

Royal Gazette

Part II Regulations under the Regulations Act

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NOW AVAILABLE

The second issue for the 2000 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at www.gov.ns.ca/just/regulations/cd.

N.S. Reg. 86/2000

Made: April 19, 2000

Filed: May 11, 2000

Municipal Accounting and Reporting Manual

Order in Council 2000-253 made May 10, 2000

Dispensation from publication made by the Governor in Council
pursuant to subsection 4(3) of the *Regulations Act*
of N. S. Reg. 86/2000, Order dated April 19, 2000,
made pursuant to Section 451 of the *Municipal Government Act*

The Governor in Council on the report and recommendation of the Minister of Housing and Municipal Affairs dated April 19, 2000, pursuant to subsection 4(3) of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, is pleased to dispense with the publication in the Royal Gazette, Part II, of the Regulation Made By the Minister of Housing and Municipal Affairs Pursuant to Section 451 of Chapter 18 of the Statutes of Nova Scotia, 1998, the *Municipal Government Act*, Repealing the Manual of Financial Accounting and Reporting Practices for Municipalities in Nova Scotia and Replacing it with the Municipal Accounting and Reporting Manual, made by the Minister on April 19, 2000, and which regulation is set forth in Schedule "A" attached to and forming part of the report and recommendation.

N.S. Reg. 87/2000

Made: May 8, 2000

Filed: May 12, 2000

Alarm and Security Technician Trade Designation

Order dated May 8, 2000
made under subsections 3(1) and (2) of the
Apprenticeship and Trades Qualifications Act

Province of Nova Scotia**IN THE MATTER OF**

Subsections (1) and (2) of Section 3 of the
Apprenticeship and Trades Qualifications Act,
Revised Statutes of Nova Scotia, 1989, Chapter 17

and

IN THE MATTER OF

The Alarm and Security Technician Trade

I, Jane A. Purves, Minister of Education for the Province of Nova Scotia, do hereby specify, determine and designate, pursuant to subsections (1) and (2) of Section 3 of the *Apprenticeship and Trades Qualifications Act*, that the Alarm and Security Technician Trade [is a trade] to which the *Apprenticeship and Trades Qualifications Act* shall apply and I further prescribe that the *Apprenticeship and Trades Qualifications Act* shall apply to said trade when carried on anywhere in the Province.

SIGNED and DATED at Halifax, in the County of Halifax, Province of Nova Scotia this 8th day of May, A.D., 2000.

Signed: *Jane Purves*
Minister of Education

N.S. Reg. 88/2000

Made: May 11, 2000

Filed: May 12, 2000

Ministerial Order re Double D Construction Limited
and Glen Duggan

Order dated May 11, 2000
made under subsection 125(1) of the
Environment Act

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

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of the said *Act* to **Double D Construction Limited**, a body corporate, located at or near Halifax, in the Regional Municipality of Halifax, Province of Nova Scotia and **Glen Duggan** of the Regional Municipality of Halifax, Province of Nova Scotia.

MINISTERIAL ORDER

I. **WHEREAS** Double D Construction Limited and Glen Duggan own, occupy, operate or are the persons responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a commercial/industrial operation which is located at or near Shad Bay, in the Regional Municipality of Halifax, Province of Nova Scotia, hereinafter called the “Site”;

II. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*;

50 (2) No person shall commence or continue any activity designated by the regulations as requiring an approval, unless that person holds the appropriate approval.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule “A” attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the person(s) to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to Section 132 of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 11th day of May, 2000.

Signed: *Michael G. Baker*
The Honourable Michael G. Baker, Q.C.
Acting Minister of the Environment

SCHEDULE "A"

TERMS AND CONDITIONS

Double D Construction Limited and Glen Duggan

1. Operations at the Shad Bay pit site in question must cease immediately until the required approval is obtained in accordance with the *Activities Designation Regulations* made pursuant to the *Environment Act*.
2. Prior to making application for approval to operate the pit operation, the issue of property ownership must be resolved so that site boundaries can be established for the operation and site rehabilitation work.
3. If the property ownership issue is not resolved within a year of issuance of this Ministerial Order, the person(s) named in this Ministerial Order must initiate a site rehabilitation program that has been approved by the Nova Scotia Department of the Environment.
4. Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of the Environment is:

