- 50 (1)** In this Section, “member of the family” means a child, parent, grandparent, uncle, aunt, brother, sister, grandchild, niece, nephew, first cousin, and spouse of the member.
- (2)** A member shall not engage in the practice of physiotherapy where the member has a conflict of interest.
- (3)** It is a conflict of interest for a member to
- (a)** charge a fee to an agency making payment for professional services rendered to a member of the family;
  - (b)** share fees with any person who has referred a patient, or receive fees from any person to whom a member has referred a patient, or directly or indirectly receive, make or confer a rebate, credit, commission or other benefit by reason of the referral of a patient from or to any other person; or
  - (c)** practise in any situation or enter into any arrangement by reason of which the interest of the member or any person associated with the member in the member’s physiotherapy practice or in the provision of the member’s professional services influences, or is likely to influence, adversely the discharge of the member’s professional obligations as a physiotherapist.

**Sale of equipment**

- 51 (1)** No member shall sell or supply equipment or any appliance, splint or other assistive or supportive device to a patient for profit.
- (2)** Despite subsection (1), a member may charge to the patient the cost of materials used and a reasonable fee for handling and time spent by the member in the fabrication of any such appliance, splint or device.

**Notice**

- 52** Any notice required to be given to a member pursuant to the Act or these regulations may be by prepaid registered mail to the address indicated on the Register and shall be deemed to have been received on the 3rd day after the notice is sent.
- 53** Where notice of any act or thing is required to be given to the Registrar or the Board pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail and shall be deemed to have been received by the Registrar or Board, as the case may be, on the 3rd day after the notice is sent.

**Schedule “B”****Regulations respecting professional corporations approved by  
the Governor in Council pursuant to Section 6 of  
Chapter 22 of the Acts of Nova Scotia, 1998, the *Physiotherapy Act*****Citation**

- 1** These regulations may be cited as the *Nova Scotia College of Physiotherapists Professional Corporations Regulations*.

**Requirement for permit**

- 2** A professional corporation may engage in the practice of physiotherapy upon being issued a permit pursuant to these regulations.

**Application for permit**

- 3** An application for a permit or to renew a permit shall be made to the Registrar.

**Issuance of permit**

- 4** The Registrar may issue a permit to a professional corporation that
- (a) files a completed application in accordance with Form A under seal of the professional corporation;
  - (b) pays a fee of \$25.00 on initial application;
  - (c) provides the Registrar with a certificate of incorporation of the company pursuant to the *Companies Act*, and satisfies the Registrar that the professional corporation is a company limited by shares in good standing under the *Companies Act* and the *Corporations Registration Act*, and that it is a private company as defined by the *Securities Act*;
  - (d) satisfies the Registrar that the name of the professional corporation is a fit and proper name for a professional corporation engaged in the practice of physiotherapy;
  - (e) satisfies the Registrar that the majority of issued shares of the professional corporation are beneficially owned by one or more physiotherapists;
  - (f) satisfies the Registrar that the majority of the issued voting shares of the professional corporation are legally and beneficially owned by one or more physiotherapists;
  - (g) satisfies the Registrar that all of the directors of the professional corporation are registered physiotherapists;
  - (h) provides the Registrar with written confirmation stating that the persons who will carry on the practice of physiotherapy for or on behalf of the professional corporation are physiotherapists.

- 5 A permit issued pursuant to Section 4 is valid for the licensing year in which it is issued.

**Renewal of permit**

- 6 A permit may be renewed upon application to the Registrar in accordance with Form B under seal of the professional corporation and upon satisfying the Registrar that the professional corporation continues to meet the conditions specified in Section 4.
- 7 An application to renew a permit shall be made not earlier than 90 days and not later than 30 days prior to the expiry date of the permit.

**Contravention of Section 4**

- 8 (1) Despite Section 18, where it appears to the Registrar that the professional corporation fails to meet any of the requirements specified in Section 4, the Registrar may, after giving written notice, suspend, revoke, or refuse to renew a permit issued under Section 4.
- (2) Reference to the specific requirements of Section 4 which appear to the Registrar to have been contravened by the professional corporation shall be included in the notice.

**Review of decision to suspend**

- 9 Where, pursuant to Section 8, the permit of a professional corporation is suspended, revoked, or not renewed, the professional corporation may, within 15 calendar days, request that the Board review the Registrar's decision.
- 10 (1) Where a professional corporation requests a review by the Board pursuant to Section 9, the professional corporation shall within 30 days of receiving notice of the Registrar's decision, make written submission to the Registrar and to the Board.
- (2) The Board may investigate the matter as it sees fit, and may require the professional corporation, its directors, officers, employees or shareholders to provide information and documentation to the Board.
- (3) The Board may ratify, reverse or modify the decision of the Registrar, as it sees fit.
- (4) Where the Board re-instates or re-issues a permit suspended, revoked or not renewed pursuant to Section 8, the Board may prescribe terms and conditions upon which re-instatement or re-issuance of a permit may be granted.

