

Royal



Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 34, No. 15

July 16, 2010

Contents

Act	Reg. No.	Page
Agricultural Marshland Conservation Act		
Proclamation of amendments to Act, S. 6, S.N.S. 2009, c. 7	83/2010	901
Building Code Act		
Nova Scotia Building Code Regulations—amendment	96/2010	936
Cape Breton Island Marketing Levy Act		
Proclamation, S. 5, S.N.S. 2005, c. 63—except S. 3(6) and 3(7)(g)	101/2010	951
Engineering Profession Act		
Proclamation of amendments to Act, S. 7, S.N.S. 2009, c. 13	102/2010	952
By-laws of the Association of Professional Engineers of Nova Scotia—amendment	103/2010	953
Gaming Control Act and Provincial Finance Act		
Nova Scotia Harness Racing Incorporated Regulations—repeal and Nova Scotia Harness Racing Fund Regulations	99/2010	944
Health Services and Insurance Act		
Pharmacare Tariff Regulations—amendment	98/2010	942
Insurance Act		
Automobile Accident Minor Injury Regulations	94/2010	930
Automobile Insurance Tort Recovery Limitation Regulations—amendment	93/2010	929
Liquor Control Act		
Liquor Licensing Regulations—amendment	100/2010	946
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	97/2010	940
Prescribed Petroleum Products Prices	104/2010	956

Provincial Finance Act and Gaming Control Act

Nova Scotia Harness Racing Incorporated Regulations–repeal and Nova Scotia Harness Racing Fund Regulations	99/2010	944
---	---------	-----

Sales Tax Act

Sales Tax Act Regulations–amendment	92/2010	923
---	---------	-----

Summary Proceedings Act

Summary Offence Tickets Regulations–amendment	95/2010	934
---	---------	-----

Wildlife Act

Bear Harvesting Regulations–amendment	85/2010	905
Deer Hunting Regulations–amendment	91/2010	913
Firearm and Bow Regulations–amendment	84/2010	902
Fur Harvesting Regulations–amendment	87/2010	907
General Wildlife Regulations–amendment	89/2010	911
Guide Regulations–amendment	88/2010	910
Hunter Education, Safety and Training Regulations–amendment	86/2010	906
Moose Hunting Regulations–amendment	90/2010	912

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 83/2010

Made: June 22, 2010

Filed: June 24, 2010

Proclamation, S. 6, S.N.S. 2009, c. 7

Order in Council 2010-242 dated June 22, 2010

Proclamation made by the Governor in Council

pursuant to Section 6 of

An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act

The Governor in Council on the report and recommendation of the Minister of Agriculture dated June 3, 2010, and pursuant to Section 6 of Chapter 7 of the Acts of 2009, *An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act*, is pleased to order and declare by proclamation Chapter 7 of the Acts of 2009, *An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act*, do come into force on and not before June 22, 2010.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
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 6 of Chapter 7 of the Acts of 2009, *An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act*, it is enacted as follows:

- 6** 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 7 of the Acts of 2009, *An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act*, do come into force on and not before June 22, 2010;

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 7 of the Acts of 2009, *An Act to Amend Chapter 22 of the Acts of 2000, the Agricultural Marshland Conservation Act*, do come into force on and not before June 22, 2010, 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 Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 22nd day of June in the year of Our Lord two thousand and ten and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 84/2010

Made: June 22, 2010

Filed: June 24, 2010

Firearm and Bow Regulations

Order in Council 2010-244 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 113 of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to Section 113 of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Firearm and Bow Regulations*, N.S. Reg. 144/89, made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, to make changes to the types of weapons permitted, change the requirement for weapons to be encased in a vehicle, allow employees of the Department to discharge weapons when required and allow a disabled hunter greater independence, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule "A"

**Amendment to the *Firearm and Bow Regulations*
made by the Governor in Council pursuant to
Section 113 of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Clause 2(c) of the *Firearm and Bow Regulations*, N.S. Reg. 144/89, made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, is amended by striking out "the trailing edge of which shall approach the shaft of the arrow at an angle of no less than 90 degrees towards the nock end of the arrow".
- 2 Section 3 of the regulations is amended by
 - (a) striking out "at any time in a wildlife habitat" and substituting "any of the following at any time in a wildlife habitat:"
 - (b) striking out "; or" at the end of clause (c) and substituting a period; and
 - (c) repealing clause (e).
- 3 (1) Clause 4(1)(b) of the regulations is amended by

- (a) adding “.410,” immediately before “28”; and
 - (b) adding “or shot having a diameter of .24 in. or 6.10 mm (AAA or No. 4 Buckshot) or larger” immediately after “using a single projectile”.
- (2) Subsection 4(1) of the regulations is further amended by
- (a) striking out the period at the end of clause (d) and substituting a semi-colon; and
 - (b) adding the following clause immediately after clause (d):
 - (e) a crossbow with a minimum draw weight of 68 kg (150 lbs) and bolts with heads measuring more than 2.2 cm in diameter.
- 4 Subsection 4(2) of the regulations is amended by
- (a) repealing clause (ab); and
 - (b) adding “or crossbow” immediately after “with a firearm” in clause (b).
- 5 Subsection 4(3) of the regulations is amended by
- (a) striking out “a a rim fire rifle” and substituting “a rim fire rifle”; and
 - (b) striking out “or bow” and substituting “, bow or crossbow”.
- 6 Subsection 4(4) of the regulations is amended by striking out “firearm, crossbow, bow” and substituting “weapon”.
- 7 Subsection 5(1) of the regulations is amended by
- (a) striking out “having a diameter not greater than .24 inches (AAA or No. 4 Buckshot)” in clause (a);
 - (b) striking out “or” at the end of clause (aa);
 - (c) striking out “arrow with or without a broadhead.” in clause (b) and substituting “arrows with or without broadheads;”; and
 - (d) adding the following clause immediately after clause (b):
 - (c) a crossbow and bolts or arrows with or without broadheads.
- 8 Subsection 5(3) of the regulations is amended by striking out “firearm, bow and” and substituting “weapon,”.
- 9 Subsection 6(1) of the regulations is amended by
- (a) striking out “having a diameter not greater than .24 inches (AAA or No. 4 Buckshot)” in clause (a);
 - (b) striking out “arrow with or without a broadhead” in clause (b) and substituting “arrows with or without broadheads;”; and
 - (c) adding the following clause immediately after clause (b):

- (ba) a crossbow and bolts or arrows with or without broadheads;
- 10 Subsection 6(3) of the regulations is amended by striking out “a firearm, bow” and substituting “any weapon”.
- 11 Subsection 6(4) of the regulations is amended by striking out “firearm, bow” and substituting “weapon”.
- 12 Subsection 7(2) of the regulations is amended by
- (a) striking out “having a diameter not greater than .24 inches (AAA or No. 4 Buckshot)” in clause (a); and
 - (b) striking out “arrow fitted with a broadhead” in clause (c) and substituting “arrows fitted with broadheads”; and
 - (c) adding the following clause immediately after clause (b):
 - (ba) a crossbow and bolts or arrows fitted with broadheads;
- 13 Subsection 7(3) of the regulations is amended by
- (a) striking out “arrow fitted with a broadhead.” in clause (c) and substituting “arrows fitted with broadheads;”; and
 - (b) adding the following clause immediately after clause (c):
 - (d) a crossbow and bolts or arrows fitted with broadheads.
- 14 Subsection 7(4) of the regulations is amended by striking out “firearm, bow” and substituting “weapon”.
- 15 Subsection 8(2) of the regulations is amended by adding “, or at a location at which,” immediately after “during a period when”.
- 16 Clause 8(4)(a) of the regulations is repealed and the following clause substituted:
- (a) No person shall possess a weapon in or on a vehicle at night unless it is encased.
- 17 Subsection 8(5) is amended by adding “or bow” after “firearm” wherever it appears.
- 18 Subsection 9(10) of the regulations is repealed and the following subsection substituted:
- (10)** A disabled person must satisfy a conservation officer, on request, that another person is available to help the disabled person retrieve any wildlife taken by the disabled person.
- 19 Subsection 11(1) of the regulations is amended by adding “with a weapon” immediately after “wildlife”.
- 20 Subsection 11(6) of the regulations is amended by striking out “firearm or bow” and substituting “weapon”.
- 21 Subsection 11(7) of the regulations is repealed and the following subsection substituted:
- (7)** This Section does not apply to an employee of the Department while discharging the employee’s duties.

N.S. Reg. 85/2010

Made: June 22, 2010

Filed: June 24, 2010

Bear Harvesting Regulations

Order in Council 2010-245 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Bear Harvesting Regulations*, N.S. Reg. 60/88, made by the Governor in Council by Order in Council 88-349 dated March 29, 1988, to remove the requirement to register bait sites for hunting bear so that setting out bait for bear hunting is consistent with setting out bait for bear snaring and deer hunting, to ensure that the closure of the season for snaring bear coincides with the closure of the general open season for hunting deer to facilitate enforcement, and to make some housekeeping changes, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule "A"

**Amendment to the *Bear Harvesting Regulations*
made by the Governor in Council pursuant to subsection 113(1)
of Chapter 504 of the Revised Statutes of Nova Scotia, 1989,
the *Wildlife Act***

- 1 The *Bear Harvesting Regulations*, N.S. Reg. 60/88, made by the Governor in Council by Order in Council 88-349 dated March 29, 1988, are amended by
 - (a) striking out "firearm and bow" wherever it appears and substituting "weapon"; and
 - (b) striking out "firearm or bow" wherever it appears and substituting "weapon".
- 2 Clause 2(c) of the regulations is repealed.
- 3 Clause 2(ca) of the regulations is repealed and the following clause substituted:
 - (ca) "baiting period" means the period of time when bait may be set out for the purpose of attracting bears;
- 4 Clause 2(j) of the regulations is repealed and the following clause substituted:
 - (j) "special baiting permit" means a permit issued by the Department permitting the holder to set out bait for the sole purpose of viewing or photographing bear.
- 5 Section 3 is amended by adding the following subsection immediately after subsection (2):
 - (3) The Department may issue a special baiting permit at any time during the year at no charge.
- 6 Clause 4(6)(b) is amended by striking out ", as applicable".
- 7 Clause 4(7)(b) is amended by striking out "a" immediately before "weapon" and substituting "the".

- 8 Subsection 7(2) of the regulations is amended by striking out “one bear” and substituting “two bears”.
- 9 Subsections 10(2) to (5) of the regulations are repealed and the following subsections substituted:
- (2) No person shall set out bait for the purpose of attracting bears within the distances prohibited under the *Firearm and Bow Regulations* made under the Act for discharging a weapon near a school, dwelling or any other place listed in those regulations, unless the person has the consent of the owner or occupier of the place.
 - (3) The baiting period for bear, other than for baiting bear under a special baiting permit, is from the first day of August to the end of the general open season for hunting deer in the same year, as established under the *Deer Hunting Regulations* made under the Act.
 - (4) The baiting period for bear under a special baiting permit is any time during the year, as specified on the permit.
-

N.S. Reg. 86/2010

Made: June 22, 2010

Filed: June 24, 2010

Hunter Education, Safety and Training Regulations

Order in Council 2010-246 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Hunter Education, Safety and Training Regulations*, N.S. Reg. 208/87, made by the Governor in Council by Order in Council 87-1184 dated September 29, 1987, to adjust the requirements for certification to hunt with a crossbow, to require hunters to wear hunter orange at all times while hunting, and to permit the use of camouflage orange, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule “A”

**Amendment to the *Hunter Education, Safety and Training Regulations*
made by the Governor in Council
pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 The *Hunter Education, Safety and Training Regulations*, N.S. Reg. 208/87, made by the Governor in Council by Order in Council 87-1184 dated September 29, 1987, are amended by repealing clause 2(e).
- 2 (1) Clause 8(2)(e) of the regulations is amended by striking out “or bow” and substituting “, bow or crossbow”.
- (2) Clause 8(2)(f) of the regulations is repealed and the following clause substituted:
- (f) for certification to hunt with a crossbow under clause (1)(c), the person

- (i) held both a valid firearm certification and a valid bow certification in the Province before September 1, 2012,
 - (ii) produces proof satisfactory to the Department that they
 - (A) have been certified to hunt with a crossbow in another jurisdiction, or
 - (B) have hunted with a crossbow in another jurisdiction in the 5 years immediately before their application to be certified, or
 - (iii) holds a certification to hunt with a firearm or bow and completes a crossbow hunter safety course.
- 3 (1) Subsection 13(1) of the regulations is amended by
- (a) striking out “Subject to subsection (3), no” and substituting “No”; and
 - (b) adding “or camouflage orange” immediately after “solid hunter orange”.
- (2) Subsection 13(3) of the regulations is repealed and the following subsection substituted:
- (3) In this Section, the following definitions apply:
- (a) “camouflage orange” means a broken pattern of colour that contains at least 2581 cm² (400 sq. in.) of hunter orange;
 - (b) “hunter orange” means a daylight fluorescent orange colour with a dominant wave length between 595 and 605 nanometers and excitation purity of not less than 85% and illuminous factor of not less than 40%.

N.S. Reg. 87/2010

Made: June 22, 2010

Filed: June 24, 2010

Fur Harvesting Regulations

Order in Council 2010-247 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, to require fur harvesters to submit otter carcasses so that the status of that population can be assessed, to allow the use of proven trap designs, and to amend the list of approved body-gripping traps in accordance with Canada’s commitment under the *Agreement on International Humane Trapping Standards*, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule "A"

**Amendment to the *Fur Harvesting Regulations*
made by the Governor in Council
pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Clause 2(d) of the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is repealed.
- 2 Section 2 of the regulations is amended by adding the following clause immediately after clause (e):
 - (ea) "foot-encapsulating trap" means a foot-holding device specifically designed to catch a raccoon by the foot, by capturing one of the raccoon's feet inside a shroud that prevents the raccoon from losing the captured foot through self-injury;
- 3 Subsection 10(1) of the regulations is amended by striking out "a bobcat" and substituting "an otter".
- 4 Clause 11(8)(g) is repealed and the following clause substituted:
 - (g) a foot-encapsulating trap.
- 5 Clause 11(14)(d) is amended by striking out "an egg" and substituting "a foot-encapsulating".
- 6 Schedule A to the regulations is repealed and the attached schedule substituted.

