

# Royal Gazette

## Part II Regulations under the Regulations Act

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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. 36/99

Made: March 31, 1999

Filed: April 13, 1999

Definition of "Commitment" Regulations

Order dated March 31, 1999  
made under Section 520 of the  
*Municipal Government Act*

**Regulations prescribing definition of "commitment" pursuant to  
Section 420 of Chapter 18 of the Statutes of Nova Scotia, 1998,  
the Municipal Government Act**

I hereby prescribe the following definition, pursuant to Section 520 of Chapter 18 of the Statutes of Nova Scotia, 1998, the *Municipal Government Act*:

For the purposes of subsection 88(4) of the *Municipal Government Act*, "commitment" means a commitment with respect to the possession, use or control of physical or intellectual property.

Signed: *Ray White*  
Minister of Housing and  
Municipal Affairs

March 31, 1999

N.S. Reg. 37/99

Made: March 25, 1999

Filed: April 13, 1999

Municipal Elections Act Forms - Amendment

Order dated March 25, 1999  
made under Section 167 of the  
*Municipal Elections Act*

**Regulations prescribing Forms 40 and 41 pursuant to  
Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989,  
the *Municipal Elections Act***

I hereby prescribe Forms 40 and 41, pursuant to Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989, the *Municipal Elections Act*, in the form set forth in Schedule "A" attached.

Signed: *Ray White*  
Minister of Housing and  
Municipal Affairs

March 25, 1999

**Schedule "A"**  
**Form 40**  
**Sections 49A and 49B**

**CANDIDATE'S CAMPAIGN CONTRIBUTIONS  
DISCLOSURE STATEMENT**

Name of Candidate:

Name of Agent:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor	Address	Contributions
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than \$50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.*

I, \_\_\_\_\_, a candidate in the municipal/school board/CSAP election on \_\_\_\_\_ (date), certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me and to my official agent as required by Sections 49A and 49B of the *Municipal Elections Act*.

\_\_\_\_\_  
Candidate

*(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)*

**Form 41  
Sections 49A and 49B**

**ASSOCIATION'S CAMPAIGN CONTRIBUTIONS  
DISCLOSURE STATEMENT**

Name of Association:

Name of Agent:

Name of Candidate Supported:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor	Address	Contributions
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than \$50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.*

I, \_\_\_\_\_, the appointed agent of \_\_\_\_\_ (name of association) in the municipal/school board/CSAP election on \_\_\_\_\_ (date) certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me as agent of the said association as required by Sections 49A and 49B of the *Municipal Elections Act*.

\_\_\_\_\_  
Agent of Association

*(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)*

N.S. Reg. 38/99

Made: April 1, 1999

Filed: April 14, 1999

## Provincial Subdivision Regulations

Order dated April 1, 1999  
made under Section 270 of the  
*Municipal Government Act*

***Provincial Subdivision Regulations***  
made under Section 270 of the  
***Municipal Government Act***  
Chapter 18 of the Statutes of Nova Scotia, 1998

**Nova Scotia**  
**Department of Housing and Municipal Affairs**  
**April 1, 1999**

**Subdivision approval is given pursuant to the municipal subdivision by-law and not these *Provincial Subdivision Regulations*.**

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### *Provincial Subdivision Regulations*

#### **Short title**

**1** These regulations may be cited as the *Provincial Subdivision Regulations*.

#### **Interpretation**

**2** In these regulations,

- (a) “Act” means the *Municipal Government Act*;
- (b) “area of land” means any existing lot or parcel as described by its boundaries, except in Section 8;
- (c) “engineer” means the engineer of the municipality and includes a person acting under the supervision and direction of the engineer;
- (d) “lot” means any parcel to be created by the filing of a plan of subdivision or the registering of an instrument of subdivision;
- (e) "municipal public street" means any street or road owned and maintained by a municipality;
- (f) “private road” means any road
  - (i) which is not public,
  - (ii) [which] is shown on an approved plan of subdivision,
  - (iii) [which] extends to and has access to a public street, and
  - (iv) [which,] where not totally located within the area of land being subdivided, has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds,

and includes any private road

- (v) approved by the Department of Transportation and Public Works, and
- (vi) shown on a plan of subdivision approved prior to the first day of August, 1987 and filed in the registry of deeds;
- (g) "Province" means Her Majesty the Queen in right of the Province of Nova Scotia;
- (h) "Provincial public street" means any street or road owned and maintained by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 20 of the *Public Highways Act*;
- (i) "registry of deeds" means the office of the registrar of deeds for the registration district in which the area of land being subdivided is situate;
- (j) "Schedule "B" road" means a road approved by a district, county or regional municipality for indexing in a schedule of its subdivision by-law for the purpose of allowing subdivision on that road and includes any road which had been indexed in Schedule "B" of previous provincial subdivision regulations and listed in Schedule "B" of these regulations;
- (k) "subdivider" means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
- (l) "subdivision" means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

## **General Provisions**

### **A - Lot requirements**

#### **3 All lots shall abut**

- (a) a public street;

or in a district, county or regional municipality,

- (b) a public street;
- (c) a private road; or

(d) a Schedule "B" road.

**4** Where a land use by-law is in effect

- (a) all lots shall meet the applicable requirements contained in such by-law; and
- (b) clauses 3(c) and 3(d), and Sections 5, 6, 8, 9, 10, and 11 are inoperative and do not apply unless the land-use by-law permits development on any lot created pursuant to these sections and the municipal planning strategy provides for both the subdivision and development of such lots.

**5 (1)** Notwithstanding the lot area and frontage requirements of clause 4(a), the development officer may approve a maximum of two lots, shown on a plan or instrument of subdivision, in accordance with Section 279 of the Act provided all other requirements of these regulations are met.

**(2)** Subsection (1) does not apply if the area requirements established by the Department of the Environment for the construction or installation of an on-site sewage disposal system are not met.

**6 (1)** For the purposes of this Section, "water frontage" means the distance measured as a straight line between the two points where the side lot lines meet a watercourse.

**(2)** Notwithstanding Section 3 and the lot frontage requirements of clause 4(a), the development officer may approve a subdivision on an island which does not contain a public street provided each lot has water frontage of 6 metres (19.7 feet) or more.

