

Royal



Gazette

Part II Regulations under the Regulations Act

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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. 251/2011

Made: August 8, 2011

Filed: August 8, 2011

Employment Support and Income Assistance Regulations

Order in Council 2011-308 dated August 8, 2011
Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated May 25, 2011, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, to clarify special needs, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 8, 2011.

Schedule "A"

**Amendment to the *Employment Support and Income Assistance Regulations*
made by the Governor in Council
pursuant to Section 21 of Chapter 27 of the Acts of 2000,
the *Employment Support and Income Assistance Act***

- 1 Clause 2(ab) of the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, is repealed and the following clause substituted:
 - (ab) "special needs" means special needs as defined in Section 24;
- 2 The regulations are further amended by renumbering Section 24 as Section 24A and adding the following Section immediately before Section 24A:

Special needs defined

24 (1) In the Act and these regulations, "special needs" means needs for any of the following items or services, but does not include a need for an item or service listed in subsection (2):

- (a) an item or service with respect to any of the following:
 - (i) dental care approved in accordance with the *ESIA Dental Fee Guide* approved by the Director,
 - (ii) optical care,
 - (iii) pharmacare coverage,
 - (iv) special diet,
 - (v) transportation,
 - (vi) child care,
 - (vii) implementation of an employment plan,

- (viii) funeral arrangements;
- (b) an item or service prescribed in policy by the Director.
- (2) Except as provided in subsection (4), the following items and services are not included in the definition of “special needs”:
 - (a) an item or service that is insured under a Provincial insured health services program or is otherwise funded by government;
 - (b) an item or service for medical purposes for which an alternative exists under MSI;
 - (c) prescription medications, drugs and substances that are not listed as benefits under the pharmacare programs in the *Nova Scotia Formulary*;
 - (d) medical treatments and substances that are not covered as an insured service under MSI, including any equipment, supplies, materials or services used in producing or administering the treatments or substances;
 - (e) shelter costs and personal allowances.
- (3) In subsection (2),
 - (a) “MSI” means the Medical Services Insurance Program administered under the *Health Services and Insurance Act*;
 - (b) “*Nova Scotia Formulary*” means the publication of the Department of Health that details which drugs and supplies are benefits under the Nova Scotia Seniors’ Pharmacare Program, Family Pharmacare Program, Diabetes Assistance Program, Community Services Pharmacare Programs and Drug Assistance for Cancer Patients.
- (4) A recipient’s continuing eligibility for an item or service of special need listed in subsection (2) must be determined in accordance with the definition of special needs in clause 2(ab) of these regulations as existed immediately before the date this Section comes into force if all of the following apply:
 - (a) assistance for the item or service was received before the date this Section comes into force;
 - (b) there has been no break in eligibility for the item or service since the last time assistance was determined for the special need;
 - (c) the reasons why the special need is required have not changed.

3 Section 24A of the regulations is amended by

- (a) repealing clause (d) and substituting the following clause:
 - (d) the monthly or total cost of the special need;
- (b) repealing clause (g) and substituting the following clause:
 - (g) if the special need has already been acquired, an invoice or receipt for the special need.

4 Section 26 of the regulations is repealed and the following Section substituted:

- 26 (1)** In determining the amount of assistance payable for a special need for an applicant or recipient, a caseworker shall include the lesser of the following in the calculation of the budget deficit of the applicant or recipient:
- (a) actual cost of the special need;
 - (b) the amount prescribed for the special need in Appendix "A".
- (2)** In determining the amount of assistance payable for a special need for an applicant or recipient, the most economical option for financing the special need must be the option approved.

5 Clause 46(a) of the regulations is repealed.

N.S. Reg. 252/2011

Made: August 4, 2011

Filed: August 9, 2011

Prescribed Petroleum Products Prices

Order dated August 4, 2011
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-11-33

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: Roland A. Deveau, Q.C., 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 the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 3, 2011, are:

Grade 1 Regular gasoline	76.1¢ per litre
Ultra-low-sulfur diesel oil	79.3¢ per litre

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

Gasoline:	
Grade 1	76.1¢ per litre
Grade 2	79.1¢ per litre
Grade 3	82.1¢ per litre
Ultra-low-sulfur diesel oil	79.3¢ 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
Ultra-low-sulfur diesel oil:	plus 0.1¢ 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., August 5, 2011.

Dated at Halifax, Nova Scotia, this 4th day of August, 2011.

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 August 5, 2011**

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	82.4	10.0	15.5	107.9	128.7	130.4	128.7	999.9
Mid-Grade Unleaded	85.4	10.0	15.5	110.9	132.1	133.9	132.1	999.9
Premium Unleaded	88.4	10.0	15.5	113.9	135.6	137.3	135.6	999.9
Ultra-Low-Sulfur Diesel	85.7	4.0	15.4	105.1	125.5	127.2	125.5	999.9
Zone 2								
Regular Unleaded	82.8	10.0	15.5	108.3	129.1	130.9	129.1	999.9
Mid-Grade Unleaded	85.8	10.0	15.5	111.3	132.6	134.3	132.6	999.9
Premium Unleaded	88.8	10.0	15.5	114.3	136.0	137.8	136.0	999.9
Ultra-Low-Sulfur Diesel	86.1	4.0	15.4	105.5	125.9	127.7	125.9	999.9
Zone 3								
Regular Unleaded	83.3	10.0	15.5	108.8	129.7	131.4	129.7	999.9
Mid-Grade Unleaded	86.3	10.0	15.5	111.8	133.2	134.9	133.2	999.9
Premium Unleaded	89.3	10.0	15.5	114.8	136.6	138.3	136.6	999.9
Ultra-Low-Sulfur Diesel	86.6	4.0	15.4	106.0	126.5	128.2	126.5	999.9

