

Royal Gazette

Part II Regulations under the Regulations Act

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Erratum

Please note: In the amendment to the regulations respecting summary offence tickets, N.S. Reg. 18/2000 published in Volume 24, Issue 4 of the Royal Gazette Part II dated February 25, 2000, the first line of Schedule 1C, Certificate of Service, beginning with "I hereby certify that" should have been preceded by number "1".

N.S. Reg. 20/2000

Made: February 16, 2000

Filed: February 18, 2000

Proclamation, S. 30, S.N.S. 1998, c. 28

Order in Council 2000-56 made February 16, 2000
 Proclamation made by the Governor in Council
 pursuant to Section 30
 of *An Act to Amend Chapter 85 of the Revised Statutes, 1989,*
the Condominium Act

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated January 25, 2000, pursuant to Section 30 of Chapter 28 of the Acts of 1998, *An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 7, 17, and 18, clauses 19(1)(b) and (c), subsections 19(2), (3), (4) and (5), and Sections 21 and 28 of Chapter 28 of the Acts of 1998, *An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act*, come into force on and not before February 16, 2000.

PROVINCE OF NOVA SCOTIA

Sgd: *J. James Kinley*

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 30 of Chapter 28 of the Acts of 1998, *An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act*, it is enacted as follows:

- 30** 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 Sections 7, 17, 18, clauses 19(1)(b) and (c), subsections 19(2), (3), (4) and (5) and Sections 21 and 28 of Chapter 28 of the Acts of 1998, *An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act*, come into force on and not before February 16, 2000;

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 Sections 7, 17, 18, clauses 19(1)(b) and (c), subsections 19(2), (3), (4) and (5) and Sections 21 and 28 of Chapter 28 of the Acts of 1998, *An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act*, come into force on and not before February 16, 2000, of which all persons concerned are to take notice and govern themselves accordingly.

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

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

AT Our Government House in the Halifax Regional
Municipality, this 16th day of February, in
the year of Our Lord two thousand and in
the forty-ninth year of Our Reign.

BY COMMAND:

Sgd: *Michael Baker*
Provincial Secretary

N.S. Reg. 21/2000
Made: February 16, 2000
Filed: February 18, 2000
Condominium Regulations

Order in Council 2000-57 made February 16, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 46
of the *Condominium Act*

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services dated January 5, 2000, pursuant to Section 46 of Chapter 85 of the Revised Statutes of Nova Scotia, 1989, the *Condominium Act*, is pleased to amend the regulations respecting condominiums made by Order in Council 71-1173 dated November 23, 1971, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the regulations made by the Governor in Council
pursuant to Section 46 of Chapter 85 of the Revised Statutes of
Nova Scotia, 1989, the *Condominium Act***

- 1 Section 3 of the regulations made by the Governor in Council by Order in Council 71-1173 dated November 23, 1971, is amended by
 - (a) striking out "in fee simple of" in clause (1)(d) and substituting "of the freehold estate in";
 - (b) adding "the freehold estate in" immediately before "the property" in clauses (2)(b) and 2(c), and striking out "in fee simple"; and
 - (c) striking out "in fee simple" in clause 2 (e) and substituting "of the freehold estate in the property".
- 2 Section 13 of the regulations is amended by striking out "two paper prints" and substituting "a paper print".
- 3 Clause 21(1)(a) of the regulations is amended by striking out "opaque or transparent".
- 4 Subsection 38(1) of the regulations is amended by striking out "four" and substituting "3".
- 5 Subsection 40A(1) of the regulations is amended by striking out "four" and substituting "3".

- 6 Section 52 of the regulations is amended by
- (a) adding “and with the Registrar of Condominiums” immediately after “Companies”; and
 - (b) striking out “occupations” and substituting “positions on the Board”.
- 7 (1) Section 54 of the regulations is renumbered as subsection 54(1) and is amended by adding “in addition to complying with the requirements of Section 11 of the Act,” immediately after “unless”.
- (2) Section 54 of the regulations is further amended by adding the following subsections immediately following subsection (1):
- (2)** A declaration and description for a bare land condominium shall comply with the requirements of subsection 54(1), except clause (1)(ba), and shall include
 - (a) a statement of the services and amenities available to the units;
 - (b) a statement of responsibility for connection costs of utilities for the units;
 - (c) a statement of the restrictions on structures that may be placed on the units including such aspects as
 - (i) design,
 - (ii) type of building material,
 - (iii) type of building,
 - (iv) type of construction,
 - (v) activities which may be carried out on the unit;
 - (d) a statement identifying the structures completed at the time of registration and that are to be maintained by the corporation;
 - (e) a statement allocating responsibility for the maintenance and repair of common element structures erected after registration; and
 - (f) a provision requiring that preliminary plans for the construction of a unit must be approved by the corporation, which approval shall not be arbitrarily withheld.
 - (3)** A declarant shall file with the Registrar at the time of registration confirmation that the services and amenities specified in the declaration are completed.

- 8 The regulations are further amended by adding the following Section immediately after Section 54:
- 54A** A declaration and description for an amalgamated corporation shall not be accepted for registration unless it is accompanied by
- (a) a copy of the status certificate required pursuant to clause 29B(3)(c) of the Act for each of the amalgamating corporations;
 - (b) a certificate in Form 18 executed by each amalgamating corporation confirming that the required percentage of the owners of its units consent to amalgamate the corporations;
 - (c) a supplemental abstract of title for the lands of each amalgamating corporation, prepared in accordance with Section 3, from the date of the abstract filed at the time of the original registration of the corporation;
 - (d) certification by each amalgamating corporation that a copy of the status certificate was served on each of its unit owners;
 - (e) Form 9 appointing an agent for the amalgamated corporation; and
 - (f) the prescribed fee.
- 9 Section 55 of the regulations is amended by
- (a) striking out “all the owners” in clause (a) and substituting “owners who own at least 80% of the common elements”;
 - (b) striking out “units and” in clause (b); and
 - (c) striking out “or such greater percentage of the common elements as is specified in the declaration” in clause (d).
- 10 Subsection 56(1) of the regulations is amended by adding “in” immediately after “be”.
- 11 Section 64 is amended by adding “_____” immediately before “Condominium Corporation”.
- 12 Section 69 of the regulations is repealed.
- 13 Section 70 of the regulations is amended by
- (a) striking out “Regulation” and substituting “Section”;

- (b) repealing clauses (c) and (e) and substituting the following clauses:
 - (c) recreational property - property that may also contain a building or buildings that are intended to be divided into units to be used for recreational purposes;
 - (d) bare-land property that contains units that consist of land on which dwellings may be located or constructed after purchase;
 - (e) mixed-use property - property that contains more than one of the classes of property described in this Section;

14 Section 71 of the regulations is amended by

- (a) repealing clause (c) and substituting the following clause:
 - (c) recreational property;
- (b) striking out “and” at the end of clause (d);
- (c) striking out the period at the end of clause (e) and substituting a semi-colon; and
- (d) adding the following clause after clause (e):
 - (f) mixed-use property.

15 The regulations are further amended by adding the following Sections immediately after Section 72:

72A A declarant shall file with the Registrar the following information in relation to a consolidation of 2 or more units, along with the prescribed fee:

- (a) a diagram of the consolidated unit prepared by an architect and certified by the architect in Form 20; and
- (b) Form 16 attesting that at least 66 2/3% of the owners of the common elements have voted in favour of the consolidation.

72B Every annual financial statement referred to in Section 24A of the Act shall include the following:

- (a) budget allocations and actual expenditures for the year reported;
- (b) details of the investments of the reserve fund, including
 - (i) the financial institution(s) holding the funds,
 - (ii) the total amount of the fund,
 - (iii) the instruments in which the funds are invested, and

- (iv) the terms of the investments, including interest rates and maturity dates;
 - (c) a statement by the auditor as to
 - (i) the current amount in the reserve fund for the reporting period, and what percentage this is of the amount required by the reserve-fund study pursuant to Part K, and
 - (ii) the opinion of the auditor on the viability of the plan adopted by the corporation to achieve the required fund amount within the period prescribed in the reserve-fund study.
- 16 Clause 73(c) of the regulations is amended by adding, “, together with the names and addresses of the unit owners,” immediately after “property”.
- 17 Section 74 of the regulations is repealed and the following Section substituted:
- 74** In the case of a phased-development condominium, in addition to the items mentioned in clause 31(1)(f) of the Act, the corporation, on the application of an owner or purchaser of a unit and common interest, shall attach to the estoppel certificate a copy of any information relating to the phases provided by the developer to the owners.
- 18 Section 76 of the regulations is amended by
- (a) adding “and after the addition of each subsequent phase” immediately after “phase” in clause (1)(d);
 - (b) striking out the semi-colon at the end of clause (1)(j) and substituting a period;
 - (c) repealing clause (1)(k);
 - (d) adding “, in a form satisfactory to the Registrar” immediately after “phase” in subsection (2) ;
 - (e) repealing subsection (2A) and substituting the following subsection:
 - (2A)** A unit owner may not unreasonably withhold the approval required by subsection (2).
 - (f) striking out “subclause (1)(k)(iii)” in subsection (2D) and substituting “clause (1)(d)”.
- 19 The regulations are further amended by adding the following Parts immediately after Section 76:

Part K - Reserve-fund Studies**General**

77 (1) In this Part,

- (a) “component” means an individual item that is included in the physical analysis portion of a reserve-fund study as described in subsection 79(2), and shall include an item
 - (i) that is the responsibility of the corporation,
 - (ii) for which major repair or replacement costs are anticipated to be incurred during its useful life,
 - (iii) for which the costs of repair or replacement will not be covered as part of the annual operating or maintenance budget;
 - (b) “master reserve-fund spread sheet” means a spread sheet with calculations of the annual funding requirements for each component based on its remaining useful life, the basic annual contribution and the shortfall contribution options, but without an allowance for inflation or interest earned;
 - (c) “projected cash flow tables” means tables that demonstrate the effect of interest earned on investments and inflation of expenses and validate that a shortfall option will not jeopardize the funding plan;
 - (d) “reserve-fund study” means a study undertaken to determine a funding plan that adequately offsets expenditures for major repair or replacement of components;
 - (e) “remaining useful life” means the estimated time, in years, that a component can be expected to continue to serve its intended function.
- (2)** Subject to subsection 31(1D) of the Act, a declarant shall file a reserve-fund study for all the registered units of a phased development upon the registration of the 10th unit and for all units in subsequent registered phases, upon the registration of the phase.
- (3)** A person preparing a reserve-fund study may gather information from various persons.
- (4)** The following classes of persons are qualified to prepare reserve-fund studies:
- (a) reserve-fund analysts certified by the Canadian Condominium Institute;

- (b) professional engineers licensed to practice in Nova Scotia, with experience in costing, cost flow forecasting and building construction and restoration, and familiarity with condominium legislation.
- (5) A person preparing a reserve-fund study for a corporation shall be independent of the corporation.

Reserve-fund study requirements

78 A reserve-fund study shall consist of

- (a) a comprehensive reserve-fund study in accordance with Section 79 every 10 years;
- (b) updates of the reserve-fund studies in accordance with Section 80, at 5-year intervals or at any time that there is significant change to the assets of the corporation;
- (c) a reserve-fund status certificate in accordance with Section 81.

Comprehensive reserve-fund study

79 (1) A comprehensive reserve-fund study required pursuant to clause 78(a) shall consist of

- (a) a statement of assumptions regarding inflation, interest, maintenance and affordability that were made in making the report;
 - (b) a funding plan based on a physical analysis and a financial analysis that shows the amount of the annual contribution required to be paid into the reserve-fund to adequately offset expenditures for the major repair or replacement of the components; and
 - (c) the opinion of the person preparing the study that the fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions as recommended in the study.
- (2) The physical analysis referred to in clause (1)(b) shall be based on a component assessment report containing the following information:
- (a) the component inventory;
 - (b) the component assessment;
 - (c) the anticipated useful life of each component;
 - (d) the remaining useful life of each component (including maintenance and repairs);
 - (e) the current replacement cost of each component.

- (3) A component that is scheduled for major repair or replacement in the year of the reserve-fund study shall be deemed to have no remaining useful life.
- (4) The component inventory referred to in clause 2(a) shall be based on

 - (a) an on-site review;
 - (b) a review of the corporation's architectural, electrical and mechanical plans;
 - (c) a review of the declaration and by-laws; and
 - (d) a review of the corporation's history with respect to the maintenance, replacement and repair of its components and any planned changes to its components.
- (5) The component assessment referred to in clause 2(b) shall be based on

 - (a) an on-site review of the major common area components, including consideration of aesthetics;
 - (b) a review of

 - (i) structural and architectural plans,
 - (ii) previous inspection reports,
 - (iii) complaints from occupants of units regarding structure or facilities and,
 - (iv) maintenance records; and
 - (c) interviews with the manager and superintendent.
- (6) The financial analysis referred to in clause (1)(b) shall consist of an evaluation and analysis of the corporation's reserve-fund income and expenses, and shall include the following information:

 - (a) the current reserve-fund balance;
 - (b) the estimated interest payable on the reserve-fund balance over the study period;
 - (c) the repair and replacement schedule, including dates and cost outlay;
 - (d) the anticipated effect of inflation on reserve-fund expenses over the period of the study;
 - (e) a master reserve-fund spread sheet; and

- (f) projected cash flow tables, including
 - (i) data indicating whether the current annual contribution is adequate to address the repair and replacement schedule, and
 - (ii) details of several possible fund accumulation scenarios demonstrating the compounding of the interest earned on the fund into the fund and demonstrating the utilization of the interest as a portion of the contributions to the fund.

Update of the reserve-fund studies

80 The update of the reserve-fund studies required pursuant to clause 78(b) shall be prepared after a site visit and shall include current information with respect to the following:

- (a) the component inventory prepared pursuant to clause 79(2)(a);
- (b) the component assessment prepared pursuant to clause 79(2)(b);
- (c) the remaining useful life and replacement costs of components;
- (d) the information provided in compliance with subsection 79(6).

Reserve-fund status certificate

81 A reserve-fund status certificate required pursuant to clause 78(c) shall be completed by the person preparing the reserve-fund study at the time the study or update is completed and shall provide

- (a) the balance in the reserve-fund at the beginning of the current year;
- (b) the annual contribution to the reserve-fund recommended to be made during the current and subsequent fiscal years of the study period;
- (c) a statement summarizing the repair, maintenance and replacement recommendations of the latest reserve-fund study or update; and
- (d) the opinion required by clause 79(1)(c).

Part L - Arbitration Process

- 82** (1) A list of persons qualified to be arbitrators for the purpose of Section 33 of the Act shall be prepared by the Registrar and the Registrar shall determine the maximum number of names on the list.
- (2) A person acting as an arbitrator for the purpose of Section 33 of the Act shall
- (a) be a member in good standing of the Atlantic Provinces Arbitration and Mediation Institute (APAMI);

- (b) have demonstrated arbitration or condominium experience to the satisfaction of the Registrar;
 - (c) agree in writing to
 - (i) charge a maximum fee of \$1000 per day or \$500 per half day for the hearing plus \$150 per hour for writing the decision,
 - (ii) attend related training provided by the Registrar, and
 - (iii) abide by the protocols set by the Registrar; and
 - (d) pay the applicable fees prescribed in Schedule "B".
- (3) A person may apply in writing to the Registrar to be added to the list of persons qualified to be arbitrators.

Part M - Penalties

- 83 (1) The following is the scale of fines pursuant to Section 45A of the Act:

Number of units in corporation	First offence	Second offence	Third and any subsequent offences
1-25 units	\$1000.00	\$2500.00	\$5000.00
26-100 units	\$2500.00	\$5000.00	\$7500.00
more than 100 units	\$5000.00	\$7500.00	\$10 000.00

- (2) Pursuant to subsection 45A(4) of the Act, the Registrar may waive a penalty set out in subsection (1) where the corporation submits proof to the satisfaction of the Registrar of
- (a) the incapacity of
 - (i) the person preparing the reserve-fund study or the annual financial statement, or
 - (ii) the Board or property manager
 by reason of death, injury, or illness;
 - (b) a catastrophic circumstance affecting the completion of the reserve-fund study or annual financial statement such as fire, flood or other disaster; or

- (c) other unanticipated impediments to the completion of the reserve-fund study or annual financial statement.