**7 (1)** Notwithstanding Section 3 and the lot area and frontage requirements of clause 4(a), the development officer may approve a subdivision altering the boundaries of two or more areas of land where

(a) no additional lots are created;

(b) each resulting lot

(i) meets the minimum dimension for lot frontage of the land-use by-law, or

(ii) has not had its frontage, if any, reduced; and

(c) each resulting lot

- (i) meets the minimum requirement for lot area of the land-use by-law, or
  - (ii) has not had its area reduced.
- (2) Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to subsection (1) shall
- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line;
  - (b) notwithstanding clause 49(1)(b), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
  - (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the *Land Surveyors Act* and its regulations:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of \_\_\_\_\_. The common boundary between the existing areas of land identified by \_\_\_ and \_\_\_, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot \_\_\_ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

- 8 (1) For purposes of this Section, "area of land" means any lot or parcel as described by its boundaries as they existed on August 1, 1987 notwithstanding that the area of land has been subdivided subsequent to August 1.



**B - Public streets**

- 13** (1) All proposed public streets shall be approved by the engineer.
- (2) Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Transportation and Public Works.
- 14** (1) A proposed lot which abuts a public street shall have access to a public street approved by the authority having jurisdiction for the public street which will be accessed.
- (2) This section does not apply to proposed lots which have an existing access to a public street.
- 15** Where a plan or instrument of subdivision shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street is a public street.

**C - Private roads**

- 16** A private road may be approved as a separate lot on a plan of subdivision and is deemed to meet minimum lot area and lot frontage requirements of clause 4(a).
- 17** A private road shall have a minimum width of 20 metres (65.6 feet), or such lesser width as adopted by the municipality.
- 18** The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.
- 19** (1) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.
- (2) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of clause 4(a).

**Preliminary Plans of Subdivision - Optional****A - Requirements**

- 20** (1) A subdivider proposing to subdivide an area of land may submit to the development officer four copies of a preliminary plan of subdivision drawn to scale showing
- (a) the name of the owner of the area of land being subdivided;

- (b) the names of all owners of all properties abutting the area of land being subdivided;
- (c) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (d) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (e) the shape, dimensions, and area of the lots being created;
- (f) each proposed lot identified by a number except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter;
- (g) no duplication of lot identifiers;
- (h) the approximate location of railways and railway rights-of-way;
- (i) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
- (j) the name of existing and proposed public streets (and the public street number), private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (k) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (l) the location of existing buildings within 10 metres (32.8 feet) of a property line;
- (m) the general location of watercourses and wetlands;
- (n) the north point;
- (o) the scale; and
- (p) any other information necessary to determine whether this subdivision conforms to these subdivision regulations.

- (2) Where the preliminary plan of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the preliminary plan:
- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
  - (b) the location of watercourses, wetlands, and other features that may influence the design of the system, including ditches, roads and driveways;
  - (c) the surface slopes and directions;
  - (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
  - (e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
  - (f) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.

### **B - Procedure**

- 21** Application for an evaluation of a preliminary plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 22** The development officer shall comply with the notification and approval provisions of the Act.
- 23** The development officer shall forward a copy of the preliminary plan of subdivision to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 76 metres (249.3 feet) or more, and
    - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;

- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets; and
  - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 24** Any agency which has been forwarded a copy of the preliminary plan of subdivision pursuant to Section 23 shall forward a written report of their assessments or recommendations to the development officer.
- 25** The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

### **Concept Plans - Optional**

#### **A - Requirements**

- 26** Where an area of land is being subdivided in phases and will contain new streets, a subdivider may submit to the development officer eight (8) copies of a concept plan of the entire area of land.
- 27** Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
- (a) the words “Concept Plan” located in the title block;
  - (b) name of property owner(s) and name of all abutting land owners;
  - (c) the proposed internal street system with connections to existing streets;
  - (d) the proposed location of public open space;
  - (e) the location of existing development, if any;
  - (f) the location of any municipal service boundary;
  - (g) the north point;
  - (h) contours at five metre (16.4 foot) intervals, and
  - (i) any other information necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the engineer.

**28** A subdivision by-law need not provide for concept plans.

**B - Procedure**

- 29** Application for approval of a concept plan shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 30** The development officer shall comply with the notification and approval provisions of the Act.
- 31** The development officer shall forward the concept plan and any supplementary information to appropriate agencies in order to evaluate the concept plan in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
  - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
  - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
  - (d) public open space; and
  - (e) any proposed community and commercial uses.
- 32** Any agency which has been forwarded a copy of the concept plan pursuant to Section 31 shall forward a written report of their assessments or recommendations to the development officer.
- 33** Approval of a concept plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works or of any other agency of the Province or the municipality unless the concept plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 34** Where the development officer refuses to approve a concept plan, the development officer shall give notice of the refusal to all agencies which were forwarded a concept plan pursuant to Section 31.
- 35** Where the development officer refuses to approve a concept plan, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.

- 36** The following information shall be stamped or written and completed by the development officer on any concept plan which is approved:
- (a) "This concept plan is approved."
  - (b) the date of the approval of the concept plan; and
  - (c) "This concept plan shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."
- 37** The development officer shall forward an approved copy of the concept plan to the subdivider.

### **Tentative Plans of Subdivision - Optional**

#### **A - Requirements**

- 38** A subdivider proposing to subdivide an area of land may submit to the development officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of Section 39 of these regulations.
- 39 (1)** Tentative plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
  - (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
  - (c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.
- (2)** Tentative plans of subdivision shall show the following
- (a) the words "PLAN OF SUBDIVISION" located in the title block;
  - (b) the words "TENTATIVE PLAN" located above the title block;
  - (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);

- (d) the name of the subdivision, if any, and the name of the owner of the area of land;
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
- (f) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
- (g) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
- (h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (i) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (j) the shape, dimensions, and area of the lots being created;
- (k) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (l) no duplication of lot identifiers;
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
- (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;

- (q) the width and location of railroads and railway rights-of-way;
  - (r) the general location of watercourses, wetlands, or prominent rock formations;
  - (s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
  - (t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
  - (u) the north point;
  - (v) the date on which the plan of subdivision was drawn and the date of any revisions;
  - (w) the scale to which the plan of subdivision is drawn; and
  - (x) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.
- (3)** Where the tentative plan of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the tentative plan:
- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
  - (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
  - (c) the surface slopes and directions;
  - (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
  - (e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and

- (f) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (4) In addition to meeting the requirements of subsections (1), (2), and (3), where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Land Surveyors Act* and its regulations;
  - (b) except for private roads, be accompanied by four copies of a plan showing
    - (i) contours at 2 metre (6.6 foot) intervals, and drainage patterns,
    - (ii) the width and location of proposed public streets and their intersection with existing public streets, and
    - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
  - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.