Zone 4								
Regular Unleaded	83.3	10.0	15.5	108.8	129.7	131.4	129.7	999.9
Mid-Grade Unleaded	86.3	10.0	15.5	111.8	133.2	134.9	133.2	999.9
Premium Unleaded	89.3	10.0	15.5	114.8	136.6	138.3	136.6	999.9
Ultra-Low-Sulfur Diesel	86.6	4.0	15.4	106.0	126.5	128.2	126.5	999.9
Zone 5								
Regular Unleaded	83.3	10.0	15.5	108.8	129.7	131.4	129.7	999.9
Mid-Grade Unleaded	86.3	10.0	15.5	111.8	133.2	134.9	133.2	999.9
Premium Unleaded	89.3	10.0	15.5	114.8	136.6	138.3	136.6	999.9
Ultra-Low-Sulfur Diesel	86.6	4.0	15.4	106.0	126.5	128.2	126.5	999.9
Zone 6								
Regular Unleaded	84.1	10.0	15.5	109.6	130.6	132.4	130.6	999.9
Mid-Grade Unleaded	87.1	10.0	15.5	112.6	134.1	135.8	134.1	999.9
Premium Unleaded	90.1	10.0	15.5	115.6	137.5	139.3	137.5	999.9
Ultra-Low-Sulfur Diesel	87.4	4.0	15.4	106.8	127.4	129.1	127.4	999.9

N.S. Reg. 253/2011

Made: August 11, 2011

Filed: August 15, 2011

Prescribed Petroleum Products Prices

Order dated August 11, 2011

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-11-34****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:** Murray E. Doehler, CA, 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 the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 10, 2011, are:

Grade 1 Regular gasoline	71.3¢ per litre
Ultra-low-sulfur diesel oil	75.5¢ per litre

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

Gasoline:	
Grade 1	71.3¢ per litre
Grade 2	74.3¢ per litre
Grade 3	77.3¢ per litre
Ultra-low-sulfur diesel oil	75.5¢ 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:	minus 1.0¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.8¢ 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., August 12, 2011.

Dated at Halifax, Nova Scotia, this 11th day of August, 2011.

Sgd: *Mora Stevens*
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 August 12, 2011**

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	76.6	10.0	15.5	102.1	122.0	123.7	122.0	999.9
Mid-Grade Unleaded	79.6	10.0	15.5	105.1	125.5	127.2	125.5	999.9
Premium Unleaded	82.6	10.0	15.5	108.1	128.9	130.6	128.9	999.9
Ultra-Low-Sulfur Diesel	81.0	4.0	15.4	100.4	120.1	121.8	120.1	999.9
Zone 2								
Regular Unleaded	77.0	10.0	15.5	102.5	122.5	124.2	122.5	999.9
Mid-Grade Unleaded	80.0	10.0	15.5	105.5	125.9	127.7	125.9	999.9
Premium Unleaded	83.0	10.0	15.5	108.5	129.4	131.1	129.4	999.9
Ultra-Low-Sulfur Diesel	81.4	4.0	15.4	100.8	120.5	122.2	120.5	999.9
Zone 3								
Regular Unleaded	77.5	10.0	15.5	103.0	123.1	124.8	123.1	999.9
Mid-Grade Unleaded	80.5	10.0	15.5	106.0	126.5	128.2	126.5	999.9
Premium Unleaded	83.5	10.0	15.5	109.0	130.0	131.7	130.0	999.9
Ultra-Low-Sulfur Diesel	81.9	4.0	15.4	101.3	121.1	122.8	121.1	999.9

Zone 4								
Regular Unleaded	77.5	10.0	15.5	103.0	123.1	124.8	123.1	999.9
Mid-Grade Unleaded	80.5	10.0	15.5	106.0	126.5	128.2	126.5	999.9
Premium Unleaded	83.5	10.0	15.5	109.0	130.0	131.7	130.0	999.9
Ultra-Low-Sulfur Diesel	81.9	4.0	15.4	101.3	121.1	122.8	121.1	999.9
Zone 5								
Regular Unleaded	77.5	10.0	15.5	103.0	123.1	124.8	123.1	999.9
Mid-Grade Unleaded	80.5	10.0	15.5	106.0	126.5	128.2	126.5	999.9
Premium Unleaded	83.5	10.0	15.5	109.0	130.0	131.7	130.0	999.9
Ultra-Low-Sulfur Diesel	81.9	4.0	15.4	101.3	121.1	122.8	121.1	999.9
Zone 6								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	82.7	4.0	15.4	102.1	122.0	123.7	122.0	999.9

N.S. Reg. 254/2011 to 255/2011

Made: August 16, 2011

Filed: August 16, 2011

Recreational Camps Regulations and Reporting of
Notifiable Diseases and Conditions Regulations

Order in Council 2011-310 dated August 16, 2011
Regulations and amendment to regulations made by the Governor in Council
pursuant to Section 74 of the *Health Protection Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated June 28, 2011, and pursuant to Section 74 of Chapter 4 of the Acts of 2004, the *Health Protection Act*, is pleased, effective on and after August 16, 2011, to

- (a) repeal the regulations respecting summer camps, N.S. Reg. 55/67, made by the Minister of Public Health and approved by the Governor in Council by Order in Council dated July 25, 1967;
- (b) make regulations respecting recreational camps, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (c) amend the *Reporting of Notifiable Diseases and Conditions Regulations*, N.S. Reg. 195/2005, made by the Governor in Council by Order in Council 2005-457 dated October 14, 2005, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation.

N.S. Reg. 254/2011

Recreational Camps Regulations

Schedule "A"**Regulations Respecting Recreational Camps
made pursuant to Section 74 of Chapter 4 of
the Acts of 2004, the *Health Protection Act*****Citation**

1 These regulations may be cited as the *Recreational Camps Regulations*.

Definitions

2 In these regulations,

“Act” means the *Health Protection Act*;

“camping program” means a recreational camp for which the operator does not own or operate the facilities used for the camp but rents or uses the premises or facilities of others;

“certified public health inspector” means a public health inspector who holds a certificate in public health inspection by the Canadian Institute of Public Health Inspectors;

“Department” means the Department of Health and Wellness, unless another department name is specifically used;

“Guidelines” means the latest edition of Part A of the *Nova Scotia Guidelines for Recreational Camps* or its successor document, as developed by the Department and the Department of Agriculture and approved by the Chief Medical Officer;

“operator” means a person who, either alone or through an agent, owns or operates a recreational camp;

“recreational camp” means a camp for recreational, educational, social, cultural or religious activities consisting of 1 or more tents, cabins, vehicles, buildings or structures established or maintained as living quarters for temporary occupancy of 3 or more days, with or without charge, and includes a camping program, but does not include any of the following:

- (i) a camp established by a person for their family or guests,
- (ii) a camping or accommodation establishment as defined in the *Tourist Accommodations Regulations* under the *Tourist Accommodations Act*,
- (iii) a facility regulated by the *Day Care Regulations* under the *Day Care Act*, or
- (iv) a facility on the campus of a university, college or public school operated with the activities or the sponsorship of the university, college or public school.