Darlene Fenton, District Manager
Central Regional Office
Nova Scotia Department of the Environment
Suite 224, 1595 Bedford Highway
Bedford NS B4A 3Y4

N.S. Reg. 89/2000

Made: May 11, 2000

Filed: May 12, 2000

Ministerial Order re 3010526 Nova Scotia Limited
and Suzanne Kushner

Order dated May 11, 2000
made under subsection 125(1) of the
Environment Act

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

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the
provisions of the said *Act* to **3010526 Nova Scotia Limited**, a body
corporate, located at or near Halifax, in Halifax County, Province of Nova
Scotia and **Suzanne Kushner** of Halifax, Province of Nova Scotia.

MINISTERIAL ORDER

I. **WHEREAS** 3010526 Nova Scotia Limited, a body corporate and Suzanne Kushner own, occupy, operate or are the persons responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a commercial/industrial operation which is located at or near Waverley, in the Regional Municipality of Halifax, Province of Nova Scotia, hereinafter called the “Site”;

III. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened subsection 67(2) and Section 71 of the *Environment Act*;

Environment Act

67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

71 Any person responsible for the release of a substance under this Part shall, at that person’s own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

(a) take all reasonable measures to

- (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and
 - (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

III. **AND WHEREAS** the Minister of the Environment is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to Section 132 of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 11th day of May, 2000.

(Signed) *Michael G. Baker*
The Honourable Michael G. Baker, Q.C.
Acting Minister of the Environment

SCHEDULE "A"**TERMS AND CONDITIONS****3010526 Nova Scotia Limited, Suzanne Kushner****1. Remedial Action Plan**

On or before July 7, 2000, the persons named in this Ministerial Order shall submit to the Nova Scotia Department of the Environment a Remedial Action Plan prepared by an environmental site professional which will include and address the following:

- (a) a complete site assessment in accordance with current guidelines for the management of contaminated sites in Nova Scotia, including, but not limited to, the Guidelines for the Management of Contaminated sites in Nova Scotia dated March 27, 1996, and the Interim Procedure for the Implementation of Risk Based Corrective Action (RBCA) for the Management of Petroleum Hydrocarbon contaminated Sites dated October 8, 1999. Existing data and additional information will be used in the site assessment as required, to define the extent and level of contaminant impacts, both on and off the Site;
- (b) a description of the methodologies, remedial techniques and corrective action strategies to be used for implementation of the remedial action plan;
- (c) a description of the monitoring program to be used for the duration of the remedial work;
- (d) a time schedule to implement the remedial action plan.

2. Implementation

Within 5 days of receipt of approval of the remedial action plan by the Nova Scotia Department of the Environment, the person named in this Ministerial Order shall commence work under the remedial action plan and complete the work within the approved time periods.

3. Progress Reports

Once remediation has commenced under Section 2, the persons named in this Ministerial Order shall submit a written progress report to the Nova Scotia Department of the Environment on a bi-weekly basis or at more frequent intervals if required by the Department.

4. Time Extension Request

The Minister may consider a time extension only if the person(s) named in the Ministerial Order submit a written request to the departmental contact person named below. This written submission will provide the reason(s) and a detailed justification for the time extension request.

5. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of the Environment under the Ministerial Order to receive any reports and to issue any approvals is:

Darlene Fenton, District Manager
Central Regional Office
Nova Scotia Department of the Environment
Suite 224, 1595 Bedford Highway
Bedford NS B4A 3Y4

Telephone: (902) 424-2382

Fax: (902) 424-0597

N.S. Reg. 90/2000

Made: May 18, 2000

Filed: May 18, 2000

Ministerial Order re Bridgewater Laundry & Dry
Cleaners Co Limited, Bernard G. Levy and
Sobey Leased Properties Limited

Order dated May 18, 2000
made under subsection 125(1) of the
Environment Act

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

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of
the said *Act* to **Bridgewater Laundry & Dry Cleaners Co Limited**, a body
corporate, located at or near Bridgewater, Lunenburg County, Province of Nova
Scotia, **Bernard G. Levy**, of Maders’ Cove, Lunenburg County, Province of
Nova Scotia and **Sobey Leased Properties Limited**, a body corporate, located
at or near Stellarton, Pictou County, Province of Nova Scotia