**Fees payable to trustee**

- 11** No fees or other remuneration shall be paid to any individual or company holding a non-voting share in a professional corporation or holding company as trustee except for fees payable to the trustee solely for services rendered as trustee in an amount not exceeding the fees which might be fixed by the Supreme Court of Nova Scotia pursuant to the *Trustee Act*, and in any such trust arrangement it shall be stipulated that such fees shall be subject to review by the court for the purpose of determining whether the fees are reasonable in the circumstances.

**Display of permit**

- 12** The professional corporation shall at all times display the current permit issued to it in a conspicuous place at its premises.

**Proposed change of name**

- 13** Where a professional corporation holding a permit proposes to change its name or operate under a business name other than its own name, it shall first satisfy the Registrar that the proposed name or business name is a fit and proper name for use by a professional corporation engaged in the practice of physiotherapy.

**Changes to Memorandum of Association**

- 14** The Memorandum of Association of the professional corporation shall not be changed without the written consent of the Registrar.

**Notice pursuant to Section 80 of the Act**

- 15** A professional corporation required to give notice to the Registrar pursuant to Section 80 of the Act shall give such notice in writing and satisfy the Registrar that it will continue to fulfil the requirements for issuance of a permit.

**Conflict of interest**

- 16** No physiotherapist shall cause or commit a professional corporation or a holding company to engage in or invest in any business that is contrary to the proper and ethical practice of physiotherapy or that creates a conflict of interest for the professional corporation or its employees.

**Advertising**

- 17** Regulations made with respect to advertising in the *Nova Scotia College of Physiotherapists Registration Regulations* shall apply mutatis mutandis to any professional corporation that holds a permit under Section 4 of these regulations.

**Suspension of permit**

- 18** The Registrar may suspend the permit of a professional corporation without notice or investigation where the Registrar believes that it has contravened any regulation that requires it to pay a fee or assessment, file a document, or do any other act by a specified or ascertainable date.

**Re-instatement of permit**

**19** A permit suspended by the Registrar pursuant to Section 18 may be re-instated by the Registrar upon payment of the fee or assessment, or upon receipt of a document required to be filed, or upon any other required act being performed by the professional corporation.

**Register of Professional Corporations**

**20** The Registrar shall maintain a Register of Professional Corporations and enter the name and address of the professional corporation upon issuance or re-issuance of a permit.

**Records**

**21** Every professional corporation shall

- (a) maintain current financial records in accordance with generally accepted accounting principles;
- (b) cause financial statements to be prepared at the end of each fiscal year;
- (c) maintain current patient records; and
- (d) maintain, in accordance with generally accepted business standards, records with respect to its employees.

**Names**

**22** The names and business names by which a professional corporation, a partnership of two or more professional corporations or a partnership of one or more professional corporations and one or more individual physiotherapists may be known shall

- (a) be in good taste;
- (b) not imply superiority of qualifications, experience or education over that of other physiotherapists.

**Access to minute book records**

**23** Upon 7 days written notice, a professional corporation shall provide the Registrar with access to the minute book records and such other business and financial records as may be reasonably required.

**Notice**

**24** Any notice required to be given to a professional corporation pursuant to the Act or these regulations may be by prepaid registered mail to the address indicated on the Register of Professional Corporations and shall be deemed to have been received on the third day after the notice is sent.

**25** Where notice of any act or thing is required to be given to the Registrar or the Board pursuant to the Act or these regulations, it shall be in writing by prepaid registered mail and shall be deemed to have been received by the Registrar or Board, as the case may be, on the third day after the notice is sent.

**Form A - Application for a Permit**(Pursuant to subsection 78(3) of the *Physiotherapy Act*)

Only forms that are typed or legibly printed will be accepted

\_\_\_\_\_ Limited/Incorporated ("Company") with  
 Registered Office at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_,  
 in the Province of Nova Scotia,

hereby applies for a permit under subsection 78(3) of the *Physiotherapy Act*.

1. Attached are
  - (a) a copy of the Company's Certificate of Incorporation;
  - (b) a Certificate of Status in respect of the Company issued by the Registrar of Joint Stock Companies, under the *Companies Act* and the *Corporations Registration Act*;
  - (c) payment of the fee prescribed by clause 4(b) of the regulations.
2. The name of the Company is \_\_\_\_\_
3. The objects of the Company stated in its Memorandum of Association include the objects of engaging in the practice of physiotherapy and \_\_\_\_\_  
 \_\_\_\_\_
4. The Company is a private company as defined by the *Securities Act*.
5. The total number of voting shares is \_\_\_\_\_
6. The total number of non-voting shares is \_\_\_\_\_
7. The persons who own voting shares of the Company who are not registered physiotherapists under the *Physiotherapy Act* are

Name	Address	No. & class of shares
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8. The persons who own voting shares of the Company who are registered physiotherapists under the *Physiotherapy Act* are

Name	Address	No. & class of shares
------	---------	-----------------------

9. The persons who own non-voting shares of the Company or for whom any shares of the Company are held in trust, and the trustee, if any, are

Beneficial owner	Address	Trustee	Address	No. & class of shares
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10. The directors of the Company, each of whom is a registered physiotherapist under the *Physiotherapy Act*, are

Name	Address
------	---------

11. The President of the Company is

Name	Address
------	---------

12. The remaining officers of the Company are

Name	Address
------	---------

Name	Address
------	---------

13. The persons who will carry on the practice of physiotherapy for or on behalf of the Company, each of whom is a registered physiotherapist under the *Physiotherapy Act*, are

Name	Address
------	---------

Name	Address
------	---------

14. The Company undertakes that while its permit is in force, it will at all times faithfully keep and perform all of the obligations of a registered physiotherapist and comply with all of the rules and requirements of the Nova Scotia College of Physiotherapists.