Compliance with incorporated Guidelines

3 (1) The Guidelines are incorporated by reference into these regulations.

- (2) An operator must ensure that a recreational camp is equipped, operated, staffed and maintained in accordance with the Guidelines.

- (3) A certified public health inspector must carry out an annual inspection of a recreational camp to ensure adherence to the Guidelines.
- (4) A medical officer may issue a certificate or letter stating whether a recreational camp is in compliance with the Guidelines, and may include any limitations or conditions noted for the compliance.
- (5) A letter or certificate issued under subsection (4) must be displayed in the main building of the recreational camp or in some other area where it may be viewed by the public.

Registry of recreational camps

- 4 (1) The Department must maintain a registry of recreational camps.
- (2) An operator must register their recreational camp with the Department and send any information that is required by the Department to be included in the registry of recreational camps to a medical officer.

Approval of new camps or renovations

- 5 Before constructing a new recreational camp or carrying out significant renovations to an existing recreational camp, the operator of a camp must submit plans, as detailed in the Guidelines, for the new camp or renovation for approval by a certified public health inspector.

N.S. Reg. 255/2011

Reporting of Notifiable Diseases and Conditions Regulations

Schedule "B"

**Amendment to the *Reporting of Notifiable Diseases and Conditions Regulations*
made by the Governor in Council by Order in Council pursuant to
Section 74 of Chapter 4 of the Acts of 2004,
the *Health Protection Act***

Subsection 2(3) of the *Reporting of Notifiable Diseases and Conditions Regulations*, N.S. Reg. 195/2005, made by the Governor in Council by Order in Council 2005-247 dated October 14, 2005, is amended by

- (a) striking out the period at the end of clause (d) and substituting a semicolon; and
- (b) adding the following clause immediately after clause (d):
 - (e) a recreational camp as defined in the *Recreational Camps Regulations* made under the Act.

N.S. Reg. 256/2011

Made: August 16, 2011

Filed: August 16, 2011

Proclamation respecting Blandford District No. 1

Order in Council 2011-311 dated August 16, 2011

Proclamation made by the Governor in Council

pursuant to Section 56 of the

Rural Fire District Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated July 18, 2011, and pursuant to Section 56 of Chapter 406 of the Revised Statutes of Nova Scotia, 1989, the *Rural Fire District Act*, is pleased to:

- (a) declare by proclamation that on and after September 1, 2011, ~~that~~ the provisions of the *Rural Fire District Act* shall apply to the Commissioners for the Fire Protection for Blandford District No. 1 in lieu of the provisions of Chapter 55 of the Acts of 1985, *An Act to Enable the Inhabitants of District No. 1 of the Municipality of the District of Chester to Provide Themselves with a System of Fire Protection* except as herein provided for in paragraph (b); and
- (b) declare that the name by which such Commissioners or Commission is thereafter to be known, the number of Commissioners and the boundaries of the Blandford Fire District, shall continue to be prescribed by *An Act to Enable the Inhabitants of District No. 1 of the Municipality of the District of Chester to Provide Themselves with a System of Fire Protection*.

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 Chapter 55 of the Acts of Nova Scotia, 1985, *An Act to Enable the Inhabitants of District No. 1 of the Municipality of the District of Chester to Provide Themselves with a System of Fire Protection*, a body corporate was constituted and named "The Commissioners for the Fire Protection for Blandford District No. 1", which body corporate was to provide a good and sufficient system of fire protection for the inhabitants of the Blandford Fire District;

WHEREAS in and by Section 56 of Chapter 406 of the Revised Statutes of Nova Scotia, 1989, the *Rural Fire District Act*, it is enacted as follows:

- 56 (1)** Where, by or pursuant to any Act of the Legislature enacted on, before or after the twenty-first day of March, 1963, any commissioners are, or any commission, board, company, fire department or similar body, hereinafter referred to as a "commission", is created for the purpose of supplying fire protection to any part of the Province other than a city or an incorporated town, the commissioners or the commission as created, may, if authorized by a meeting of the rate payers of the area to which such first mentioned Act applies, declare by resolution that the provisions of this Act shall thereafter apply and upon such declaration

being filed in the office of the Minister, the Governor in Council may by proclamation declare that the provisions of this Act shall apply to such commissioners or commission, in lieu of the provisions of the Act which theretofore applied to such commissioners, or commission.

- (2) The proclamation issued pursuant to subsection (1) may
- (a) be in the same form as the proclamation issued pursuant to Section 17 and provide that the name of the commissioners or commission shall be that prescribed by Section 18; or
 - (b) provide that the name by which such commissioners or commission is thereafter to be known, the number of members, their qualifications and the method of electing them, or any one or more of such matters, shall be those prescribed by the Act by which they or it was created and, in such event, those matters not so provided for shall be as prescribed for commissioners by this Act.

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation:

- (a) declare by proclamation, that on and after September 1, 2011, ~~that~~ the provisions of the *Rural Fire District Act* shall apply to the Commissioners for the Fire Protection for Blandford District No. 1 in lieu of the provisions of Chapter 55 of the Acts of 1985, *An Act to Enable the Inhabitants of District No. 1 of the Municipality of the District of Chester to Provide Themselves with a System of Fire Protection* except as herein provided for in paragraph (b); and
- (b) declare that the name by which such Commissioners or Commission is thereafter to be known, the number of Commissioners and boundaries of the Blandford Fire District, shall continue to be as prescribed by *An Act to Enable the Inhabitants of District No. 1 of the Municipality of the District of Chester to Provide Themselves with a System of Fire Protection*.