AMENDMENT TO MINISTERIAL ORDER

I. **WHEREAS** a Ministerial Order dated May 2, 2000, and duly filed in the
office of the Registrar of Regulations on May 2, 2000, ([N.S.]Reg. 80/2000) and
published in the Royal Gazette on May 19, 2000, was issued by George Fox, Deputy
Minister of the Environment pursuant to the provisions of the *Environment Act* and
Regulations to Bridgewater Laundry & Dry Cleaners Co Limited, Bernard G. Levy
and Sobey Leased Properties Limited;

II. **AND WHEREAS** a request has been made for an amendment to the
Ministerial Order;

IT IS HEREBY ORDERED that the following amendments be made to the
Ministerial Order:

1. Paragraph 1 of Schedule “A” of the Ministerial Order is revoked and replaced
with the following paragraph:

On or before **June 2, 2000**, the persons named in this Ministerial Order shall
conduct a further site assessment, as described by Donald A. Carey of Jacques
Whitford Environment Limited in his April 11, 2000, letter to Robert Grant, in
accordance with current guidelines for the management of contaminated sites in
Nova Scotia, using existing data and additional information as required to define
the extent of contaminant impacts, both on and off the Site;

2. Paragraph 2 of Schedule “A” of the Ministerial Order is revoked and replaced
with the following paragraph:

On or before **July 7, 2000**, the person(s) named in this Ministerial Order shall submit to the contact person for the Nova Scotia Department of the Environment a remedial action plan prepared by an environmental site professional which will include and address the following:

- (a) the on-Site and off-Site contamination identified by Jacques Whitford Environment Limited as a result of its Site assessments and investigations;
- (b) the hydrocarbon contamination on the Site identified in a January 10, 2000, letter from G.A. McBeath of EARTHTECH Engineering Limited to Sobeys;
- (c) a description of the methodologies, remedial techniques and corrective action strategies to be used for implementation of the remedial action plan;
- (d) a description of the monitoring program to be used for the duration of the remedial work;
- (e) a time schedule to implement the remedial action plan.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 18th day of May, 2000.

(Signed) *George L. Fox*
George Fox
Deputy Minister of the Environment

AMENDED

SCHEDULE "A"

TERMS AND CONDITIONS

Bridgewater Laundry & Dry Cleaners Co Limited, Bernard G. Levy, and Sobey Leased Properties Limited

1. Site Assessment

On or before **June 2, 2000**, the persons named in this Ministerial Order shall conduct a further site assessment, as described by Donald A. Carey of Jacques Whitford Environment Limited in his April 11, 2000, letter to Robert Grant, in accordance with current guidelines for the management of contaminated sites in Nova Scotia, using existing data and additional information as required to define the extent of contaminant impacts, both on and off the Site;

2. Remedial Action Plan

On or before **July 7, 2000**, the person(s) named in this Ministerial Order shall submit to the contact person for the Nova Scotia Department of the Environment a remedial action plan prepared by an environmental site professional which will include and address the following:

- (a) the on-Site and off-Site contamination identified by Jacques Whitford Environment Limited as a result of its Site assessments and investigations;
- (b) the hydrocarbon contamination on the Site identified in a January 10, 2000, letter from G.A. McBeath of EARTHTECH Engineering Limited to Sobeys;
- (c) a description of the methodologies, remedial techniques and corrective action strategies to be used for implementation of the remedial action plan;
- (d) a description of the monitoring program to be used for the duration of the remedial work;
- (e) a time schedule to implement the remedial action plan.

3. **Implementation**

Within 5 days of receipt of approval of the remedial action plan by the Nova Scotia Department of the Environment, the person(s) named in this Ministerial Order shall commence work under the remedial action plan and complete the work within the approved time periods.

4. **Progress Reports**

Once remediation has commenced under Section 3, the person(s) named in this Ministerial Order shall submit a written progress report to the Nova Scotia Department of the Environment on a bi-weekly basis or at more frequent intervals if required by the Department.

5. **Time Extension Request**

The Minister may consider a time extension only if the person(s) named in the Ministerial Order submit a written request to the departmental contact person named below. This written submission will provide the reasons and a detailed justification for the time extension request.

