

Royal



Gazette

Part II

Regulations under the Regulations Act

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December 31, 2010

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

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

N.S. Reg. 186/2010

Made: December 2, 2010

Filed: December 8, 2010

Designation of Livestock for Farming Purposes

Order dated December 2, 2010
Designation made by the Minister of Agriculture
pursuant to clause 13(a) of the *Livestock Health Services Act*

Designation of Livestock for Farming Purposes

made under clause 13(a) of the
Livestock Health Services Act
S.N.S. 2001, c. 8

~~N.S. Reg. 132/2002 (October 23, 2002)~~

I, John MacDonell, Minister of Agriculture, pursuant to clause 13(a) of Chapter 8 of the Acts of 2001, the *Livestock Health Services Act*, designate the following types of livestock as livestock for farming purposes, for the purpose of the Act and regulations:

- (a) cattle;
- (b) sheep;
- (c) swine;
- (d) goats;
- (e) poultry and rabbits kept in captivity for purposes of food production;
- (f) chinchilla, fox and mink kept in captivity for the purpose of fur production pursuant to a permit issued under Part XX, Sections 189 to 194 of the *Agriculture and Marketing Act*;
- (g) deer farm animals as defined in clause 2(i) of the *Deer Farming and Marketing of Deer Products Regulations*, made pursuant to the *Wildlife Act*;
- (h) game animals as defined in clause 2(i) of the *Game Farming Regulations* made pursuant to the *Wildlife Act*; and
- (i) alpacas;
- (j) llamas.

Dated at Halifax, Nova Scotia, December 2, 2010.

Sgd. *John MacDonell*
Honourable John MacDonell
Minister of Agriculture

N.S. Reg. 187/2010

Made: December 7, 2010

Filed: December 9, 2010

Air Quality Regulations

Order in Council 2010-444 dated December 7, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 112 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated October 29, 2010, and pursuant to Section 112 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Air Quality Regulations*, N.S. Reg. 28/2005, made by the Governor in Council by Order in Council 2005-87 dated February 25, 2005, to amend the mercury emission caps, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 7, 2010.

Schedule "A"

**Amendment to the *Air Quality Regulations*
made by the Governor in Council
under Section 112 of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 The *Air Quality Regulations*, N.S. Reg. 28/2005, made by the Governor in Council by Order in Council 2005-87 dated February 25, 2005, are amended by adding the following clause immediately after clause [2](f):
 - (fa) "mercury capture" means the fraction representing the total measured mercury in the substances collected at a coal-fired thermal generating unit through mercury control equipment or mercury control actions, or both, divided by the total measured mercury in the raw coal used in the unit, expressed as a percentage;
- 2 Section 6 of the regulations is amended by adding the following subsection immediately after subsection (5):
 - (6) For greater certainty, the annual emission allocation for mercury assigned in Schedule C is not exceeded during the calendar years 2010 to 2013 unless the amount of emissions exceeds the amount permitted by the supplementary emission allocations set out in subsection 3(3) of Schedule C.
- 3 The regulations are further amended by striking out the heading for Section 7 and substituting "**Emission reduction plans for sulphur dioxide emissions**".
- 4 The regulations are further amended by adding the following Sections immediately after Section 7:

Emission reduction plan for mercury emissions

- 7A (1)** A person assigned annual emission allocations for mercury in Schedule C must submit a mercury emission reduction plan to the Minister or an Administrator on or before March 31, 2011.
- (2)** A mercury emission reduction plan must demonstrate the proposed means to comply with both of the following:

- (a) the annual emission allocations for mercury set out in Schedule C;
 - (b) Section 7C.
- (3) A mercury emission reduction plan must include all of the following:
- (a) a description of the specific mercury control technology proposed for each coal-fired thermal power generating unit in place and state as of October 11, 2006;
 - (b) the proposed fuel specification for each coal-fired thermal power generating unit in place and state as of October 11, 2006;
 - (c) the rationale for selecting specific mercury control technology and specific fuels and the expected mercury emission reduction associated with their use;
 - (d) a description of any other planned actions to reduce mercury emissions and the expected mercury emission reduction associated with the action;
 - (e) the estimated costs of actions to be taken under the mercury emission reduction plan;
 - (f) a schedule for implementing the actions to be taken under the mercury emission reduction plan.