15. I, \_\_\_\_\_ of Nova Scotia, do solemnly declare

(a) that I am a registered physiotherapist pursuant to the *Physiotherapy Act*;

- (b) that I am a shareholder and director of the above named applicant;
- (c) that the information in this application and in particular Sections 2 to 15 is true, accurate, and complete.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED AT \_\_\_\_\_, in \_\_\_\_\_ )  
 the County of \_\_\_\_\_ )  
 Province of Nova Scotia, on \_\_\_\_\_ the \_\_\_\_\_ )  
 day of \_\_\_\_\_, \_\_\_\_\_, before me: ) \_\_\_\_\_  
 ) Applicant  
 ) \_\_\_\_\_  
 ) \_\_\_\_\_  
 ) Physiotherapists Registration No.  
 ) \_\_\_\_\_  
 )  
 \_\_\_\_\_ )  
 A Barrister of the Supreme )  
 Court of Nova Scotia ) (Affix Corporate Seal)

**Form B - Application For Renewal of Permit**  
 (Pursuant to subsection 78(5) of the *Physiotherapy Act*)

Only forms that are typed or legibly printed will be accepted.

1. The name of the professional corporation is:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (the “professional corporation”)
2. The professional corporation is a valid and subsisting company limited by shares under the *Companies Act*, is registered and in good standing having paid the annual fees under the *Professional Corporations Registration Act* and is a private company as defined by the *Securities Act*.  
 Yes \_\_\_\_\_ No \_\_\_\_\_
3. All of the persons who carry on the practice of physiotherapy for or on behalf of the professional corporation are physiotherapists licensed to practise physiotherapy in Nova Scotia.  
 Yes \_\_\_\_\_ No \_\_\_\_\_
4. In the past year, have there been any changes respecting the shareholders, number of shares, share distribution, directors or officers of the professional corporation?  
 Yes \_\_\_\_\_ No \_\_\_\_\_  
 If yes, complete the relevant section(s) of Schedule A to this form and continue to Question 5. If no, go to Question 8.

5. In the past year, have there been any changes to the persons who carry on the practice of physiotherapy for and on behalf of the professional corporation?  
 Yes \_\_\_\_\_ No \_\_\_\_\_  
 If yes, complete Section 6 of Schedule A to this form and continue to Question 6. If no, go to Question 8.
6. All of the directors of the professional corporation are physiotherapists licensed to practise physiotherapy in Nova Scotia. Yes \_\_\_\_\_ No \_\_\_\_\_
7. The majority of issued shares of the professional corporation are legally and beneficially owned by one or more physiotherapists. Yes \_\_\_\_\_ No \_\_\_\_\_
8. The majority of issued voting shares of the professional corporation are legally and beneficially owned by one or more physiotherapists.  
 Yes \_\_\_\_\_ No \_\_\_\_\_
9. In the past year, have there been changes to the objects of the professional corporation?  
 Yes \_\_\_\_\_ No \_\_\_\_\_  
 If yes, what are the current objects as stated in the Memorandum of Association?
10. The professional corporation undertakes that while its permit is in force, it will at all times faithfully comply with all of the obligations of a registered physiotherapist and with all of the rules and requirements of the Nova Scotia College of Physiotherapists.

I, \_\_\_\_\_, a physiotherapist licensed to practise physiotherapy in Nova Scotia and a shareholder and director of the professional corporation, hereby verify to the Nova Scotia College of Physiotherapists that the information and particulars contained in this application form and schedule are true and complete.

Dated at \_\_\_\_\_, Nova Scotia, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Name of Professional Corporation

\_\_\_\_\_  
 Director

Physiotherapist Licence No. \_\_\_\_\_

(Affix Corporate Seal)

**NOTE: Where changes have been indicated above, the relevant sections of Schedule A must also be completed.**

**Form B - Schedule A**

**Complete, where applicable, if there have been changes in the past year.**

1. Total number of: Issued voting shares \_\_\_\_\_  
 Issued non-voting shares \_\_\_\_\_

2. Issued shares legally or beneficially owned by registered physiotherapists:

Shareholder Name & Address	No. of shares	Voting or non-voting

3. Issued shares legally or beneficially owned by shareholders other than registered physiotherapists:

Shareholder Name & Address	No. of shares	Voting or non-voting

4. Issued shares held in trust:

Beneficial Owner & Address	Trustee & Address	No. of shares	Voting or Non-voting

5. Professional corporation directors and officers:

Name	Address	Title or position

6. The persons who will carry on the practice of physiotherapy for or on behalf of the professional corporation, each of whom is a registered physiotherapist in Nova Scotia:

**Name**

**Address**

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N.S. Reg. 24/99

Made: March 19, 1999

Filed: March 24, 1999

Municipal Government Act Rules

Order dated March 19, 1999  
made under Section 12 of the  
*Utility and Review Board Act*