- 20 Schedule "A" of the regulations is repealed and the following schedule substituted:

Schedule "A"

REGISTRATION DISTRICTS Component to be used in corporate name

Designated by the Governor in
Council under Section 9 of the Act

The County of Annapolis	Annapolis County
The County of Antigonish	Antigonish County
The County of Cape Breton	Cape Breton County
The County of Colchester	Colchester County
The County of Cumberland	Cumberland County
The County of Digby	Digby County
The County of Guysborough	Guysborough County
The County of Hants	Hants County
The County of Halifax	Halifax County
The County of Inverness	Inverness County
The County of Kings	Kings County
The County of Lunenburg	Lunenburg County
The County of Pictou	Pictou County
The County of Queens	Queens County
The County of Richmond	Richmond County
The County of Shelburne	Shelburne County
The County of Victoria	Victoria County
The County of Yarmouth	Yarmouth County

- 21 Schedule "B" of the regulations is repealed and the following Schedule substituted:

Schedule "B" Fees

Fees payable to the Registrar of Condominiums

1 The following fees are payable to the Registrar of Condominiums:

- (a) for examination of a description
- (i) where the units have been constructed for residential use or are bare-land units, \$2.00 per \$1000.00 of advertised sale price per unit in the initial offer for sale,
- (ii) where the units have been constructed for recreational use, \$4.00 per \$1000.00 of advertised sale price per unit in the initial offer for sale,

- (iii) where the units have been constructed for commercial use, \$6.00 per \$1000.00 per unit of advertised sale price in the initial offering of the units by the developer, or assessed market value, whichever is greater;
- (b) for re-examination of a description
 - (i) where the units have been constructed for residential use or are bare-land units, \$0.50 per \$1000.00 of advertised sale price per unit in the initial offer for sale or assessed market value, whichever is greater;
 - (ii) where the units have been constructed for recreational use, \$1.00 per \$1000.00 of advertised sale price per unit of [in] the initial offer or assessed market value, whichever is greater;
 - (iii) where the units have been constructed for commercial use, \$2.00 per \$1000.00 of advertised sale price per unit in the initial offer for sale or assessed market value, whichever is greater;
- (c) for examination of a declaration - \$100.00;
- (d) for acceptance of a declaration and a description - \$200.00;
- (e) for examination of the by-laws - \$75.00;
- (f) for acceptance for registration of the by-laws at the time of registration of the corporation - \$100.00;
- (g) for acceptance for registration of amendments to the by-laws - \$50.00;
- (h) for acceptance for registration of the diagram of a consolidated unit and the form required by subsection 14(5) of the Act - \$100.00;
- (i) for certifying a copy of a document - \$10.00;
- (j) for the arbitration process:
 - (i) to be added to the Registrar's list of arbitrators - \$250.00,
 - (ii) for the training course for arbitrators - \$250.00,
 - (iii) for an application for arbitration - \$100.00.

Fees payable to the Registrar of Deeds

- 2 (1)** The following fees prescribed by the *Costs and Fees Act* are payable to the Registrar of Deeds:

- (a) for registration of a declaration and description - \$100.00 plus \$10.00 per unit;
- (b) for registration of any other document - \$35.00;
- (c) for certifying a copy of any document filed - \$25.00.

Fees payable to the Registrar of Joint Stock Companies

3 The following fees are payable to the Registrar of Joint Stock Companies:

- (a) for filing a declaration and description or the documents pertaining to an amalgamation of two or more corporation[s] - \$50.00;
- (b) for certifying a document of 10 pages or less - \$10.00
- (c) for certifying a document of 10 pages or more - \$20.00

22 Form 7 of the regulations is repealed and the following form substituted:

Form 7 - Registrar of Condominiums

Approved for registration this _____ day of _____, _____.

Registrar/Deputy Registrar of Condominiums

23 Form 10 of the regulations is repealed and the following form substituted:

Form 10

Notice of Termination

(pursuant to subsection 36(3) or 36(4) of the *Condominium Act*)

_____ Condominium Corporation No. _____ hereby gives notice under subsection 36(____) of the *Condominium Act*, that

- (a) the board of directors of the Corporation did on _____
(date)
determine that substantial damage to 25 percent (or such greater percentage as is specified in the declaration) of the value of the building occurred on _____;
(date)
- (b) on a vote, on _____,
(date)
the owners who at that time owned 80 percent of the common elements did not vote for repair.

OR

Where notice is given under subsection 36(4), replace clause (b) above with the following:

- (b) there was no vote under subsection 36(2) of the Act within 60 days after the determination.

This notice is given in respect of the property included in the Condominium administered by the Corporation, the declaration and description of which are registered in the Registry of Deeds at _____ in Book CR- _____ at page _____.

Upon acceptance of this notice for registration, Section 42 of the *Condominium Act* applies.

WITNESS the seal of the Corporation duly affixed by the authorized officers of the Corporation on _____ (date).

SIGNED, SEALED AND DELIVERED in the presence of

_____) Condominium Corporation
) No. _____
)
) By _____
)
) By _____
)

(Affidavit of Execution)

- 24 Form 11 of the regulations is amended by striking out "80 percent (or such greater percentage as is specified in the declaration)" and substituting "100 percent".
25 Forms 1, 2, 4, 6, 7, 8, 9, 11, 13, 14 and 15 of the regulations are amended by striking out "19" wherever it appears.
26 Form 15 of the regulations is amended by striking out "66 2/3 percent (or _____ %, being the percentage mentioned in the declaration)" and substituting "60 percent".
27 The regulations are further amended by adding the following forms immediately after Form 15:

Form 16
Consent for Consolidation of Units
(pursuant to Section 72A of the regulations made under the Condominium Act)

To the Registrar of Condominiums:

_____ County Condominium Corporation No. _____ hereby certifies that the consolidation of unit numbers _____ was voted on by the members of the Corporation at a meeting held on _____, _____ for that purpose, and that members owning at least 66 2/3% of the common elements voted in favour thereof.

The Corporation further certifies that the agreement for consolidation of the units was completed in accordance with the *Condominium Act* and regulations.

Attached is a diagram of the consolidated units duly completed by an architect.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation

Dated _____, _____.

_____ County Condominium Corporation No. _____

By _____

By _____
(Seal of Corporation)

Form 17

Certificate of Consolidation

(pursuant to subsection 14(5) of the *Condominium Act*)

This is to certify that the application to consolidate unit numbers _____ in _____ County Condominium Corporation No. _____ was accepted for registration effective _____.
(date)

_____ Date

_____ Registrar/Deputy Registrar of Condominiums

Form 18

Consent to Amalgamate Condominium Corporations

(pursuant to clause 54A(b) of the regulations made under the *Condominium Act*)

To the Registrar of Condominiums:

_____ County Condominium Corporation No. _____ certifies that a vote to amalgamate _____ County Condominium Corporation No. _____ and _____ County Condominium Corporation No. _____ was held by the members of the Corporation at a meeting held on _____, _____, for that purpose.
(date)

Members owning at least 80% of the units voted in favour of amalgamation.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation

Dated _____, ____.

By _____

By _____

(Seal of Corporation)

Form 19
Registrar’s Notice Requesting Documentation
 (pursuant to subsection 45A(2) of the *Condominium Act*)

Pursuant to Section 45A of the *Condominium Act*, this is formal notification to _____ County Condominium Corporation No. _____ that failure to provide

- annual financial statements for the period ending

_____ (Section 24A of the *Condominium Act*)

and/or

- a reserve-fund study

(Section 31 of the *Condominium Act*)

within 10 days of the date of this notice will result in the Registrar of Condominiums levying a penalty payable by the Corporation in an amount not less than \$1000.00 or more than \$10 000.00 as set out in Part M of the regulations made under the *Condominium Act*.

Dated _____, ____.

 Registrar/Deputy Registrar of Condominiums

Form 20
Certificate of the Architect
 (pursuant to clause 12(1)(e) of the *Condominium Act*)

To the Registrar of Condominiums:

I hereby certify that the building(s) as shown on the architectural plans for _____ County Condominium Corporation No. _____ have been constructed substantially in accordance with the architectural plans.

 (date)

 (signature)

 (name in print)

Form 21
Certificate of the Engineer
 (pursuant to clause 12(1)(e) of the *Condominium Act*)

To the Registrar of Condominiums:

I hereby certify that the building(s) as shown on the structural plans for _____ County Condominium Corporation No. _____ have been constructed substantially in accordance with the structural plans.

 (date)

 (signature)

 (name in print)

Form 22
Consent to Amend Description
 (pursuant to subsection 12(3) of the *Condominium Act*)

To the Registrar of Condominiums:

_____ County Condominium Corporation No. _____ hereby certifies that the attached amendment to the description was voted on by the members of the Corporation at a meeting held on _____, _____, for that purpose and that members owning at least 51% of the common elements voted in favour of the amendment .

Witness the Seal of the Corporation duly affixed by the authorized officers of the Corporation.

Dated _____, _____.

By _____

By _____
 (Seal of Corporation)

Form 23
Notice of Intention to Submit Dispute to Arbitration
 (pursuant to subsection 33(2) of the *Condominium Act*)

To the Registrar of Condominiums:

It is requested that an arbitrator be appointed to conduct an arbitration proceeding between

Applicant:

 (name)

 (address)

 (phone number)

Representative: _____
(if applicable) *(name)*

(address)

(phone number)

and

Respondent: _____
(name)

(address)

(phone number)

Representative: _____
(if applicable) *(name)*

(address)

(phone number)

with respect to an issue pertaining to _____ County Condominium Corporation No. _____.

A brief description of the issue is as follows:

Dated _____, ____.

(signature of applicant)

(name - printed)

cc: _____
(respondent)

N.S. Reg. 22/2000

Made: February 16, 2000

Filed: February 18, 2000

Gas Plant Facility Regulations

Order in Council 2000-63 made February 16, 2000
Regulations made by the Governor in Council pursuant to
Section 29 of the *Energy and Mineral Resources Conservation Act*
and Section 44 of the *Pipeline Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Petroleum Directorate dated January 20, 2000, pursuant to Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy and Mineral Resources Conservation Act*, and Section 44 of Chapter 345 of the said Revised Statutes, the *Pipeline Act*, is pleased to make regulations respecting gas plant facilities in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after March 1, 2000.

