

**NOVA SCOTIA PROVINCIAL COURT JUDGES'
SALARIES & BENEFITS TRIBUNAL**

2026-2029

RECOMMENDATIONS OF THE TRIBUNAL

RE: MOVING EXPENSES

Tribunal Members:

Scott Sterns, Chair
David J. Roberts
John C. MacPherson, KC

Andrew Taillon on behalf of the Honourable Scott Armstrong
Minister of Justice and Attorney General
Nova Scotia Department of Justice
1690 Hollis Street
Halifax, NS B3J 2L6

Justin Adams on behalf of the Nova Scotia Provincial Judges Association
Burchell Wickwire Bryson
1900-1801 Hollis Street
Halifax, NS B3J 3N4

BACKGROUND

1. Pursuant to Section 21A of the *Provincial Court Act* (“*the Act*”):
 - (1) There shall be a tribunal to recommend the salaries and benefits for judges of the Provincial Court, including the Chief Judge and the Associate Chief Judge of each Court.
 - (2) A tribunal shall be composed of three persons
 - (a) One of whom shall be appointed by the Association
 - (b) One of whom shall be appointed by the Minister; and
 - (c) One of whom shall be appointed by the persons referred to in Clauses A and B.
2. The original appointee pursuant to Section 21A, 2(a) was unable to act. A vacancy was created. David Roberts was appointed pursuant to Section 21A(7). John MacPherson was appointed pursuant to Section 21A, 2(b) and Scott Sterns was appointed pursuant to Section 21A, 2(c).
3. A hearing was held in Halifax on September 29, 2025. During the hearing, oral submissions were received from the Nova Scotia Provincial Judges Association (“Association”) and the Minister of Justice for the Province of Nova Scotia (“Minister”). In addition to the oral submissions, significant documentary evidence was presented by the parties.

PROCEDURE

4. An issue arose between the parties regarding the jurisdiction of this Tribunal to hear a dispute regarding moving expenses, and potential retroactive payment of moving expenses.
5. At the Hearing of September 29, 2025, the parties agreed that this Tribunal has the jurisdiction to examine the issue of moving expenses, and retroactivity of moving expenses. The Tribunal is of a similar view.
6. On October 1, 2025 the Tribunal directed:
 - (a) The parties shall provide submissions in writing, on or before Friday, October 17, 2025, regarding the issue of the provision of moving expenses, and, the issue of retroactive payment of moving expenses;

- (b) A one hour conference call shall be held, on or before Friday, October 31, 2025, to provide the parties with an opportunity to provide oral submissions, including any rebuttal submissions.
7. A conference call was held on Tuesday, October 21, 2025, during which the parties were given the opportunity to provide oral submissions. During the call, the Tribunal was concerned that there may be a misunderstanding regarding the Tribunal's direction to the parties regarding the moving expense issue.
 8. Out of an abundance of caution, the Tribunal offered an adjournment. The Association preferred an adjournment, and it was granted.
 9. New dates were set to allow the parties further opportunity for written submissions, with the last submissions filed on November 14, 2025. A further conference call for oral submissions was held on December 1, 2025.
 10. For clarity, the Tribunal has now received three sets of written submissions from the parties which have dealt, at least partially, with the moving expense issue. The Tribunal is firmly of the view that the parties have been afforded significant opportunity to deal with this issue.

MOVING EXPENSES

11. Both parties agree that this Tribunal has jurisdiction to consider moving expenses as part of its recommendations for 2026-2029.
12. With regard to the issue of retroactive moving expenses that may be payable to Nova Scotia Provincial Judges, the Association argues that this Tribunal:

Has jurisdiction to issue recommendations with retroactive effect.
13. The Minister disagrees.
14. Section 21F of the *Provincial Court Act* states:
 - (i) The report of the first Tribunal shall contain recommendations covering the period from the first day of April, 1999, to the thirty-first day of March, 2002, inclusive, and a report of each subsequent Tribunal shall cover a similar three-year period.

15. This Tribunal is of the opinion that:

The report...shall contain recommendations covering the period...

and

A report of each subsequent Tribunal shall cover a similar three-year period.

is determinative.

16. This Tribunal is of the opinion that it does not have jurisdiction to issue recommendations with retroactive effect, and declines to do so.

17. The Tribunal is mindful that both parties agree that the Tribunal has jurisdiction to consider moving expenses as part of its recommendations for 2026-2029. The Tribunal recommends:

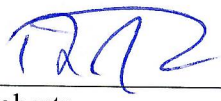
- That the Minister draft regulations providing for the reimbursement of moving expenses of Provincial Judges in appropriate circumstances.

18. The recommendations contained herein should be read together with the recommendations of the Tribunal dated September 29, 2025 and October 1, 2025, all of which constitute the recommendations of the Tribunal.



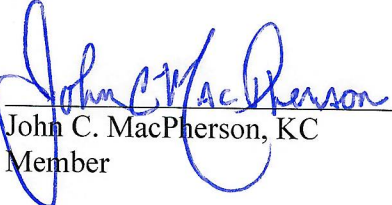
Scott Sterns, Chair

Date: JAN 6/26



David J. Roberts
Member

Date: JAN 6/26



John C. MacPherson, KC
Member

Date: JAN 6/26