Schedule A

**List of Approved Body-Gripping Traps
(Certified under the Canadian Trap Certification Program and Approved for use as Killing Traps for
Beaver, Muskrat, Fisher and Raccoon in Nova Scotia)**

Beaver**Body-gripping traps approved for use underwater and on land:**

Bélisle Classic 330	Rudy 330
Bélisle Super X 280	Sauvageau 1000-11F
Bélisle Super X 330	Sauvageau 2001-11
B.M.I. 330 Body Gripper	Sauvageau 2001-12
B.M.I. 280 Body Gripper	Sauvageau 2001-08
Bridger 330	Species-Specific 330 Dislocator Half Magnum
LDL C280	Species-Specific 440 Dislocator Half Magnum
LDL C330	Woodstream Oneida Victor Conibear 280
LDL C280 Magnum	Woodstream Oneida Victor Conibear 330
LDL C330 Magnum	Duke 330
Rudy 280	

Fisher

Body-gripping traps approved for use on land:

Bélisle Super X 120	LDL C160 Magnum
Bélisle Super X 160	LDL C220 Magnum
Bélisle Super X 220	Sauvageau 2001-5
Rudy 120 Magnum	Sauvageau 2001-6
Rudy 160 Plus	Sauvageau 2001-7
Koro #2	Sauvageau 2001-8
Rudy 120 Magnum	
Rudy 220 Plus	

Raccoon

Body-gripping traps approved for use on land:

Bélisle Classic 220	Northwood 155
Bélisle Super X 160	Rudy 160
Bélisle Super X 220	Rudy 220 Plus
Bélisle Super X 280	Rudy 220
B.M.I. 160 Body Gripper	Rudy 160 Plus
B.M.I. 220 Body Gripper	Sauvageau 2001-6
B.M.I. 280 Body Gripper	Sauvageau 2001-7
B.M.I. 280 Magnum Body Gripper	Sauvageau 2001-8
Bridger 120	Species-Specific 220 Dislocator Half Magnum
Bridger 160	Woodstream Oneida Victor Conibear 160
Bridger 220	Woodstream Oneida Victor Conibear 220
Duke 220	Duke 160
LDL C160	Northwoods 155
LDL C220	
LDL C220 Magnum	
LDL C280 Magnum	

Muskrat

Body-gripping traps approved for use on land:

Bélisle Super X 120	Rudy 120 Magnum
B.M.I. 120	Rudy 110
B.M.I. 120 Magnum	Rudy 220 Plus
B.M.I. 126 Magnum	Sauvageau 2001-5
Bridger 120	Sauvageau C120 Magnum
Duke 120	Sauvageau C120 "Reverse Bend"
Koro Muskrat	Triple M
LDL B120 Magnum	Woodstream Oneida Victor Conibear 110
	Woodstream Oneida Victor Conibear 120

N.S. Reg. 88/2010

Made: June 22, 2010

Filed: June 24, 2010

Guide Regulations

Order in Council 2010-248 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Guide Regulations*, N.S. Reg. 206/87, made by the Governor in Council by Order in Council 87-1182 dated September 29, 1987, to provide for younger persons to act as guides under supervision, and to make housekeeping changes consistent with departmental policy, effective on and after June 22, 2010.

Schedule "A"

**Amendment to the *Guide Regulations*
made by the Governor in Council pursuant to subsection 113(1)
of Chapter 504 of the Revised Statutes of Nova Scotia, 1989,
the *Wildlife Act***

- 1 Clause 3(1)(a) of the *Guide Regulations*, N.S. Reg. 206/87, made by the Governor in Council by Order in Council 87-1182 dated September 29, 1987, is amended by striking out "\$33.63" and substituting "\$11.21".
- 2 Subsection 3(3) of the regulations is amended by striking out "is valid until March 31st of the third year of issuance" and substituting "expires annually on March 31".
- 3 Section 4 of the regulations is amended by
 - (a) striking out "nineteen" and substituting "16" in subsection (1); and
 - (b) adding the following subsection immediately after subsection (1):

(1A) A person under 19 years of age who holds a registered guide licence may only act as a guide under the supervision of a registered guide who is 19 years of age and over.
- 4 Subsection 7(3) of the regulations is amended by
 - (a) striking out "16" and substituting "12"; and
 - (b) adding "guide course or" immediately after "to take a".
- 5 Subsection 7(7) of the regulations is repealed.

N.S. Reg. 89/2010

Made: June 22, 2010

Filed: June 24, 2010

General Wildlife Regulations

Order in Council 2010-249 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, to remove three species of shrews, which are of conservation concern in Nova Scotia, from the list of wildlife that may be killed for the purpose of preventing damage to property, to amend the fee for obtaining a Wildlife Resources Card, and to prohibit the administration of any drug or chemical to non-captive wildlife without the permission of the Director of Wildlife, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule “A”

**Amendment to the *General Wildlife Regulations*
made by the Governor in Council
pursuant to Section 113 of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Clause 3(3)(b) of the *General Wildlife Regulations*, N.S. Reg. 205/87, made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, is amended by adding “other than long-tailed shrews, Gaspé shrews and maritime shrews” immediately after “shrews”.
- 2 Subsection 3C(2) of the regulations is amended by striking out “\$6.25” and substituting “\$7.00”.
- 3 The regulations are further amended by adding the following Section immediately after Section 5:
 - 5A** A person must not administer, attempt to administer or make available any drug, chemical or other substance that is capable of doing any of the following to non-captive wildlife unless the person is authorized to do so by the Director of Wildlife:
 - (a) chemically marking an animal; or
 - (b) altering any biological process, function or state of an animal.

N.S. Reg. 90/2010

Made: June 22, 2010

Filed: June 24, 2010

Moose Hunting Regulations

Order in Council 2010-250 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Moose Hunting Regulations*, N.S. Reg. 90/88, made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, to allow companion hunters to be within 2 km of licence holders, to permit a non-motorized hunt in the Pollets Cove-Aspy Fault Wilderness Area, and to increase the fee to enter the moose hunting licence draw, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule "A"

**Amendment to the *Moose Hunting Regulations*
made by the Governor in Council pursuant to
subsection 113(1) of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Clause 2(ba) of the *Moose Hunting Regulations*, N.S. Reg. 90/88, made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, is repealed and the following clause substituted:
 - (ba) "hailing distance" means a distance that permits effective and clear 2-way communication and is not farther than 2 km;
- 2 Subsection 3(2) of the regulations is amended by adding " , the Moose Management Zone and season applied for" immediately after "Wildlife Resources Card number".
- 3 Subsection 3(3) of the regulations is amended by striking out "\$6.29" and substituting "\$7.25".
- 4 Subsection 3(5) of the regulations is repealed and the following subsections substituted:
 - (5) During any calendar year, a person may apply for only the following number of moose hunting stamps:
 - (a) 1 moose hunting stamp to hunt in Moose Management Zone 1, 2, 3 or 4; and
 - (b) 1 moose hunting stamp to hunt in Moose Management Zone 5.
- 5 (1) Subsection 4(1A) of the regulations is amended by adding " , and each stamp shall specify the zone and season for which the stamp is valid" immediately after "Moose Management Zone".
 - (2) Section 4 is further amended by adding the following subsection immediately following subsection (1A):

- (1B) An applicant who is selected under subsection (1A) for more than 1 moose hunting stamp must choose which stamp they want issued to them, and forfeits any entitlement to the stamp not chosen or compensation in lieu of the stamp not chosen.
- (3) Subsection 4(2) is amended by striking out “for a particular Moose Management Zone”.
- (4) Subsection 4(5) of the regulations is amended by adding “and during the open season” immediately after “Moose Management Zone”.
- 6 Subsection 5(1B) is repealed and the following subsections substituted:
- (1B) In Moose Management Zone 5, there shall be an open season for hunting moose from the second last Monday in September to the following Saturday and from the second Monday in October to the following Saturday in any year.
- (1C) The bag limit for hunting moose is 1 moose regardless of sex.
- 7 Subsection 10(2) of the regulations is amended by adding “bow, crossbow,” immediately before “rifle”.
- 8 Schedule “A” to the regulations is amended by adding the following heading and description immediately after the description of Moose Management Zone 4:

Moose Management Zone 5

Moose Management Zone 5 is located within Zone 1 and includes certain lands within Nova Scotia known as the Pollets Cove-Aspy Fault Wilderness Area, as designated under subsection 11(2) of the *Wilderness Areas Protection Act* and described in Schedule B to that Act.

N.S. Reg. 91/2010

Made: June 22, 2010

Filed: June 24, 2010

Deer Hunting Regulations

Order in Council 2010-251 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated May 25, 2010, and upon notice of a fee increase having been presented to the Clerk of Assembly in accordance with Section 4 of Chapter 8 of the Acts of 2007, the *Fees Act*, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, to introduce a fee for Bonus Deer Hunting Stamps, to allow the hunting of antlerless deer in certain zones and to replace the existing 8 deer management zones with 12 new zones for better management of local deer populations in response to habitat conditions, population levels and harvest pressure, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Schedule "A"**Amendment to the *Deer Hunting Regulations*
made by the Governor in Council pursuant to
subsection 113(1) of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Clause 2(e) of the *Deer Hunting Regulations*, N.S. Reg. 59/88, made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, is amended by striking out "additional antlered or".
- 2 Clause 3(1)(d) of the regulations is amended by striking out "\$Nil" and substituting "\$5".
- 3 Subclause 4A(2)(a)(ii) of the regulations is repealed and the following subclause substituted:
 - (ii) antlerless deer, by
 - (A) holders of Antlerless Deer Hunting Stamps only,
 - (B) holders of Bonus Deer Hunting Stamps,
 - (C) all holders of Deer Hunting Stamps; or
- 4 Clause 4A(4)(b) of the regulations is repealed and the following clause substituted:
 - (b) for Bonus Deer Hunting Stamps issued for the Deer Management Zone, to any person who holds a Deer Hunting Stamp.
- 5 Clause 5A(1)(c) of the regulations is repealed and the following clause substituted:
 - (c) holds a valid deer hunting stamp and is hunting in a Deer Management Zone for which the Minister has determined all holders of Deer Hunting Stamps may hunt antlerless deer under paragraph 4A(2)(a)(ii)(C).
- 6 Subsection 5A(1A) of the regulations is repealed.
- 7 Section 6 of the regulations is amended by adding the following subsection immediately after subsection (2):
 - (2A) Nothing in this Section prohibits a person from hunting antlerless deer during the open season prescribed under subsection (1) if they meet the requirements of this Section and subsection 5A(1).
- 8 The regulations are further amended by repealing Schedule "A" and substituting the attached Schedule A.

Schedule A

Deer Management Zone 101 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point in the centre of the Mersey River in Queens County where it intersects with the centre line of Highway No. 103; **thence** northerly along the centre line of the Mersey River through Lake Rossignol and continuing along the centre line of the Mersey River to the southern boundary of Kejimikujik National Park; **thence** easterly and northerly following the boundaries of Kejimikujik National

Park to the western boundary of Highway Trunk No. 8 in Annapolis County; **thence** continuing to the centre line of Highway Trunk No. 8 in Annapolis County; **thence** northerly along the centre line of Trunk No. 8 to its intersection with the centre line of Highway No. 101 in Annapolis County; **thence** southwesterly along the centre line of Highway No. 101 to the centre of the Bear River; **thence** downstream along the centre of Bear River to the Annapolis Basin said point also being the Digby–Annapolis county line; **thence** northerly along the Digby County line, through the Digby Gut to the Bay of Fundy; **thence** westerly, southerly and easterly along the coastline of Nova Scotia to the mouth of Liverpool Bay; **thence** northerly along the centre of said Liverpool Bay to the Mersey River; **thence** northerly up the centre of said Mersey River to its intersection with the centre line of Highway No. 103 being the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 102 includes certain lands within Lunenburg and Queens Counties, Nova Scotia and are more particularly described as follows:

Beginning at a point on the centre line of the East River, Lunenburg County, where it intersects with the northern most edge of the multi-line power transmission corridor running from Halifax County to Queens County and being approximately 1 km south of Whistler Lake; **thence** southwesterly along the northern most edge of the said power transmission corridor to an angle point where the power transmission corridor separates into 2 lines; **thence**, following the north branch of the said transmission corridor southwesterly, passing the Gold River Indian Reserve to the north, continuing on past Lower New Cornwall to an angle point about 1 km west of the LaHave River near Cookville; **thence** southerly along the western edge of the said corridor, to a juncture point with the transmission line running westerly from Maitland; **thence** southwesterly along the northern edge of the said transmission corridor, passing to the north of Wiles Lake and Lapland, and extending to the western bank of the Medway River; **thence** southeasterly downstream following the western bank of the Medway River and the western shoreline of Medway Harbour to a point on the ordinary high water mark east of the navigation light at Medway Head; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most southerly part of Toby Island; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most southerly part of Cape LaHave Islands at Cape LaHave Point; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most eastern point of West Ironbound Island; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most eastern point of Cross Island; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most eastern point of Big Duck Island; **thence** northeasterly in a straight line to a point on the ordinary high water mark of the most eastern point of East Ironbound Island; **thence** northwesterly in a straight line to a point on the ordinary high water mark of the most northeasterly point of Little Tancook Island; **thence** northwesterly in a straight line to the midpoint of the mouth of East River Bay northwest from East River Point; **thence** northeasterly in a straight line to a point at the centre line of the mouth of East River; **thence** northerly following the centre line of East River to the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 103 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point in the centre of the Mersey River in Queens County where it intersects with the centre line of Highway No. 103; **thence** northerly along the centre line of the Mersey River through Lake Rossignol and continuing along the centre line of the Mersey River to the southern boundary of Kejimikujik National Park; **thence** easterly and northerly following the boundaries of Kejimikujik National Park to the western boundary of Highway Trunk No. 8 in Annapolis County; **thence** continuing to the centre line of Highway Trunk No. 8 in Annapolis County; **thence** southeasterly following the various courses of Highway Trunk No. 8 and crossing the Queens County line to the intersection with the centreline of the Old Westfield Road, Authority No. 499; **thence** northeasterly following the various courses of the centre line of the Old Westfield Road, Authority No. 499, to its intersection with the centre