Schedule "A"

Regulations respecting gas plant facilities made by the Governor in Council pursuant to Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy and Mineral Resources Conservation Act*, and Section 44 of Chapter 345 of the Revised Statutes of Nova Scotia, 1989, the *Pipeline Act*

Citation

1 These regulations may be cited as the *Gas Plant Facility Regulations*.

Interpretation

2 (1) In these regulations,

- (a) "abandon" means to permanently remove a gas plant facility from service pursuant to Section 21 or to declare it abandoned by the owner, operator, person responsible, inspector or the Board;
- (b) "Administrator" means a person designated by the Minister pursuant to Section 4 of these regulations and includes an acting administrator;
- (c) "Acts" means the *Energy and Mineral Resources Conservation Act* and the *Pipeline Act* and includes regulations made pursuant to the Acts;
- (d) "application" means an application made to the Board pursuant to these regulations and includes an application
 - (i) for a permit or licence,
 - (ii) to change, modify or expand the activity that is the subject of a permit or licence,

- (iii) to amend a term or condition of, add a term or condition to or delete a term or condition from a permit or licence,
 - (iv) to renew a permit or licence;
 - (e) “Board” means the Nova Scotia Utility and Review Board;
 - (f) “Energy Board” means the Energy and Mineral Resources Conservation Board established pursuant to the *Energy and Mineral Resources Conservation Act* and includes a person to whom duties or responsibilities of the Energy Board are delegated pursuant to Section 12 of that Act;
 - (g) “gas” means raw gas as defined in the *Petroleum Resources Removal Permit Act*;
 - (h) “gas plant facility” means a processing plant, or any portion thereof, used for the processing of gas, and includes a battery, a gas processing plant, a fractionation plant and a straddle plant;
 - (i) “licence” means a licence issued pursuant to the Acts or these regulations to operate a gas plant facility;
 - (j) “Minister” means the Minister of the Executive Council responsible for the Nova Scotia Petroleum Directorate;
 - (k) “operate” includes repair, maintain, deactivate and reactivate;
 - (l) “permit” means a permit issued pursuant to the Acts or these regulations to construct a gas plant facility;
 - (m) “straddle plant” means a gas plant facility that is located on a pipeline transporting marketable gas that is used for the purpose of reprocessing the marketable gas.
- (2) Wherever a word or an expression defined by the Acts or these regulations is used in these regulations, it has the same meaning given to it by the Acts or these regulations except where a contrary intention is expressed or necessarily implied.

Application of regulations

- 3** (1) These regulations apply to a gas plant facility designed, constructed, operated or abandoned in the Province after March 1, 2000.
- (2) These regulations do not apply to an oil refinery.
- (3) Permits or licences issued prior to the effective date of these regulations continue in force.

- (4) No person shall make or authorize an expansion, modification or major change to a gas plant facility for which a permit or licence described in subsection (3) exists unless the Board amends the permit or licence pursuant to Section 10.

Administrator

- 4 (1) The Minister shall designate an Administrator to administer these regulations.
- (2) The Administrator shall be responsible for preparing
- (a) interpretations of these regulations;
 - (b) amendments to these regulations; and
 - (c) policies, standards and guidelines under these regulations.

Delegation

- 5 Pursuant to Section 12 of the *Energy and Mineral Resources Conservation Act* and Section 40 of the *Pipeline Act*, the Governor in Council approves the delegation by the Energy Board to the Board of the powers, duties or authorities conferred or imposed upon the Energy Board under the Acts to administer and enforce these regulations.

Permit to construct

- 6 (1) No person shall construct or authorize the construction of a gas plant facility unless a permit has been issued for that gas plant facility and the permit is in force.
- (2) No person shall construct or authorize the construction of a gas plant facility otherwise than in accordance with the terms and conditions of the permit issued for that gas plant facility.

Licence to operate

- 7 (1) No person shall operate or authorize the operation of a gas plant facility unless a licence has been issued for that gas plant facility and the licence is in force.
- (2) No person shall operate or authorize the operation of a gas plant facility otherwise than in accordance with the terms and conditions of the licence issued for that gas plant facility.

Form of application

- 8 (1) The Board may prescribe a form for an application for a permit or licence.
- (2) An application shall be made and signed by
- (a) a person who is an authorized signatory of the applicant, in the case of an application for a permit or licence; or

- (b) a person who is an authorized signatory of the permit or licence holder, in the case of an application for a change, amendment or renewal referred to in subclauses 2(d)(ii), (iii) or (iv).
- (3) An agent of a person identified in clause 2(a) or (b) may sign on their behalf if the agent produces proof of authorization to sign the application.

Application for permit or licence

9 (1) Unless the Board otherwise directs in writing, the applicant shall apply to the Board

- (a) for a permit, at least 90 days prior to construction; and
 - (b) for a licence,
 - (i) at least 30 days prior to the commencement of operations, or
 - (ii) where information has not already been filed pursuant to subsection (2), at least 90 days prior to the commencement of operations.
- (2) The following information shall accompany an application for a permit pursuant to subsection (1):
- (a) the design mass balance for the gas plant facility;
 - (b) any changes from the design included in the original application to the throughput or extent of ethane or liquids extraction;
 - (c) the procedures for project quality assurance and quality control, including audit and corrective action procedures;
 - (d) an abandonment plan;
 - (e) an employment and training plan that gives first consideration to Nova Scotians and those who are disadvantaged;
 - (f) a commitment to hire employees from the qualified local labour force and use local services where qualified and competitive;
 - (g) a goods and services procurement plan for the gas plant facility and a timeframe respecting the solicitation of tenders for the goods and services that allow Nova Scotia suppliers to participate;
 - (h) such other information as the Board may require pursuant to subsection 9(1).

- (3) The principles of full and fair opportunity and first consideration for Nova Scotians shall also be addressed as part of the information provided pursuant to clauses (2)(e), (f) and (g).

Application for amendment of permit or licence

- 10** (1) On the application by the permit or licence holder, the Board may amend a term or condition of, add a term or condition to, or delete a term or condition from a licence or permit, if the Board considers it appropriate to do so.
- (2) Subject to subsection (1), no person shall change the design input or output streams of a gas plant facility without first applying to the Board for an amendment or modification of an existing permit or licence.
 - (3) An application for an amendment of a permit or licence shall contain the following information:
 - (a) any process changes which may have a substantial impact on the throughput or extent of ethane or liquids extraction; and
 - (b) such other information as may be required by the Board.
 - (4) Unless the Board otherwise directs, the owner, operator or person responsible for a gas plant facility shall ensure that all modifications, repairs and expansions comply with subsection 15(1).

Application to renew

- 11** (1) A permit or licence issued under these regulations may be renewed for further terms of no longer than 10 years each.
- (2) An application to renew a licence or permit shall comply with these regulations and contain such other information as may be required by the Board.

Application fee

- 12** (1) An application shall be accompanied by a non-refundable fee of \$100.00.
- (2) The Board may bill the applicant for all reasonable costs and expenses in excess of \$100.00 that are incurred directly by the Board to process an application and the applicant shall pay the additional amount before a permit or licence is issued.
 - (3) If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (2).
 - (4) Any conflicts respecting documentation provided in subsection (3) may be submitted to be resolved through alternative dispute resolution.

- (5) If the Board refuses to issue a permit or licence, the Board shall advise the applicant in writing of the decision together with reasons and forward a copy to the Minister.

Application procedures

- 13 (1)** The Board shall determine what information is necessary or required to carry out its powers and duties under the Acts and these regulations and to be submitted with an application.
- (2) Except where otherwise required by the Acts or the *Utility and Review Board Act*, all procedures shall be as the Board may determine.

Review of applications

- 14** Upon receipt of an application, the Board may
- (a) require an applicant to submit any additional information the Board considers necessary;
 - (b) issue a permit or licence to the applicant, subject to such terms and conditions as the Board prescribes;
 - (c) amend a permit or licence previously issued to or held by the applicant, subject to such terms and conditions as the Board prescribes;
 - (d) refuse to issue a permit or licence to the applicant; or
 - (e) cancel a permit or licence previously issued to or held by the applicant and replace it with a new permit or licence.

Terms and conditions of permit or licence

- 15 (1)** The holder of a permit or licence shall ensure that the gas plant facility is designed, constructed, operated and abandoned in accordance with
- (a) the Acts;
 - (b) these regulations;
 - (c) the terms and conditions of any permit or licence issued under these regulations;
 - (d) any designs, specifications, or plans developed and approved by the Board in accordance with these regulations;
 - (e) any applicable codes or standards, as amended from time to time, that apply to the gas plant facility; and
 - (f) all other laws of general application, including the *Environment Act* and the *Occupational Health and Safety Act*.