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 16th day of August in the year
of Our Lord two thousand and eleven and in the
sixtieth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 257/2011 to 259/2011

Made: August 16, 2011

Filed: August 16, 2011

Minimum Wage Order (General), Minimum Wage Order (Construction and Property Maintenance) and Minimum Wage Order (Logging and Forest Operations)

Order in Council 2011-312 dated August 16, 2011
Amendment to regulations made by the Governor in Council
pursuant to Sections 7, 50 and 52 of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated July 8, 2011, and pursuant to Sections 7, 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased to, effective on and after the date that is 10 days after the date of publication of the amendments in the Royal Gazette,

- (a) amend the *Minimum Wage Order (General)*, N.S. Reg. 5/99, made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, to increase the minimum wages and provide for future indexing of the minimum wages to the Low Income (Before Tax) Cut-Off and the Consumer Price Index, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation;
- (b) amend the *Minimum Wage Order (Construction and Property Maintenance)*, N.S. Reg. 202/2003, made by the Governor in Council by Order in Council 2003-507, dated November 28, 2003, to increase the minimum wage and board and lodging rates, and provide for future indexing of the minimum wage to the Low Income (Before Tax) Cut-Off and the Consumer Price Index, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation; and
- (c) amend the *Minimum Wage Order (Logging and Forest Operations)*, N.S. Reg. 5/99, made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, to increase the minimum wages and board and lodging rates, and provide for future indexing of the minimum wages to the Low Income (Before Tax) Cut-Off and the Consumer Price Index, in the manner set forth in Schedule “C” attached and forming part of the report and recommendation.

N.S. Reg. 257/2011

Minimum Wage Order (General)

Schedule “A”

**Amendment to the *Minimum Wage Order (General)*
made by the Governor in Council pursuant to Sections 7, 50 and 52
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the *Labour Standards Code***

1 Subsection 3(1) of the *Minimum Wage Order (General)*, N.S. Reg. 5/99, made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is amended by

- (a) striking out the clause letter before each definition; and
- (b) adding the following definitions where they belong in alphabetical order:

“Consumer Price Index” means the “all-items” Consumer Price Index for Canada published by Statistics Canada under the *Statistics Act* (Canada);

“experienced employee” means an employee who is not an inexperienced employee;

“Low Income (Before Tax) Cut-Off” means the Low Income (Before Tax) Cut-Off for a single person in an urban area of residence having a population of 30 000 to 99 999 that is published by Statistics Canada under the *Statistics Act* (Canada).

2 Section 6 of the regulations is repealed and the following Section substituted:

6 (1) The minimum wages for employees are fixed at the hourly rates set out in the following table:

Effective Date	Class of Employees	Rate per Hour
October 1, 2010	Experienced	\$9.65
	Inexperienced	\$9.15
October 1, 2011	Experienced	\$10.00
	Inexperienced	\$9.50

(2) Effective April 1, 2012, the minimum wages for employees are fixed at the hourly rates calculated as follows:

- (a) for an experienced employee, the hourly wage rate at which an experienced employee who is earning minimum wage for 2000 hours per year will earn income at the Low Income (Before Tax) Cut-Off, adjusted by the projected Consumer Price Index for 2011 and rounded to the nearest \$0.05;
- (b) for an inexperienced employee, \$0.50 less than the hourly wage rate for an experienced employee calculated under clause (a).

(3) Subject to subsection (4), effective on and after April 1, 2013, and on and after every April 1 thereafter, the minimum wages for employees are fixed at the hourly rates calculated as follows:

- (a) for an experienced employee, the current hourly wage rate, adjusted by the percentage change in the projected annual Consumer Price Index for the calendar year immediately preceding the year in which the adjustment occurs, and rounded to the nearest \$0.05;
- (b) for an inexperienced employee, \$0.50 less than the hourly wage rate for an experienced employee calculated under clause (a).

(4) If the calculation required by subsection (3) results in an hourly rate that is less than the hourly rate fixed for the previous year, there is no adjustment and the minimum wage remains fixed at the hourly wage rate for the previous year.

3 The regulations are further amended by adding the following Section immediately after Section 6:

Notice of adjustments

6A (1) The Minister shall give public notice of any adjustments to the minimum wage as calculated under subsection 6(2) or (3) by publishing a notice in the Royal Gazette Part I no later than January 31 of the year in which the adjustment is to take effect.

- (2) No later than April 1, every employer of employees affected by this Order shall post and keep posted in a conspicuous place in the employer's establishment or plant a copy of any public notice given by the Minister under subsection (1) so that all employees affected thereby may have ready access to and see the same.

4 Subsection 8(1) of the regulations is repealed and the following subsection substituted:

- (1) If an employer furnishes board or lodging, or both, to an employee, the employer shall not deduct from the minimum wage of the employee an amount exceeding the applicable amount set out in the following table:

Effective Date	Board and Lodging (per week)	Board Only (per week)	Lodging Only (per week)	Single Meals
May 1, 2008	\$65.00	\$52.65	\$14.65	\$3.45
October 1, 2011	\$68.20	\$55.55	\$15.45	\$3.65

N.S. Reg. 258/2011

Minimum Wage Order (Construction and Property Maintenance)

Schedule "B"

**Amendment to the Minimum Wage Order
(Construction and Property Maintenance)
made by the Governor in Council pursuant to Sections 7, 50 and 52
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the Labour Standards Code**

- 1 The *Minimum Wage Order (Construction and Property Maintenance)*, N.S. Reg. 202/2003, made by the Governor in Council by Order in Council 2003-507 dated November 28, 2003, is amended by adding the following heading and Section immediately after Section 2:

Definitions

2A (1) In this Order,

"Consumer Price Index" means the "all-items" Consumer Price Index for Canada published by Statistics Canada under the *Statistics Act (Canada)*;

"Low Income (Before Tax) Cut-Off" means the Low Income (Before Tax) Cut-Off for a single person in an urban area of residence having a population of 30 000 to 99 999 that is published by Statistics Canada under the *Statistics Act (Canada)*.

- (2) Words defined in the *Labour Standards Code* and the regulations made under the *Labour Standards Code* have the same meaning when used in this Order.