line of Highway No. 208 at North Brookfield; **thence** following the various courses of the centre line of Highway No. 208, and crossing the county line into Lunenburg County to its intersection with the centre line of Trunk No. 10 in New Germany; **thence** following the centre line of Trunk No. 10, and crossing the county line into Annapolis County, continuing through Springfield to the intersection with the centre line of the Falkland Ridge Road, Authority No. 566; **thence** following the centre line of the Falkland Ridge Road No. 566 to its intersection with the centre line of the East Dalhousie Road, Authority No. 567; **thence** following the centre line of the East Dalhousie Road to its intersection with the Kings–Annapolis county line; **thence** crossing the Kings–Annapolis county line into Kings County and following the centre line of the East Dalhousie Road, Authority No. 735, to the intersection with the Kings–Lunenburg county line; **thence** crossing the Kings–Lunenburg county line into Lunenburg County where the East Dalhousie Road name changes to the Forties Road; **thence** following the centre line of the Forties Road, Authority No. 694, to the intersection of the centre line of the Forties Road and the Windsor Road, Authority No. 686; **thence** following the various courses of the centre line of the Windsor Road No. 686 to the Lunenburg–Hants county line where the name of the Forties Road changes to the New Ross Road; **thence** following along the centre line of the New Ross Road, Authority No. 709, to the intersection with the centre line of Trunk 14; **thence** following the centre line of Trunk 14 to its intersection with the centre line of King Street in the Town of Windsor; **thence** following the centre line of King Street in a general northwesterly direction to its intersection with the centre line of Upper Water Street; **thence** following the centre line of Upper Water Street to the intersection with the centre line of Highway No. 101; **thence** following the centre line of Highway No. 101 to its intersection with the centre line of Highway No. 102 in Halifax County; **thence** northeasterly following the centre line of Highway No. 102 to a point perpendicular to the north end of the ordinary high water mark of Miller Lake; **thence** easterly and perpendicular to the centre line of Highway No. 102 to the ordinary high water mark of Miller Lake; **thence** following the ordinary high water mark of Miller Lake to a small brook joining Miller Lake and Soldier Lake; **thence** following the various courses of said brook to the western ordinary high water mark of Soldier Lake; **thence** following the various courses of the said ordinary high water mark of Soldier Lake in a general southerly direction to a brook known as Soldier Lake Gullies; **thence** following Soldier Lake Gullies in a southeasterly direction to the ordinary high water mark of Lake Major; **thence** following the western ordinary high water mark of Lake Major in a southeasterly direction to Little Salmon River; **thence** following the various courses of Little Salmon River to its intersection with the centre line of Highway No. 207; **thence** following the various courses of Highway No. 207 to its intersection with Lawrencetown Lake or the Atlantic Ocean; **thence** westerly along the Atlantic Coast to the mouth of the East River in Lunenburg County; **thence** in a northerly direction along the centre of the East River also being the east boundary of Deer Management Zone 102 to the intersection of the centre of the East River and the northern most edge of the multi-line power transmission corridor running from Halifax County to Queens County and being approximately 1 km south of Whistler Lake (said transmission line being the northern boundary of Deer Management Zone 102); **thence** southwesterly along the northern most edge of the said power transmission corridor to an angle point where the power transmission corridor separates into 2 lines; **thence** following the north branch of the said transmission corridor southwesterly, passing the Gold River Indian Reserve to the north, continuing on past Lower New Cornwall to an angle point about 1 km west of the LaHave River near Cookville; **thence** southerly along the western edge of the said corridor to a juncture point with the transmission line running westerly from Maitland; **thence** southwesterly along the northern edge of the said transmission corridor, passing to the north of Wiles Lake and Lapland, and extending to the western bank of the Medway River (being the western boundary of Deer Management Zone 102); **thence** southeasterly downstream following the western bank of the Medway River and the western shoreline of Medway Harbour; **thence** westerly along the Atlantic coast to the intersection of Liverpool Bay and the centre of the Mersey River; **thence** northerly upstream along the centre of said Mersey River to its intersection with the centre line of Highway No. 103 being the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 104 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point on the centre line of Trunk No. 8 at Lequille, Annapolis County, said point also being on the centre line of a transmission line at or near the intersection of Trunk No. 8 and the West Dalhousie Road, Authority No. 515; **thence** in a general northeasterly direction following the various courses of the said transmission line to its intersection with the Annapolis–Kings county line; **thence** in a general northeasterly direction, crossing into the County of Kings and remaining on the centre line of the transmission line to the intersection of the centre line of the transmission line and the centre line of Highway No. 101; **thence** following the centre line of said Highway No. 101 in a general southeasterly direction to the intersection with the Kings–Hants county line; **thence** easterly continuing along the centre line of said Highway No. 101, into the County of Hants and crossing the Avon River to its intersection with the centre line of Upper Water Street in the Town of Windsor; **thence** southerly following the centre line of Upper Water Street to its intersection with the centre line of King Street; **thence** southeasterly following the centre line of King Street to its intersection with the centre line of Trunk No. 14 (the Chester Road); **thence** southwesterly following the centre line of Trunk No. 14 (the Chester Road) to its intersection with the centre line of the New Ross Road, Authority No. 709, near Lower Vaughn; **thence** following the centre line of the New Ross Road No. 709 in a southwesterly direction to the county line between the counties of Hants and Lunenburg; **thence** crossing the said county line into the County of Lunenburg where the name of the New Ross Road changes to the Windsor Road; **thence** following the centre line of the Windsor Road, Authority No. 686, across the Gold River to its intersection with the Forties Road, Authority No. 694, at New Ross; **thence** following the various courses of the centre line of the Forties Road No. 694 to the Lunenburg–Kings county line; **thence** crossing the county line into Kings County where the name of the Forties Road changes to the East Dalhousie Road; **thence** following the centre line of the East Dalhousie Road, Authority No. 735, to the Kings–Annapolis county line; **thence** crossing the county line into Annapolis County and following the centre line of the East Dalhousie Road, Authority No. 567, to its intersection with the centre line of the Falkland Ridge Road, Authority No. 566; **thence** northwesterly and westerly following the centre line of the Falkland Ridge Road to its intersection with the centre line of Trunk No. 10, 3.3 km northwest of Springfield, Annapolis County; **thence** following the centre line of Trunk No. 10 in a general southerly direction and crossing the Annapolis–Lunenburg county line, entering into Lunenburg County to the intersection with the centre line of Highway No. 208 at New Germany; **thence** following the various courses of the centre line of Highway No. 208, Crossing the Lunenburg–Queens county line and entering into Queens County to the intersection of Authority No. 499, the Old Westfield Road, at North Brookfield; **thence** northwesterly following the various courses of the centre line of the Old Westfield Road No. 499 to the intersection with the centre line of Trunk No. 8; **thence** in a general northwesterly direction following the various courses of the centre line of Trunk No. 8, crossing the Queens–Annapolis county line, and entering into Annapolis County to Lequille, the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 105 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point on the centre line of Trunk No. 8 at Lequille, Annapolis County, said point also being on the centre line of a transmission line at or near the intersection of Trunk No. 8 and the West Dalhousie Road, Authority No. 515; **thence** in a general northeasterly direction following the various courses of the said transmission line to its intersection with the Annapolis–Kings county line; **thence** in a general northeasterly direction, crossing into the County of Kings and remaining on the centre line of the transmission line to the intersection of the centre line of the transmission line and the centre line of Highway No. 101; **thence** following the centre line of said Highway No. 101 in a general southeasterly direction to the intersection with the Kings–Hants county line; **thence** crossing into the County of Hants and following the centre line of said Highway No. 101 to its intersection with the centre line of the mouth of the Avon River; **thence** northerly along the western coastline of the Minas Basin to Cape Split; **thence**

westerly along the Bay of Fundy to Digby Gut; **thence** easterly and westerly by Annapolis Basin to the centre line of Bear River; **thence** southeasterly by the centre line of Bear River to its intersection with the centre line of Highway No. 101; **thence** in a general northeasterly direction following the various courses of the centre line of Highway No. 101 to its intersection with the centre line of Trunk No. 8; **thence** in a general northerly direction following the centre line of Trunk No. 8 to the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 106 includes certain lands in the Counties of Halifax and Guysborough, Nova Scotia, and being more particularly described as follows:

Beginning at the point of intersection of the southeast boundary of Highway No. 102 with the ordinary high water mark of the northern boundary of Miller Lake; **thence** following the ordinary high water mark of Miller Lake to a small brook joining Miller Lake and Soldier Lake; **thence** following the various courses of said brook to the western ordinary high water mark of Soldier Lake; **thence** following the various courses of the said ordinary high water mark of Soldier Lake in a general southerly direction to a brook known as Soldier Lake Gullies; **thence** following Soldier Lake Gullies in a southeasterly direction to the ordinary high water mark of Lake Major; **thence** following the western ordinary high water mark of Lake Major in a southeasterly direction to Little Salmon River; **thence** following the various courses of Little Salmon River to its intersection with the centre line of Highway No. 207; **thence** following the various courses of Highway No. 207 to its intersection with Lawrencetown Lake or the Atlantic Ocean; **thence** following the various courses of the Atlantic Coast in a general easterly direction to the mouth of Chedabucto Bay; **thence** westerly along the southern coastline of said Chedabucto Bay to the mouth of the Salmon River in Guysborough County; **thence** upstream along the centre of the said Salmon River to the bridge on Highway No. 400, South River Lake Road at Ogden; **thence** northwesterly along the centre line of said South River Lake Road No. 400 to its intersection with Highway No. 451, the Guysborough-Country Harbour Road at Salmon River Lake; **thence** southwestward along the Highway No. 451, the Guysborough-Country Harbour Road to Highway No. 480, the Country Harbour to Melrose Road (locally known as the Nine Miles Wood Road) at Country Harbour Crossroads; **thence** westerly along the centre line of the Melrose Country Harbour Road locally known as the Nine Mile Woods Road to its intersection with Trunk No. 7 at Melrose; **thence** westerly along the centre line of Route No. 348 to its intersection with the Cameron Settlement Road at Caledonia; **thence** westerly along the centre line of said Camero Settlement Road to its intersection with Route No. 374 at Trafalgar; **thence** westerly along the centre line of said Route No. 374 to its intersection with the Dean Settlement Road/St. Mary's Road; **thence** westerly along the centre line of the said Dean Settlement Road/St. Mary's Road through a portion of Colchester County into Halifax County to the Lemon Hill Road at Chaplin; **thence** southwestward along the Lemon Hill Road to its intersection with Route No. 336 at Dean; **thence** southerly along the centre line of Route No. 336 to its intersection with Route No. 224 at Upper Musquodoboit; **thence** westerly along the centre line of Route No. 224 to its intersection with Highway No. 427 at Elmsvale; **thence** southerly along Highway No. 427 to the intersection with Highway No. 425 the Higginville Road at Newcomb Corner; **thence** westerly along the centre line of the Higginville Road to Highway No. 624 the South Road at Brookvale; **thence** westerly along the South Road to the intersection with the centre line of Highway No. 357; **thence** westerly along the centre line of Highway No. 357 to the centre line of Highway No. 608, Wyses Road; **thence** in a general northwesterly direction following the centre line of Wyses Road to the centre line of Highway No. 212, the Old Guysborough Road, at Wyses Corner; **thence** westerly along the centre line of the Old Guysborough Road to its intersection with the centre line of Pratt and Whitney Drive; **thence** southerly along the centre line of Pratt and Whitney Drive to its intersection with the centre line of Aerotech Drive; **thence** following the centre line of Aerotech Drive to its intersection with the centre line of Highway No. 102; **thence** along the centre line of Highway No. 102 to a point being perpendicular to northern shore of Miller Lake; **thence** southeasterly and perpendicular to the centre line of Highway No. 102 to the northern shore of Miller Lake, the **place of beginning**.

Including all inland and offshore islands.

Deer Management Zone 107 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at the point where the centre line of Highway No. 101 meets with the centre line of Highway No. 102; **thence** northwesterly along the centre line of Highway No. 101 to its intersection with the Avon River; **thence** northerly downstream along the centre of the said Avon River to the Minas Basin; **thence** easterly and westerly along the coastline of the Minas Basin and the Cobequid Bay to the Portapique River; **thence** northerly along the centre of the said Portapique River to the centre line of Highway 2; **thence** easterly along the centre line of Highway 2 to its intersection with Route 685 at Portapique; **thence** northerly along the centre line of Route 685 to its intersection with Route 684 near Montrose; **thence** northerly along the centre line of Route 684 to Lornevale; **thence** easterly along the centre line of Route 684 to its intersection with Route 744 at Londonderry; **thence** easterly along the centre line of Route 744 to its intersection with Highway 4 near Folly Mountain; **thence** southerly along the centre line of Highway 4 to its intersection with Route 662; **thence** easterly along the centre line of Route 662 to its intersection with Route 648 at Debert; **thence** northerly along the centre line of Route 648 to its intersection with Route 627; **thence** easterly along the centre line of Route 627 to its intersection with Route 620 at Staples Brook; **thence** southerly, easterly and southerly along the centre line of Route 620 to its intersection with Route 624 at Belmont; **thence** easterly along the centre line of Route 624 to its intersection with Route 612; **thence** easterly along the centre line of Route 612 to its intersection with Route 614; **thence** southerly along the centre line of Route 614 to its intersection with Highway 104; **thence** easterly along the centre line of Highway 104 to its intersection with Route 821 (Cove Road); **thence** southerly and easterly along the centre line of Route 821 (Cove Road) to its intersection with Route 814 at Watervale; **thence** southerly along the centre line of Route 814 to its intersection with Route 803 at West River Station; **thence** easterly along the centre line of Route 803 to its intersection with Route 859; **thence** easterly and southeasterly along the centre line of Route 859 to its intersection with Highway 289; **thence** southerly along the centre line of Highway 289 to its intersection with Dryden Lake Road; **thence** easterly along the centre line of Dryden Lake Road to its intersection with Route 620; **thence** easterly along the centre line of Route 620 to its intersection with Highway 374; **thence** southerly along the centre line of Highway 374 to its intersection with the Dean Settlement Road/St. Mary's Road; **thence** westerly along the centre line of the said Dean Settlement Road/St. Mary's Road to its intersection with Route No. 336 at Dean; **thence** southerly along the centre line of Route No. 336 to its intersection with Route No. 224 at Upper Musquodoboit; **thence** westerly along the centre line of Route No. 224 to its intersection with Route 427 at Elmsvale; **thence** southerly along the centre line of Route 427 to its intersection with Route 425 at Newcomb Corner; **thence** westerly along the centre line of Route 425 to its intersection with Route 624 at Brookvale; **thence** westerly along the centre line of Route 624 to its intersection with Highway 357; **thence** southwesterly along the centre line of Highway 357 to its intersection with Route 608; **thence** northwesterly along the centre line of Route 608 to its intersection with Highway 212; **thence** westerly along the centre line of Highway 212 to its intersection with Pratt and Whitney Drive; **thence** southerly along the centre line of Pratt and Whitney Drive to Aerotech Drive; **thence** southerly and westerly along the centre line of Aerotech Drive to its intersection with Highway No. 102; **thence** southwesterly along the centre line of Highway No. 102 to its intersection with the centre line of Highway No. 101 being the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 108 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point at the mouth of the Parrsboro River, where it meets the Minas Basin; **thence** westerly following the coastline of the Minas Basin to Cape Chignecto; **thence** in a general northeasterly direction following the coastline of the Cumberland Basin to centre line of the mouth of the Missaguash River; **thence** following the various courses of the centre line of the Missaguash River to its intersection with the centre line of Highway No. 104; **thence** following the various courses of the centre line of Highway No. 104 in a general southeasterly direction to its intersection with the centre line of Trunk Highway No. 2;

thence following the centre line of Trunk Highway No. 2 and the centre line of Junction Road to its intersection with the centre line of Highway No. 142; **thence** following the centre line of Highway No. 142 in a general northeasterly direction to its intersection with the centre line of Highway No. 104; **thence** following the various courses of the centre line of Highway No. 104 to its intersection with the centre line of Highway No. 4; **thence** following the various courses of the centre line of Highway No. 4 in a general easterly and southerly direction to its intersection with the centre line of Highway No. 246; **thence** following the various courses of Highway No. 246, and crossing the county line into Colchester County to the intersection with the centre line of Highway No. 583; **thence** following the centre line of Highway 583 in a southerly direction to its intersection with the centre line of Highway No. 256; **thence** following the various courses of the centre line of Highway No. 256 in a general easterly direction to Highway No. 311 at The Falls; **thence** southerly along the centre line of Highway No. 311 to Highway No. 256; **thence** easterly along the centre line of Highway No. 256 to Highway No. 326 at McBains Corner; **thence** southerly along the centre line of Highway No. 326 to Highway No. 256; **thence** easterly along Highway No. 256 and crossing over the county line into Pictou County, to Highway No. 736, the Loganville Road at West Branch River John; **thence** following the various courses of the centre line of Highway No. 736 in a general southerly direction to Highway No. 740, the Dalhousie Road; **thence** southerly along the centre line of Dalhousie Road to the centre line of Highway No. 739, the Glen Road at Diamond; **thence** following the various courses of the centre line of said Highway No. 739 in a general southerly direction to its intersection with the centre line of Trunk Highway No. 4; **thence** following the centre line of Trunk Highway No. 4 in a general northeasterly direction to its intersection with the centre line of Highway No. 818, the Mount Thom Road; **thence** following the centre line of the said Mount Thom Road in a southwesterly direction to its intersection with the centre line of Highway No. 821 the Cove Road; **thence** following the centre line of Highway No. 821 to its intersection with Highway No. 104; **thence** westerly along the centre line of Highway No. 104 to its intersection with the centre line of Route No. 614; **thence** northerly along the centre line of Route No. 614 to its intersection with the centre line of Route No. 612; **thence** westerly along the centre line of Route No. 612 to its intersection with the centre line of Route No. 624; **thence** westerly along the centre line of Route No. 624 to its intersection with the centre line of Route No. 620 at Belmont; **thence** northerly, westerly and northerly along the centre line of Route No. 620 to its intersection with the centre line of Route No. 627 at Staples Brook; **thence** westerly along the centre line of Route No. 627 to its intersection with the centre line of Route No. 648; **thence** southerly along the centre line of Route No. 648 to its intersection with Route No. 662 at Debert; **thence** westerly along the centre line of Route No. 662 to its intersection with the centre line of Highway No. 4; **thence** northerly along the centre line of Highway No. 4 to its intersection with the centre line of Route No. 744 near Folly Mountain; **thence** westerly along the centre line of Route No. 744 to its intersection with the centre line of Route No. 684 at Londonderry; **thence** westerly along the centre line of Route No. 684 to Lornevale; **thence** southerly along the centre line of Route No. 684 to its intersection with the centre line of Route [No.] 685 at Montrose; **thence** southerly along the centre line of Route No. 685 to its intersection with the centre line of Highway No. 2 at Portapique; **thence** westerly along the centre line of Highway No. 2 to its intersection with the centre line of the Portapique River; **thence** southerly following the centre line of the Portapique River to the coastline of the Cobequid Bay; **thence** following the coastline of Cobequid Bay, and Minas Basin in a general westerly direction to the mouth of the Parrsboro River, the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 109 includes certain lands within the Counties of Cumberland, Colchester, and Pictou and in Nova Scotia, and being more particularly described as follows:

Beginning at the point where the centre line of Highway No. 104 and the Missaquash River intersect also being on the border between the Province of Nova Scotia and the Province of New Brunswick and being in the County of Cumberland; **thence** northeasterly along the said border to Baie Verte; **thence** southeasterly along the coastline of the Northumberland Strait to the mouth of the Knoydart Brook at Knoydart Point; **thence** southerly along the centre of Knoydart Brook to the centre of Highway No. 245; **thence** westerly along Highway No. 245, 60.96 m to Highway No. 452 MacGee Road; **thence** southerly

along the centre of Highway No. 452, MacGee Road to the Ardness to Baileys Brook Road; **thence** along the centre of the Ardness to Baileys Brook Road to Highway No. 449, the Arbuckle Road; **thence** along the centre of the Highway No. 449 to Highway No. 444, the Barneys River Road; **thence** along the centre of Highway No. 444, the Barneys River Road, to Highway No. 4 at Barneys River Station; **thence** westerly along the centre of Highway No. 4 to Highway No. 502, the French River Road; **thence** southerly along the centre of Highway No. 502, the French River Road, to Highway No. 347; **thence** northerly and westerly along Highway No. 347 to the Highway No. 532, the Blanchard Road, at Blue Mountain; **thence** southerly along the centre of Highway No. 532, the Blanchard Road, to Highway No. 534, the Cummings Mountain Road; **thence** southerly along the centre of Highway No. 534, the Cummings Mountain Road, to Highway No. 581, the Sunnybrae to Eden Road; **thence** westerly along the centre of Highway No. 581, the Sunnybrae to Eden Road, to Highway No. 348; **thence** southerly along the centre line of Highway No. 348 to the East River West Side Road; **thence** westerly along the centre line of the East River West Side Road to Highway No. 604, the Elgin Road, at Bridgeville; **thence** westerly along Highway No. 604, the Elgin Road, to Highway No. 605, the Cameron Road, at the Village of Elgin; **thence** westerly along the centre of Highway No. 605, the Cameron Road, to Highway No. 374; **thence** northerly along the centre of Highway No. 374 to Highway No. 620, the Glengarry Road; **thence** westerly along the centre of Highway No. 620, the Glengar[r]y Road, to the Dryden Lake Road; **thence** southwesterly along the centre of the Dryden Lake Road to Highway No. 289 at Shepherders Junction; **thence** northerly along the centre of Highway No. 289 to the Landsdowne Road at the Village of Landsdowne; **thence** northwesterly along the Landsdowne Road to the West River East Side Road No. 803; **thence** southwesterly along the centre line of the West River East Side Road to the West River Station Road, No. 814, at West River Station; **thence** northerly along the West River Station Road to the Cove Road at Watervale; **thence** westerly along the centre of the Cove Road and passing under Trans Canada Highway No. 104 to the Mount Thom Road; **thence** northerly along the Mount Thom Road to Highway No. 4; **thence** westerly along Highway No. 4 to the Glen Road; then northerly along the centre of the Glen Road to the Dalhousie Road, No. 740; **thence** northerly following the centre line of the Dalhousie Road to the Loganville Road; **thence** northerly along the Loganville Road to Highway No. 256; **thence** westerly along Highway No. 256 to Highway No. 326 at McBains Corner in Colchester County; **thence** northerly following the centre line of Highway No. 326 to Highway No. 256 at East Earltown; **thence** westerly along the centre line of Highway No. 256 to Highway No. 311 at The Falls; **thence** northerly along the centre line of Highway No. 311 to Highway No. 256; **thence** westerly following the centre line of Highway No. 256 to its intersection with Highway No. 578, the Kennedy Hill Road; **thence** crossing the Kennedy Hill Road, and continuing along the centre line of Highway No. 256 in a westerly direction to its intersection [with] Highway No. 583, the Warwick Mountain Road; **thence** northerly along the centre line of the Warwick Mountain Road to Highway No. 246 at West New Annan; **thence** westerly following the centre line of Highway No. 246 to its intersection with Highway No. 4 in Cumberland County; **thence** northerly along Highway No. 4 to Highway No. 104 at Thomsons Station; **thence** northwesterly along the centre line of Highway No. 104 to its intersection with Highway No. 142 at Salt Springs Station; **thence** following the centre line of Highway No. 142 in a southwesterly direction to its intersection with Junction Road at Springhill; **thence** northerly along the centre line of Junction Road to Highway No. 2 near Springhill; **thence** northwesterly following the centre line of Highway No. 2 to its intersection with Highway No. 104 at Upper Nap[p]an; **thence** following the centre line of Highway No. 104 in a northwesterly direction to the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 110 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at the mouth of the Knoydart Brook at the Northumberland Strait on the Atlantic Ocean; **thence** northeasterly along the coastline of the Northumberland Strait to St Georges Bay; **thence** southeasterly along the western coastline of said St Georges Bay to the Strait of Canso; **thence** southerly along the centre of the said Strait of Canso to Chedabucto Bay; **thence** along the western coastline of the said Chedabucto Bay to the mouth of the Salmon River in Guysborough County; **thence** upstream along

the centre of the said Salmon River to the bridge on Giants Lake Road at Ogden; **thence** northwesterly along the centre line of Giants Lake Road to its intersection with Highway No. 451, the Guysborough-Country Harbour Road, at Salmon River Lake; **thence** southwesterly along the Highway No. 451, the Guysborough-Country Harbour Road, to Highway No. 480, the Melrose Country Harbour Road (locally known as the Nine Miles Wood Road) at Country Harbour Crossroads; **thence** westerly along the centre line of the Melrose Country Harbour Road (locally known as the Nine Mile Woods Road) to its intersection with Trunk No. 7 at Melrose; **thence** westerly along the centre line of Route No. 348 to its intersection with the Cameron Settlement Road at Caledonia; **thence** westerly along the centre line of said Cameron Settlement Road to its intersection with Route No. 374 at Trafalgar; **thence** northerly along the centre line of Highway No. 374 to Highway No. 605, the Cameron Road, near Lorne, Pictou County; **thence** easterly along the centre of the Cameron Road to Highway No. 604, the Elgin Road at the Village [of] Elgin; **thence** easterly along the centre of the Elgin Road to the East River West Side Road at Bridgeville; **thence** easterly along the East River West Side Road to Highway No. 348; **thence** northerly along the centre line of Highway No. 348 to Highway No. 581 the Sunnybrae to Eden Road; **thence** easterly along the Sunnybrae to Eden Road to Highway No. 534, the Cummings Mountain Road; **thence** northerly along the centre of Highway No. 534, the Cummings Mountain Road, to the Highway No. 532, the Blanchard Road; **thence** northerly along the centre of Highway No. 532, the Blanchard Road, to Highway No. 347 at Blue Mountain; **thence** easterly and northerly along the centre of Highway No. 347 to Highway No. 502, the French River Road; **thence** northerly along the centre of the French River Road to Highway No. 4; **thence** easterly along the centre of Highway No. 4 to Highway No. 444, the Barneys River Road, at Barneys River Station; **thence** along the centre of Highway No. 444, the Barneys River Road, to Highway No. 449, the Arbuckle Road; **thence** northeasterly along the centre of Highway No. 449, the Arbuckle Road, to the Ardness to Baileys Brook Road; **thence** northeasterly along the centre of the Ardness to Baileys Brook Road to Highway No. 452, the Magee Road; **thence** northerly along the centre of Highway No. 452, the MacGee Road, to Highway No. 245; **thence** easterly along the centre of Highway No. 245, 60.96 m more or less to intersection of Highway No. 245 and the Knoydart Brook; **thence** northerly along the centre of the Knoydart Brook to the Atlantic Ocean at Knoydart Point on the Northumberland Strait. This point being the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 111 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point at the centre of the Skye River at its intersection with the centre line of Highway No. 105; **thence** northeasterly along the centre line of Highway No. 105 to the centre line of Highway No. 252 (Mabou Road); **thence** northerly along the centre line of Highway No. 252 (Mabou Road) to Highway No. 395; **thence** northerly along the centre line of Highway No. 395 along the east side of Lake Ainslie to the intersection with Highway No. 19 at Southwest Margaree; **thence** northerly along the centre line of Highway No. 19 to the intersection with the Cabot Trail at Margaree Forks; **thence** northerly along the centre line of said Cabot Trail to where it crosses the Margaree River at the mouth of said river; **thence** downstream along the centre of said Margaree River to the Gulf of St. Lawrence; **thence** westerly and southerly along the coastline of the Gulf of St. Lawrence and St. Georges Bay to the Strait of Canso; **thence** southeasterly along the centre of the Strait of Canso to Chedabucto Bay; **thence** easterly along the centre of Chedabucto Bay to the Atlantic Ocean; **thence** easterly, northerly and westerly along the coastline of the Atlantic Ocean to the mouth of Great Bras d'Or Channel; **thence** southwesterly along the centre of the Great Bras d'Or Channel to its mouth on the Great Bras d'Or; **thence** in a direct line to the eastern mouth of St. Patricks Channel; **thence** westerly along the centre of said St. Patricks Channel to the mouth of Whycocomagh Bay; **thence** northwesterly to the centre of the Skye River; **thence** northerly along the centre of the Skye River to its intersection with the centre line of Highway No. 105, being the **place of beginning**. Together with all inland and offshore islands.

Deer Management Zone 112 includes certain lands within Nova Scotia, and being more particularly described as follows:

Beginning at a point at the centre of the Skye River at its intersection with the centre line of Highway No. 105; **thence** northeasterly along the centre line of Highway No. 105 to the centre line of Highway No. 252 (Mabou Road); **thence** northerly along the centre line of Highway No. 252 (Mabou Road) to Highway No. 395; **thence** northerly along the centre line of Highway No. 395 along the east side of Lake Ainslie to the intersection with Highway No. 19 at Southwest Margaree; **thence** northerly along the centre line of Highway No. 19 to the intersection with the Cabot Trail at Margaree Forks; **thence** northerly along the centre line of said Cabot Trail to where it crosses the Margaree River at the mouth of said river; **thence** downstream along the centre of the Margaree River to the Gulf of St. Lawrence; **thence** northeasterly along the coastline of the Gulf of St. Lawrence to Cape St. Lawrence; **thence** easterly, southerly and westerly along the coastline of the Gulf of St. Lawrence and the Atlantic Ocean to the Atlantic mouth of the Great Bras d'Or Channel; **thence** southwesterly along the centre of the Great Bras d'Or Channel to its mouth on the Great Bras d'Or; **thence** in a direct line to the eastern mouth of St. Patricks Channel; **thence** westerly along the centre of St. Patricks Channel to the mouth of Whycocomagh Bay; **thence** northwesterly to the centre of the Skye River; **thence** northerly along the centre of the Skye River to its intersection with the centre line of Highway No. 105, being the **place of beginning**. Together with all inland and offshore islands.

N.S. Reg. 92/2010

Made: June 22, 2010

Filed: June 24, 2010

Sales Tax Act Regulations

Order in Council 2010-253 dated June 22, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 13 of the *Sales Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated June 4, 2010, and pursuant to Section 13 of Chapter 31 of the Acts of 1996, the *Sales Tax Act*, is pleased to amend the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, to implement the first-time home buyer rebate program in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2010.

Schedule "A"

**Amendment to the *Sales Tax Act Regulations*
made by the Governor in Council pursuant to
Section 13 of Chapter 31 of the Acts of 1996,
the *Sales Tax Act***

The *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, are amended by adding the following headings and Sections immediately after Section 32:

First-Time Home Buyer Rebate Program

Definitions

33 In Sections 34 to 40,

- (a) “builder” means a person who builds a residential complex on real property in which the person has an interest at the time of building and who is a registrant as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (b) “common-law relationship” means a relationship between 2 individuals who have been cohabiting in a conjugal relationship for a period of at least 1 year or a relationship that is registered as a domestic partnership under the *Vital Statistics Act*.
- (c) “cooperative housing corporation” means a cooperative housing corporation as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (d) “floating home” means a floating home as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (e) “individual” means a natural person;
- (f) “manufactured home” means a factory-built home, mobile home or building intended for residential occupancy for individuals;
- (g) “mobile home” means a mobile home as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (h) “occupancy permit” means a permit issued by a municipality allowing for the initial occupancy of a residential complex;
- (i) “primary place of residence” means a residential complex, owned jointly or otherwise, that is intended to be inhabited by an individual on a permanent basis;
- (j) “qualifying construction costs” means the cost of any of the following that are purchased for the construction of a residential complex and on which tax is payable:
 - (i) land,
 - (ii) services,
 - (iii) construction materials that form part of and are incorporated into the residential complex;
- (k) “rebate” means a rebate paid under Section 38;
- (l) “rebate application” means an application for a rebate made to the Minister in accordance with Section 37;
- (m) “relation” means an individual related to another individual by blood, marriage, common-law relationship or adoption;
- (n) “residential complex” means a residential unit or a residential condominium unit;

- (o) “residential condominium unit” means a residential condominium unit as defined in subsection 123(1) of the *Excise Tax Act* (Canada) that is situated in the Province;
- (p) “residential unit” means a detached house, semi-detached house, rowhouse unit, manufactured home or floating home that is situated in the Province and is
 - (i) occupied by an individual as a place of residence, or
 - (ii) has never been used or occupied for any purpose, but is intended to be used as a place of residence for individuals;
- (q) “supply” means a supply as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (r) “tax” means tax under subsection 165(2) of the *Excise Tax Act* (Canada);
- (s) “taxable supply” means a taxable supply as defined in subsection 123(1) of the *Excise Tax Act* (Canada).