- (2) Unless the Board otherwise directs, the holder of a permit or licence shall develop, maintain and apply quality control, quality assurance and loss control programs in respect of the design, construction, operation, and abandonment of a gas plant facility.
- (3) No permit or licence issued under these regulations shall be in force for a period longer than 10 years.
- (4) The Board may require that a bond or other form of financial security be posted with the Board as a term and condition of the permit or licence.

Transfer or assignment

- 16** (1) No person shall transfer or assign a permit or licence without the written approval of the Board, which shall not be unreasonably withheld.
- (2) A permit or licence holder or proposed assignee of a permit or licence may apply to the Board for an amendment to the permit or licence to formally recognize the proposed assignee as the permit or licence holder.
 - (3) An assignee of a permit or licence is subject to the duties, obligations and liabilities of the original permit or licence holder and any further terms and conditions that may be imposed by the Board, and the assignor is relieved of the duties, obligations and liabilities under the permit or licence.
 - (4) Where there is a change in the name of the holder of a permit or licence, the holder of the permit or licence shall advise the Board in writing within 30 days of the change.
 - (5) The sale of a controlling interest of a partnership or company that holds a permit or licence or the transfer of a permit or licence from a parent company to a subsidiary is deemed to be a transfer requiring the written approval of the Board.

Suspension or termination of permit or licence

- 17** (1) Where the Board believes on reasonable and probable grounds that a person who holds a permit or licence has contravened or will contravene
- (a) the Acts;
 - (b) these regulations; or
 - (c) a term or condition of the permit or licence,
- the Board may suspend or terminate the permit or licence.
- (2) The Board shall give the permit or licence holder prior notice of its intent to suspend or terminate and a reasonable time period to remedy any breach or default.

- (3) On suspension or termination of a permit or licence pursuant to subsection (1), the Board shall immediately give notice in writing to the permit or licence holder, together with reasons for the suspension or termination of the permit or licence.
- (4) A copy of the notice under subsection (3) shall be forwarded to the Minister.
- (5) The Board may reinstate a permit or licence as originally issued at any time it considers appropriate to do so.

Reporting

- 18** (1) A licence holder shall, in the time periods prescribed, file with the Board such reports and returns as may be prescribed in the licence or as may be requested by the Board.
- (2) Unless the Board otherwise directs, a licence holder shall, not later than the 15th day of each month, file with the Board on forms furnished or approved by the Board, a full report of the gas, natural gas liquids or other products processed during the preceding month, showing
- (a) volumetric unit (cubic metres) of condensate, raw gas or marketable gas received at the gas plant facility;
 - (b) volumetric unit (cubic metres) of the marketable gas, ethane, propane, butane, pentane plus, natural gas liquids mix or other products derived from condensate, raw gas or marketable gas;
 - (c) such other information as may be required by the Board.
- (3) The Board may vary the reporting requirements outlined in this Section.
- (4) The licence holder shall develop a record retention and handling system and submit it to the Board for approval.
- (5) The Minister may request, and the Board shall immediately deliver, copies of any information filed under these regulations.

Inspections

- 19** (1) It is a term and condition of every permit or licence that the holder shall immediately on request permit an inspector employed or hired by the Board or the Minister to carry out an inspection of any place, other than a dwelling house, to which the permit or licence relates.
- (2) The owner, operator or person responsible for a gas plant facility shall
- (a) give the inspector all reasonable assistance to enable the inspector to carry out the inspector's powers and duties;

- (b) furnish all information relating to the exercise of the inspector's powers or duties that the inspector may reasonably require.
- (3) On entering any place an inspector shall, on request, produce an identification card provided by the Board, the Minister or the Province and provide reasons for the entry.

Permit or licence holder audit or inspection reports

- 20 (1) A permit or licence holder shall, at its own cost, conduct documented audits and inspections as directed by the Board to ensure that its gas plant facility is designed, constructed, operated or abandoned in compliance with
- (a) the Acts;
 - (b) these regulations; and
 - (c) the terms and conditions of the permit or licence.
- (2) The audit referred to in subsection (1) shall document
- (a) all non-compliance noted; and
 - (b) the corrective actions taken or planned.
- (3) A copy of all audits and inspections shall be filed with the Board upon completion.
- (4) The Minister may request, and the Board shall immediately deliver, copies of any audits or inspections filed with the Board.

Contractor inspection report

- 21 (1) When a person constructs or operates a gas plant facility, a contractor independent of any contractor retained by the permit or licence holder shall, upon request of the permit or licence holder and the Board, inspect the construction or operation and provide an inspection report containing information as to whether the gas plant facility complies with the requirements of the Acts, these regulations and the terms and conditions of any permit or licence, and such other information requested by the Board.
- (2) An inspection referred to in subsection (1) shall be performed by an independent contractor who, in the opinion of the Board and the permit or licence holder, has sufficient expertise, knowledge and training to competently carry out the requirements set out in subsection (1).
- (3) Upon request, a copy of a report provided pursuant to this Section shall be forwarded to the Minister or to the permit or licence holder.
- (4) All costs and expenses for an inspection report shall be paid by the permit or licence holder.

Certifying authority

- 22 (1)** The Board may engage the services of a person to act as a certifying authority to perform such duties as are prescribed by the Board, including a determination of whether the gas plant facility will be, has been or is being constructed, operated, or abandoned in accordance with the Acts, these regulations and the terms and conditions of any permit or licence issued.
- (2)** Every holder of a permit or licence, and every person in charge of or responsible for a gas plant facility, and every contractor or employee of the licence holder or person shall permit or assist any member of the Board or any employee or agent of the certifying authority acting in the exercise of the powers and duties conferred by subsection (1) and any further authorization provided to the certifying authority by the Board pursuant to the Acts and these regulations.
- (3)** On the completion of the duties described in subsection (1), the certifying authority shall provide the Board with a report that shall
- (a)** advise whether the gas plant facility will be, has been or is being constructed, operated or abandoned in accordance with the Acts, these regulations, and the terms and conditions of its permit or licence or an amendment thereto;
 - (b)** certify that the gas plant facility will continue to meet the requirements of the Acts, these regulations and the terms and conditions of the permit or licence or an amendment thereto for such period as the certifying authority determines; and
 - (c)** provide such other information as is requested by the Board.
- (4)** The certifying authority shall be engaged by the Board through a bidding process and shall be selected from a list of independent third parties who have engaged individuals, or who are individuals, who are knowledgeable about gas plant facilities.
- (5)** It shall be a condition of the contract award that an individual selected pursuant to subsection (4) shall perform the duties of the certifying authority.
- (6)** The remuneration of the certifying authority shall be paid by the Board and the cost shall be recovered from the permit or licence holder or from funds realized by the imposition of fees upon the permit or licence holder.
- (7)** If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (6).
- (8)** Any conflicts respecting documentation provided in subsection (7) may be submitted to be resolved through alternative dispute resolution.

- (9) The report issued by the certifying authority pursuant to this Section may be used by the Board to assist it in
- (a) evaluating an application for a permit or licence or in amending, suspending, canceling or reinstating a permit or licence;
 - (b) approving the alteration or modification of the gas plant facility;
 - (c) requiring the installation of additional or other equipment in the gas plant facility; or
 - (d) the exercise of its powers and duties conferred by the Act and these regulations.
- (10) Upon request, a copy of the report prepared under this Section shall be forward to the Minister or to the permit or licence holder.

Abandonment

- 23** (1) A permit or licence holder may abandon all or part of a site covered by a permit or licence by notifying the Board in writing at least 60 days prior to the date of the proposed abandonment.
- (2) If not already submitted with the application pursuant to clause 9(2)(d), an abandonment plan shall be submitted to the Board for approval at least 30 days prior to the date of the proposed abandonment.
- (3) Unless the Board approves otherwise in writing, an abandonment pursuant to subsection (1) does not relieve the permit or licence holder or other responsible persons of any requirement contained in the Acts, these regulations, a term or condition of a permit or licence or any direction or order by the Board to be performed by the permit or licence holder.
- (4) Unless the Board directs otherwise in writing, a permit or licence holder shall comply with obligations identified in subsection (3) for a period of 2 years from the date of abandonment or for such longer or shorter time period as prescribed in writing by the Board.

Confidential business information

- 24** (1) Information that the applicant claims to be protected under the *Freedom of Information and Protection of Privacy Act*, including confidential business information, shall be clearly identified to the Board together with information to support a claim, including information required for consideration of the claim under Section 20 of the *Freedom of Information and Protection of Privacy Act*.
- (2) Where an applicant claims information to be confidential business information, the Board shall review the claim and, until a decision is made pursuant to subsection (4), shall take adequate precautions to prevent disclosure of the information.