#### **B - Procedure**

- 40 Application for approval of a tentative plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 41 The development officer shall comply with the notification and approval provisions of the Act.
- 42 The development officer shall forward a copy of the tentative plan of subdivision to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 76 metres (249.3 feet) or more, and
    - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;

- (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets; and
  - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 43** Any agency which has been forwarded a copy of a tentative plan of subdivision pursuant to Section 42 shall forward a written report of their assessments or recommendations to the development officer.
- 44** Approval of a tentative plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works or of any other agency of the Province or the municipality unless the tentative plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 45** Where the development officer refuses to approve a tentative plan of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.
- 46** The following information shall be stamped or written and completed by the development officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage.
- (a) "This tentative plan of subdivision is approved for Lots \_\_\_\_\_. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan.";
  - (b) the date of the approval of the tentative plan; and
  - (c) "This tentative plan of subdivision shall not be filed in the registry of deeds as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the registry of deeds."
- 47** The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.

## Final Plans of Subdivision

### A - Requirements

**48** A subdivider proposing to subdivide an area of land shall submit twelve (12) copies of the final plan of subdivision meeting the requirements of Section 49 of these regulations to the development officer for approval.

- 49 (1)** Final plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
  - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the *Land Surveyors Act* and its regulations, except for a final plan of subdivision prepared pursuant to subsection 7(2) of these regulations; and
  - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- (2)** Final plans of subdivision shall show the following:
- (a) the words "PLAN OF SUBDIVISION" located in the title block;
  - (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
  - (c) the name of the subdivision, if any, and the name of the owner of the area of land;
  - (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
  - (e) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
  - (f) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;

- (g) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- (h) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (i) the shape, dimensions, and area of the lots being created;
- (j) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (k) no duplication of lot identifiers;
- (l) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (m) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (n) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (o) the location of existing and proposed public streets, private roads, and Schedule "B" roads;
- (p) the name of existing and proposed public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (q) the width and location of railroads and railway rights-of-way;
- (r) the general location of watercourses, wetlands, or prominent rock formations;
- (s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;

- (u) the north point;
  - (v) the date on which the plan of subdivision was drawn and the date of any revisions;
  - (w) the scale to which the plan of subdivision is drawn; and
  - (x) any other information necessary to determine whether or not the plan of subdivision conforms to these regulations.
- (3) Where the final plan of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the final plan:
- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
  - (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
  - (c) the surface slopes and directions;
  - (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
  - (e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
  - (f) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.
- (4) Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the municipality shall accompany the final plan of subdivision.

**B - Procedure**

- 50** Application for approval of a final plan of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 51** The development officer shall comply with the notification and approval provisions of the Act.

- 52** The development officer shall forward a copy of the final plan of subdivision to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot
    - (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 76 metres (249.3 feet) or more, and
    - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets; and
  - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 53** Any agency which has been forwarded a copy of the final plan of subdivision pursuant to Section 52 shall forward a written report of their assessments or recommendations to the development officer.
- 54** Approval of a final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works or of any other agency of the Province or the municipality unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 55** (1) At the time of application for approval of a final plan of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan; and
  - (b) a processing fee of \$50.00 per application for approval of a final plan of subdivision.
- (2) Where the development officer refuses to approve a final plan of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

- 56** Before approving a final plan of subdivision that adds or consolidates parcels or areas of land the development officer shall have received
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
  - (b) the fees for registering the deeds;
  - (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and
  - (d) where applicable, the deed transfer tax.
- 57** The development officer shall forward an approved copy of the final plan of subdivision to the subdivider and the surveyor.
- 58** Where the development officer refuses to approve a final plan of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to Section 52.
- 59** Where the development officer refuses to approve a final plan of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.
- 60** A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall
- (a) identify such lots;
  - (b) state the names of the grantor and the grantee of such lots; and
  - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 61** The following information shall be stamped or written and completed by the development officer on any final plan of subdivision which is approved:
- (a) "This final plan of subdivision is approved for Lots \_\_\_\_\_";

- (b) where applicable,
- (i) “ \_\_\_\_\_ (is, are) suitable for the  
(lot(s) approved and/or remainder)  
construction or installation of an on-site sewage disposal system  
for \_\_\_\_\_ and any conditions which apply are  
(proposed use)  
contained in a report dated \_\_\_\_\_ and available from the  
Department of the Environment.”;
  - (ii) “**IMPORTANT NOTICE**  
\_\_\_\_\_ (has, have) been created  
(lot(s) approved and/or remainder)  
for a purpose which does not require an on-site sewage disposal  
system and will not be eligible for a permit to install a system  
unless the requirements of the Department of the Environment  
are met.”; or
  - (iii) “ \_\_\_\_\_ (is, are) served by an  
(lot(s) approved and/or remainder)  
existing on-site system and should a replacement system become  
necessary in future, approval of the replacement system from the  
Department of the Environment is required”.
- (c) where applicable,
- (i) a notation stating that access to the public street as shown has  
been approved for the lots created by this final plan and any  
conditions which apply are listed on the plan or are contained in  
a report dated \_\_\_\_\_, available from the authority  
having jurisdiction for public streets;
  - (ii) where a lot which abuts a public street does not have an  
approved access point along the street, a notation stating that  
direct access to the street is not permitted; and
  - (iii) a notation stating which lots abut a private road and that no  
provincial or municipal services shall be provided to these lots.