Report on mercury emissions

- 7B** (1) A person assigned annual emission allocations for mercury in Schedule C must submit an annual report to the Minister or an Administrator on or before February 15 of each year.
- (2) An annual report must include all of the following:
- (a) the amount of mercury emitted during the previous calendar year from each coal-fired thermal power generating unit in place and state as of October 11, 2006;
 - (b) the mercury capture from each coal-fired thermal power generating unit in place and state as of October 11, 2006;
 - (c) the total annual mercury content of coal-combustion residues for each coal-fired thermal power generating station in place and state as of October 11, 2006;
 - (d) beginning with the report due on or before February 15, 2011, a description of the mercury control actions implemented during the previous calendar year under the mercury reduction plan submitted under Section 7A.

Compensating for mercury emissions over 65 kg in a calendar year

- 7C** (1) In this Section,
- (a) “total excess emissions” means the total of the amounts by which mercury emissions exceed 65 kg in each calendar year beginning with and including 2010 and ending with and including 2013;
 - (b) “total reduced emissions” means the total of the amounts by which mercury emissions are below 65 kg in each calendar year beginning with and including 2011 and ending with and including 2020.

- (2) If the annual emissions of mercury exceed 65 kg in any or all of calendar years 2010, 2011, 2012, or 2013, the person responsible must, by December 31, 2020, compensate for the total excess emissions by reducing annual emissions to a level below 65 kg so that total reduced emissions equals or exceeds total excess emissions.

- 5 (1) Subsection 3(2) of Schedule C to the regulations is repealed.
- (2) Section 3 of Schedule C to the regulations is further amended by re-numbering subsection (1A) as subsection (2).
- (3) Section 3 of Schedule C to the regulations is further amended by adding the following subsections immediately after subsection (2):
- (3) Despite subsection (2), the annual emissions of mercury for the calendar years 2010 to 2013 from units in place and state as of October 11, 2006, within the coal-fired thermal power generating stations referred to in subsection (1) may exceed 65 kg by the supplementary annual mercury emission allocations set out in the following table:

Calendar Year	Supplementary Annual Mercury Emission Allocation
2010	45 kg
2011	35 kg
2012	35 kg
2013	20 kg

- (4) Beginning January 1, 2020, and in each calendar year thereafter, the annual emissions of mercury from units in place and state as of October 11, 2006, within the coal-fired thermal power generating stations referred to in subsection (1) must not in any calendar year exceed, in the aggregate, 35 kg.
- (4) Section 3 of Schedule C to the regulations is further amended by
- (a) striking out “(1A)” in subsection (1B) and substituting “(2)”;
- (b) re-numbering subsection (1B) as subsection (5); and
- (c) re-numbering subsection (1C) as subsection (6).

N.S. Reg. 188/2010

Made: December 9, 2010

Filed: December 13, 2010

Prescribed Petroleum Products Prices

Order dated December 9, 2010
 made by the Nova Scotia Utility and Review Board
 pursuant to Section 14 of the *Petroleum Products Pricing Act*
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-10-50****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roland A. Deveau, Q.C., Member**Order**

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

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 8, 2010, are:

Grade 1 Regular gasoline	64.0¢ per litre
Ultra-low-sulfur diesel oil	65.9¢ per litre

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

Gasoline:	
Grade 1	64.0¢ per litre
Grade 2	67.0¢ per litre
Grade 3	70.0¢ per litre
Ultra-low-sulfur diesel oil	65.9¢ per litre

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

Gasoline:	plus 1.1¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.9¢ per litre

And whereas a winter blending adjustment of plus 2.7¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., December 10, 2010.

Dated at Halifax, Nova Scotia, this 9th day of December, 2010.