- (3) When reviewing a claim pursuant to subsection (2), the Board may request additional information to support the claim, including what steps the applicant has taken to maintain the confidentiality of the information.
- (4) Within 14 days following the date of receipt of the claim filed pursuant to subsection (1) or within such further time as may be agreed upon by the applicant and the Board, the Board shall advise the applicant in writing whether the claim is accepted or rejected in whole or in part.
- (5) Information accepted to be confidential business information pursuant to subsection (4) shall not be disclosed to the public and the Board shall take adequate precautions to prevent the disclosure of the information.
- (6) Where the Board rejects a claim under subsection (4) respecting information that is submitted in an application for a permit or licence, an applicant shall, within 7 days following the notice under subsection (4), notify the Board in writing that
 - (a) the claim is waived and the applicant wishes to continue to proceed with the application; or
 - (b) the application is to be withdrawn, in which case the Board shall immediately return all of the information submitted with the application to the applicant and shall take adequate precautions to prevent the disclosure of the information.

Effective date

25 These regulations shall be effective on, from and after March 1, 2000.

N.S. Reg. 23/2000

Made: February 10, 2000

Filed: February 23, 2000

Schedule 9 - Schedule of Milk Prices for Specified Areas Regulations

Order dated February 10, 2000

made under Section 13 of the

Dairy Commission Act

THE NOVA SCOTIA DAIRY COMMISSION, pursuant to Section 13 of Chapter 117 of the Revised Statutes of Nova Scotia, the *Dairy Commission Act*, on February 10, 2000,

HEREBY ORDERS that Section 9 - Schedule of Milk Prices For Specified Areas, made on [December 3, 1997], be amended effective March 6, 2000.

Schedule 9 - Schedule of Milk Prices For Specified Areas, made by the Nova Scotia Dairy Commission on ~~February 10, 2000~~ [December 3, 1997], is amended by repealing Sections 2, 3, 4 and 10 and substituting the following:

- 2** Except as otherwise provided in this regulation, the price of milk described below, sold in Nova Scotia from processors to retailers shall be:

<u>WHOLE MILK</u>	<u>Minimum Wholesale & Minimum Retail Price</u>
20 Litre Dispenser	\$27.10
10 Litre Dispenser	13.55
4 Litre Pitcher Pack	5.19
2 Litre Carton	2.71
1 Litre Carton	1.38
1 Litre Pouch (Cape Breton Only)	1.35
500 ml Carton	.74
250 ml Carton	.43
15 ml Container	4.49 Per 100

- 3** Except as otherwise provided in this regulation, the price of milk described below, sold in Nova Scotia from processors to retailers shall be:

<u>PARTLY SKIMMED MILK</u>	<u>Minimum Wholesale & Minimum Retail Price</u>
20 Litre Dispenser	\$26.90
10 Litre Dispenser	13.45
4 Litre Pitcher Pack	5.19
2 Litre Carton	2.69
1 Litre Carton	1.37
1 Litre Pouch (Cape Breton Only)	1.34
500 ml Carton	.73
250 ml Carton	.43
4 oz Container	.30
15 ml Container	4.48 Per 100

- 4 Except as otherwise provided in this regulation, the price of milk described below, sold in Nova Scotia from processors to retailers shall be:

<u>SKIM</u>	<u>Minimum Wholesale & Minimum Retail Price</u>
20 Litre Dispenser	\$26.50
10 Litre Dispenser	13.25
4 Litre Pitcher Pack	5.19
2 Litre Carton	2.65
1 Litre Carton	1.35
1 Litre Pouch (Cape Breton Only)	1.32
500 ml Carton	.72
250 ml Carton	.43
4 oz Container	.30
15 ml Container	4.45 Per 100

- 10 The maximum discount that may be extended by any processor to any account other than an end user shall be 18.5% of the Nova Scotia Dairy Commission minimum wholesale price.

N.S. Reg. 24/2000

Made: February 23, 2000

Filed: February 24, 2000

Onshore Petroleum Geophysical Exploration Regulations

Order in Council 2000-73 made February 23, 2000

Regulations made by the Governor in Council

pursuant to Section 29 of the *Energy and Mineral Resources Conservation Act*
and Section 27 of the *Petroleum Resources Act*

The Governor in Council on the report and recommendation of the Minister responsible for the Nova Scotia Petroleum Directorate dated December 20, 1999, pursuant to Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy and Mineral Resources Conservation Act*, and Section 27 of Chapter 342 of the said Revised Statutes, the *Petroleum Resources Act*, is pleased to make regulations respecting onshore petroleum geophysical exploration in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after February 23, 2000.

Schedule "A"

Regulations respecting onshore petroleum geophysical exploration made by the Governor in Council pursuant to Section 29 of Chapter 147 of the Revised Statutes of Nova Scotia, 1989, the *Energy and Mineral Resources Conservation Act* and Section 27 of Chapter 342 of the Revised Statutes of Nova Scotia, 1989, the *Petroleum Resources Act*

Citation

1 These regulations may be cited as the *Onshore Petroleum Geophysical Exploration Regulations*.

Interpretation

2 (1) In these regulations,

- (a) "Acts" means the *Energy and Mineral Resources Conservation Act* and the *Petroleum Resources Act*;
- (b) "Administrator" means a person designated by the Minister pursuant to Section 4 of these regulations and includes an acting administrator;
- (c) "Authority to Explore" means an authority granted by the Administrator pursuant to these regulations to conduct certain exploration on specified lands;
- (d) "Board" means the Energy and Mineral Resources Conservation Board established by the *Energy and Mineral Resources Conservation Act* and includes a person who is delegated duties or responsibilities of the Energy Board pursuant to Section 12 of that Act;

- (e) “cut line” means a trail cleared of vegetation for the purpose of conducting an exploration survey;
- (f) “energy source” means a power source that is used to generate energy for the purpose of obtaining geophysical information;
- (g) “exploration” means a geophysical operation on or over land or water to determine geologic conditions underlying the surface of land or water and an operation that is preparatory to or otherwise connected with the geophysical operation that, in the opinion of the Administrator, has the potential to cause surface disturbance;
- (h) “explorer” means the holder of an Authority to Explore and employees, contractors, agents or anyone carrying out exploration or work related to exploration for or on behalf of the holder;
- (i) “heritage object” means heritage object as defined in the *Special Places Protection Act*;
- (j) “marine lands” means submerged lands not administered or managed by the Canada-Nova Scotia Offshore Petroleum Board, including but not limited to St. George’s Bay, Chedabucto Bay, and the Minas Basin;
- (k) “Minister” means the Minister of the Executive Council responsible for the Nova Scotia Petroleum Directorate;
- (l) “non-exclusive survey” means a geophysical operation that is conducted to acquire data for the purpose of sale, in whole or in part, to the public;
- (m) “offshore area” means offshore area as defined in the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*;
- (n) “petroleum” means petroleum as defined in the *Petroleum Resources Act*;
- (o) “public lands” means land of the Crown in right of the Province of Nova Scotia, but does not include mines and minerals or a public highway or public road;
- (p) “recording” means the process by which exploration data is obtained or retrieved from an energy source;
- (q) “right holder” means the holder of a right granted pursuant to the *Petroleum Resources Act* or regulations made under that Act;

- (r) “shothole” means a hole drilled or a trench made for the purpose of detonating an explosive charge for the purpose of obtaining geophysical information;
- (s) “sourcepoint” means the surface location at which an energy source is deployed;
- (t) “survey monument” means a post, stake, pin, mound of rock or other material, pit, trench or any other thing used to mark a triangulation point.

Application of regulations

- 3** (1) These regulations apply to exploration for petroleum, including exploration by a right holder and a person conducting a non-exclusive survey.
- (2) Despite subsection (1), these regulations do not apply to the following kinds of exploration:
- (a) the drilling of an exploration well, a delineation well, or a development well as they are defined in the *Petroleum Resources Regulations*;
 - (b) an operation conducted to determine or evaluate the presence, extent, nature or quality of coal, surface material or water;
 - (c) prospecting by hand-held implements that, in the opinion of the Administrator, does not cause significant surface disturbance;
 - (d) operations conducted in the offshore area; and
 - (e) taking soil, rock or geochemical samples of not more than 20 kg from a sample location.

Administrator

- 4** (1) The Minister shall designate an Administrator to administer these regulations.
- (2) All duties and functions of the Minister as prescribed in the *Petroleum Resources Act* and these regulations with respect to exploration are delegated to the Administrator.

Delegation

- 5** Pursuant to Section 12 of the *Energy and Mineral Resources Conservation Act*, the Governor in Council approves the delegation by the Board to the Administrator of the powers, duties or authorities conferred or imposed upon the Board under the *Energy and Mineral Resources Conservation Act* to administer and enforce these regulations.

Prohibition

- 6** No person shall explore for petroleum except in accordance with a valid Authority to Explore.