5. **Department Contact**

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of the Environment for the purposes of receiving reports and issuing approvals under this Ministerial Order is:

Jeff Garnhum, District Manager
Bridgewater District Office
Nova Scotia Department of the Environment
60 Logan Road
Bridgewater, Nova Scotia
B4V 3J8

Telephone: (902) 543-4685
Fax: (902) 527-5480

N.S. Reg. 91/2000

Made: May 17, 2000

Filed: May 18, 2000

Appointment of the Honourable Myra A. Freeman as
Lieutenant Governor of Nova Scotia

Royal Gazette Extraordinary

PUBLISHED BY AUTHORITY

HALIFAX, NOVA SCOTIA, WEDNESDAY, 17TH MAY, 2000

Province House,

Wednesday, May 17, 2000

Her Excellency the Governor General having been pleased to appoint the Honourable Myra A. Freeman to be the Lieutenant Governor in and over the Province of Nova Scotia, by Commission dated the 10th day of May, 2000, Her Honour the Lieutenant Governor came to the Red Chamber, Province House, in the Halifax Regional Municipality, where the Commission was delivered to her and the same having been read and published in the presence of the Chief Justice of Nova Scotia, and other members of the judiciary of the said Province and of the Premier and Members of the Executive Council of the said Province and of the Premier and Members of the Executive Council of the said Province and of others, the prescribed oaths were administered by the Chief Justice of Nova Scotia. The Great Seal of the Province having been delivered to Her Honour the Lieutenant Governor, Her Honour was pleased to return the same to the Minister of Justice, for safekeeping. Her Honour was then pleased to issue the following Proclamation:

PROVINCE OF
NOVA SCOTIA

BY HER HONOUR

THE HONOURABLE MYRA A. FREEMAN

Lieutenant Governor of the Province of Nova Scotia

TO ALL TO WHOM THESE PRESENTS SHALL COME,
OR WHOM THE SAME MAY IN ANY WISE CONCERN,

GREETING:

A PROCLAMATION

WHEREAS Her Excellency the Governor General in Council by Commission under the Great Seal of Canada, bearing date the tenth day of May, in the year of Our Lord two thousand in the forty-ninth year of Her Majesty's reign, has been please to appoint me to be the Lieutenant Governor in and over the Province of Nova Scotia during the will and pleasure of the Governor General of Canada;

NOW KNOW YE that I have thought fit to publish and make known, and do hereby publish and make known that I have this day made and subscribed the oaths of allegiance and office, and assumed the duties of my office as such Lieutenant Governor, under and in accordance with the Governor General's Commission and Instructions, and the Statutes and Laws in that behalf, and I do hereby require and command that each and every person holding any office, place, employment or function under Her Majesty in this Province do continue in the execution thereof, of which all Her Majesty in this Province do continue in the execution thereof, of which all Her Majesty's subjects in this Province and all others whom it may concern are to take notice and govern themselves accordingly.

GIVEN under my Hand and Seal at Arms
at the Halifax Regional Municipality, in the
Province of Nova Scotia, this 17th day of May
in the year of Our Lord two thousand and in the
forty-ninth year of Her Majesty's Reign.

(Signed) *Myra A. Freeman*
Lieutenant Governor

N.S. Reg. 92/2000

Made: May 17, 2000

Filed: May 19, 2000

Fees and Allowances Regulations and

Fees to be taken by a Commissioner of the Supreme Court

Order in Council 2000-261 made May 17, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 2
of the *Costs and Fees Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated April 17, 2000, pursuant to Section 2 of Chapter 104 of the Revised Statutes of Nova Scotia, 1989, the *Costs and Fees Act*, is pleased to amend, effective on, from and after July 1, 2000,

- (a) the regulations respecting fees and allowances for departments, officials or persons in respect of the services mentioned in the Schedule to Part I of the Act made by Order in Council 90-558 dated May 8, 1990, in the manner set out in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) the Schedule to Part I of the *Costs and Fees Act* under the heading "FEES TO BE TAKEN BY A COMMISSIONER OF THE SUPREME COURT" made by Order in Council 90-1039 dated August 31, 1990, by striking out item (1) and substituting the following:
 - (1) For administering an oath, except when acting as a court officer in taking the oath for a party or their solicitor \$10.00

SCHEDULE "A"