**62** The development officer shall forward to the registry of deeds

- (a) one (1) approved copy of the final plan of subdivision and a notice of  
approval in the form specified in Schedule "C" of these regulations;  
and

- (b) if applicable, the items required by Section 56 of these regulations.

## **Subdivision by Instrument**

### **A - Requirements**

- 63 (1)** In a district or county municipality a subdivider may subdivide an area of land by an instrument of subdivision where
- (i) each lot has a minimum area of 9,290 square metres (100,000 square feet) and dimensions that would permit it to contain a circle of a diameter of 76 metres (249.3 feet) within its boundaries, or
  - (ii) an existing lot is being increased in size, and
  - (iii) the remainder lot, if any, meets the requirements of these regulations other than those contained in clause (i).
- (2)** All lots created by instrument of subdivision are required to be approved.
- (3)** In addition to the application form required by Section 64, the subdivider proposing to subdivide an area of land by instrument of subdivision shall submit to the development officer a completed instrument of subdivision in the form specified in Schedule "D" of these regulations.
- (4)** The graphic representation included as part of Schedule "D" shall show
- (a) the name of the subdivision, if any, and the name of the owner of the area of land;
  - (b) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the registry of deeds;
  - (c) where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) of all areas of land being subdivided, or where this property mapping does not exist the assessment account number may be shown;
  - (d) where a civic addressing system is in place, the civic number of main buildings on the area of land being subdivided;
  - (e) the names of all owners or the identifiers of all properties abutting the proposed subdivision;

- (f) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- (g) the shape, dimensions, and area of the lots being created;
- (h) each lot being approved identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- (i) no duplication of lot identifiers;
- (j) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (k) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (l) the location of existing public streets, private roads, and Schedule "B" roads;
- (m) the name of existing public streets (and the public street number) private roads, and Schedule "B" roads as issued pursuant to the civic addressing system;
- (n) the width and location of railroads and railway rights-of-way;
- (o) the general location of watercourses, wetlands, or prominent rock formations;
- (p) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (q) where applicable, a notation stating the lots are serviced by a public sewer and/or water system;
- (r) the north point;
- (s) the date on which the instrument of subdivision was drawn and the date of any revisions;

- (t) the scale to which the instrument of subdivision is drawn; and
  - (u) any other information necessary to determine whether or not the instrument of subdivision conforms to these regulations.
- (5) Where the instrument of subdivision is to be forwarded to the Department of the Environment the following additional information, if required by the Department of the Environment, shall be part of, or included with, the instrument of subdivision:
- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
  - (b) the location of watercourses, wetlands and other features that may influence the design of the system, including ditches, roads and driveways;
  - (c) the surface slopes and directions;
  - (d) an explanation of the extent, volume and type of usage to which the system will be subjected;
  - (e) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
  - (f) any other information necessary to determine whether the subdivision meets the *On-site Sewage Disposal Systems Regulations*.

#### **B - Procedure**

- 64 Application for approval of an instrument of subdivision shall be made to the development officer in the form specified in Schedule "A" of these regulations.
- 65 The development officer shall comply with the notification and approval provisions of the Act.
- 66 The development officer shall forward a copy of the instrument of subdivision to
- (a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the *On-site Sewage Disposal Systems Regulations*, except where the proposed lot

- (i) is more than 9000 square metres (96,878.4 square feet),
    - (ii) has a width of 76 metres (249.3 feet) or more, and
    - (iii) is to be used for a purpose which does not require an on-site sewage disposal system;
  - (b) in areas served by a central sewer, the authority having jurisdiction for central sewers;
  - (c) the authority having jurisdiction for public streets; and
  - (d) any other agency of the Province or the municipality which the development officer deems necessary.
- 67** Any agency which has been forwarded a copy of the instrument of subdivision pursuant to Section 66 shall forward a written report of their assessments or recommendations to the development officer.
- 68** Approval of an instrument of subdivision may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment, the Department of Transportation and Public Works or of any other agency of the Province or the municipality unless the instrument of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.
- 69** (1) At the time of application for approval of an instrument of subdivision, the subdivider shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering an instrument of subdivision; and
  - (b) a processing fee of \$50.00 per final application for subdivision approval or for repeal.
- (2) Where the development officer refuses to approve an instrument of subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.
- 70** Before approving an instrument of subdivision that adds or consolidates parcels or areas of land the development officer shall have received
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
  - (b) the fees for registering the deeds;

- (c) the affidavit of value including particulars of any exemption, pursuant to Part V of the Act; and
  - (d) where applicable, the deed transfer tax.
- 71 The development officer shall forward an approved copy of the instrument of subdivision to the subdivider.
- 72 Where the development officer refuses to approve an instrument of subdivision, the development officer shall give notice of the refusal to all agencies which were forwarded a instrument pursuant to Section 66.
- 73 Where the development officer refuses to approve an instrument of subdivision, the development officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Act.
- 74 An instrument of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the instrument shall
- (a) identify such lots;
  - (b) state the names of the grantor and the grantee of such lots; and
  - (c) state the date, book and page number of the conveyance of such lots as recorded in the registry of deeds.
- 75 The following information shall be stamped or written and completed by the development officer on any instrument of subdivision which is approved:
- (a) where applicable
    - (i) “ \_\_\_\_\_ (is, are) suitable for the  
(lot(s) approved and/or remainder)  
construction or installation of an on-site sewage disposal system  
for \_\_\_\_\_ and any conditions which apply are  
(proposed use)  
contained in a report dated \_\_\_\_\_ and available from the  
Department of the Environment.”;

(ii) “ **IMPORTANT NOTICE**

\_\_\_\_\_ (has, have) been created  
 (lot(s) approved and/or remainder)  
 for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment are met.”; or

(iii) “ \_\_\_\_\_ (is, are) served by an  
 (lot(s) approved and/or remainder)  
 existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment is required.”

## (b) where applicable,

- (i) a notation stating that access to the public street as shown has been approved for the lots created by this instrument of subdivision and any conditions which apply are listed on the instrument or are contained in a report dated \_\_\_\_\_, available from the authority having jurisdiction for public streets;
- (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
- (iii) a notation stating which lots abut a private road and that no provincial or municipal services shall be provided to these lots.