Liability

- 7 (1)** Every explorer shall ensure that exploration for petroleum is conducted in a prudent and reasonable manner, consistent with good petroleum exploration practices.
- (2)** It shall be deemed to be a condition of every Authority to Explore that the explorer agrees to indemnify and save harmless the Province from any and all claims, demands, losses or damages from death, actions or suits that may arise out of or as a result of anything done in the carrying out of exploration conducted under an Authority to Explore.

Financial security

- 8 (1)** The Administrator may make an Authority to Explore conditional upon the explorer providing financial security,
- (a)** in the amount and form specified by the Administrator; and
 - (b)** made payable to the Minister of Finance or such other person designated by the Administrator.
- (2)** In assessing the need for and fixing the amount of financial security pursuant to subsection (1), the Administrator shall have regard to the content, circumstances and nature of the exploration and the location of the area to be explored.
- (3)** Where, in the opinion of the Administrator, exploration for which financial security has been furnished under subsection (1) is not being conducted in compliance with the Acts, these regulations or the conditions of the Authority to Explore, the Administrator shall
- (a)** give notice of non-compliance to the explorer and the explorer shall have 24 hours or such other time period prescribed by the Administrator to remedy the breach, default or non-compliance without forfeiting the financial security;
 - (b)** if, in the opinion of the Administrator, the explorer has not remedied [to] the breach, default or non-compliance after the period specified in clause (a), the financial security will be forfeited to the Province; and
 - (c)** expend such portion of the financial security as is necessary to remedy the breach, default or non-compliance.

- (4) When the Authority to Explore has expired or the explorer has given notice that exploration has been completed and the Administrator is satisfied that the explorer has complied with the Acts, these regulations and the Authority to Explore, the Administrator shall refund to the explorer the financial security or such portion of the financial security not expended pursuant to subsection (3).

Application for Authority to Explore

- 9 (1) The Administrator may prescribe a form for an application for an Authority to Explore.
- (2) A person may apply for an Authority to Explore by submitting to the Administrator 3 copies of an application and a map on a scale of 1:50 000, or other scale approved by the Administrator,
- (a) showing the location of
 - (i) the area that will be explored by reference to reservations,
 - (ii) public highways and public roads and other roads and trails that will be used to gain access to the area that will be explored,
 - (iii) existing cut lines that will be utilized to acquire data during the exploration or to gain access to the area to be explored,
 - (iv) new cut lines proposed to be cut during the exploration to acquire data or gain access to the area to be explored, and
 - (v) campsites proposed to be constructed or used during the exploration;
 - (b) identifying proposed seismic lines on which exploration data is to be acquired by number or letter and showing the relationship of proposed seismic lines to existing wells and previously acquired seismic lines of the applicant; and
 - (c) including a legend or attachment
 - (i) indicating to the extent possible the length in kilometres of trails, existing cut lines and new cut lines referred to respectively in subclauses (a)(ii), (iii) and (iv),
 - (ii) indicating the method, technique and equipment to be employed in the program of exploration,
 - (iii) stating the name and address of the person who will conduct or authorize the exploration to be undertaken on behalf of the right holder,

- (iv) stating whether the equipment to be used in the program of exploration will be tracked, wheeled, or airborne, and
 - (v) stating the expected dates of commencement and of completion of recording in the field.
- (3) An application for an Authority to Explore shall be submitted not less than 45 days before the commencement date of field activities.
- (4) An application for an Authority to Explore shall be accompanied by a non-refundable application fee of \$100.
- (5) The Administrator may bill the applicant for all costs and expenses in excess of \$100 incurred directly by the Administrator to process an application and the applicant shall pay the amount before an Authority to Explore is issued.

Disposition of application

- 10 (1) Upon receipt of an application pursuant to Section 9, the Administrator may
- (a) require an applicant to submit any additional information that the Administrator considers necessary;
 - (b) issue an Authority to Explore to the applicant, subject to such terms and conditions as the Administrator prescribes; or
 - (c) refuse to issue an Authority to Explore to the applicant.
- (2) If the Administrator refuses to issue an Authority to Explore, the Administrator shall advise the applicant in writing of the decision together with reasons.

Administrator to endorse application

- 11 (1) Where the Administrator grants an Authority to Explore, the Administrator shall endorse the application submitted pursuant to Section 9 as authorized and return 2 copies to the explorer.
- (2) An application submitted pursuant to Section 9 that has been endorsed by the Administrator pursuant to subsection (1) shall constitute an Authority to Explore.
- (3) The explorer shall furnish a copy of the Authority to Explore to the crew operating equipment in the field.
- (4) The copy referred to in subsection (3) shall be kept at the field headquarters until the exploration is completed.

Expiration of Authority to Explore

- 12 (1)** Subject to subsection (2), an Authority to Explore shall be valid for a period of 1 year from the date it is granted.
- (2)** Upon the completion of exploration field operations under an Authority to Explore, the Authority to Explore is deemed to have expired and no person shall repeat any operations authorized under the Authority to Explore or conduct similar operations.

Consent to explore on certain lands

- 13 (1)** An explorer shall not conduct exploration on
- (a)** lands privately owned or occupied except with the consent of the person having lawful possession of the land or an agent of that person;
 - (b)** lands owned by the Crown in right of the Government of Canada, except with the consent of the appropriate department or agency of the Government of Canada or of a person authorized by the appropriate department or agency to give the consent;
 - (c)** public lands
 - (i)** under the administration of a Minister of the Crown in right of the Province of Nova Scotia, except with the consent of the Minister having the administration of those lands;
 - (ii)** that form part of a public highway or public road except with the consent of the Department of Transportation and Public Works;
 - (iii)** under the administration of an agency, board or commission of the Crown in right of the Province of Nova Scotia, except with the consent of that agency, board or commission; and
 - (iv)** that are occupied, except with the consent of the holder of the disposition to which the lands are subject.
- (2)** Despite clause (1)(a), where
- (a)** the exploration to be conducted entails the cutting of trees or the commission of waste on the land; and
 - (b)** the person in lawful possession does not have legal authority to authorize the cutting of the trees or the commission of waste on that land,
- no person shall conduct exploration of that land except with the consent of the legal owner of the land or an agent of the legal owner.

- (3) Subsections (1) and (2) shall not be construed as removing the necessity to obtain a consent to conduct exploration on any land from any person not referred to in those subsections, if the consent of that person is required by law.

Obligations under Authority to Explore

14 No explorer shall

- (a) conduct exploration except in accordance with the Acts and these regulations,
- (b) conduct exploration otherwise than in accordance with the Authority to Explore, or
- (c) in conducting exploration make a cut line or otherwise cut, destroy or damage forest growth or other natural growth at a location other than where authorized in the Authority to Explore.

Location of field headquarters

15 (1) The explorer shall inform the Administrator of the location of the field headquarters of the crew conducting the exploration.

- (2) The explorer shall inform the Administrator in advance of any change in location of the field headquarters referred to in subsection (1).

Inspection

16 (1) The explorer shall allow the Administrator or an agent or representative of the Administrator to inspect anything done in relation to the Authority to Explore.

- (2) The explorer shall assist the Administrator, agent or representative in carrying out an inspection under subsection (1).
- (3) Reasonable costs or expenses incurred by the Administrator, agent or representative under subsections (1) and (2) shall be paid by the explorer.

Suspension/revocation of Authority to Explore

17 (1) Where the Administrator believes on reasonable and probable grounds that a person

- (a) has contravened or will contravene
 - (i) the Acts,
 - (ii) these regulations,
 - (iii) a term or condition of an Authority to Explore issued to the explorer, or
 - (iv) a provincial or federal enactment; or
- (b) is conducting exploration that has not been authorized by an Authority to Explore,

the Administrator may suspend or terminate the Authority to Explore.

- (2) The Administrator shall give the explorer prior notice of the suspension or termination of the Authority to Explore and a reasonable time period to remedy the breach or default.
- (3) Immediately upon suspension or termination of an Authority to Explore pursuant to subsection (2), the Administrator shall give notice in writing to the explorer together with reasons for the suspension or termination of the Authority to Explore.
- (4) The Administrator may reinstate an Authority to Explore at any time the Administrator considers appropriate to do so.
- (5) Despite subsections (2) and (3), if the explorer holds a petroleum right that is suspended or terminated, an Authority to Explore issued to the explorer under these regulations is automatically suspended or terminated with no notice required under these regulations.

Reporting

- 18** (1) During the time when exploration activity is being conducted, the explorer shall at 48-hour intervals provide the Administrator with a verbal summary of
- (a) exploration that has been conducted during the past 48 hours; and
 - (b) exploration that is planned for the next 48 hours.
- (2) At weekly intervals, an explorer shall provide the Administrator with a written summary of the exploration that has been conducted during the past week.