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**RULES OF PRACTICE AND PROCEDURE**

**RESPECTING MUNICIPAL GOVERNMENT ACT PROCEEDINGS**

- 1 These rules are made pursuant to **section 12** of the **Utility and Review Board Act** and apply to planning appeals and municipal boundary applications under the **Municipal Government Act**.
- 2 These rules may be cited as the **Municipal Government Act Rules**.
- 3 In these rules:
  - (a) "Act" means the **Municipal Government Act**, S.N.S. 1998 c. 18;
  - (b) "agent" means a person who has been lawfully authorized to act on behalf of an applicant or an appellant;
  - (c) "Board" means the Nova Scotia Utility and Review Board;
  - (d) "Clerk" means the Clerk of the Board.
  - (e) "decision" includes a refusal, failure or neglect to make the decision sought;
  - (f) "person" includes an unincorporated organization.
  - (g) "proceeding" includes any application, appeal, matter or thing that the Board has jurisdiction to hear or determine under the Act;
- 4 (1) Where procedures are not provided for in these rules, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.
  - (2) The Board may make directions on procedure and procedural orders which shall govern the conduct of the proceeding.
  - (3) The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of these rules at any time by making a procedural order, if it is satisfied that the special circumstances of the proceeding so require, or it is in the public interest to do so.

- 5 (1) Documents shall be filed with the Clerk of the Board.
  - (2) A document may be filed by
    - (a) leaving a copy at the Board's office; or
    - (b) mailing a copy to the Clerk; or
    - (c) forwarding a copy to the Clerk via facsimile transmission;
    - (d) electronic transmission, if the Board has the facilities for receiving a document in such manner, and provided an original hard copy of the document is provided to the Board within a reasonable period after the document is filed.
  - (3) Where a document is required to be served on the Board, service may be effected by personal service on a member or employee of the Board or by any of the methods set out in subsection (2).
  - (4) All documents shall be date stamped when received at the Board's office, and any document received by the Board after 4:00 p.m. or on Saturday, Sunday or a holiday shall be considered to have been received on the next working day.
  - (5) A party may request confirmation from the Clerk that a document sent by fax or electronic transmission was properly received.
  - (6) In all cases where documentary evidence is offered, the Board, in its discretion, in lieu of requiring the originals, may accept true copies of such evidence or such parts of the same as may be relevant, or may require such evidence to be transcribed as part of the record.
- 6 (1) Subject to subsection (2), all documents filed in respect of a proceeding shall be placed on the public record.
  - (2) A party may request that all or any part of the document be held in confidence by the Board.
  - (3) Any request for confidentiality shall:
    - (a) include a summary of the nature of the information in the document;
    - (b) state:
      - (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed; and
      - (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and

- (c) be filed with the Board and served on the parties.
- (4) A request under subsection (2) shall be placed on the public record.
- (5) Where a party has made a request under subsection (2), the document shall be held in confidence unless the Board decides, with or without a hearing, that the document should be placed on the public record.
- (6) Where the Board holds a hearing under subsection (5), the Board may direct that the hearing be held in the absence of the public.
- (7) A person may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (8) An objection shall state the reasons:
  - (a) why the party requires disclosure of the document; and
  - (b) why disclosure would be in the public interest.
- (9) After giving the party claiming confidentiality an opportunity to reply to an objection, if any, the Board may:
  - (a) order that the document be placed on the public record;
  - (b) order that the document be held in confidence by the Board;
  - (c) order that an abridged version of the document be placed on the public record;
  - (d) order that the document be made available to a party to the proceeding on such terms as the Board considers appropriate;
  - (e) make any other order the Board may deem to be in the public interest.
- (10) In ruling on a request for confidentiality the Board shall consider:
  - (a) whether the document may disclose matters involving public security;
  - (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or
  - (c) such other matters as the Board deems appropriate.
- (11) The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.

- 7 (1) Where any document is required to be served on another person, service may be effected by one or more of the following:
- (a) by personal service;
  - (b) by leaving a copy at the person's proper address;
  - (c) by sending a copy by ordinary mail addressed to the person at his proper address;
  - (d) in such other manner as the Board may determine.
- (2) Service of a document may be proved by affidavit, oral testimony or both.
- 8 (1) Subject to subsection (2), a document received by the Board may be amended at any time with leave of the Board.
- (2) A Notice of Appeal may not be amended for the purpose of adding Appellants.
- 9 (1) The parties to any proceeding before the Board may, by admission in writing filed with the Board, agree upon the facts or any of the facts involved therein, which admission, if filed, shall be regarded and used as evidence at the hearing.
- (2) The Board may require such additional evidence as it may deem necessary.
- 10 In any proceeding the Board may itself or on the application of any party, request the parties to appear before it for a prehearing conference to consider:
- (a) the simplification of the issues;
  - (b) the necessity or desirability of an amendment to the application or appeal;
  - (c) the participation by interested persons;
  - (d) a request for access to information in the custody or control of any party;
  - (e) a request for the name of any expert witness intended to be called by a party and for a summary of the opinions to be expressed by such witness and a copy of any report intended to be relied upon.
  - (f) any other matter which may aid in the disposition of the application or appeal.
- 11 (1) The Board may on its own or upon application hold a preliminary hearing to:

- (a) determine any relevant question as to the Board's jurisdiction to hear the application or appeal;
    - (b) determine any question as to the admissibility of any evidence;
    - (c) consider an application for an order dismissing the application or appeal on the grounds that no application lies to the Board;
    - (d) determine any other matter which may aid in the disposition of the application or appeal.
  - (2) Unless otherwise ordered by the Board, it shall not be necessary to give notice of a preliminary hearing by advertisement in a newspaper.
- 12 A member of the Board who presides at a prehearing conference or a preliminary hearing shall not necessarily be required to hear the merits of the application or appeal.
- 13 (1) Hearings may be conducted in an informal manner and need not follow the strict rules of practice and procedure usual in a court of law.
- (2) If agreed to by all parties and the Board, a prehearing conference, a preliminary hearing or a hearing on the merits may be conducted by telephone or other electronic means.
  - (3) The Board, either upon its own motion, or upon application of any party, may adjourn a hearing from time to time and may grant such extensions of time for compliance with its orders as it may deem proper.
- 14 (1) Radio and television recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.
- (2) The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the proceeding in any way.
  - (3) Where recording is allowed, the following shall apply unless otherwise directed by the Board:
    - (a) only equipment which does not produce distracting sound or light shall be used;
    - (b) where possible, existing audio systems present in the hearing room shall be used;
    - (c) media personnel shall not move about while the hearing is in progress; and

- (d) equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.
- 15 The Board, whenever it deems it desirable, may require briefs to be filed by the parties within such time as the Board may prescribe.
- 16 (1) A person who has submitted exhibits to the Board may request that the Board return the exhibits.
- (2) The Board, at the end of six months from the date of the final order in the proceedings, provided no appeal or judicial review has been commenced within that time, may return requested exhibits and may destroy any remaining exhibits.
- 17 No proceeding before the Board shall be defeated or affected by any technical objection or by any objection based upon defects in form.
- 18 In all cases in which any particular number of days, not expressed to be clear days, is prescribed by these rules, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Saturday, Sunday or a holiday, in which case the time shall be reckoned exclusively of that day also.

#### **PLANNING APPEALS**

- 19 (1) A planning appeal to the Board under **section 247** of the **Act** shall be by notice in writing and shall contain:
- (a) the name of the Appellant;
  - (b) the name of the person making the decision;
  - (c) the date of the decision;
  - (d) the date that public notification of the decision was given; or the date on which written notice of the decision was received; or the date on which the decision is deemed to have been refused;
  - (e) a brief summary of the decision;
  - (f) the address of the Appellant or the name and address of an individual upon whom documents or notices relating to the appeal may be served;
  - (g) a phone number at which the Appellant or the individual referred to in paragraph (f) may be reached during normal business hours and a fax number, if available.
- (2) A Notice of Appeal shall be signed by the Appellant or the agent or solicitor acting on behalf of the Appellant.

- (3) A Notice of Appeal may be in Form A.
- 20 (1) A Notice of Appeal shall be accompanied by the written undertaking of the Appellant, his solicitor, or his agent, agreeing to pay the costs of advertising the Notice of Hearing for the appeal.
- (2) Where a Notice of Appeal filed with the Board is not accompanied by the required written undertaking, the Board may extend the time for filing such undertaking provided however that such extension of the time shall not exceed 14 days from the date of filing the Notice of Appeal.
- (3) Failure by the Appellant, his solicitor, or his agent to file the written undertaking shall not preclude the Board from setting the appeal down for hearing, advertising the Notice of Hearing, and thereafter recovering the cost of such advertisement from the Appellant.
- 21 When more than one Notice of Appeal is filed with the Board, arising out of the same decision, or affecting the same matter, the Board may require the several Appellants, or their solicitors or agents, to file a joint undertaking agreeing to pay the cost of advertising a Notice of Hearing.
- 22 (1) The Clerk, in consultation with the parties, shall attempt to set a date for the hearing of the appeal.
- (2) Where the parties cannot reach agreement as to a date, the Chair shall set a date for the hearing.
- 23 The Clerk shall notify the parties of the date of the hearing.
- 24 (1) The Board may require the Appellant to serve, not later than two weeks before the date of the hearing, such other persons as the Board determines with a copy of the Notice of Hearing.
- (2) Where an adjournment is requested after the Notice of Hearing has been published in the newspaper or the Appellant has served the Notice of Hearing, the request for an adjournment shall be considered on its merits at the commencement of the hearing.
- 25 (1) The municipality which is responsible for the decision which is the subject of the appeal shall not later than one week prior to the date of hearing:
- (a) file with the Clerk two copies of an Appeal Record and one copy of the relevant Municipal Planning Strategy, Land Use By-law, Zoning By-law, Subdivision By-law or Subdivision Regulations;
- (b) deliver to the Appellant and any other party one copy of the Appeal Record.