**76** The development officer shall forward to the registry of deeds

- (a) one (1) approved copy of the instrument of subdivision; and
- (b) if applicable, the items required by Section 70 of these regulations.

**Repeal of a Subdivision**

**77** Where a plan or instrument of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

**78** Any person requesting a repeal shall submit to the development officer an application in the form specified in Schedule “E”.

- 79** The notification and approval provisions of the Act which apply to the approval of a plan or instrument of subdivision shall also apply to a repeal.
- 80** When the development officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
- 81** Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land-use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan or instrument of subdivision filed at the registry of deeds on the same day as the repeal is filed.
- 82** Sections 3 to 76 inclusive of these regulations do not apply to the repeal of a plan or instrument of subdivision.
- 83** The development officer shall forward to the registry of deeds the repeal in the form specified in Schedule "F".
- 84** The development officer shall forward a copy of the repeal referred to in Section 83 to
- (a) the subdivider, and
  - (b) any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.
- 85 (1)** At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan or instrument of subdivision; and
  - (b) a processing fee of \$50.00 per final application for repeal of a subdivision.
- (2)** Where the development officer refuses to repeal a subdivision, the development officer shall return the fees referred to in clause (1)(a) to the subdivider.

- 86** Where the development officer refuses to repeal a subdivision, the development officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to Section 84.

**Effective Date, Repeal**

- 87 (1)** These *Provincial Subdivision Regulations* are effective on April 1, 1999 or the date of prescription, whichever is later in time.
- (2)** On the effective date of these regulations the *Provincial Subdivision Regulations* which became effective on April 7, 1995, are repealed.

Prescribed this 1<sup>st</sup> day of April, 1999.

Signed: *Ray White*  
Honourable Ray White  
Minister of Housing and  
Municipal Affairs

**Application for Subdivision Approval**

**FOR OFFICE USE ONLY**  
**File No:** \_\_\_\_\_

**SCHEDULE "A"**

**SUBDIVIDER RELATED INFORMATION**

NAME OF LAND OWNER(S) \_\_\_\_\_  
 ADDRESS OF LAND OWNER(S) \_\_\_\_\_  
 POSTAL CODE \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
 SUBDIVISION NAME (IF DIFFERENT FROM OWNER) \_\_\_\_\_  
 DOCUMENTS TO BE RETURNED TO \_\_\_\_\_  
 CORRESPONDENCE TO BE DIRECTED TO \_\_\_\_\_

**LAND TO BE SUBDIVIDED**

LOCATION \_\_\_\_\_ MUNICIPALITY \_\_\_\_\_  
 PARCEL IDENTIFIER \_\_\_\_\_  
 TYPE OF APPLICATION  Preliminary (Optional)  Concept  Tentative (Optional)  Final  Instrument  
 FEES ATTACHED  YES  NO  
 TYPE OF DEVELOPMENT PROPOSED  Single unit dwelling  Other (specify) \_\_\_\_\_  
 APPROVAL REQUESTED FOR LOT(S) # \_\_\_\_\_  
 ASSESSMENT REQUESTED FROM DEPARTMENT OF THE ENVIRONMENT  Yes  No  
 IS THERE A REMAINDER LOT?  Yes  No

**CERTIFICATION - ON-SITE SYSTEM NOT REQUIRED (unserved areas)**

I certify that \_\_\_\_\_ (is, are) being subdivided for a purpose ( \_\_\_\_\_ )  
(lot(s) being approved and/or remainder lot) (specify purpose)  
 which will not require the installation of an on-site sewage disposal system.  
 SIGNATURE \_\_\_\_\_

<b>WATER SERVICES</b>			<b>SEWER SERVICES</b>			<b>ACCESS</b>		
	Existing	Proposed		Existing	Proposed		Existing	Proposed
CENTRAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	CENTRAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	MUNICIPAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>
DRILLED WELL	<input type="checkbox"/>	<input type="checkbox"/>	ON-SITE	<input type="checkbox"/>	<input type="checkbox"/>	PROVINCIAL PUBLIC STREET	<input type="checkbox"/>	<input type="checkbox"/>
DUG WELL	<input type="checkbox"/>	<input type="checkbox"/>				PRIVATE ROAD	<input type="checkbox"/>	<input type="checkbox"/>
OTHER (SPECIFY) _____						OTHER (SPECIFY) _____		

I certify that I am the owner or am acting with the owner's written consent.  
 SIGNATURE OF SUBDIVIDER \_\_\_\_\_ DATE \_\_\_\_\_

**Schedule "B"**

**Schedule "B" Roads**

**Length**

1. Peninsula Road, Freda's Peninsula, Municipality of the District of Chester from the end of the listed public road named Peninsula Road to a distance of 970 feet.
2. Douglas Road (also known as Vaughn Road), Western Shore, Municipality of the District of Chester from the intersection of that road with the Lawrence Hatt Road for a distance of ± 152 metres intended to be to the end of the central sewer line located within the Douglas Road.
3. First Road, Clark's Harbour, from its intersection with the public road for a distance of 368 feet.

**Schedule "C"**

**Notice of Approval of a Plan of Subdivision in  
 Accordance with subsections 285(3) and 285(4) of the  
*Municipal Government Act***

Name of Owner(s) \_\_\_\_\_

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_

Date of Approval \_\_\_\_\_ For Lot(s) \_\_\_\_\_

Surveyor \_\_\_\_\_ Date of Plan \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
 (DATE) (YEAR) Development Officer

Plan of Subdivision filed in the registry of deeds as Plan # \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_  
 (DATE) (YEAR)

This plan of subdivision may also contain information regarding the lots approved on this plan with respect to one or more of the following:

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of central sewer and water systems.
3. Information indicating whether or not the lots abut a public street or private road.

**Schedule "D"**

**Instrument of Subdivision**

AN INSTRUMENT RESPECTING THE SUBDIVISION OF LAND IN ACCORDANCE WITH SECTION 269 OF THE *MUNICIPAL GOVERNMENT ACT* FOR THE MUNICIPALITY OF THE \_\_\_\_\_ OF \_\_\_\_\_ LANDS OF \_\_\_\_\_

LOCATED AT \_\_\_\_\_

Based on the information contained in this Instrument of Subdivision, Lots \_\_\_\_\_ are **APPROVED**.