Sgd: *Elaine Wagner*
 Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on December 10, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
(Pump Prices includes 15% HST)								
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	71.4	10.0	15.5	96.9	116.0	117.8	116.0	999.9
Mid-Grade Unleaded	74.4	10.0	15.5	99.9	119.5	121.2	119.5	999.9
Premium Unleaded	77.4	10.0	15.5	102.9	122.9	124.7	122.9	999.9
Ultra-Low-Sulfur Diesel	75.8	4.0	15.4	95.2	114.1	115.8	114.1	999.9
Zone 2								
Regular Unleaded	71.8	10.0	15.5	97.3	116.5	118.2	116.5	999.9
Mid-Grade Unleaded	74.8	10.0	15.5	100.3	119.9	121.7	119.9	999.9
Premium Unleaded	77.8	10.0	15.5	103.3	123.4	125.1	123.4	999.9
Ultra-Low-Sulfur Diesel	76.2	4.0	15.4	95.6	114.5	116.3	114.5	999.9
Zone 3								
Regular Unleaded	72.3	10.0	15.5	97.8	117.1	118.8	117.1	999.9
Mid-Grade Unleaded	75.3	10.0	15.5	100.8	120.5	122.2	120.5	999.9
Premium Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 4								
Regular Unleaded	72.3	10.0	15.5	97.8	117.1	118.8	117.1	999.9
Mid-Grade Unleaded	75.3	10.0	15.5	100.8	120.5	122.2	120.5	999.9
Premium Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 5								
Regular Unleaded	72.3	10.0	15.5	97.8	117.1	118.8	117.1	999.9
Mid-Grade Unleaded	75.3	10.0	15.5	100.8	120.5	122.2	120.5	999.9
Premium Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 6								
Regular Unleaded	73.1	10.0	15.5	98.6	118.0	119.7	118.0	999.9
Mid-Grade Unleaded	76.1	10.0	15.5	101.6	121.4	123.2	121.4	999.9
Premium Unleaded	79.1	10.0	15.5	104.6	124.9	126.6	124.9	999.9
Ultra-Low-Sulfur Diesel	77.5	4.0	15.4	96.9	116.0	117.8	116.0	999.9

N.S. Reg. 189/2010

Made: November 22, 2010

Filed: December 14, 2010

Land Registration Administration Regulations

Order dated November 22, 2010

Amendment to regulations made by the Minister of Service Nova Scotia and Municipal Relations pursuant to Section 94 of the *Land Registration Act***In the matter of Section 94 of Chapter 6 of the Acts of 2001,
the *Land Registration Act*****- and -****In the matter of an amendment to the *Land Registration Administration Regulations*****Order**

I, Ramona Jennex, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, under Section 94 of Chapter 6 of the Acts of 2001, the *Land Registration Act*, am pleased to amend the *Land Registration Administration Regulations*, N.S. Reg. 207/2009 [2009], made by order of the Minister of Service Nova Scotia and Municipal Relations dated April 29, 2009, effective May 4, 2009, in the manner set forth in the attached Schedule "A", effective on and after December 15, 2010.

Dated and made at Halifax, Halifax Regional Municipality, Nova Scotia, on the 22nd day of November, 2010.

Sgd.: *Ramona Jennex*
Honourable Ramona Jennex
Minister of Service Nova Scotia and
Municipal Relations

Schedule "A"**Amendment to the *Land Registration Administration Regulations*
made by the Minister of Service Nova Scotia and Municipal Relations
under Section 94 of Chapter 6 of the Acts of 2001,
the *Land Registration Act***

- 1 Section 2 of the *Land Registration Administration Regulations*, N.S. Reg. 207/2009, made by the Minister of Service Nova Scotia and Municipal Relations on April 29, 2009, effective May 4, 2009, is amended by
- (a) striking out "to have the parcel identification number of the parcel assigned and matched to a legal description" and substituting "to confirm the legal description of a parcel and other related information and to provide evidence and certification that the parcel was created by a subdivision that complies with, is exempt from or is not subject to the subdivision provisions of Part IX of the *Municipal Government Act*" in the definition of "parcel description certification application" or "PDCA" in subsection (1); and
 - (b) adding the following subsection immediately after subsection (2):
 - (3) In the Act and these regulations, a reference to a provision of the *Municipal Government Act* includes a reference to a provision of the *Halifax Regional Municipality Charter*, relating to the same subject matter, to the extent that it relates to property located in the Halifax Regional Municipality.