Amendments to the regulations respecting fees and allowances made by the Governor in Council pursuant to Section 2 of Chapter 104 of the Revised Statutes of Nova Scotia, 1989, the Costs and Fees Act

Schedule "C" to the regulations respecting fees and allowances made by the Governor in Council by Order in Council 90-558 dated May 8, 1990, is amended by

- (a) repealing item (1)(c) and substituting the following item:
 - (c) Despite (1)(a), entering and filing an interlocutory notice or interim application in the Supreme Court, including the Supreme Court (Family Division) in an action for custody, access or support 30.00

- (b) adding item (1)(d) immediately after item (1)(c) as follows:
- (d) Issuing and filing all documents that commence a proceeding under Rule 70 of the Civil Procedure Rules in the Supreme Court (Family Division) pursuant to the *Family Maintenance Act* 30.00
- (c) repealing item (5) and substituting the following item:
- (5) Setting down or scheduling a matter for trial without a jury before the Supreme Court other than a divorce action or any proceeding in the Supreme Court (Family Division) 200.00
- (d) repealing items (7) and (8);
- (e) repealing item (9)(b) and substituting the following item:
- (b) Requesting an adjournment of a trial to a new date in the Supreme Court of Nova Scotia within the 90 day period preceding the date on which that trial was scheduled to be heard other than a divorce action or any proceeding in the Supreme Court (Family Division) 200.00
- (f) repealing items (14) through (17) and substituting the following items:
- (14) Filing and entry of all other documents in the Supreme Court that do not commence an action other than a divorce action or any proceeding in the Supreme Court (Family Division) 10.00
- (15) Issuing and filing all documents pertaining to an action for divorce or matrimonial cause (including \$10.00 fee to Government of Canada for processing the registration of divorce forms) 200.00
- (16) Despite (15), issuing and filing an answer or other document in defence in a divorce proceeding or matrimonial cause except a counter petition or counterclaim 50.00
- (17) Despite (15), issuing and filing an answer and counter petition or defence and counterclaim in a divorce proceeding or matrimonial cause 100.00
- (17A) (a) For mediation in the Supreme Court (Family Division), except in relation to protection actions under the *Children and Family Services Act*, all parties shall pay hourly fees in accordance with the number of their dependants and income as follows:

GROSS INCOME	FEES PER HOUR PER PARTY BASED ON NUMBER OF DEPENDANTS INCLUDING SELF				
	1	2	3	4	5 or more
up to \$20,000	no fee	no fee	no fee	no fee	no fee
\$20,001-\$23,000	\$5.00	no fee	no fee	no fee	no fee
\$23,001-\$26,000	\$10.00	\$5.00	no fee	no fee	no fee
\$26,001-\$29,000	\$15.00	\$10.00	\$5.00	no fee	no fee
\$29,001-\$32,000	\$20.00	\$15.00	\$10.00	\$5.00	no fee
\$32,001-\$35,000	\$25.00	\$20.00	\$15.00	\$10.00	\$5.00
\$35,001-\$38,000	\$30.00	\$25.00	\$20.00	\$15.00	\$10.00
\$38,001-\$41,000	\$35.00	\$30.00	\$25.00	\$20.00	\$15.00
\$41,001-\$44,000	\$40.00	\$35.00	\$30.00	\$25.00	\$20.00
\$44,001-\$47,000	\$50.00	\$40.00	\$35.00	\$30.00	\$25.00
\$47,001-\$50,000	\$60.00	\$50.00	\$40.00	\$35.00	\$30.00
\$50,001-\$53,000	\$70.00	\$60.00	\$50.00	\$40.00	\$35.00
\$53,001-\$56,000	\$80.00	\$70.00	\$60.00	\$50.00	\$40.00
\$56,001-\$59,000	\$80.00	\$80.00	\$70.00	\$60.00	\$50.00
\$59,001-\$62,000	\$80.00	\$80.00	\$80.00	\$70.00	\$60.00
\$62,001-\$65,000	\$80.00	\$80.00	\$80.00	\$80.00	\$70.00
\$65,001 and up	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00

- (b) The fees set out in (a) are payable in advance and apply to each party for each hour of mediation.
- (c) In determining the fees payable pursuant to (a) and (b),
- (i) “each party” refers to the parties directly involved in the mediation but does not include anyone who accompanies a party for advice or support,
 - (ii) “income” shall be determined in the manner set out in Section 16 of the *Federal Child Support Guidelines* made pursuant to the *Divorce Act* (Canada),