**IMPORTANT NOTICE:**

This approval does not warrant the size, location, or boundaries of the lots described in the instrument and the development officer has no duty to verify the information submitted by the applicant as to the size, location, or boundaries of the lots.

The information shown on this instrument may not be acceptable to municipal development officers or building inspectors for any building or development permits.

\_\_\_\_\_  
DEVELOPMENT OFFICER

\_\_\_\_\_  
DATE

**DECLARATION**

**I, We \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_,  
Province**

**of Nova Scotia, do solemnly declare:**

1. THAT (I, we) (am, are) the owner(s) of the area(s) of land as shown on the graphic representation (sketch).
2. THAT (I, we) have shown the registry of deeds book and page numbers of the area(s) of land on the graphic representation.
3. **THAT** (I, we) intend to subdivide the area(s) of land as shown on the graphic representation in this instrument into Lots \_\_\_\_\_.
4. THAT (I, we) make this solemn declaration conscientiously believing the same to be true and to have the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

**Declared before me at \_\_\_\_\_, ) \_\_\_\_\_  
in the County of \_\_\_\_\_, ) \_\_\_\_\_  
Province of Nova Scotia, this \_\_\_\_\_ day of, ) \_\_\_\_\_  
\_\_\_\_\_, A.D., \_\_\_\_\_, ) \_\_\_\_\_  
(DATE) (YEAR) ) \_\_\_\_\_  
\_\_\_\_\_ ) \_\_\_\_\_**

**Commissioner of Oaths  
Province of Nova Scotia**

**Owner(s) Signature(s)**

**Schedule "D" ( con't.)**

	LOCATION MAP
	TITLE BLOCK INSTRUMENT OF SUBDIVISION LANDS OF:

SCALE:

I certify that the above graphic representation accurately represents my property

\_\_\_\_\_

\_\_\_\_\_

Owner(s') Signature(s)

**Schedule "E"****Application for Repeal of a Subdivision**Plan of Subdivision  or Instrument of Subdivision  File Number \_\_\_\_\_**APPLICANT RELATED INFORMATION**

Name of Land Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_

Address of Land Owner(s) \_\_\_\_\_ Postal Code \_\_\_\_\_

Documents To Be Returned To \_\_\_\_\_

Correspondence To Be Directed To \_\_\_\_\_

**INFORMATION RELATED TO THE SUBDIVISION  
SOUGHT TO BE REPEALED**

Name of applicant for subdivision approval \_\_\_\_\_

Location \_\_\_\_\_ Municipality \_\_\_\_\_

The subdivision was approved on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(YEAR)and is filed in the Registry of Deeds at \_\_\_\_\_ in the Municipality  
of \_\_\_\_\_ the County of \_\_\_\_\_ as # \_\_\_\_\_Lot(s) # \_\_\_\_\_ was/were approved and repeal is  
sought for approval of Lot(s) # \_\_\_\_\_. Registration fee submitted.**CERTIFICATION OF FACTS**

(Reasons For Repeal)

(If more space required, attach additional sheet)



N.S. Reg. 39/99

Made: April 14, 1999

Filed: April 15, 1999

Revenue Act Regulations

Order in Council 1999-164 made April 14, 1999  
Amendment to regulations made by the Governor in Council  
pursuant to Sections 31C, 43 and 92  
of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated March 17, 1999, pursuant to Sections 31C, 43 and 92 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the Revenue Act Regulations made by Order in Council 96-230, dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after April 14, 1999.

**Schedule "A"**

**Amendments to the *Revenue Act Regulations*  
made by the Governor in Council pursuant to Sections 31C, 43 and 92 of  
Chapter 17 of the Acts of 1995-96,  
the *Revenue Act***

- 1 Section 70A of the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996 is repealed and the following Section substituted:

**70A** In this Part,

- (a) "designated tangible personal property" means boats, vessels, aircrafts and every device in, upon or by which any person or property is designed to be transported or drawn; and
  - (b) "motor vehicle" means every device that is propelled or driven, other than by muscular power, excepting a motorized wheelchair.
- 2 Section 70B of the regulations is amended by adding "subsection 18(1)," immediately after "(6),".
  - 3 The regulations are amended by striking out the heading "Records" immediately before Section 72 and substituting "Wholesale vendor records".

- 4 Section 72 of the regulations is amended by renumbering subsection (2) as subsection (7) and adding immediately preceding subsection (7) the following subsections:
- (2) Without restricting the generality of subsection (1), the records relating to a sale, transfer or delivery of tobacco by a wholesale vendor shall state
    - (a) the date of the sale, transfer or delivery and the type and quantity of tobacco;
    - (b) the name and address of the retail vendor to whom the tobacco was sold, transferred or delivered; and
    - (c) the invoice number and the vendor permit number held by the retail vendor to whom the tobacco was sold, transferred or delivered if that retail vendor is required to hold a permit under this Part.
  - (3) Every sale, transfer or delivery of tobacco from a wholesale vendor shall be evidenced by a serially numbered invoice which shall be given to the retail vendor to whom the tobacco is sold, transferred or delivered and a duplicate copy shall be retained by the wholesale vendor.
  - (4) Every wholesale vendor shall consolidate records of all sales, transfers or deliveries of tobacco on a monthly basis and shall include in the consolidation all sales, transfers or deliveries of tobacco from outside the Province to the vendor or the vendor's purchasers in the Province.
  - (5) A wholesale vendor who has a place of business within the Province may elect to produce the wholesale vendor's records for inspection, audit and examination at a place outside the Province at the wholesale vendor's expense, including reimbursement of the Province for all reasonable transportation, accommodation and associated expenses the Province may incur in carrying out the inspection, audit or examination.
  - (6) A wholesale vendor who has no place of business within the Province may produce the wholesale vendor's records for inspection, audit and examination at the place specified in the application for a wholesale vendor's permit.