Final plan

- 19** Within 45 days after completion of the exploration under an Authority to Explore, the explorer shall file with the Administrator a map on a scale of 1:50 000, or other scale approved by the Administrator,
- (a) showing the location of
 - (i) the area that was explored by reference to reservations,
 - (ii) public roads and other roads and trails that were used to gain immediate access to the area that was explored,
 - (iii) existing cut lines that were utilized to acquire data during the exploration, or to gain access to the area to be explored,
 - (iv) new cut lines that were cut during the exploration for the purpose of acquiring data or gaining access to the area that was explored,

- (v) detours constructed for exploration equipment during the exploration and indicating their length in metres,
 - (vi) campsites constructed or used during the exploration and the size of the campsites,
 - (vii) stations or places at which samples or measurements were obtained or holes were drilled in the course of exploration,
 - (viii) the beginning and the end of each line in the program of exploration and every shothole or sourcepoint in each line in the program and its number, and
 - (ix) locations of all shotholes containing misfired or unexploded charges; and
- (b) showing the name and address of the person who conducted the exploration.

Heritage objects

20 If a heritage object is discovered during the course of exploration, the explorer shall suspend operations in the immediate area and shall notify the Administrator and the Nova Scotia Museum of Natural History.

Marking of shotholes and sourcepoints

- 21** (1) An explorer shall mark each sourcepoint or shothole with a weather-resistant tag on which is engraved or impressed in letters at least 0.5 cm high
- (a) the number of the petroleum right issued under the *Petroleum Resources Act*; and
 - (b) the line number and the number of the sourcepoint or shothole.
- (2) The tag referred to in subsection (1) shall be
- (a) approximately 6 cm long and 3 cm wide;
 - (b) of a conspicuous colour;
 - (c) affixed facing the sourcepoint or shothole at a distance of not more than 10 m from the sourcepoint or shothole; and
 - (d) on the same side of a road or highway as the sourcepoint or shothole.
- (3) No person shall remove a tag installed under these regulations without the written consent of the explorer or the Administrator.

Distance restriction for energy source

22 An explorer shall ensure that no person performing exploration under an Authority to Explore conducts a method of exploration within separation distances prescribed by the Administrator.

Energy source on roads and highways

- 23 (1)** Subject to subsection (2), no energy source shall be operated on, no hole shall be drilled in, and no trench shall be made on a public highway or public road, except with the written consent of the Department of Transportation and Public Works.
- (2)** An energy source that does not cause surface damage may be operated on the travelled portion of
- (a) a public highway or public road subject to the direction, control and management of the Department of Transportation and Public Works, if the operator has obtained written consent of the Department of Transportation and Public Works;
 - (b) a public road subject to the direction, control, and management of a municipal authority, if the operator has obtained written consent of the municipal authority.

Damage to highways or roads

- 24 (1)** Where an explorer causes damage to, or the loss or destruction of any property related to a public highway or public road, the explorer shall
- (a) immediately discontinue those operations or activities that caused the damage, loss or destruction;
 - (b) give notice of the damage, loss or destruction to
 - (i) the Department of Transportation and Public Works in the case of a public highway or public road subject to the direction, control and management of that Department, or
 - (ii) the municipal authority in the case of a public road subject to the direction, control and management of a municipality; and
 - (c) repair or replace the property so damaged, lost or destroyed.
- (2)** In subsection (1), “property related to a public highway or public road” or “property” includes
- (a) a bridge or culvert forming part of a public highway or public road; or
 - (b) a sign, structure or traffic control device on the public highway or public road that is used in connection with the construction or maintenance of, or the control of traffic on, the public highway or public road.

Flowing holes

- 25** Where fluids are released from an aquifer or stratum and come to the surface during or after the drilling of a shothole
- (a) the drilling of the shothole shall be discontinued;
 - (b) no explosive charge shall be detonated in the shothole;
 - (c) the shothole shall be plugged without undue delay so as to confine the fluids to the aquifer or stratum; and
 - (d) the explorer who has operated or authorized the operation of the exploration equipment used in drilling the shothole shall notify the Administrator immediately, or as soon as practicable, of
 - (i) the location, including geographical coordinates of the shothole,
 - (ii) the ground elevation of the shothole,
 - (iii) the nature of the water or fluids, and
 - (iv) the depth to each aquifer or petroleum horizon encountered.

Provincial survey monuments

- 26 (1)** Where a Provincial survey monument is damaged, destroyed, moved or altered during exploration, the explorer shall
- (a) report the matter to the Administrator immediately, or as soon as practicable;
 - (b) engage a land surveyor to restore, replace or re-establish the survey monument to the specifications set out by the Director of Surveys in the Department of Natural Resources; and
 - (c) forward a copy of the plan for restoration, replacement or re-establishment to the Director of Surveys in the Department of Natural Resources.
- (2)** If a survey monument referred to in subsection (1) is not restored, replaced or re-established to the satisfaction of the Director of Surveys of the Department of Natural Resources, the Administrator may
- (a) engage a land surveyor to restore, replace or re-establish the survey monument; and
 - (b) recover the costs or expenses of the restoration, replacement, or re-establishment from the explorer.

Information

- 27 (1)** In addition to any other information that must be submitted pursuant to the *Petroleum Resources Act* and these regulations, an explorer who has conducted exploration pursuant to these regulations shall file with the

Administrator, within 12 months after the termination of the field operation, 3 copies of a final report on a form prescribed by the Administrator, and the format and content requirements shall be as prescribed by the Administrator.

- (2) Where required by the Administrator, the explorer shall submit data in digital form in a manner approved by the Administrator.

Confidentiality

28 (1) Section 72 of the *Petroleum Resources Regulations* shall apply *mutatis mutandis* to any exclusive data and information submitted pursuant to Section 27.

- (2) Non-exclusive data and information submitted to the Administrator pursuant to Section 27 shall be held confidential by the Administrator for a period of 10 years following the date on which the exploration generating the data was completed.

Other laws

29 Nothing in these regulations derogates from any enactment that imposes duties, obligations and responsibilities on the explorer, including, but not limited to, the *Occupational Health and Safety Act* and its regulations, the *Environment Act* and its regulations, and the *Public Highway Act* and its regulations.

Marine laws

30 (1) Where an explorer proposes to carry out exploration on or in respect of marine lands, the Administrator may exempt the explorer from any of the provisions of these regulations.

- (2) Where the Administrator exempts an explorer from any of the provisions of these regulations pursuant to subsection (1), the Administrator may order that the explorer comply with any provisions of the *Nova Scotia Offshore Area Petroleum Geophysical Operations Regulations*, as specified in the order, and the Administrator may vary or modify any such provisions to the extent considered necessary by the Administrator.
- (3) Where the Administrator orders that an explorer comply with any provisions of the *Nova Scotia Offshore Area Petroleum Geophysical Operations Regulations*, those provisions shall have the same force and effect as regulations made under the Acts.

Effective date

31 These regulations shall come into force on, from, and after February 23, 2000.

N.S. Reg. 25/2000

Made: February 22, 2000

Filed: February 24, 2000

Revocation Order re Wawanesa Mutual Insurance Company

Order dated February 22, 2000
made under clause 131(1)(b) of the
Environment Act

IN THE MATTER OF clause 131(1)(b), Chapter 1 of the Statutes of Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF the revocation of a Ministerial Order with respect to **Wawanesa Mutual Insurance Company**, a body corporate, located at or near 201 Brownlow Avenue, Halifax County, Province of Nova Scotia

REVOCATION ORDER

WHEREAS by Ministerial Order issued pursuant to subsection 125(1) of the *Environment Act* dated the 14th day of January, 2000, signed by the Minister of the Environment, the Honourable John Chataway, and duly filed in the Office of the Registrar of Regulations on the 18th day of January, 2000, (Reg. 11/2000), and published in the Royal Gazette on the 11th day of February, 2000, **Wawanesa Mutual Insurance Company** was one of the parties ordered to comply with the conditions set forth in Schedule "A" attached to the Ministerial Order respecting a restaurant and other properties located at or near 39 Main Street, Bible Hill, in the County of Colchester, Province of Nova Scotia;

AND WHEREAS the Honourable Minister of the Environment wishes to revoke the aforesaid Ministerial Order with respect to **Wawanesa Mutual Insurance Company** while maintaining the authority to issue further Ministerial Orders in future against **Wawanesa Mutual Insurance Company** if the circumstances so merit;

IT IS HEREBY ORDERED that upon service of this Revocation Order, the Ministerial Order dated the 14th day of January, 2000, with respect to **Wawanesa Mutual Insurance Company**, is revoked and of no further force or effect.

FOR GREATER CERTAINTY, this Revocation Order applies only to **Wawanesa Mutual Insurance Company** and not to the other parties named in the January 14, 2000 Ministerial Order.

DATED at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, this 22nd day of February, 2000.

Signed: *Michael G. Baker*
Honourable Michael G. Baker
Acting Minister of the Environment