Rebate on tax paid on purchase of residential complex from builder

- 34** (1) An individual who purchases a residential complex from a builder and who meets all of the criteria in subsection (2) may apply to the Minister in accordance with Section 37 for a rebate in respect of the tax paid by the individual in purchasing the residential complex.
- (2) The eligibility criteria for a rebate of tax paid by an individual who purchases a residential complex from a builder are as follows:
- (a) the builder of the residential complex has made a taxable supply by way of sale of the residential complex to the individual;
 - (b) at the time the individual became liable or assumed liability under an agreement of purchase and sale for the residential complex entered into between the builder and the individual, the individual was acquiring the residential complex for use as the primary place of residence of the individual or a relation of the individual;
 - (c) the individual has paid all of the tax payable in respect of the supply of the residential complex;
 - (d) the individual entered into an agreement of purchase and sale for the residential complex after April 6, 2010;
 - (e) ownership and possession of the residential complex was transferred to the individual after the construction was substantially completed and after June 30, 2010;
 - (f) after the construction was substantially completed and before possession of the residential complex was given to the individual under the agreement of purchase and sale for the residential complex,
 - (i) in the case of a residential unit, the unit was not occupied by any individual as a place of residence or lodging, or
 - (ii) in the case of a residential condominium unit, either
 - (A) the unit was not occupied by any individual as a place of residence or lodging, or

- (B) the unit was occupied as a primary place of residence by an individual who was at the time of that occupancy a purchaser of the unit under an agreement of purchase and sale of the unit, or a relation of that individual;
- (g) the first individual to occupy the residential complex as a place of residence at any time after substantial completion of construction was
 - (i) in the case of a residential unit, the individual or a relation of the individual, or
 - (ii) in the case of a residential condominium unit, an individual who was at that time a purchaser of the unit under an agreement of purchase and sale of the unit, or a relation of the individual;
- (h) 1 of the following applies:
 - (i) the individual or a relation of the individual who occupies the residential complex did not own and occupy a residential complex in Canada as a primary place of residence at any time during the 60-month period preceding the date of the transfer of ownership of the residential complex to the individual who is claiming the rebate,
 - (ii) on the last day on which any of the individuals referred to in subclause (i) was an owner-occupant of a residential complex in Canada during the 60-month period referred to in that subclause, that residential complex was destroyed otherwise than voluntarily by any of them.
- (3) If an individual has purchased a residential complex jointly with 1 or more co-owners, the criteria in subsection (2) also apply to each co-owner.
- (4) An individual is not eligible for a rebate if any co-owner referred to in subsection (3) is not an individual.

Rebate for tax paid on qualifying construction costs

- 35** (1) An individual who constructs, or who engages another person to construct on the individual's behalf, a residential complex and who meets all of the criteria in subsection (2) may apply to the Minister in accordance with Section 37 for a rebate in respect of the tax paid by the individual on qualifying construction costs for the residential complex.
- (2) The eligibility criteria for a rebate of tax paid by an individual who has constructed, or who has engaged another person to construct on the individual's behalf, a residential complex are as follows:
- (a) the residential complex was constructed for use as the primary place of residence of the individual or a relation of the individual;
 - (b) the individual has paid all of the tax payable in respect of the qualifying construction costs for which the individual is claiming a rebate;
 - (c) an application for rebate is filed after June 30, 2010;
 - (d) construction of the residential complex is substantially complete;
 - (e) the first individual to occupy the residential complex as a primary place of residence after substantial completion of the complex was the individual or a relation of the individual;

- (f) 1 of the following applies:
 - (i) the individual or a relation of the individual who occupies the residential complex did not own and occupy a residential complex in Canada as a primary residence at any time during the 60-month period preceding the date of the occupancy permit of the residential complex for which the rebate is being claimed,
 - (ii) on the last day on which any of the individuals referred to in subclause (i) was an owner-occupant of a residential complex in Canada during the 60-month period referred to in that subclause, that residential complex was destroyed otherwise than voluntarily by any of them.
- (3) If a residential complex is constructed by or on behalf of an individual and 1 or more co-owners, the criteria in subsection (2) also apply to each co-owner.
- (4) An individual is not eligible for a rebate if any co-owner referred to in subsection (3) is not an individual.

Cooperative housing rebate

- 36** (1) An individual who purchases a share of the capital stock of a cooperative housing corporation and who meets all of the criteria in subsection (2) may apply to the Minister in accordance with Section 37 for a rebate in respect of the purchase price paid by the individual for the share.
- (2) The eligibility criteria for a rebate of the purchase price paid by an individual for a share of the capital stock of a cooperative housing corporation are as follows:
- (a) the individual entered into an agreement of purchase and sale for the share after April 6, 2010;
 - (b) the individual acquired the share after June 30, 2010, for the purpose of using a residential unit in a residential complex of the corporation that is situated in the Province as the primary place of residence of the individual or of a relation of the individual;
 - (c) after the construction of the residential complex was substantially completed and before possession of the residential unit was given to the individual as an incidence of ownership of the share, the unit was not occupied by any individual as a place of residence or lodging;
 - (d) the first individual to occupy the residential unit as a place of residence after possession of the unit was given to the individual was the individual or a relation of the individual;
 - (e) the corporation has paid tax in respect of a taxable supply to the corporation of the residential complex;
 - (f) 1 of the following applies:
 - (i) the individual or a relation of the individual who occupies the residential complex did not own and occupy any other residential complex in Canada as a primary place of residence at any time during the 60-month period preceding the date of the purchase of the share of capital stock by the individual who is claiming the rebate,
 - (ii) on the last day on which any of the individuals referred to in subclause (i) was an owner-occupant of a residential complex in Canada during the 60-month period referred to in that subclause, that residential complex was destroyed otherwise than voluntarily by any of them.

- (3) If an individual has purchased a share of capital stock jointly with 1 or more co-owners, the criteria in subsection (2) also apply to each co-owner.
- (4) An individual is not eligible for a rebate if any co-owner referred to in subsection (3) is not an individual.

Rebate application procedure

37 A rebate application must meet all of the following requirements in order to be accepted:

- (a) it must be made in the form and manner prescribed by the Minister;
- (b) it must be accompanied by any information, documents and material that the Minister requires;
- (c) it must be received by the Minister within 24 months of
 - (i) in the case of a purchase of a residential complex from a builder, the date on which ownership was transferred to the individual claiming the rebate,
 - (ii) in the case of an individual who constructs, or who engages another to construct on the individual's behalf, a residential complex, the date on which the occupancy permit for the residential complex was issued,
 - (iii) in the case of a purchase of a share of the capital stock of a cooperative housing corporation, the date on which the share was purchased by the individual claiming the rebate.

Minister may pay rebate

- 38** (1) On receipt of an individual's rebate application, the Minister may, on behalf of Her Majesty in right of the Province, pay the amount of the rebate to the individual, subject to the conditions and limitations set out in this Section.
- (2) The amount of the rebate that may be paid to an individual is the lesser of \$1500 and
 - (a) in the case of a purchase of a residential complex from a builder, 18.75% of the tax paid in respect of the purchase;
 - (b) in the case of construction of a residential complex, 18.75% of the tax paid in respect of the qualifying construction costs;
 - (c) in the case of a purchase of a share of the capital stock of a cooperative housing corporation, 1.31% of the purchase price of the share.
 - (3) A rebate must not be paid to an individual who has applied for or received a rebate or input tax credit under any provision of the *Excise Tax Act* (Canada), other than the federal portion of the GST/HST New Housing Rebate.
 - (4) A rebate must be paid to the individual who applies for the rebate in accordance with these regulations, and not to a co-owner.
 - (5) The Minister must not pay more than 1 rebate in respect of the same residential complex.

Recovery of excess rebate

39 If the amount of a rebate made by the Minister is greater than the rebate to which an individual is entitled under these regulations, the individual must pay to the Minister an amount equal to the difference between the amount paid and the amount to which the individual is entitled.

Individual must keep records

40 An individual who applies for and is paid a rebate must keep records related to the rebate application, including the originals of any copied documents submitted to the Minister as part of the rebate application, for 6 years following receipt of the rebate, and must make the records and documents available for audit.

N.S. Reg. 93/2010 to 94/2010

Made: June 22, 2010

Filed: June 24, 2010

Automobile Insurance Tort Recovery Limitation Regulations
and Automobile Accident Minor Injury Regulations

Order in Council 2010-254 dated June 22, 2010

Amendment to regulations and regulations made by the Governor in Council
pursuant to Sections 5, 113B and 113E of the *Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated June 4, 2010, and pursuant to Sections 5, 113B and 113E of Chapter 231 of the Revised Statutes of Nova Scotia, 1989, the *Insurance Act*, and Section 8 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased, effective on and after July 1, 2010, to

- (a) amend the *Automobile Insurance Tort Recovery Limitation Regulations*, N.S. Reg. 182/2003, made by the Governor in Council by Order in Council 2003-457 dated October 31, 2003, to remove all provisions relating to the minor injury cap, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) ~~approve of~~ [make] new regulations respecting the minor injury cap rules relating to accidents which occur on or after April 28, 2010, and incorporating the previous rules relating to accidents which occurred before April 28, 2010, in the form set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 93/2010

Automobile Insurance Tort Recovery Limitation Regulations

Schedule "A"

**Amendment to [the] *Automobile Insurance Tort Recovery Limitation Regulations*
made by the Governor in Council under Sections 5, 113BA and 113C
of Chapter 231 of the Revised Statutes of Nova Scotia, 1989,
the *Insurance Act***

- 1 (1) Section 2 of the *Automobile Insurance Tort Recovery Limitation Regulations*, N.S. Reg. 182/2003, made by the Governor in Council by Order in Council 2003-457 dated October 31, 2003, is amended by striking out "113B" in the heading to the Section and in subsection (1) and substituting "113BA".

- (2) Subsection 2(1) of the regulations is amended by repealing clauses (c), (d), (e), (f), (g) and (h).
- (3) Subsection 2(2) of the regulations is repealed.
- 2 Section 3 of the regulations is repealed.
- 3 Section 5 of the regulations is repealed.

N.S. Reg. 94/2010

Automobile Accident Minor Injury Regulations

Schedule “B”

**Regulations Respecting Minor Injuries Caused by Automobile Accidents
made [by the Governor in Council] under Section 5
of Chapter 231 of the Revised Statutes of Nova Scotia, 1989,
the *Insurance Act***

Citation

1 These regulations may be cited as the *Automobile Accident Minor Injury Regulations*.

Definition of “Act”

2 In these regulations, “Act” means the *Insurance Act*.

Part 1: Accidents Occurring before April 28, 2010**Application of Part 1**

3 In accordance with subsection 113B(9) of the Act, this Part does not apply to any action for damages with respect to an incident that occurs on or after April 28, 2010.

Definitions for Section 113B of Act and this Part

4 (1) In Section 113B of the Act and this Part,

“non-monetary loss” means any loss for which compensation would be payable, but for the *Insurance Act*, that is not an award for

- (i) lost past or future income,
- (ii) diminution or loss of earning capacity, and
- (iii) past or future expenses incurred or that may be incurred

as a result of an incident, and for greater certainty excludes valuable services such as housekeeping services;

“personal injury” does not include

- (i) a coma resulting in a continuing serious impairment of an important bodily function,
- (ii) chronic pain that
 - (A) is diagnosed and established as chronic pain by a medical specialist appropriately trained in the diagnosis and management of pain disorders,

- (B) is a direct result of a physical injury sustained in the motor vehicle accident with respect to which the claim is brought,
 - (C) results in a continuous serious impairment of an important bodily function, and
 - (D) is moderately severe or severe pain, as classified in the American Medical Association *Guides to the Evaluation of Permanent Impairment*, 5th edition,
- (iii) a burn resulting in serious disfigurement,
 - (iv) an amputation of a major limb;

“regular employment” means the essential elements of the activities required by the person’s pre-accident employment;

“resolves” means

- (i) does not cause or ceases to cause a serious impairment of an important bodily function which results from a continuing injury of a physical nature to produce substantial interference with the person’s ability to perform their usual daily activities or their regular employment, or
- (ii) causes a serious impairment which results from a continuing injury of a physical nature to produce substantial interference with a person’s ability to perform their usual daily activities or their regular employment where the person has not sought and complied with all reasonable treatment recommendations of a medical practitioner trained and experienced in the assessment and treatment of the personal injury;

“substantial interference” means, with respect to a person’s ability to perform their regular employment, that the person is unable to perform, after reasonable accommodation by the person or the person’s employer for the personal injury and reasonable efforts by the injured person to adjust to the accommodation, the essential elements of the activities required by the person’s pre-accident employment;

“usual daily activities” means the essential elements of the activities that are necessary for the person’s provision of their own care and are important to people who are similarly situated considering, among other things, the injured person’s age.

- (2) For the purposes of subsection (1), “employment” includes self-employment.

Total amount recoverable for non-monetary losses

5 For the purpose of subsection 113B(4) of the Act, the total amount recoverable as damages for non-monetary losses of a plaintiff for all minor injuries suffered by the plaintiff as a result of an incident must not exceed \$2,500.

Onus to prove injury not minor injury

6 On a determination of whether an injury is a minor injury under subsection 113B(6) or (8) of the Act, the onus is on the injured party to prove, based upon the evidence of one or more medical practitioners trained and experienced in the assessment and treatment of the personal injury, that the injury is not a minor injury.

Part 2: Accidents Occurring on or after April 28, 2010**Application of Part 2**

7 In accordance with subsection 113E(2) of the Act, this Part applies to any accident claim with respect to an accident that occurs on or after ~~the~~ April 28, 2010.

Definitions for Section 113E of the Act and this Part

8 (1) In this Part, “minor injury amount” means the total amount recoverable under Section 13 as damages for non-monetary loss for all minor injuries suffered by a claimant as a result of an accident.

(2) In Section 113E of the Act and this Part,

“serious impairment”, in respect of a claimant, means an impairment of a physical or cognitive function that meets all of the following:

- (i) the impairment results in a substantial inability to perform any or all of the following:
 - (A) the essential tasks of the claimant’s regular employment, occupation or profession, despite reasonable efforts to accommodate the claimant’s impairment and the claimant’s reasonable efforts to use the accommodation to allow the claimant to continue the claimant’s employment, occupation or profession,
 - (B) the essential tasks of the claimant’s training or education in a program or course that the claimant was enrolled in or had been accepted for enrolment in at the time of the accident, despite reasonable efforts to accommodate the claimant’s impairment and the claimant’s reasonable efforts to use the accommodation to allow the claimant to continue the claimant’s training or education,
 - (C) the normal activities of the claimant’s daily living,
- (ii) the impairment has been ongoing since the accident, and
- (iii) the impairment is expected not to improve substantially,

“sprain” means an injury to one or more tendons, to one or more ligaments, or to both tendons and ligaments;

“strain” means an injury to one or more muscles;

“whiplash-associated disorder injury” means a whiplash-associated disorder other than one that exhibits one or all of the following:

- (i) neurological signs that are objective, demonstrable, definable and clinically relevant,
- (ii) a fracture to the spine or a dislocation of the spine.

Injuries must be assessed separately

9 If a claimant suffers more than one injury as a result of an accident, each injury must be assessed separately to determine whether the injury is or is not a minor injury.