2 Section 4 of the regulations is repealed and the following Section substituted:

- 4 (1) The minimum wage for employees to whom this Order applies is fixed at the hourly rate set out in the following table:

Effective Date	Rate per Hour
October 1, 2010	\$9.65
October 1, 2011	\$10.00

- (2) Effective April 1, 2012, the minimum wage for employees to whom this Order applies is fixed at the hourly rate at which an employee who is earning minimum wage for 2000 hours per year will earn income at the Low Income (Before Tax) Cut-Off, adjusted by the projected Consumer Price Index for 2011 and rounded to the nearest \$0.05.
- (3) Subject to subsection (4), effective on and after April 1, 2013, and on and after every April 1 thereafter, the minimum wage for employees to whom this Order applies is fixed at the hourly rate calculated by adjusting the current hourly wage rate by the percentage change in the projected annual Consumer Price Index for the calendar year immediately preceding the year in which the adjustment occurs, and rounding the resulting rate to the nearest \$0.05.
- (4) If the calculation required by subsection (3) results in an hourly rate that is less than the hourly rate fixed for the previous year, there is no adjustment and the minimum wage remains fixed at the hourly wage rate for the previous year.

3 The regulations are further amended by adding the following Section immediately after Section 4:

Notice of adjustments

- 4A** (1) The Minister shall give public notice of any adjustments to the minimum wage as calculated under subsection 4(2) or (3) by publishing a notice in the Royal Gazette Part I no later than January 31 of the year in which the adjustment is to take effect.
- (2) No later than April 1, every employer of employees affected by this Order shall post and keep posted in a conspicuous place in the employer's establishment or plant a copy of any public notice given by the Minister under subsection (1) so that all employees affected thereby may have ready access to and see the same.

N.S. Reg. 259/2011

Minimum Wage Order (Logging and Forest Operations)

Schedule "C"

**Amendment to the Minimum Wage Order
(Logging and Forest Operations)
made by the Governor in Council pursuant to Sections 7, 50 and 52
of Chapter 246 of the Revised Statutes of Nova Scotia, 1989,
the Labour Standards Code**

- 1 (1) Section 2 of the *Minimum Wage Order (Logging and Forest Operations)*, N.S. Reg. 5/99, made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is renumbered as subsection 2(1) and is amended by
- (a) striking out the clause letter before each definition; and
- (b) adding the following definitions where they belong in alphabetical order:

“Consumer Price Index” means the “all-items” Consumer Price Index for Canada published by Statistics Canada under the *Statistics Act* (Canada);

“Low Income (Before Tax) Cut-Off” means the Low Income (Before Tax) Cut-Off for a single person in an urban area of residence having a population of 30 000 to 99 999 that is published by Statistics Canada under the *Statistics Act* (Canada);

“other workers” means employees who are subject to this Order and have no fixed work week or whose hours are unverifiable, including camp, gate and dam guardians, cooks and kitchen employees, stable hands, watch employees, and fire rangers and wardens;

“time workers” means employees who are subject to this Order and who are not “other workers”.

- (2) Section 2 of the regulations is further amended by adding the following subsection immediately after subsection (1):

- (2) Words defined in the *Labour Standards Code* and the regulations made under the *Labour Standards Code* have the same meaning when used in this Order.

- 2 Section 5 of the regulations is repealed and the following Section substituted:

- 5 (1) The minimum wages for employees in a logging or forest operation are fixed at the rates set out in the following table:

Effective Date	Class of Employees	Rate
October 1, 2010	Time workers	\$9.65 per hour
	Others workers	\$1888.10 per month
October 1, 2011	Time workers	\$10.00 per hour
	Others workers	\$1957.00 per month

- (2) Effective April 1, 2012, the minimum wages for employees in a logging or forest operation are fixed at the rates calculated as follows:

- (a) for time workers, the hourly wage rate at which a time worker who is earning minimum wage for 2000 hours per year will earn income at the Low Income (Before Tax) Cut-Off, adjusted by the projected Consumer Price Index for 2011 and rounded to the nearest \$0.05;
- (b) for other workers, the monthly wage rate that is proportionate to the hourly wage rate for time workers calculated under clause (a), and rounded to the nearest \$0.05.

- (3) Subject to subsection (4), effective on and after April 1, 2013, and on and after every April 1 thereafter, the minimum wages for employees in a logging or forest operation are fixed at the rates calculated as follows:

- (a) for time workers, the current hourly wage rate adjusted by the percentage change in the projected annual Consumer Price Index for the calendar year immediately preceding the year in which the adjustment occurs, and rounded to the nearest \$0.05;

(b) for other workers, the current monthly wage rate adjusted so that it is proportionate to the hourly wage rate for time workers calculated under clause (a), and rounded to the nearest \$0.05.

(4) If the calculation required by subsection (3) results in a wage rate that is less than the rate fixed for the previous year, there is no adjustment and the minimum wage remains fixed at the wage rate for the previous year.

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

Notice of adjustments

5A (1) The Minister shall give public notice of any adjustments to the minimum wage as calculated under subsection 5(2) or (3) by publishing a notice in the Royal Gazette Part I no later than January 31 of the year in which the adjustment is to take effect.

(2) No later than April 1, every employer of employees affected by this Order shall post and keep posted in a conspicuous place in the employer's establishment or plant a copy of any public notice given by the Minister under subsection (1) so that all employees affected thereby may have ready access to and see the same.

4 Subsection 6(1) of the regulations is repealed and the following subsection substituted:

(1) If an employer furnishes board and lodging to an employee, the employer shall not deduct from the minimum wage of the employee an amount exceeding the amount set out in the following table:

Effective Date	Board and Lodging
October 1, 2010	\$10.25 per day
October 1, 2011	\$10.80 per day

N.S. Reg. 260/2011

Made: August 16, 2011

Filed: August 16, 2011

Proclamation, S. 7, S.N.S. 2010, c. 17

Order in Council 2011-313 dated August 16, 2011

Proclamation made by the Governor in Council
pursuant to Section 7 of

An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act

The Governor in Council on the report and recommendation of the Minister of Community Services dated July 20, 2011, and pursuant to Section 7 of Chapter 17 of the Acts of 2010, *An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act*, is pleased to order and declare by proclamation that Section 1 of Chapter 17 of the Acts of 2010, *An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act*, do come into force on and not before February 16, 2012.