- (2) An Appeal Record shall consist of the following:
  - (a) a table of contents;
  - (b) the application;
  - (c) the decision under appeal;
  - (d) a copy of the advertisements for any public hearing held relating to the subject of the appeal;
  - (e) a copy of the minutes of any public hearing respecting the subject of the appeal;
  - (f) a copy of the minutes of any council meeting at which the subject of the appeal was discussed;
  - (g) a copy of any report, letter, submission, recommendation or other matter respecting the subject of the appeal which was submitted to or was considered by council or the Development Officer, excluding any legal opinion prepared for the municipality;
  - (h) a copy of the publication of the notice of the decision; or a copy of the written notice which was sent to the applicant.
- (3) The pages of the Appeal Record shall be numbered.
- (4) Nothing in this section shall be deemed to prejudice the right of any party to inspect and obtain copies of any documents prior to the time that the Appeal Record is to be filed.
- (5) In the case of an appeal from a decision of the Provincial Director of Planning or a Provincial Development Officer, the Appeal Record shall be prepared and filed by the Provincial Director of Planning or the Provincial Development Officer who made the decision.

#### **MUNICIPAL BOUNDARIES**

- 26 (1) An application under **section 368 or 369** of the **Act** by a municipality which has been divided into polling districts shall contain the following information:
- (a) a list of the polling districts in the municipality and the number of councillors elected from each;
  - (b) a brief description of each polling district, including the names of the larger communities, its geographic size, any relevant geographic features, and any factors which establish a particular community of interest in the polling district;

- (c) the latest available population statistics for the municipality and for each polling district;
  - (d) a table which shows the following information from the most recent municipal election:
    - (i) the number of electors in each polling district;
    - (ii) the total number of electors in the municipality;
    - (iii) the percentage of the total number of electors in each polling district;
    - (iv) the average number of electors per councillor for the municipality;
    - (v) the number of electors per councillor for each polling district, and the number by which it exceeds or is less than the average number of electors per councillor;
    - (vi) the number expressed as a percentage by which the number of electors per councillor in each polling district exceeds or is less than the average number of electors per councillor;
  - (2) Where the application is to confirm the number and boundaries of the existing polling districts and the number of councillors to be elected therefrom, it shall contain the reasons why the status quo should continue.
  - (3) Where the application is to change the number or boundaries of the polling districts or the number of councillors elected therefrom, or both, it shall contain an outline of the proposed changes, reasons for the changes, a table similar to that referred to in subsection (1)(d) which shows an estimate of the elector statistics which will result if the change is approved.
  - (4) The application shall be signed by the mayor/warden and the clerk of the municipality and shall be accompanied by a copy of the resolution of council authorizing or directing the making of the application, certified by the Clerk of the municipality to be a true copy of the resolution.
  - (5) An application may be in Form B.
- 27 (1) An application under **section 368** or **369** of the **Act** by a town which has not been divided into wards or polling districts shall contain the following information:
- (a) the number of councillors;
  - (b) the geographic size of the town;
  - (c) the latest available population statistics for the town;
  - (d) the total number of electors in the most recent municipal election:

- (2) Where the application is to confirm the number of councillors, it shall contain the reasons why the status quo should continue.
- (3) Where the application is to change the number of councillors, it shall contain an outline of the proposed changes and the reasons for the proposed changes.
- (4) The application shall be signed by the mayor and the clerk of the town and shall be accompanied by a copy of the resolution of council authorizing or directing the making of the application, certified by the Clerk of the town to be a true copy of the resolution.
- (5) An application may be in Form C.

28 Every application shall be accompanied by:

- (a) a copy of any advertisement soliciting input from the public in conducting the study;
- (b) a copy of the Minutes of any council meeting and public hearing respecting the study or application;
- (c) a map showing the boundaries of the existing polling districts;
- (d) a description of the boundaries of the existing polling districts;
- (e) where the application is to change the number or boundaries of the polling districts, a map showing the boundaries of the proposed polling districts and a description of the boundaries of the proposed polling districts;
- (f) such additional information as Council determines.

These **Municipal Government Act Rules** were made by the Nova Scotia Utility and Review Board at a Board meeting held on the 19th day of March, 1999.

Signed: *Nancy McNeil*  
Clerk of the Board

**FORM A**

**NSUARB-**

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF:** An Appeal under **section 247** of the **MUNICIPAL GOVERNMENT ACT**

by \_\_\_\_\_  
(State Name(s) of Person(s) Appealing)

**NOTICE OF PLANNING APPEAL**

**TAKE NOTICE** that the Appellant(s) appeal from a decision made by \_\_\_\_\_  
(Municipal Council or Development Officer)  
(date)

respecting property located at \_\_\_\_\_ in the County  
of \_\_\_\_\_ which decision states (or attach a copy of the decision):

Notice of the decision was published on \_\_\_\_\_ )  
**OR** Written notice of the decision was received on \_\_\_\_\_ ) (date)

**DATED** at \_\_\_\_\_, Nova Scotia this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Appellant, Solicitor or Agent

Mailing Address:

\_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City, Province)  
\_\_\_\_\_  
(Postal Code)

Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**UNDERTAKING TO PAY COSTS**

The Appellant(s) hereby agrees to pay the costs of any advertising of the Notice of Hearing for the Appeal.