Injury must be primary contributing factor

10 For a sprain, strain or whiplash-associated disorder injury to be considered to have resulted in a serious impairment, the sprain, strain or whiplash-associated disorder injury must be the primary factor contributing to the impairment.

Determination of minor injury

- 11 (1)** The determination as to whether an injury suffered by a claimant as a result of an accident is or is not a minor injury must be based on the following:
- (a) a determination as to whether the injury is a sprain, strain or whiplash-associated disorder injury; and
 - (b) if the injury is determined to be a sprain, strain or whiplash-associated disorder injury, a determination as to whether the sprain, strain or whiplash-associated disorder injury results in a serious impairment.
- (2)** For the purpose of clause (1)(b), the determination as to whether a sprain, strain or whiplash-associated disorder injury results in a serious impairment must take all of the following into account
- (a) the claimant's pre-existing medical history;
 - (b) the matters referred to in subclause (i) of the definition of "serious impairment" in subsection 8(2) that relate to the claimant.

Treatment not followed

- 12 (1)** If
- (a) a claimant suffers a sprain, strain or whiplash-associated disorder injury as a result of an accident;
 - (b) the claimant has, without reasonable excuse, not sought and complied with all reasonable treatment recommendations of a medical practitioner trained and experienced in the assessment and treatment of the personal injuries; and
 - (c) the sprain, strain or whiplash-associated disorder injury results in a serious impairment,
- the sprain, strain or whiplash-associated disorder injury is a minor injury unless the claimant establishes that the sprain, strain or whiplash-associated disorder injury would have resulted in a serious impairment even if the claimant had sought and complied with reasonable treatment recommendations of a medical practitioner trained and experienced in the assessment and treatment of the personal injuries.
- (2)** Subsection (1) does not apply to a claimant who is a person described in provision (3) under the heading "Subsection 3 - Special Provisions, Definitions and Exclusions of this Section" in the *Automobile Insurance Contract Mandatory Conditions Regulations* made under the Act.

Damages recoverable for non-monetary loss for minor injuries

- 13 (1)** Except as provided in this Section and clause 14(2)(a), for the purposes of subsection 113E(3) of the Act, the total amount recoverable as damages for non-monetary loss for all minor injuries suffered by a claimant as a result of an accident is \$7,500.
- (2)** Subject to subsection (3), for 2011 and subsequent calendar years, the minor injury amount is increased annually, effective on and after January 1, by the annual average percentage change for

the all-items Consumer Price Index for Nova Scotia, not seasonally adjusted, published by Statistics Canada, for the previous calendar year.

- (3) If the annual average percentage change referred to in subsection (2) is a negative number, there is no change in the minor injury amount.
- (4) The minor injury amount for a calendar year applies only in respect of accidents that occur during that calendar year.
- (5) For 2011 and subsequent years, the Superintendent must publish the minor injury amount for the calendar year by January 31 in a form and manner that ensures that the information is accessible to the public.

Damages recoverable for non-monetary loss for minor and non-minor injuries

- 14** (1) In this Section, “non-minor injury” means an injury other than a minor injury.
- (2) If a claimant suffers one or more minor injuries and one or more non-minor injuries as a result of an accident, the assessment of damages for non-monetary loss for all injuries suffered by the claimant is subject to the following rules:
- (a) if the non-minor injury or injuries, when assessed separately from the minor injury or injuries, would result in an award for non-monetary loss of not more than the minor injury amount, the total amount recoverable as damages for non-monetary loss for all injuries suffered by the claimant must not exceed the minor injury amount;
 - (b) if the non-minor injury or injuries, when assessed separately from the minor injury or injuries, would result in an award for non-monetary loss of more than the minor injury amount, the total amount recoverable as damages for non-monetary loss for all injuries suffered by the claimant must be calculated as the total of all of the following:
 - (i) the amount of damages assessed for non-monetary loss for the non-minor injury or injuries,
 - (ii) subject to Section 13, the amount of damages assessed for non-monetary loss for the minor injury or injuries.

N.S. Reg. 95/2010

Made: May 5, 2010 and June 22, 2010

Filed: June 24, 2010

Summary Offence Tickets Regulations

Order in Council 2010-260 dated June 22, 2010

Amendment to regulations made by the Minister of Justice and the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated May 5, 2010, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia 1989, the *Summary Proceedings Act*, is pleased to amend Schedule 18-B to the *Summary Offence Ticket Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under the Halifax Regional Municipality Solid Waste Resource Collection and

Disposal By-law as summary offence ticket offences and to set the out-of-court settlement amounts for the offences, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 22, 2010.

Order

I, Ross Landry, Minister of Justice and Attorney General of Nova Scotia, hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to Schedule 18-B to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, as set forth in Schedule "A", is the amount of the out-of-court settlement set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

Dated and made May 5, 2010, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*
Honourable Ross Landry
Minister of Justice and Attorney General of Nova Scotia

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Schedule 18-B to the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by striking out the out-of-court settlement amounts listed in the out-of-court settlement column for items 1 to 128 under the heading "Solid Waste Resource Collection and Disposal By-law - S-600" and substituting "\$340.21"
- 2 Schedule 18-B to the regulations is further amended under the heading "Solid Waste Resource Collection and Disposal By-law - S-600" by
 - (a) adding the following item immediately after item 76:

76A. Property owner of industrial, commercial or institutional premises failing to provide adequate space to maintain blue bag recyclables, paper and corrugated cardboard all separate from each other	12.2(a)	\$340.21
---	---------	----------
 - (b) adding the following item immediately after item 79:

79A. Property owner of industrial, commercial or institutional premises failing to provide readily accessible common area containers	12.4	\$340.21
--	------	----------

(c) repealing item 92C and substituting the following item:

92C. Failing to ensure commercial container for temporary storage of paper displays message "PAPER"	13.1(a)(x)	\$340.21
---	------------	----------

(d) re-designating items 92D and 92E as items 92E and 92F respectively and adding the following item immediately after item 92C:

92D. Failing to ensure commercial container for temporary storage of corrugated cardboard displays message "CARDBOARD ONLY" or "CARDBOARD"	13.1(a)(x)	\$340.21
--	------------	----------

(e) repealing items 107A and 107B and substituting the following items:

107A. Owner of industrial, commercial or institutional premises using commercial container not approved by Administrator	13.1(j)	\$340.21
--	---------	----------

107B. Owner of industrial, commercial or institutional premises storing ICI waste in containers used for source-separated organic or recyclable materials	13.1(j)	\$340.21
---	---------	----------

(f) repealing item 120A and substituting the following item:

120A. Failing to transport ICI waste, blue bag recyclables, paper, corrugated cardboard or organic materials in source-separated condition	15.2	\$340.21
--	------	----------

N.S. Reg. 96/2010

Made: June 22, 2010

Filed: June 25, 2010

Nova Scotia Building Code Regulations

Order dated June 22, 2010
made by the Minister of Labour and Workforce Development
pursuant to Section 4 of the *Building Code Act*

Schedule "A"

**In the matter of Section 4 of Chapter 46 of the Revised Statutes
of Nova Scotia, 1989, the *Building Code Act***

- and -

In the matter of [the] *Nova Scotia Building Code Regulations*

I, Marilyn More, Minister of Labour and Workforce Development for the Province of Nova Scotia, pursuant to Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*, hereby amend the

Nova Scotia Building Code Regulations, N.S. Reg. 322/2009 made by Order of the Minister of Labour and Workforce Development dated November 19, 2009, effective on and after December 31, 2009, and further amended by N.S. Reg. 326/2009 dated December 8, 2009, effective on and after December 31, 2009, in the manner set forth in Schedule “B” attached hereto and this amendment is to come into effect on and after September 1, 2010.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, June 22, 2010.

Sgd.: *Marilyn More*
Honourable Marilyn More
Minister of Labour and
Workforce Development

Schedule “B”

**Amendments to the *Nova Scotia Building Code Regulations*,
N.S. Reg. 322/2009 made by Order of the Minister
of Labour and Workforce Development
dated November 19, 2009,
and further amended by N.S. Reg. 326/2009
dated December 8, 2009**

- 1 The *Nova Scotia Building Code Regulations*, N.S. Reg. 322/2009 made by Order of the Minister of Labour and Workforce Development dated November 19, 2009, effective on and after December 31, 2009, and further amended by N.S. Reg. 326/2009 dated December 8, 2009, effective on and after December 31, 2009, are amended by repealing Table 10.3.2.1.(4) in the *Nova Scotia Building Code Regulation[s]* and substituting the following Table 10.3.2.1.(4):

**Table 10.3.2.1.(4)
Minimum Thermal Resistance of *Building Assemblies*
Forming Part of Sentence 10.3.2.1.(4)**

Building Element Exposed to the Exterior or to Unheated Space		Minimum RSI [R] Values Required ₃
1	Ceiling below attic or roof space	7.00 [40]
2	Roof assembly without attic or roof space	5.46 [31]
3	Wall other than foundation wall [including walls between heated and unheated spaces]	4.23 [24]
4	Walls other than foundation wall [including walls between heated and unheated spaces, and #9] insulated with a spray foam insulation providing an air seal ₄	3.63 [20.6]
5	ICF wall above grade ₁	3.63 [20.6]
6	ICF wall below grade enclosing heated space [full height insulation] ₁	3.63 [20.6]
7	Foundation walls enclosing heated space [full height insulation]	3.52 [20]
8	Floors over unheated spaces including Overhanging [cantilevered] Floors	5.46 [31]
9	Floor joist header space [except as per #4 and #5]	4.23 [24]

10	Frost Wall (with slab-on-ground) ₂	1.76 [10]
11	Slab-on-ground perimeter insulation (see Sentence 10.3.3.8.(1)) ₂	1.76 [10]
12	Under Slab-on-ground containing heating pipes, tubes, ducts or cables ₂	1.76 [10]
13	Under Slab-on-ground not containing heating pipes, tubes, ducts or cables ₂	1.76 [10]
14	Basement floor slabs located not more than 1 m below grade ₂	1.76 [10]
15	Basement floor slabs located more than 1 m below grade	nil

1. ICF walls provide an effective insulating value. Walls of this construction have inherently effective air barriers and minimal thermal bridging characteristics.
2. This value may be reduced to R 4 at the thermal break between the slab and wall.
3. "Insulation values" shown are for the insulation only.
4. Spray foam insulation products provide an effective insulating value. This type of insulation product has inherently an effective air barrier characteristics. [See Table A-9.25.1.2.(B)]

- 2 The regulations are further amended by repealing Table 10.3.3.3. in the *Nova Scotia Building Code Regulation[s]* and substituting the following Table 10.3.3.3.:

Table 10.3.3.3.
Minimum Thermal Resistance of *Building Assemblies*
Forming Part of Sentence 10.3.3.3.(1)

Building Element Exposed to the Exterior or to Unheated Space		Minimum RSI [R]
1	Ceiling below attic or roof space	7.00 [40]
2	Roof assembly without attic or roof space	5.46 [31]
3	Wall other than foundation wall [including walls between heated and unheated spaces]	4.23 [24]
4	Walls other than foundation wall [including walls between heated and unheated spaces, and #9] insulated with a spray foam insulation conforming providing an air seal ₃	3.63 [20.6]
5	ICF wall above grade ₁	3.63 [20.6]]
6	ICF wall below grade enclosing heated space [full height insulation] ₁	3.63 [20.6]]
7	Foundation walls enclosing heated space [full height insulation]	3.52 [20]
8	Floors over unheated spaces including Overhanging [cantilevered] Floors	5.46 [31]
9	Floor joist header space [except as per #4 and #5]	4.23 [24]
10	Frost Wall (with slab-on-ground) ₂	1.76 [10]
11	Slab-on-ground perimeter insulation (see Sentence 10.3.3.8.(1)) ₂	1.76 [10]
12	Under Slab-on-ground containing heating pipes, tubes, ducts or cables ₂	1.76 [10]

13	Under Slab-on-ground not containing heating pipes, tubes, ducts or cables ₂	1.76 [10]
14	Basement floor slabs located not more than 1m below grade ₂	1.76 [10]
15	Basement floor slabs located more than 1 m below grade	nil

1. ICF walls and walls with cavities filled with low density open cell spray foam insulation provide an effective insulating value. Walls of this construction have inherently effective air barriers and minimal thermal bridging characteristics.
2. This value may be reduced to R 4 at the thermal break between the slab and wall.
3. Spray foam insulation products provide an effective insulating value. This type of insulation product has inherently an effective air barrier characteristics. [See Table A-9.25.1.2.(B)]

- 3 The regulations are further amended by repealing Table A-9.25.1.2(B) in the appendix to the National Building Code 2005 and substituting the following Table Table A-9.25.1.2.(B):

Table Table A-9.25.1.2.(B)
Air and Vapour Permeance Values⁽¹⁾

Material	Air Leakage Characteristic, L/(s•m ²) at 75 Pa (Air Permeance)	Water Vapour Permeance, (Dry Cup) ng/(Pa•s•m ²)
Sheet and panel-type materials		
12.7-mm gypsum board	0.02	2600
– painted (1 coat primer) negligible	negligible	1300
– painted (1 coat primer + 2 coats latex paint)	negligible	180
12.7-mm foil-backed gypsum board	negligible	negligible
12.7-mm gypsum board sheathing	0.0091	1373
6.4-mm plywood	0.0084	23 – 74
11-mm oriented strandboard	0.0108	44 (range)
12.5-mm cement board	0.147	590
Plywood (from 9.5 mm to 18 mm)	negligible – 0.01	40 – 57
Fibreboard sheathing	0.012 – 1.91	100 – 2900
17-mm wood sheathing	high – depends on no. of joints	982
Insulation		
27-mm foil-faced polyisocyanurate	negligible	4.3
27-mm paper-faced polyisocyanurate	negligible	61.1
25-mm extruded polystyrene	negligible	23 – 92
25-mm expanded polystyrene (Type 2)	0.0214	86 – 160
Fibrous insulations	very high	very high
25-mm polyurethane spray foam – low density	0.011	894 -3791
25-mm polyurethane spray foam – medium density	negligible	96 ⁽²⁾
Membrane materials		
Metal	negligible	negligible
Asphalt impregnated paper as 10 min paper	0.0673	370
Asphalt impregnated paper as 30 min paper	0.4	650
Asphalt impregnated paper as 60 min paper	0.44	1800
Water-resistive barriers (9 materials)	negligible - 4.3	30 – 1200
0.15-mm polyethylene	negligible	1.6 – 5.8
Modified bituminous membrane (#15 felt)	0.153	290
building paper	0.2706	170 – 1400
spun bonded polyolefin film (expanded)	0.9593	3646

Other materials		
Brick (6 materials)	negligible	102 – 602
Mortar mixes (4 materials)	negligible	13 – 690
Stucco	negligible	75 – 240
50-mm reinforced concrete (density: 2330 kg/m ³)	negligible	23

Notes to Table A-9.25.1.2.(B)

- (1) Air leakage and vapour permeance values derived from:
- Bombaru, D., Jutras, R. and Patenaude, A. Air Permeance of Building Materials. Summary Report prepared by AIR-INS Inc. for Canada Mortgage and Housing Corporation, Ottawa, 1988. Values indicate properties of tested materials only; values for specific products may vary significantly.
 - Details of Air Barrier Systems for Houses. Ontario New Home Warranty Program, Toronto, 1993.
 - Kumaran, M.K., et al., ASHRAE Research Report 1018 RP, "A Thermal and Moisture Transport Property Database for Common Building and Insulating Materials."
 - Kumaran, M.K., Lackey, J., Normandin, N., van Reenen, D., Tariku, F., "Summary Report from Task 3 of MEWS Project at the Institute for Research in Construction-Hygrothermal Properties of Several Building Materials," IRC-RR-110, March 2002.
 - Mukhopadhyaya, P., Kumaran, M.K., et al., "Hygrothermal Properties of Exterior Claddings, Sheathings Boards, Membranes and Insulation Materials for Building Envelope Design," Proceedings of Thermal Performance of the Exterior Envelopes of Whole Building X, Clearwater, Florida, Dec 2-7, 2007, pp 1-16 (NRCC-50287).
- (2) This water vapour permeance value represents 25-mm thick core layer of medium density polyurethane foam. When installed in the field, a low permeance resin layer is being formed at the boundary with the substrate. The water vapour permeance of the installed foam, with skins, is therefore likely to be lower than the value listed in the table.