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 7 of Chapter 17 of the Acts of 2010, *An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act*, it is enacted as follows:

- 7 Section 1 comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 1 of Chapter 17 of the Acts of 2010, *An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act*, do come into force on and not before February 16, 2012;

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 Section 1 of Chapter 17 of the Acts of 2010, *An Act to Amend Chapter 203 of the Revised Statutes, 1989, the Homes for Special Care Act*, do come into force on and not before February 16, 2012, 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 16th day of August in the year
of Our Lord two thousand and eleven and in the
sixtieth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 261/2011

Made: August 16, 2011

Filed: August 16, 2011

Homes for Special Care Regulations

Order in Council 2011-314 dated August 16, 2011
Amendment to regulations made by the Governor in Council
pursuant to Section 19 of the *Homes for Special Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated June 21, 2011, and pursuant to Section 19 of Chapter 203 of the Revised Statutes of Nova Scotia, 1989, the *Homes for Special Care Act*, is pleased to amend the *Homes for Special Care Regulations*, N.S. Reg. 127/77, made by the Governor in Council by Order in Council 77-1261 dated October 11, 1977, to reflect recent amendments to the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 16, 2012.

Schedule "A"

**Amendment to the *Homes for Special Care Regulations*
made by the Governor in Council under Section 19 of Chapter 203 of the
Revised Statutes of Nova Scotia, 1989, the *Homes for Special Care Act***

- 1 (1) Subsection 4(5) of the *Homes for Special Care Regulations*, N.S. Reg. 127/77, made by the Governor in Council by Order in Council 77-1261 dated October 1, 1977, is repealed and the following subsection substituted:
 - (5) The term "community based residential facility" means any building or place where persons receive supervisory care in a residential and family environment and the care is provided by persons who are not their parents, and includes all of the following:
 - (a) a group home;
 - (b) a developmental residence;
 - (c) a small option home.
- (2) Subsection 4(7) of the regulations is repealed.
- 2 The regulations are further amended by adding the following Sections immediately after Section 5:
 - 5A (1)** Except as provided in subsection (2), a home for special care shall meet the standards of accommodation and care established for homes for special care by the Minister and comply with the policies and procedures established for homes for special care by the Minister.
 - (2) A home for special care may adopt its own standards of accommodation and care and policies and procedures for the home.
 - (3) If there is an inconsistency between the standards, policies and procedures of the Minister referred to in subsection (1) and standards, policies and procedures adopted under subsection (2), the standards, policies and procedures of the Minister prevail.

- 5B** A home for special care shall provide the Minister with any information about the home that the Minister reasonably requires.
- 3 Section 7 of the regulations is repealed and the following Section is substituted:
- 7** (1) A license for a home for special care licensed by the Minister of Health and Wellness must be in Form IIIA.
- (2) A license for a home for special care licensed by the Minister of Community Services must be in Form IIIB.
- 4 (1) Subsection 9(1) [of the regulations] is amended by striking out “A license” and substituting “Except as provided in subsection (2), a license”.
- (2) Subsection 9(2) of the regulations is repealed and the following subsection is substituted:
- (2) A license issued for the operation of a community based residential facility must be displayed in the home and made available upon request.
- 5 Subsection 18(4) of the regulations is repealed and the following subsection is substituted:
- (4) In every residential care facility other than a small option home, there shall be a staff member who is capable of providing necessary emergency care on duty in the home at all times.
- 6 Subsection 19(3) of the regulations is repealed and the following subsection is substituted:
- (3) The administrator of a home for special care must have the education and experience to enable them to perform the responsibilities set out in subsections (1) and (2).
- 7 Section 20 [of the regulations] is repealed and the following Section is substituted:
- 20** In addition to the requirements set out in Sections 18 and 19, every home for special care shall have adequate and competent staff to provide any services the Minister requires for the home, including all of the following:
- (a) food service;
- (b) domestic and maintenance services;
- (c) program and activity services;
- (d) administrative support services.
- 8 Section 21 [of the regulations] is repealed and the following Section is substituted:
- 21** It is a term and condition of every license that the licensee shall comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
- 9 Subsection 23(2) of the regulations is repealed and the following subsection is substituted:
- (2) In addition to the information listed in Form IV, all of the following information must be kept in each resident’s file in a home for special care licensed by the Minister of Health and Wellness:

- (a) the care plan for the resident;
 - (b) the treatment plan for the resident;
 - (c) any changes in the resident's condition, or any unusual occurrence related to their condition.
- 10 Section 23 [of the regulations] is amended by adding the following subsection immediately after subsection (3):
- (4) In addition to the information listed in Form IV, all of the following information must be kept in each resident's file in a regional rehabilitation centre, adult residential facility and community based residential facility, with a copy forwarded to the Minister:
 - (a) the individualized plan for the resident prepared under subsection 26(5);
 - (b) an annual review of the resident's individualized plan;
 - (c) any changes in the resident's condition, or any unusual occurrence related to their condition.
- 11 Subsection 24(1) of the regulations is repealed and the following subsection is substituted:
- (1) The records for all residents of a home for special care must be kept in a safe and secure location and must be accessible at all times to the supervisory staff of the home and to inspectors.
- 12 Subsection 26(3) of the regulations is repealed and the following subsection is substituted:
- (3) Every resident of any of the following types of homes for special care must be personally seen by a qualified medical practitioner at least annually:
 - (a) a community based residential facility;
 - (b) a regional rehabilitation centre;
 - (c) an adult residential centre.
- 13 Subsection 26(5) of the regulations is repealed and the following subsection is substituted:
- (5) A home for the disabled and a community based residential facility must develop a written individualized plan for each of its residents to determine the resident's physical, social, medical, educational and vocational needs and the progress the resident is making in respect of the needs.
- 14 (1) Subsection 27(3) of the regulations is repealed and the following subsection is substituted:
- (3) The emergency plan referred to in subsection (1) must be developed in collaboration with local and Provincial authorities for emergency measures planning, and a copy of the plan must be provided to the Minister.
- (2) Subsection 27(5) of the regulations is repealed.
 - (3) Subsections 27(9) and (10) of the regulations are repealed and the following subsections substituted:
 - (9) Every home for special care shall post the evacuation plan for the home and emergency telephone numbers in a conspicuous location in the home.