- 2 Subsection 4(1) of the regulations is amended by striking out the words in the text box describing the purpose of Form 2 and substituting “to submit a PDCA electronically”.
- 3 Section 7 of the regulations is amended by
 - (a) striking out all of the words in the title and substituting “Parcel Description Certification Application (PDCA)”;
 - (b) striking out the words “and an application to amend a legal description” in subsection (1); and
 - (c) repealing subsection (2) and substituting the following subsections:
 - (2) A PDCA must be one of the following types:
 - (a) an Initial PDCA—to submit the first PDCA for a parcel;
 - (b) a Correcting PDCA—to correct errors or omissions in a PDCA which has been conditionally approved under subsection (14); or
 - (c) an Amending PDCA—to amend any information in an approved PDCA.
 - (2A) All of the provisions of this Section that apply to a PDCA apply to an Amending PDCA only to the extent that they relate to the amendment.
- 4 Subsection 7(10) of the regulations is amended by
 - (a) adding “and” after the semicolon at the end of clause (c); and
 - (b) repealing clauses (d) and (e) and substituting the following clause:
 - (d) a statement that the parcel was created by a subdivision that complies with, is exempt from, or is not subject to the subdivision provisions of Part IX of the *Municipal Government Act* and, as applicable,
 - (i) the registration and other relevant details of how the parcel complies,
 - (ii) the exemption relied upon and the facts supporting the exemption, or
 - (iii) an explanation of why the parcel is not subject to the subdivision provision.
- 5 Section 7 of the regulations is further amended by adding the following subsection immediately after subsection (10):
 - (10A) If the portion of the legal description submitted in a PDCA that describes location, boundary and/or extent of the parcel is a new or amended description of the parcel, the PDCA submitter must provide
 - (i) a statement of the reason for the new or amended legal description,
 - (ii) the name and designation as “surveyor, lawyer or other” of the author of the new or amended legal description, and

(iii) the registration details of all of the registered documents in which the parcel or each portion of the parcel was most recently described.

6 Subsection 7(14) of the regulations is amended by striking out “the legal description” and substituting “an error or omission in the PDCA” in subsection (14).

7 Subsection 7(15) of the regulations is amended by striking out “submitted an application to amend the legal description” and substituting “corrected an error or omission in the PDCA”.

8 Section 9 of the regulations is amended by

(a) striking out “legal description” and substituting “PDCA” in the title; and

(b) striking out “legal description” and substituting “PDCA” in clause (b) of subsection (3).

9 The regulations are further amended by repealing Form 2 and substituting Form 2, in the form attached.

Form 2

Parcel Description Certification Application

Purpose: to submit an Initial PDCA, a Correcting PDCA, or an Amending PDCA electronically

Submit Parcel Description Certification Application

PID: *(system-generated from the previous input screen and displayed as read-only)*

Application type: *If there is an approved PDCA associated with the PID, field defaults to Amending PDCA, or, if a flag has been placed on the description requiring a correction, the field defaults to Correcting PDCA; otherwise, the field defaults to Initial PDCA (system-generated and displayed as read-only).*

User-supplied reference: _____

AAN: *(assessment account number)* _____

(Registration reference for latest conveyance document that contains the legal description.)

Book: _____

Page: _____

Parcel Location: *Civic number, street name, community (all system-generated and displayed as read-only)*

Apparent Owners:

Name, sub-type, type, interest type, qualifier (all system-generated and displayed as read-only)

Legal description:

(if the application type is Amending PDCA or Correcting PDCA then the existing description is system-generated, otherwise this text area is blank for Initial PDCA)

Comments:

[Empty rectangular box for comments]

- The portion of the description that describes location, boundary and/or the extent of the parcel is a new or amended description of the parcel.** *(If checked, then reason must be selected from drop-down list)*

Reason:

No previous written description exists for this parcel. <i>(requires registry reference and comments)</i>
This is a new consolidated description. <i>(requires registry reference)</i>
Amending the description from short form to long form.
Amending the description from long form to short form.
To incorporate survey information. <i>(requires comments)</i>
To correct error(s) contained in the previous description. <i>(requires registry reference and comments)</i>
The previous description did not reflect subdivision by public roadway, railway, or watercourse. <i>(requires registry reference and comments)</i>
To reduce the ambiguity contained in the previous description. <i>(requires registry reference and comments)</i>
Other <i>(requires comments)</i>

Author of New or Changed Description: *(must select one option from drop-down list)*