N.S. Reg. 97/2010

Made: June 24, 2010

Filed: June 25, 2010

Prescribed Petroleum Products Prices

Order dated June 24, 2010

made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-10-26****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Peter W. Gurnham, Q.C., Chair**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 23, 2010, are:

Grade 1 Regular gasoline	55.8¢ per litre
Ultra-low-sulfur diesel oil	58.5¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	55.8¢ per litre
Grade 2	58.8¢ per litre
Grade 3	61.8¢ per litre
Ultra-low-sulfur diesel oil	58.5¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.1¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.6¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., June 25, 2010.

Dated at Halifax, Nova Scotia, this 24th day of June, 2010.

Sgd: Nancy McNeil
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 25, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 13% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	62.2	10.0	15.5	87.7	103.6	105.3	103.6	999.9
Mid-Grade Unleaded	65.2	10.0	15.5	90.7	107.0	108.7	107.0	999.9
Premium Unleaded	68.2	10.0	15.5	93.7	110.4	112.1	110.4	999.9
Ultra-Low-Sulfur Diesel	65.4	4.0	15.4	84.8	100.3	102.0	100.3	999.9
Zone 2								
Regular Unleaded	62.6	10.0	15.5	88.1	104.1	105.8	104.1	999.9
Mid-Grade Unleaded	65.6	10.0	15.5	91.1	107.5	109.2	107.5	999.9
Premium Unleaded	68.6	10.0	15.5	94.1	110.9	112.5	110.9	999.9
Ultra-Low-Sulfur Diesel	65.8	4.0	15.4	85.2	100.8	102.5	100.8	999.9
Zone 3								
Regular Unleaded	63.1	10.0	15.5	88.6	104.6	106.3	104.6	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	108.0	109.7	108.0	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	111.4	113.1	111.4	999.9
Ultra-Low-Sulfur Diesel	66.3	4.0	15.4	85.7	101.4	103.1	101.4	999.9

Zone 4								
Regular Unleaded	63.1	10.0	15.5	88.6	104.6	106.3	104.6	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	108.0	109.7	108.0	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	111.4	113.1	111.4	999.9
Ultra-Low-Sulfur Diesel	66.3	4.0	15.4	85.7	101.4	103.1	101.4	999.9
Zone 5								
Regular Unleaded	63.1	10.0	15.5	88.6	104.6	106.3	104.6	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	108.0	109.7	108.0	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	111.4	113.1	111.4	999.9
Ultra-Low-Sulfur Diesel	66.3	4.0	15.4	85.7	101.4	103.1	101.4	999.9
Zone 6								
Regular Unleaded	63.9	10.0	15.5	89.4	105.5	107.2	105.5	999.9
Mid-Grade Unleaded	66.9	10.0	15.5	92.4	108.9	116.6	108.9	999.9
Premium Unleaded	69.9	10.0	15.5	95.4	112.3	114.0	112.3	999.9
Ultra-Low-Sulfur Diesel	67.1	4.0	15.4	86.5	102.3	104.0	102.3	999.9

N.S. Reg. 98/2010

Made: June 2010 (MO) and June 29, 2010 (O.I.C.)

Filed: July 2, 2010

Pharmacare Tariff Regulations

Order in Council 2010-265 dated June 29, 2010
Amendment to regulations made by the Minister of Health and the Governor in Council
pursuant to clause 13(1)(c) and subsection 17(3) of
the *Health Services and Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Health dated June 17, 2010, and pursuant to Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, is pleased, effective on and after July 1, 2010, to

- (a) pursuant to subsection 17(3) of the Act, amend the *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, made by the Minister of Health and the Governor in Council by Order in Council 2007-393 dated July 13, 2007, in accordance with the tariff established by the Minister of Health pursuant to clause 13(1)(c) of the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation;
- (b) approve the authorization by the Minister of Health of payments in respect of the tariff referred to in clause (a), in accordance with clause 13(1)(c) of the Act; and
- (c) pursuant to Section 8 of the Act, authorize the Minister of Health to enter into an agreement as set out in Schedule "B" attached to and forming part of the report and recommendation, or a form of agreement to like form and effect, with the Pharmacy Association of Nova Scotia respecting the provision of pharmaceutical services.

**In the matter of amendments to the *Pharmacare Tariff Regulations*
made pursuant to Section 13 and subsection 17(3)
of Chapter 197 of the Revised Statutes of Nova Scotia,
1989, the *Health Services and Insurance Act***

- and -

**In the matter of a tariff of fees established by the Minister of Health
pursuant to clause 13(1)(c) of the *Health Services and Insurance Act*
with respect to Pharmacare**

Order

I, Maureen MacDonald, Minister of Health for the Province of Nova Scotia, pursuant to clause 13(1)(c) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989, the *Health Services and Insurance Act*, do hereby establish the tariff of fees to be paid in respect of the Pharmacare tariff as set forth in Schedule "A" and I hereby authorize payments in respect of the tariff.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Pharmacare Tariff Regulations* set forth in Schedule "A".

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, June , 2010 [sic].

Sgd: *Maureen MacDonald*
Honourable Maureen MacDonald
Minister of Health

Schedule "A"

**Amendment to the *Pharmacare Tariff Regulations*
made by the Minister of Health and the Governor in Council pursuant to Section 13
and subsection 17(3) of Chapter 197 of the Revised Statutes of Nova Scotia, 1989,
the *Health Services and Insurance Act***

- 1 The *Pharmacare Tariff Regulations*, N.S. Reg. 337/2007, made by the Minister of Health and the Governor in Council by Order in Council 2007-393 dated July 13, 2007, are amended by repealing clause 2(d) and substituting the following clause:
 - (d) "Pharmacare allowance" means the discount established under the Insured Prescription Drug Plan of up to 15% from the MAC of the top 20 interchangeable, multi-source, generic categories billed to the Plan;
- 2 The regulations are further amended by repealing subsection 4(1) and substituting the following subsection:
 - 4 (1) The Pharmacare tariff for prescription drugs effective July 1, 2010, to June 30, 2011, is as follows:
 - (a) for ostomy supplies,
 - (i) the AAC or, if applicable, the MAC or the Special MAC, as determined by the Minister, plus 10% to a maximum of \$50 per prescription, and
 - (ii) a maximum Pharmacare professional fee of \$10.62;

- (b) for injectables, except insulin,
 - (i) the AAC or, if applicable, the MAC or the Special MAC, as determined by the Minister, plus 10% to a maximum of \$50 per prescription, and
 - (ii) a maximum Pharmacare professional fee of \$10.62;
 - (c) for compounded extemporaneous products, except methadone and injectables,
 - (i) the AAC plus 2% to a maximum of \$50 per prescription, and
 - (ii) a maximum Pharmacare professional fee of \$15.93;
 - (d) for all other prescriptions for drugs or supplies,
 - (i) the AAC or, if applicable, the MAC, the MAC less the Pharmacare allowance or the Special MAC, as determined by the Minister, plus 2% to a maximum of \$50 per prescription, and
 - (ii) a maximum Pharmacare professional fee of \$10.62.
-

N.S. Reg. 99/2010

Made: June 29, 2010

Filed: July 2, 2010

Nova Scotia Harness Racing Fund Regulations

Order in Council 2010-267 dated June 29, 2010
Regulations made by the Governor in Council
pursuant to subsection 127(1) of the *Gaming Control Act*
and clause 2(n) of the *Provincial Finance Act*

The Governor in Council, on the report and recommendation of the Minister of Finance and the Minister of Agriculture dated May 21, 2010, is pleased to, effective on and after June 29, 2010:

- (a) pursuant to Section 71 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, revoke the status of crown corporation of Nova Scotia Harness Racing Incorporated; and
- (b) pursuant to clauses 25(1)(i), 29(1)(f) and subsection 127(1) of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act* and pursuant to clause 2(n) [of Chapter 365] of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*:
 - (i) repeal the *Nova Scotia Harness Racing Incorporated Regulations*, N.S. Reg. 30/99, made by the Governor in Council by Order in Council 1999-144 dated April 7, 1999, and,
 - (ii) make new regulations respecting the Nova Scotia Harness Racing Fund in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting the Nova Scotia Harness Racing Fund
made by the Governor in Council pursuant to subsection 127(1) of Chapter 4 of the
Acts of 1994-95, the *Gaming Control Act*, and clause 2(n) of Chapter 365 of the
Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act***

Citation

1 These regulations may be cited as *Nova Scotia Harness Racing Fund Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Gaming Control Act*;
- (b) "Fund" means the Nova Scotia Harness Racing Fund continued by subsection 3(1);
- (c) "harness racing" means racing in which horses participate and on which pari-mutuel wagering is conducted and includes all related matters and activities.

Continuation of Fund

- 3 (1) The Nova Scotia Harness Racing Fund, previously established under the *Nova Scotia Harness Racing Incorporated Regulations*, N.S. Reg. 30/99, made under the Act, continues as a special fund as defined in clause 2(n) of the *Provincial Finance Act*.
- (2) The Fund is administered by the Department of Agriculture.
- (3) The Corporation must make payments into the Fund in the amounts and at the times directed by the Minister of Finance.

Object of the Fund

4 The object of the Fund is to help preserve the horse breeding and harness racing industries in the Province.

Use of the Fund

- 5 (1) The Fund must be used to further its object, and without limiting the generality of the foregoing, the Fund may be used for any of the following:
- (a) to provide for or to provide assistance for conducting, managing, marketing and promoting harness racing;
 - (b) to provide for or to provide assistance for any matter reasonably related to harness racing, including any business that offers goods or services to persons wagering on harness racing;
 - (c) to pay any costs, charges, fees or other expenses incurred by the Department of Agriculture in administering and managing the Fund or in furthering the object of the Fund;
 - (d) to do such other things in respect of harness racing that the Governor in Council may direct;
 - (e) to pay amounts to any person or corporation with whom the Department of Agriculture has entered into an agreement under subsection (2);
 - (f) to do any other thing that reasonably relates to or is required for or incidental to furthering the object of the Fund.

- (2) The Department of Agriculture may enter into agreements with any person for the use of the Fund and to provide for any matters or things referred to in these regulations.
-

N.S. Reg. 100/2010

Made: June 29, 2010

Filed: July 2, 2010

Liquor Licensing Regulations

Order in Council 2010-269 dated June 29, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 50 of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated June 9, 2010, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to amend the *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, to improve processes related to liquor licensing in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 29, 2010.

Schedule "A"

**Amendment to the *Liquor Licensing Regulations*
made by the Governor in Council pursuant to Section 50 of
Chapter 260 of the Revised Statutes of Nova Scotia, 1989,
the *Liquor Control Act***

- 1 The *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, are amended by adding the following clause immediately after clause 2(f):
- (fa) "live entertainment" means any comedy act, song, vocal performance, musical instrument performance, recitation, dance, performance art or acting performance conducted in person by 1 or more persons before or for the benefit of an audience, but does not include karaoke;
- 2 Clause 4(2)(f) of the regulations is amended by doing all of the following:
- (a) repealing subclause (vi) and substituting the following subclause:
- (vi) a report on the results of a criminal record search on
- (A) the president of the club or association, or
- (B) the director or officer of the club or association who will be in charge of the licensed premises,
- (b) adding the following subclause immediately after subclause (vi):
- (vii) a report on the results of a criminal record search on any additional directors and officers of the club or association specified by the Review Board.

- 3 Subsection 4(4) of the regulations is amended by doing all of the following:
- (a) striking out “the municipal council or the clerk” in clause (c) and substituting “an authorized official”;
 - (b) repealing clause (g);
 - (c) striking out “present amplified entertainment” in clause (i) and substituting “provide entertainment and the nature of the entertainment to be provided by the applicant”;
 - (d) repealing clause (k).

- 4 Subsection 7(2) of the regulations is amended by doing all of the following:
- (a) striking out “that are not available at the time because the proposed licensed premises is under construction or is not operational”; and
 - (b) repealing clause (b).

- 5 The regulations are further amended by adding the following Section immediately after Section 11:

Conflict of interest in matter related to club or association

11A No member of the Review Board is disqualified from acting in a matter related to a club or association only because the member holds a membership in another club or association that holds or is applying for a permanent license.

- 6 Clause 16(1)(c) of the regulations is amended by repealing subclause (i) and substituting the following subclause:
- (i) for a permanent licensee that is a club or association,
 - (A) the president of the club or association, or
 - (B) the director or officer of the club or association who is in charge of the licensed premises,

- 7 Clause 16(4)(b) of the regulations is amended by striking out “clause (1)(c)” and substituting “subclause (1)(c)(ii)”.

- 8 Section 19 of the regulations is amended by striking out “30 days” and substituting “10 days”.

- 9 The regulations are further amended by repealing clause 26(a) and substituting the following clause:

- (a) the Review Board must advise the Minister not to issue a license certificate until the Minister receives and is satisfied with all of the missing information; and

- 10 The regulations are further amended by repealing Section 29 and substituting the following Section:

Interference with quiet enjoyment

29 (1) A person may request in writing that the Review Board cancel a permanent license or place conditions on a permanent license on the basis that the operation of the licensed premises is interfering with the quiet enjoyment of neighbouring properties.

- (2) On receiving a request under subsection (1), the Review Board may hold a hearing to determine the matter.
- (3) The Review Board may determine its own rules respecting practice and procedure for a hearing under this Section.
- (4) A licensee may be represented by counsel at a hearing under this Section.
- (5) If, after a hearing under this Section, the Review Board is satisfied that the operation of a licensed premises is interfering with the quiet enjoyment of neighbouring properties, the Review Board may do any of the following:
 - (a) impose conditions on the licensee's license or rescind or amend existing conditions on the license;
 - (b) cancel all or any part of the licensee's license.

11 Section 30 of the regulations is amended by doing all of the following:

- (a) striking out "Review Board" in subsection (1) and substituting "Minister";
- (b) striking out "must apply for a transfer in accordance with Section 21" in subsection (2) and substituting "must receive approval for the transfer under Section 21 before making such a change in the share structure or ownership";
- ⊕ [(c)] striking out "must apply for a transfer in accordance with Section 21" in subsection (3) and substituting "must receive approval for the transfer under Section 21 before making such a change in ownership."

12 The regulations are further amended by repealing Section 31.

13 Section 32 of the regulations is amended by adding the following subsections immediately after subsection (3):

- (4) A permanent licensee may apply for an approval under this Section by submitting an application to the Minister.
- (5) On receiving an application under this Section, the Minister must forward it to the Review Board for review.