- (10) The administrator of a home for special care is responsible for
- (a) training staff and residents on emergency plan procedures and conducting emergency drills with staff and residents; and
 - (b) requesting the Fire Marshal to inspect the home on a regular basis in accordance with the requirements of the Office of the Fire Marshal.
- 15 Subsection 29(1) of the regulations is repealed.
- 16 The regulations are further amended by adding the following Section immediately after Section 29:
- 29A (1)** The administrator of a home for special care is responsible for ensuring the home is inspected at regular intervals as required by law.
- (2) An administrator shall permit an inspector appointed under any statutory authority to conduct an inspection under subsection (1) at any time an inspector considers it necessary.
- 17 Section 32 of the regulations is repealed and the following Section is substituted:
- 32** A home for special care shall not maintain a person in the home or part of the home that is not approved as meeting sanitary requirements.
- 18 (†) Subsection 34(1) of the regulations is repealed and the following subsections are substituted:
- (1) Except as provided in subsection (1A) every home for special care shall have facilities and equipment that
- (a) are adequate for preparing, serving and storing food; and
 - (b) meet the requirements of the appropriate authority.
- (1A) A small option home is exempt from compliance with subsection (1) until January 1, 2013.
- 19 (†) Subsections 36(3), (4), (5) and (6) of the regulations are repealed and the following subsections are substituted:
- (3) In every nursing home, home for the aged, and home for the disabled, the administrator of the home shall designate a staff member as the supervisor of food services for the home.
- (4) A supervisor of food services for a home is responsible for all of the following:
- (a) planning menus and special diets;
 - (b) ensuring the menus are evaluated by a dietician to determine whether they are in accordance with the likes, dislikes, eating habits and recommended dietary allowances of the residents;
 - (c) maintaining a dated record of daily menus;
 - (d) consulting with the dietician on all matters relating to planning, preparing and storing food.

- (5) Every home for special care must maintain a suitable food service accounting system, with procedures that are established and followed for purchasing, receiving and inventorying food, including recording the number of meals served to residents and staff and any other complimentary meals.
- 20 (1) Subsection 38(1) of the regulations is amended by striking out “All drugs” and substituting “Except as provided in subsections (4) and (5), all drugs”.
- (2) Section 38 [of the regulations] is further amended by adding the following subsections immediately after subsection (3):
- (4) The administrator of a home for special care licensed by the Minister of Community Services may authorize a resident to store drugs locked in the resident’s room if
- (a) the resident’s individualized plan contains a written clinical assessment authorizing the storage; and
- (b) the requirements set out in policy and standards for the home are met.
- (5) The administrator of a home for special care licensed by the Minister of Health and Wellness may authorize a resident to store drugs locked in the resident’s room if
- (a) the resident’s care plan or treatment plan contains a written clinical assessment authorizing the storage; and
- (b) the requirements set out in policy and standards for the home are met.
- (6) An administrator who authorizes a resident to store drugs in the resident’s room in accordance with subsection (4) or (5) shall ensure that the drugs are safely stored at all times.
- 21 Section 43 of the regulations is repealed and the following Section is substituted:
- 43** (1) In homes for special care licensed by the Minister of Health and Wellness, each medication received by a resident must be reviewed at least monthly to determine whether the medication should be discontinued or altered.
- (2) In homes licensed by the Minister of Community Services, each medication received by a resident must be reviewed based on the resident’s individual needs as assessed and recommended by a qualified medical practitioner, nurse practitioner or pharmacist.
- (3) The administrator of a home for special care is responsible for ensuring that a review required under this Section is completed and shall consult regularly about the resident continuing the medication and the resident’s use of the medication with any qualified medical practitioner, nurse practitioner or pharmacist involved in the review.
- 22 (1) Subsection 45(2) of the regulations is repealed and the following subsection is substituted:
- (2) Unless the Minister otherwise orders, a bedroom for a resident in a residential care facility shall have a floor area of at least 100 square feet, and if more than 1 resident is accommodated in a bedroom, the bedroom must have an additional 50 square feet for each additional resident.
- (2) Subsection 45(5) of the regulations is repealed and the following subsection is substituted:

- (5) Unless the Minister otherwise orders, a basement room with a floor that is lower than 3 feet below ground level in a home for special care shall not be used as a bedroom for a resident.

23 Subsection 52(2) of the regulations is repealed and the following subsection is substituted:

- (2) Except in accordance with standards and policies established for the home by the Minister and with the authorization of the administrator of the home, a staff member of a home for special care shall not do any of the following:
- (a) lock a resident in the resident's bedroom or any other room in the home;
 - (b) use restrictive procedures.

24 The regulations are further amended by repealing Forms III, IIIA, IIIB, and IIIC and substituting the attached Forms IIIA and IIIB.

Form IIIA: License for Home For Special Care
Issued by the Minister of Community Services
 (Section 5 of the *Homes for Special Care Act*)

This license is granted under the *Homes for Special Care Act* and its regulations, and subject to the provisions thereof, to (*licensee name*) at (*municipality*) in the County of (*county*) to operate a (*type of facility*) for a maximum of (*# of residents*) residents, under the name of (*facility name*) located at (*municipality*) under the following terms, conditions and restrictions:

1. The licensee must comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
2. (*insert additional terms and conditions*)

This license is issued on _____, 20____ (*date*) and expires on _____, 20____ (*date*).

 Minister of Community Services

Form IIIB: License for Home For Special Care
Issued by the Minister of Health and Wellness
 (Section 5 of the *Homes for Special Care Act*)

This license is granted under the *Homes for Special Care Act* and its regulations, and subject to the provisions thereof, to (*Registry ID#*) at (*municipality*) in the County of (*county*) to operate a (*type of facility – NH, RCF or both*) for a maximum of (*# of residents*) residents, under the name of (*facility name*) under the following terms, conditions and restrictions:

1. The licensee must comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
2. (*insert additional terms and conditions*)

This license is issued on _____, 20____ (date) and expires on _____, 20____ (date).