\_\_\_\_\_  
(Signature)







N.S. Reg. 25/99  
Made: March 19, 1999  
Filed: March 24, 1999  
Board Regulatory Rules

Order dated March 19, 1999  
made under Section 12 of the  
*Utility and Review Board Act*

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**RULES OF PRACTICE AND PROCEDURE**

**RESPECTING REGULATORY PROCEEDINGS**

- 1 These rules are made pursuant to **section 12** of the **Utility and Review Board Act** and apply to proceedings under the **Public Utilities Act**, the **Gas Distribution Act**, and the **Motor Carrier Act**.
- 2 These rules may be cited as the **Board Regulatory Rules**.
- 3 All references herein to the “Board” mean the Nova Scotia Utility and Review Board.
- 4 (1) Where procedures are not provided for in these rules, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.  
(2) The Board may make directions on procedure and procedural orders which shall govern the conduct of a specific proceeding.  
(3) The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of these rules at any time by making a procedural order, if it is satisfied that the special circumstances of the proceeding so require, or it is in the public interest to do so.
- 5 Every application shall:
  - (a) contain a proposed title of the proceeding;
  - (b) contain a clear and concise statement of the facts;
  - (c) set forth the reasons for the application;
  - (d) contain the statutory provision(s) under which it is made; and
  - (e) set forth the nature of the order or decision applied for;
  - (f) be divided into consecutively numbered paragraphs, each of which is confined as nearly as possible to a distinct portion of the subject of the application;

- (g) be signed by the applicant or the applicant's representative;
  - (h) provide the full name, address and the telephone, fax and electronic access numbers of the applicant and the applicant's representative; and
  - (i) provide any other information that may be useful in explaining or supporting the application.
- 6 (1) Documents shall be filed with the Clerk of the Board.
- (2) A document may be filed by any of the following methods:
- (a) leaving a copy at the Board's office;
  - (b) mailing a copy to the Clerk;
  - (c) fax;
  - (d) electronic transmission, if the Board has the facilities for receiving a document in such manner, and provided an original hard copy of the document is provided to the Board within three days after the document is filed.
- (3) All documents filed shall be date stamped when received at the Board's office, and any document received by the Board after 4:00 p.m. or on a Saturday, Sunday or holiday shall be considered filed on the next working day.
- (4) A party may request confirmation from the Clerk that a filing made by fax or electronic transmission was properly received.
- (5) In all cases where documentary evidence is offered, the Board in its discretion, in lieu of requiring the originals thereof to be filed, may accept true copies of such evidence or such parts of the same as may be relevant, or may require such evidence to be transcribed as part of the record.
- 7 (1) Subject to subsection (2), all documents filed in respect of a proceeding shall be placed on the public record.
- (2) A party may request that all or any part of the document be held in confidence by the Board.
- (3) Any request for confidentiality shall:
- (a) include a summary of the nature of the information in the document;

- (b) state:
  - (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed; and
  - (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and
- (c) be filed with the Board and served on the parties.
- (4) A request under subsection (2) shall be placed on the public record.
- (5) Where a party has made a request under subsection (2), the document shall be held in confidence unless the Board decides, with or without a hearing, that the document should be placed on the public record.
- (6) Where the Board holds a hearing under subsection (5), the Board may direct that the hearing be held in the absence of the public.
- (7) A person may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (8) An objection shall state the reasons:
  - (a) why the party requires disclosure of the document; and
  - (b) why disclosure would be in the public interest.
- (9) After giving the party claiming confidentiality an opportunity to reply to an objection, if any, the Board may:
  - (a) order that the document be placed on the public record;
  - (b) order that the document be held in confidence by the Board;
  - (c) order that an abridged version of the document be placed on the public record;
  - (d) order that the document be made available to a party to the proceeding on such terms as the Board considers appropriate;
  - (e) make any other order the Board may deem to be in the public interest.
- (10) In ruling on a request for confidentiality the Board shall consider:
  - (a) whether the document may disclose matters involving public security;

- (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or
  - (c) such other matters as the Board deems appropriate.
- (11) The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.
- 8 (1) Where any document is required to be served on another person, service may be effected by one or more of the following:
  - (a) by personal service;
  - (b) by leaving a copy at the person's proper address;
  - (c) by sending a copy by ordinary mail addressed to the person at his proper address;
  - (d) in such other manner as the Board may determine.
- (2) Service of a document may be proved by affidavit, oral testimony or both.
- 9 A filed document may be amended at any time with leave of the Board.
- 10 (1) The parties to any proceeding before the Board may, by admission in writing filed with the Board, agree upon the facts or any of the facts involved therein, which admission, if filed, shall be regarded and used as evidence at such hearing, investigation or other proceeding.
- (2) The Board may require such additional evidence as it may deem necessary.
- 11 (1) The Board may provide for Information Requests necessary to:
  - (a) clarify evidence filed by a party;
  - (b) simplify the issues;
  - (c) permit a full and satisfactory understanding of the matters to be considered; or
  - (d) expedite the proceeding.
- (2) An Information Request shall be in accordance with Form A and shall:
  - (a) be directed to the party from whom the response is sought;