14 The regulations are further amended by adding the following Section immediately after Section 32:

Non-structural change to floorplan must be approved by Minister

32A A permanent licensee may make a non-structural change to the floorplan of their licensed premises only if the permanent licensee submits a proposed replacement floorplan to the Minister and the Minister approves the floorplan.

15 The regulations are further amended by repealing Section 33 and substituting the following Section:

Change in manager to be approved

33 (1) Except as provided in subsection (5) for an acting manager, a permanent licensee may change the manager of their licensed premises only if the change is approved by the Minister or the Review Board.

- (2) A permanent licensee may apply for approval of a change in the manager of their licensed premises by submitting all of the following to the Minister:
 - (a) the following information for the proposed manager:
 - (i) name,
 - (ii) address,
 - (iii) phone number;
 - (b) a report on the results of a criminal record search on the proposed manager.
- (3) On receiving an application under subsection (2), the Minister may do one of the following:
 - (a) approve the change in manager;
 - (b) refer the application to the Review Board.
- (4) On receiving an application referred to it under clause (3)(b), the Review Board may approve the change in manager or refuse to approve the change in manager.
- (5) A permanent licensee may appoint an acting manager for their licensed premises for no longer than 30 days without the approval of the Minister or the Review Board.

16 Section 35 of the regulations is amended by adding the following subsection immediately after subsection (3):

- (4) While a caterer extension is in effect for all or part of a premises that is the subject of a permanent license, the permanent license for that part of the premises is deemed to be suspended.

17 The regulations are further amended by adding the following Sections immediately after Section 35:

Permit granted under *Nova Scotia Liquor Corporation Regulations*

35A If a permit is granted under the *Nova Scotia Liquor Corporation Regulations* made under the Act for all or part of a premises that is the subject of a permanent license,

- (a) the licensee must post the permit in the premises while the permit is in effect; and
- (a) [(b)] the permanent license for that part of the premises is deemed to be suspended while the permit is in effect.

Review Board may issue policies

35B The Review Board may issue policies consistent with the Act and these regulations.

18 Section 36 of the regulations is amended by doing all of the following:

- (a) striking out “3 classes of special occasion licenses” and substituting “4 classes of special occasion licenses”;
- (b) striking out the period at the end of clause (c) and substituting a semicolon;
- (c) adding the following clause immediately after clause 36(c):

- (d) class 4 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at an event that is open to the public.

19 The regulations are further amended by adding the following Section immediately after Section 37:

Eligibility for class 4 special occasion license

37A A class 4 special occasion license may be granted by the Minister only to an applicant who is a permanent licensee.

20 The regulations are further amended by adding the following row at the bottom of the table set out in Section 38:

class 4 special occasion license	\$56.05
----------------------------------	---------

21 (1) Subsection 64(1) of the regulations is amended by striking out “in their licensed premises” and substituting “in or about their licensed premises”.

(2) Subsection 64(2) of the regulations is amended by striking out “in their licensed premises” and substituting “in or about their licensed premises”.

22 The regulations are further amended by repealing Section 68 and substituting the following Section:

- 68**
- (1) A permanent licensee must notify the Minister if their licensed premises will be closed for longer than 7 days.
 - (2) The Review Board may suspend a permanent license if the licensed premises is closed for longer than 7 days.
 - (3) The Board may lift or extend the suspension of a permanent license that is suspended under subsection (2).
 - (4) A permanent license that is suspended by the Review Board under subsection (2) is cancelled 12 months after the date the license is suspended, unless one of the following occurs before the end of the 12 months:
 - (a) the license expires;
 - (b) a transfer of the license is approved;
 - (c) the Review Board lifts the suspension of the license;
 - (d) the Review Board extends the suspension of the license.
 - (5) If the suspension of a permanent license is extended under subsection (3), the permanent license is cancelled 12 months after the date of the extension unless one of the events set out in subsection (4) occurs before the end of the 12 months.

23 The regulations are further amended by repealing subsection 70(3) and substituting the following subsection:

- (3) A lounge licensee may temporarily close their corresponding eating establishment while operating their lounge for a period of no longer than 14 days if the lounge licensee has

submitted a written request to the Minister and the Minister has approved the temporary closure of the corresponding eating establishment.

- 24 Section 71 of the regulations is amended by striking out “Review Board” wherever it appears and substituting “Minister”.
- 25 Subsection 82(2) of the regulations is amended by striking out “rules of proceeding” and substituting “rules respecting practice and procedure”.

N.S. Reg. 101/2010

Made: June 29, 2010

Filed: July 2, 2010

Proclamation, S. 5, S.N.S. 2005, c. 63

Order in Council 2010-270 dated June 29, 2010
 Proclamation made by the Governor in Council
 pursuant to Section 5 of the
Cape Breton Island Marketing Levy Act

The Governor in Council on the report and recommendation of the Minister of Tourism, Culture and Heritage dated June 8, 2010, and pursuant to Section 5 of Chapter 63 of the Acts of 2005, the *Cape Breton Island Marketing Levy Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 63 of the Acts of 2005, the *Cape Breton Island Marketing Levy Act*, except subsection 3(6) and clause 3(7)(g), do come into force on and not before June 29, 2010.

PROVINCE OF NOVA SCOTIA

sgd: Nancy Bateman

G/S

ELIZABETH THE SECOND, by the Grace of God,
 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 5 of Chapter 63 of the Acts of 2005, the *Cape Breton Island Marketing Levy Act*, it is enacted as follows:

- 5 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 63 of the Acts of 2005, the *Cape Breton Island Marketing Levy Act*, except subsection 3(6) and clause 3(7)(g), do come into force on and not before June 29, 2010;

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 63 of the Acts of 2005, the *Cape Breton Island Marketing Levy Act*, except subsection 3(6) and clause 3(7)(g), do come into force on and not before June 29, 2010, 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 Her Honour the Honourable Nancy Bateman, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 29th day of June in the year of Our Lord two thousand and ten and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 102/2010

Made: June 29, 2010

Filed: July 2, 2010

Proclamation, S. 7, S.N.S. 2009, c. 13

Order in Council 2010-272 dated June 29, 2010
Proclamation made by the Governor in Council
pursuant to Section 7 of

An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act

The Governor in Council on the report and recommendation of the Minister of Justice dated June 8, 2010, and pursuant to Section 7 of Chapter 13 of the Acts of 2009, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, is pleased to order and declare by proclamation that Chapter 13 of the Acts of 2009, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2010.

PROVINCE OF NOVA SCOTIA

sgd: Nancy Bateman

G/S

ELIZABETH THE SECOND, by the Grace of God,
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 7 of Chapter 13 of the Acts of 2009, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, it is enacted as follows:

- 7 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 13 of the Acts of 2009, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2010;

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 13 of the Acts of 2009, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2010, 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 Her Honour the Honourable Nancy Bateman, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 29th day of June in the year of Our Lord two thousand and ten and in the fifty-ninth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 103/2010

Made: March 3, 2010

Approved: June 29, 2010

Filed: July 2, 2010

By-laws of the Association of Professional Engineers of Nova Scotia

Order in Council 2010-273 dated June 29, 2010
Amendment to by-laws made by Association of Professional Engineers of Nova Scotia
and approved by the Governor in Council
pursuant to subsection 6(1) and Section 32 of the *Engineering Profession Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated June 8, 2010, and pursuant to subsection 6(1) and Section 32 of Chapter 148 of the Revised Statutes of Nova Scotia, 1989, the *Engineering Profession Act*, is pleased to approve amendments made and approved by a majority of over 2/3 of

the valid ballots of members of Engineers Nova Scotia to the by-laws of the Association of Professional Engineers of Nova Scotia, N.S. Reg. 8/46, approved by the Governor in Council by Order in Council dated May 29, 1946, to reflect recent amendments to the Act and to increase the administrative fee to \$300.00, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 29, 2010.

Schedule "A"

I certify that the members of Engineers Nova Scotia (formerly the Association of Professional Engineers of Nova Scotia) passed a resolution to amend the By-laws of the Association of Professional Engineers of Nova Scotia, N.S. Reg. 8/46, approved by the Governor in Council by Order in Council dated May 29, 1946, in the manner set forth in the attached, effective on and after the date they are approved by the Governor in Council.

I further certify that these amendments were duly passed by a majority of over 2/3 of the valid ballot[s] in accordance with Section 32 of Chapter 148 of the Revised Statutes of Nova Scotia, the *Engineering Profession Act*.

Signed at [sic] , in Halifax, Nova Scotia, on March 3, 2010.

Association of Professional Engineers of Nova Scotia

Sgd: *D. MacDonald*
Dan MacDonald, P. Eng.
President

Sgd.: *Len White*
Len White, P. Eng.
Secretary

**Amendments to the By-laws of the Association of Professional Engineers
of Nova Scotia made pursuant to subsection 6(1) and Section 32
of Chapter 148 of the Revised Statutes of Nova Scotia, 1989,
the *Engineering Profession Act***

- 1 Section 1 of the by-laws of the Association of Professional Engineers of Nova Scotia, N.S. Reg. 8/46, approved by the Governor in Council by Order in Council dated May 29, 1946, is amended by adding the following subsections immediately after subsection (2):
 - (2A) "Continuing Professional Development Guidelines" means the professional development guidelines determined by a resolution of the Association that outline requirements for members.
 - (2B) "professional development hours" means the hours required by Section 13C and prescribed in the Continuing Professional Development Guidelines.
- 2 (1) Subsection 13(1) of the by-laws is amended by adding " , professional development guideline certificate in the form prescribed by Council" immediately after "credentials".
- (2) Subsection 13(2) of the by-laws is amended by striking out "The application shall" and substituting "Subject to any resolutions made under subsection (2A), the application shall".

(3) Section 13 of the by-laws is amended by adding the following subsection immediately after subsection 13(2):

(2A) In accordance with subsection 7(2) of the Act, the Council may make resolutions respecting any of the following:

- (a) the establishment of different classes of applicants for registration;
- (b) the conditions for the entry into membership for persons in a class;
- (c) the right of persons in a class to be exempted from the requirement that their application for membership come before either or both of the Board of Examiners or Council for consideration and or resolution before being granted membership.

3 Subsection 13B(3) of the by-laws is amended by striking out “\$200.00” and substituting “\$300.00”.

4 The by-laws are further amended by adding the following Section immediately after Section 13B:

Professional development

13C (1) The certification of compliance with the Professional Development Guidelines required by subsection 19A(1) of the Act includes compliance with the required professional development hours and shall include a confirmation that the member is practising only in areas of engineering in which the member is competent.

(2) Unless exempt by resolution of Council, a member shall complete the following minimum professional development hours by participating in the professional development activities identified in the Association’s Continuing Professional Development Guidelines:

- (a) beginning January 1, 2011, and continuing until December 31, 2013, a minimum number of sixty professional development hours in each calendar year with the specific number of hours required in each year to be set by resolution of Council on or before March 1 of each year;
- (b) beginning January 1, 2014,
 - (i) a minimum of sixty professional development hours in each calendar year, and
 - (ii) except as provided in subsection (3), a minimum of 240 professional development hours in each successive three-year period.

(3) A person who becomes a member in the second or third year of a three-year period is not required to meet the minimum professional development hours required by subclause (2)(b)(ii) during that three-year period, but must meet the requirement in all subsequent three-year periods in which the person is a member.

5 Section 19 of the by-laws is amended by

- (a) striking out “such other committees” in subsection (3) and substituting “committees appointed under subsection (2)”; and
- (b) adding “appointed under subsection (2)” immediately after “Each committee” in subsection (4).

- 6 Section 24 of the by-laws is renumbered as subsection 24(1) and the following subsection added immediately after subsection 24(1):
- (2) The Council may by resolution adopt, amend or rescind, in whole or in part, a Code of Ethics.
- 7 Sections 24A and 24B of the by-laws are repealed.
- 8 The by-laws are further amended by striking out “Canons” in the heading to the Appendix, and substituting “Code”.

N.S. Reg. 104/2010

Made: June 30, 2010

Filed: July 6, 2010

Prescribed Petroleum Products Prices

Order dated June 30, 2010
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-10-27****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Kulvinder S. Dhillon, P. Eng., Member**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas there is an increase in the Harmonized Sales Taxes from 13% to 15% effective July 1, 2010;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 29, 2010, are:

Grade 1 Regular gasoline	55.8¢ per litre
Ultra-low-sulfur diesel oil	57.8¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	55.8¢ per litre
Grade 2	58.8¢ per litre

Grade 3	61.8¢ per litre
Ultra-low-sulfur diesel oil	57.8¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil ¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.4¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., July 1, 2010.

Dated at Halifax, Nova Scotia, this 30th day of June, 2010.

Sgd: *Nancy McNeil*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on July 1, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	62.1	10.0	15.5	87.6	105.3	107.1	105.3	999.9
Mid-Grade Unleaded	65.1	10.0	15.5	90.6	108.8	110.5	108.8	999.9
Premium Unleaded	68.1	10.0	15.5	93.6	112.2	114.0	112.2	999.9
Ultra-Low-Sulfur Diesel	64.5	4.0	15.4	83.9	101.1	102.8	101.1	999.9
Zone 2								
Regular Unleaded	62.5	10.0	15.5	88.0	105.8	107.5	105.8	999.9
Mid-Grade Unleaded	65.5	10.0	15.5	91.0	109.3	111.0	109.3	999.9
Premium Unleaded	68.5	10.0	15.5	94.0	112.7	114.4	112.7	999.9
Ultra-Low-Sulfur Diesel	64.9	4.0	15.4	84.3	101.5	103.3	101.5	999.9
Zone 3								
Regular Unleaded	63.0	10.0	15.5	88.5	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	66.0	10.0	15.5	91.5	109.8	111.6	109.8	999.9
Premium Unleaded	69.0	10.0	15.5	94.5	113.3	115.0	113.3	999.9
Ultra-Low-Sulfur Diesel	65.4	4.0	15.4	84.8	102.1	103.8	102.1	999.9
Zone 4								
Regular Unleaded	63.0	10.0	15.5	88.5	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	66.0	10.0	15.5	91.5	109.8	111.6	109.8	999.9
Premium Unleaded	69.0	10.0	15.5	94.5	113.3	115.0	113.3	999.9
Ultra-Low-Sulfur Diesel	65.4	4.0	15.4	84.8	102.1	103.8	102.1	999.9

Zone 5								
Regular Unleaded	63.0	10.0	15.5	88.5	106.4	108.1	106.4	999.9
Mid-Grade Unleaded	66.0	10.0	15.5	91.5	109.8	111.6	109.8	999.9
Premium Unleaded	69.0	10.0	15.5	94.5	113.3	115.0	113.3	999.9
Ultra-Low-Sulfur Diesel	65.4	4.0	15.4	84.8	102.1	103.8	102.1	999.9
Zone 6								
Regular Unleaded	63.8	10.0	15.5	89.3	107.3	109.0	107.3	999.9
Mid-Grade Unleaded	66.8	10.0	15.5	92.3	110.7	112.5	110.7	999.9
Premium Unleaded	69.8	10.0	15.5	95.3	114.2	115.9	114.2	999.9
Ultra-Low-Sulfur Diesel	66.2	4.0	15.4	85.6	103.0	104.8	103.0	999.9