Minister of Health and Wellness

N.S. Reg. 262/2011

Made: August 16, 2011

Filed: August 16, 2011

Proclamation, S. 4, S.N.S. 2011, c. 28

Order in Council 2011-316 dated August 16, 2011

Proclamation made by the Governor in Council

pursuant to Section 4 of

An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act

The Governor in Council on the report and recommendation of the Minister of Justice dated July 11, 2011, and pursuant to Section 4 of Chapter 28 of the Acts of 2011, *An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act*, is pleased to order and declare by proclamation that Chapter 28 of the Acts of 2011, *An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act*, do come into force on and not before August 16, 2011.

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 4 of Chapter 28 of the Acts of 2011, *An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act*, it is enacted as follows:

- 4** 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 28 of the Acts of 2011, *An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act*, do come into force on and not before August 16, 2011;

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 28 of the Acts of 2011, *An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act*, do come into force on and not before August 16, 2011, 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 16th day of August in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

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

N.S. Reg. 263/2011

Made: August 16, 2011

Filed: August 17, 2011

Tax Refund for Seniors Receiving the
Guaranteed Income Supplement Regulations

Order in Council 2011-321 dated August 16, 2011
Regulations made by the Governor in Council
pursuant to Section 35A and subsection 80(3) of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated August 10, 2011, and pursuant to Section 35A and subsection 80(3) of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to make regulations respecting tax refunds for seniors receiving the guaranteed income supplement in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2010.

Schedule "A"

**Regulations Respecting Income Tax Refund
for Seniors Receiving the Guaranteed Income Supplement
made by the Governor in Council pursuant to Section 35A of
Chapter 217 of the Revised Statutes of Nova Scotia, 1989,
the *Income Tax Act***

Citation

1 These regulations may be cited as the *Tax Refund for Seniors Receiving the Guaranteed Income Supplement Regulations*.

Application of regulations

2 These regulations apply for the 2010 and subsequent taxation years.

Definitions

3 In these regulations,

“Act” means the *Income Tax Act*;

“eligible individual” means an individual who meets the eligibility criteria in Section 4;

“Minister” means the Minister of Finance;

“tax refund” means an amount calculated in accordance with Section 6.

Eligibility for tax refund

4 (1) Except as provided in subsection (2), an individual who resides in the Province and is not a trust is eligible to receive a tax refund if, in relation to a taxation year, the individual meets all of the following criteria:

- (a) the individual attained the age of 65 years before December 31 of the taxation year;
- (b) the individual received the Guaranteed Income Supplement under the *Old Age Security Act* (Canada) at any time during the taxation year;
- (c) the individual filed a return of income for the taxation year and reported the Guaranteed Income Supplement amounts received during the taxation year on that return;
- (d) the individual has a tax liability under Part II of the Act for the taxation year as shown on the individual’s notice of assessment or reassessment for the taxation year.

(2) An individual is not an eligible individual for a taxation year if the individual

- (a) died during the taxation year;
- (b) was confined to a prison or similar institution for a period of at least 90 days during the taxation year; or
- (c) is an individual described in paragraph 149(1)(a) or (b) of the *Income Tax Act* (Canada).

Deemed overpayment of tax

5 An eligible individual is deemed to have made an overpayment of tax under the Act for a taxation year in an amount equal to the lesser of \$10 000.00 and his or her tax liability under Part II of the Act for the taxation year.

Payment of tax refund

- 6 (1) Subject to Section 9, the Minister may grant a tax refund in the form of a money payment by cheque.
- (2) Regardless of when the payment is actually made, an annual payment of a tax refund is for the 12-month period beginning on January 1 in the taxation year and ending on December 31 in that year.

- (3) If an eligible individual's tax liability under Part II of the Act for the taxation year is greater than \$0.00 and less than \$50.00, the Minister may make a tax refund payment in the amount of \$50.00.
- (4) If an eligible individual's tax liability under Part II of the Act for the taxation year is greater than or equal to \$50.00 and less than \$10 000.00, the Minister may make a tax refund payment in an amount equal to the tax liability under Part II of the Act for the taxation year.
- (5) If an eligible individual's tax liability under Part II of the Act for the taxation year is greater than or equal to \$10 000.00, the Minister may make a tax refund payment in the amount of \$10 000.00.

Application to Minister if tax liability greater than \$10 000

- 7 (1) An eligible individual whose tax liability under Part II of the Act for the taxation year is greater than \$10 000.00 may, within 24 months after the end of the taxation year, apply in writing to the Minister requesting an additional tax refund for that portion of tax liability in excess of \$10 000.00.
- (2) The Minister has sole discretion in determining whether to make an additional tax refund.
 - (3) The amount of an additional tax refund made under this Section is deemed to be an overpayment of tax under the Act for the taxation year.

Recovering payment of tax refund

- 8 If it is determined that an individual received a tax refund to which he or she is not entitled, or received an amount greater than the amount to which he or she is entitled, the individual, or the estate of the individual, must immediately repay the amount or the excess amount to the Minister.

Tax refund payment may be applied to amount owing

- 9 If an individual owes an amount as described in Section 8, the Minister may apply all or a portion of the tax refund that would otherwise be paid to the individual under Sections 6 and 7 to the individual's liability to the Minister and, if so, must notify the individual of that action.

Exemption from recovery of tax refund payment

- 10 If the Minister determines that recovering a tax refund as described in Section 8 from an individual or the estate of an individual would cause hardship to the individual or his or her family, the Minister may accept any lesser amount that the Minister considers reasonable in the circumstances and, if so, must notify the individual or the individual's estate of that determination.

Tax refund exempt from seizure and not assignable

- 11 Subject to Sections 8 and 9, a tax refund is not assignable or subject to seizure or garnishment.

Effect of death

- 12 If an individual who was an eligible individual for a taxation year dies before payment of a tax refund for the taxation year is made, the Minister must make the payment to the estate of the individual.

Effect of bankruptcy

- 13 For the purpose of these regulations, if an eligible individual becomes bankrupt in a taxation year, the tax liability under Part II of the Act for the taxation year is the amount determined for the period that starts on the day the individual becomes bankrupt and ends on December 31 in that taxation year.