- (b) number the questions consecutively, or as otherwise directed by the Board, in respect of each item of information requested;
  - (c) list the name, address and telephone and fax numbers of persons who may be contacted in case clarification of questions is required;
  - (d) be forwarded to the Clerk who will
    - (i) set out the date by which the questions are to be answered;
    - (ii) determine the number of copies of answers to be filed with the Board;
    - (iii) sign and issue the Information Request and forward it to the party from whom a response is sought;
    - (iv) send copies of the Information Request to all other parties.
- 12 (1) Subject to subsection (3), where an Information Request has been directed to a party that party shall prepare a Response to Information Request.
- (2) A Response to Information Request shall be in accordance with Form B and shall:
- (a) provide a full and adequate response to each question;
  - (b) list the question at the beginning of its response;
  - (c) begin each response on a new page;
  - (d) number each response to correspond with each item of information requested or with the relevant exhibit or evidence;
  - (e) specify the intended witness, witnesses or witness panel who prepared the response;
  - (f) file and serve the response as directed by the Board; and
  - (g) set out the date on which the response is filed and served.
- (3) A party who is unable or unwilling to provide a full and adequate response to an Information Request shall file and serve a response:
- (a) where the party contends that the Information Request is not relevant, setting out specific reasons in support of that contention;

- (b) where the party contends that the information necessary to provide an answer is not available or cannot be provided with reasonable effort, setting out the reasons for the unavailability of such information; and the party shall provide any alternative available information that the party considers would be of assistance to the person directing the Information Request;
    - (c) where the party contends that the information sought is of a confidential or privileged nature, setting out the reasons why it is considered confidential and any harm that would be caused; or
    - (d) otherwise explaining why such a response cannot be given.
  - (4) Where a party is not satisfied with the response provided, the party may apply to the Board for directions.
- 13 In any application the Board may itself or on the application of any party, request the parties to appear before it for a prehearing conference to consider:
- (a) the simplification of the issues;
  - (b) the necessity or desirability of an amendment to the application;
  - (c) the participation by interested persons;
  - (d) a request for access to information in the custody or control of any party;
  - (e) any other matter which may aid in the disposition of the application.
- 14 (1) The Board may on its own or upon application hold a preliminary hearing to:
- (a) determine any relevant question as to the Board's jurisdiction to hear the application;
  - (b) determine any question as to the admissibility of any evidence;
  - (c) consider an application for an order dismissing the application on the grounds that no application lies to the Board;
  - (d) determine any other matter which may aid in the disposition of the application.
- (2) Unless otherwise ordered by the Board, it shall not be necessary to give notice of a preliminary hearing by advertisement in a newspaper.
- 15 A member of the Board who presides at a prehearing conference or a preliminary hearing shall not necessarily be required to hear the merits of the application.

- 16 (1) Hearings may be conducted in an informal manner and need not follow the strict rules of practice and procedure usual in a court of law.
- (2) If agreed to by all parties and the Board, a prehearing conference, a preliminary hearing or a hearing on the merits may be conducted by telephone or other electronic means.
- (3) The Board, either upon its own motion, or upon application of any party, may adjourn a hearing from time to time and may grant such extensions of time for compliance with its orders as it may deem proper.
- 17 (1) Radio and television recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.
- (2) The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the proceeding in any way.
- (3) Where recording is allowed, the following shall apply unless otherwise directed by the Board:
- (a) only equipment which does not produce distracting sound or light shall be used;
- (b) where possible, existing audio systems present in the hearing room shall be used;
- (c) media personnel shall not move about while the hearing is in progress; and
- (d) equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.
- 18 The Board, whenever it deems it desirable, may require briefs to be filed by the parties within such time as the Board may prescribe.
- 19 (1) A person who has submitted exhibits to the Board may request that the Board return the exhibits.
- (2) The Board, at the end of six months from the date of the final order in the proceedings, provided no appeal or judicial review has been commenced within that time, may return requested exhibits and may destroy any remaining exhibits.
- 20 In all cases in which any particular number of days, not expressed to be clear days, is prescribed by these rules or in a procedural order, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Saturday, Sunday or a holiday, in which case the time shall be reckoned exclusively of that day also.

21 No proceeding before the Board shall be defeated or affected by any technical objection or by any objection based upon defects in form.

These **Board Regulatory Rules** were made by the Nova Scotia Utility and Review Board at a Board meeting held on the 19th day of March, 1999.

Signed: *Nancy McNeil*  
Clerk of the Board

**FORM A**

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE ACT**

- and -

**IN THE MATTER OF AN APPLICATION OF**

**INFORMATION REQUEST**

**To:** [Name of party from whom information is sought]

**From:** [Name of party requesting information]

**Responses Due by:**[to be filled in by Board Clerk]

**Questions:**

1. [Questions to be numbered consecutively]

2. etc.

**Copies:** [to be filled in by the Board Clerk]

**Contact Person:** [Name, address and telephone/fax numbers of persons who may be contacted in case clarification of questions is required]

**Issued at** , Nova Scotia, this day of , 199 .

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Clerk of the Board

**FORM B**

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE ACT**

**IN THE MATTER OF THE APPLICATION OF [name of application]**

**RESPONSE TO INFORMATION REQUEST**

**TO:** [Name of Party (or Board) requesting information]

**FROM:** [Name of party information requested from]

Question 1. [repeat the question asked]

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

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

**[Date that Response is filed with the Board]**