- (iii) “number of dependents” includes the party and any children supported or partially supported by that party and any other person for whom the party is financially responsible; children supported or partially supported by both parents may be counted as dependants by both parents.
- (d) Where the total amount of the hourly fees for mediation payable by all parties pursuant to (a) and (b) exceeds the actual hourly cost of mediation, the fees shall be pro-rated based on the parties’ incomes.
- (e) The Court may order one party to pay part or all of the mediation fees attributable to another party where, in the determination of the Court, to order otherwise would cause serious financial hardship to that other party or for any other appropriate reason.
- (17B) (a) For the research for and preparation of a Court ordered custody/access assessment report in the Supreme Court, Family Court or Supreme Court (Family Division), except in relation to protection actions under the *Children and Family Services Act* or the *Adult Protection Act* or assessments under the *Young Offenders Act*, all parties shall pay fees in accordance with their income as follows:

INCOME	DEPOSIT	PERCENTAGE OF COST OF REPORT PAYABLE
Up to \$20,000	0	0%
\$20,001-\$25,000	\$50.00	5%
\$25,001-\$30,000	\$100.00	10%
\$30,001-\$35,000	\$150.00	15%
\$35,001-\$40,000	\$200.00	20%
\$40,001-\$45,000	\$300.00	30%
\$45,001-\$50,000	\$400.00	40%
\$50,001-\$55,000	\$500.00	55%
\$55,001-\$60,000	\$600.00	70%
\$60,001-\$65,000	\$850.00	85%
\$65,001-over \$65,001	\$1,000.00	95%

- (b) The fees set out in (a) apply to each party and are payable as follows:
 - (i) the applicable deposit set out in (a) upon the Court ordering an assessment report, and
 - (ii) the amount of the applicable percentage of the cost of the assessment report set out in (a) upon completion of the report.
- (c) In determining the fees payable pursuant to (a) and (b),
 - (i) “each party” refers to the parties directly involved in the Court application for which the assessment report is being prepared,
 - (ii) “income” shall be determined in the manner set out in Section 16 of the *Federal Child Support Guidelines* made pursuant to the *Divorce Act* (Canada).
- (d) Where the total amount of the fees for an assessment report payable by all parties pursuant to (a) and (b) exceeds the actual cost of the assessment report, the fees shall be pro rated based on the parties’ incomes.
- (e) The Court may order one party to pay part or all of the cost of an assessment report attributable to another party where, in the determination of the Court, to order otherwise would cause serious financial hardship to that other party or for any other appropriate reason.

N.S. Reg. 93/2000

Made: May 17, 2000

Filed: May 19, 2000

Family Benefits Schedule "B" Regulations

Order in Council 2000-266 made May 17, 2000
Amendment to regulations made by the Governor in Council
pursuant to Section 18
of the *Family Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated April 11, 2000, pursuant to Section 18 of Chapter 158 of the Revised Statutes of Nova Scotia, 1989, the *Family Benefits Act*, is pleased to amend the *Family Benefits Schedule "B" Regulations* made by Order in Council 87-430 dated April 7, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective May 17, 2000.

Schedule "A"

**Amendment to the *Family Benefits Schedule "B" Regulations*
made by the Governor in Council pursuant to Section 18 of Chapter 158
of the Revised Statutes of Nova Scotia, 1989, the *Family Benefits Act***

The *Family Benefits Schedule "B" Regulations* made by the Governor in Council by Order in Council 87-430 dated April 7, 1987, is amended by adding the following subsection immediately after subsection 44(13):

(14) Where a person receives

- (a) a payment other than a payment for loss of income or loss of support pursuant to
 - (i) the 1986-1990 Hepatitis C Settlement Agreement, or
 - (ii) the Federal/Provincial/Territorial Assistance Program for HIV Secondarily Infected Persons; or
- (b) a payment as a Merchant Navy Veteran or as a surviving spouse of a Merchant Navy Veteran for post-war benefits,

such a payment shall not be considered as income or as an asset for the purpose of determining a person's initial eligibility or on-going eligibility for family benefits pursuant to the Act and the regulations but any income generated from such a payment shall be considered as income for the month in which the income is received.