- 5 The regulations are amended by adding immediately after Section 72 the following Section:

**Retail vendor records**

- 72A (1)** A retail vendor shall keep and maintain records in such form and containing sufficient information to enable the determination of the vendor's liabilities and obligations under Part III of the Act and this Part.
- (2) Without restricting the generality of subsection (1), a retail vendor shall keep and maintain records in respect of the purchase and sale of tobacco products.
- (3) A retail vendor shall retain the records required pursuant to this Section until the expiration of 72 months after the end of the year to which the records relate or for such other period as required by the Commissioner in writing, except that
- (a) a retail vendor may dispose of the records earlier if written permission for their disposal is given by the Commissioner;
- (b) if a retail vendor serves a notice of objection pursuant to Section 60 of the Act or is a party to an appeal pursuant to Section 61 of the Act, the retail vendor shall retain every record that pertains to the subject-matter of the objection or appeals until the objection or any appeals are disposed of.
- (4) A retail vendor having a place of business within the Province may elect to produce the retail vendor's records for inspection, audit and examination at a place outside the Province at the retail vendor's expense, including reimbursement of the Province for all reasonable transportation, accommodation and associated expenses the Province may incur in carrying out the inspection, audit or examination.
- (5) If, in the opinion of the Commissioner, a retail vendor has failed to keep adequate records pursuant to subsection (1),
- (a) the retail vendor may be required to keep such records as the Commissioner may specify and the retail vendor shall subsequently keep the records so specified;
- (b) the Commissioner may deem the retail vendor's records to include the records of any person that supplied or sold tobacco to the retail vendor.

- 6 (1)** Subsection 73(2) of the regulations is amended by
- (a) striking out “Part III of the Act or this Part, who breaches any agreement entered into pursuant to Part III of the Act” and substituting “the Act or these regulations, who breaches any agreement entered into pursuant to the Act or these regulations”; and
  - (b) adding “the Excise Tax Act (Canada) or the Income Tax Act (Canada),” immediately after “(Canada),”.
- (2)** Clause 73(3) is amended by
- (a) adding “refuse to issue, ” after “may”; and
  - (b) adding “with respect to any Part of the Act” immediately after subclause (c).
- (3)** Subsection 73(8) is amended by
- (a) striking out “that person’s principal place of business in the Province” in clause (a) and substituting “the location for which the permit has been issued; and”; and
  - (b) repealing clause (b) and re-lettering clause (c) as (b).
- 7** Subsection 74(3) of the regulations is amended by
- (a) striking out “Part III of the Act or this Part, breaches any agreement entered into pursuant to Part III of the Act” and substituting “the Act or these regulations, breaches any agreement entered into pursuant to the Act or these regulations”; and
  - (b) adding “the Excise Tax Act (Canada) or the Income Tax Act (Canada),” immediately after “(Canada),”.
- 8** Section 78 of the regulations is repealed and the following Section substituted:
- 78 (1)** No consumer shall purchase, agree to purchase or hold
- (a) a quantity equal to or greater than
    - (i) 1000 cigarettes, or
    - (ii) 5 cartons of cigarettes; or

- (b) a quantity of fine cut or raw tobacco capable of making 1000 or more cigarettes or any combination of cigarettes and other tobacco products that equals or exceeds the equivalent of 1000 cigarettes.
- (2) A person who holds
  - (a) a quantity equal to or greater than
    - (i) 1000 cigarettes, or
    - (ii) 5 cartons of cigarettes; or
  - (b) a quantity of fine cut or raw tobacco capable of making 1000 or more cigarettes or any combination of cigarettes and other tobacco products that equals or exceeds the equivalent of 1000 cigarettes,

is deemed, in absence of evidence to the contrary, to hold the tobacco for sale in the Province.
- (3) No retail vendor shall sell tobacco to a consumer in
  - (a) a quantity equal to or greater than
    - (i) 1000 cigarettes, or
    - (ii) 5 cartons of cigarettes; or
  - (b) a quantity of fine cut or raw tobacco capable of making 1000 or more cigarettes or any combination of cigarettes and other tobacco products that equals or exceeds the equivalent of 1000 cigarettes.

N.S. Reg. 40/99

Made: April 14, 1999

Filed: April 15, 1999

Fisheries and Aquaculture Loans Regulations

Order in Council 1999-179 made April 14, 1999  
Amendment to regulations made by the Governor in Council  
pursuant to Section 42  
of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated March 25, 1999, pursuant to Section 42 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased to amend the regulations respecting fisheries and aquaculture loans made by Order in Council 80-1707 dated December 16, 1980, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after April 14, 1999.

#### **Schedule "A"**

**Amendments to the regulations respecting fisheries and aquaculture loans made by the Governor in Council pursuant to Section 42 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act***

The regulations respecting fisheries and aquaculture loans made by the Governor in Council by Order in Council 80-1707 dated December 16, 1980, are amended by striking out "1999" in Section 13 and substituting "2001".

N.S. Reg. 41/99

Made: April 21, 1999

Filed: April 22, 1999

Royal Gazette Part I Fees Regulations and Royal Gazette  
Part II Fees Regulations

Order in Council 1999-185 made April 21, 1999  
Regulations made by the Governor in Council  
pursuant to Section 18  
of the *Communications and Information Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated March 31, 1999, pursuant to Section 18 of Chapter 79 of the Revised Statutes of Nova Scotia, 1999, the *Communications and Information Act*, is pleased to, effective on, from and after April 21, 1999:

- (a) repeal the regulations made by Order in Council 90-1392 dated December 4, 1990;
- (b) make new regulations respecting the price of subscription to the Royal Gazette, Part I, and the charges to be paid for the publication of notices, advertisements and documents in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (c) repeal subsection (5) of Order in Council 77-1055 dated August 30, 1977, as amended by Order in Council 90-1393 dated December 4, 1990; and
- (d) make new regulations respecting the price of subscriptions for the Royal Gazette, Part II, in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

#### **Schedule "A"**

**Regulations respecting charges and fees for the Royal Gazette, Part I,  
made pursuant to Section 18 of Chapter 79 of the Revised Statutes of  
Nova Scotia, 1989, the *Communications and Information Act***

#### **Citation**

**1** These regulations may be cited as the *Royal Gazette Part I Fees Regulations*.

#### **Fees**

**2** The fees for the Royal Gazette, Part I, are as follows:

- (a) subscription . . . . . \$100/year

- (b) advertising:
  - (i) citation notices, 5 insertions . . . . . \$20.00
  - (ii) citation notices, ancillary probate,  
3 insertions . . . . . \$20.00
- (c) estate notices:
  - (i) 1 month (under \$800.00 value). . . . . \$20.00
  - (ii) 3 issues (ancillary) . . . . . \$20.00
  - (iii) 6 months . . . . . \$45.00
- (d) all other notices, for maximum number  
of insertions required by statute . . . . . \$20.00
- (e) general advertising not covered by above  
(per column inch) . . . . . \$10.00

### Schedule "B"

#### Regulations respecting charges and fees for the Royal Gazette, Part II, made pursuant to Section 18 of Chapter 79 of the Revised Statutes of Nova Scotia, 1989, the *Communications and Information Act*

#### Citation

1 These regulations may be cited as the *Royal Gazette Part II Fees Regulations*.

#### Fees

2 The fees for the Royal Gazette, Part II, are as follows:

- (a) subscription . . . . . \$75.00/year
- (b) print subscription to quarterly index . . . . . \$50.00/year

N.S. Reg. 42/99

Made: April 21, 1999

Filed: April 22, 1999

Regulations under the Regulations Act

Order in Council 1999-186 made April 21, 1999

Regulations made by the Governor in Council

pursuant to Section 21

of the *Regulations Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated March 31, 1999, pursuant to Section 21 of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, is pleased to:

- (a) repeal the *Regulations under the Regulations Act* made by Order in Council 77-1114 dated September 13, 1977; and
- (b) make new regulations in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

#### **Schedule “A”**

#### **Regulations under the *Regulations Act* made by the Governor in Council pursuant to Section 21 of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act***

##### **Citation**

1 These regulations may be cited as the *Regulations under the Regulations Act*.

##### **Title required**

2 All regulations submitted to the Registrar for filing shall contain a title indicating the subject of those regulations.

##### **Certificate of filing**

3 A certificate of filing required by subsection 3(1) of the Act shall be in the form prescribed in Schedule “B”.

##### **Failure to comply**

4 (1) If a regulation fails to comply in one or more respects with the requirements of these regulations, the Registrar may file the regulation if the Registrar is of the opinion that there is substantial compliance with these regulations.

- (2) A regulation is not invalid for the reason only that it fails to comply in one or more respects with the requirements of these regulations.

### Fees

- 5 The fees to be charged by the Registrar for supplying copies of regulations are as set out in Schedule "A".

### Schedule "A"

#### Fees charged by the Registrar of Regulations

(pursuant to Section 6 [5] of the *Regulations under the Regulations Act*)

#### Original documents

- 1 (1) The fee for a copy of an original document filed with the Registrar by
- (a) photocopy is ..... \$0.25 per page;
  - (b) fax is ..... \$0.50 per page.
- (2) The fee for certification of copies of documents listed in subsection (1) is ..... an additional \$2.00.

#### Consolidations

- 2 (1) The fee for a copy of a consolidation of an individual set of regulations
- (a) in hardcopy by
    - (i) photocopy is ..... \$0.30 per page,
    - (ii) fax is ..... \$0.55 per page;
  - (b) electronically
    - (i) on disk is ..... \$0.20 per page,  
plus the cost of the disk if supplied by the Registrar;
    - (ii) by e-mail is ..... \$0.20 per page,

and the Registrar may limit the choice of format in which the electronic information may be sent.
- (2) For the purposes of this Section, "page" means a page of text as formatted by the Office of the Registrar, whether copied in single or double-sided format.

#### Five dollar minimum

- 3 The fees prescribed by Sections 1 and 2 are subject to a \$5.00 minimum charge.

**Researched documents**

**4** Historical/archival research fee . . . . . \$10.00 per day,  
plus fees for documents provided.

**Schedule “B”  
Certificate of Filing  
(Subsection 3(1) of the *Regulations Act*)**

Title of regulation: \_\_\_\_\_  
Act (full citation and Section): \_\_\_\_\_  
Regulation-making authority: \_\_\_\_\_  
Date made: \_\_\_\_\_

If approval of the regulation by another authority is required:

Approved by: \_\_\_\_\_  
Date of approval: \_\_\_\_\_

Attach certificate(s) of approval.

I certify that the attached regulation as herein described is a true copy of the regulation as it was made.

Dated at \_\_\_\_\_, \_\_\_\_\_.

Signed: \_\_\_\_\_  
(Print name)  
(Title or position)

N.S. Reg. 43/99

Made: April 9, 1999

Filed: April 23, 1999

Commodity Group Designation and Levy  
- Strawberries

Order dated April 9, 1999  
made under Section 46 of the  
*Agriculture and Marketing Act*

**Designation Order  
Horticulture Nova Scotia**

**WHEREAS** Part F, Section 46 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*, provides that the Minister by order may designate a body of producers of a specific agricultural product as a commodity group, which commodity group may, with the approval of the Minister, require any person engaged in the production of the commodity to pay to the commodity group an amount fixed by way of levy or charge;

**AND WHEREAS** the Minister of Agriculture and Marketing on August 12, 1998 ordered that Horticulture Nova Scotia is a designated commodity group, and approved a strawberry check off (levy) to be \$10.00 per 1000 strawberry nursery plants, effective November 1, 1998;

**AND WHEREAS** Horticulture Nova Scotia have determined that their by-law authorizing the strawberry check off (levy) of \$10.00 per 1000 strawberry nursery plants was not validly passed by the Association, and therefore the previously approved rate of \$5.00 per 1000 strawberry nursery plants remains in effect;

**NOW THEREFORE WITNESSETH THAT** the Minister of Agriculture and Marketing hereby declares that the strawberry check off (levy) shall be \$5.00 per 1000 strawberry nursery plants, to be collected by Horticulture Nova Scotia, effective on, from and after November 1, 1998.

Signed: *Edward F. Lorraine*  
Minister of Agriculture and Marketing

Date: April 9, 1999