Surveyor
Lawyer
Other

First Name: _____

Last Name: _____

Most recently described in the following registered instrument(s): *(If selection on drop-down list requires registry references, then this area must be completed)*

Year	Instrument Number	Book	Page	Portion <i>(if checkbox checked, indicates only a portion of the land described in this application was described in the referenced document(s))</i>	
				<input type="checkbox"/>	Delete
				<input type="checkbox"/>	Delete
				<input type="checkbox"/>	Delete

*(The Delete button will delete the information in the corresponding row.)
 (The More button will add three more rows.)
 (The Validate button will check the inputted information against the consolidated index.)*

Comments:

(If selection on drop-down list requires comments, this area must be completed)

Municipal Government Act, Part IX Compliance

A reference in this form to provisions of the Municipal Government Act includes a reference to the provisions of the Halifax Regional Municipality Charter, relating to the same subject matter, to the extent that it relates to property located in the Halifax Regional Municipality.

(The following checkbox appears only if the application type is Amending PDCA or Correcting PDCA)

No change to existing MGA Compliance Statement required
Or,

(One option from one of the following three categories (compliance, exemption or not subject to) must be selected unless the previous checkbox is checked)

Compliance:

- The parcel is created by a subdivision (details below) that has been filed under the *Registry Act* or registered under the *Land Registration Act*.

Registration District: _____ *(system-generated and displayed as read-only)*

Registration Year: _____

Plan or Document Number: _____

- The parcel originates with an instrument (registration details below) and the subdivision is validated by Section 291 of the *Municipal Government Act*.

Registration District: _____ (system-generated and displayed as read-only)
Registration Year: _____
Book: _____
Page: _____
Document Number: _____

- Other (requires comment)

Exemption:

- The parcel is exempted from subdivision approval under the *Municipal Government Act* because the parcel was created by a subdivision

Reason for exemption: (one option must be selected from the drop-down list)

Clause 268(2)(a) where all lots to be created, including the remainder lot, exceed ten hectares in area.
Clause 268(2)(b) resulting from an expropriation.
Clause 268(2)(c) resulting from an acquisition or disposition of land by Her Majesty the Queen in right of the Province or in right of Canada or by an agency of Her Majesty.
Clause 268(2)(d) of a cemetery into burial lots.
Clause 268(2)(e) resulting from an acquisition of land by a municipality for municipal purposes.
Clause 268(2)(ea) resulting from an acquisition of land by a village for village purposes.
Clause 268(2)(f) resulting from the disposal, by a municipality or Her Majesty the Queen in right of the Province, of a street or part of a street or a former street or part of a former street, including the consolidation of a street or part of a street or a former street or part of a former street with adjacent land.
Clause 268(2)(fa) resulting from the disposal of a trail or part of a trail, including the consolidation of a trail or part of a trail with adjacent land.
Clause 268(2)(g) of an abandoned railway right-of-way.
Clause 268(2)(h) that is a consolidation of a part of an abandoned railway right-of-way with adjacent land.
Clause 268(2)(i) resulting from a lease of land for twenty years or less, including any renewal provisions of the lease.
Clause 268(2)(ia) resulting from the acceptance for registration by the Registrar of Condominiums of a phase of a phased-development condominium that meets the requirements, if any, prescribed by the regulations made pursuant to the <i>Condominium Act</i> .
Clause 268(2)(ib) resulting from the quieting of a title.
Clause 268(2)(j) resulting from a devise of land by will executed on or before January 1, 2000.
Section 268A that is a Deemed Consolidated - (De Facto Consolidation).

- Other (requires comment)

Not Subject To:

- The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.
- Other (requires comment)

Comments:

General Compliance:

Please note: If the authorized submitter has confirmed the information below, staff of the authorized submitter may submit the PDCA on the authorized submitter's behalf. For an Amending PDCA, the submitter is confirming the information only in relation to the amendment.

- The authorized submitter is submitting this PDCA for approval and confirms that: *(required to be checked before the application can be submitted)*
 - This application is being submitted in accordance with the *Land Registration Administration Regulations*.
 - The authorized submitter has reviewed the legal description included in this application and checked the provincial property mapping graphics. If the graphics do not match the legal description, any apparent discrepancies have been noted in the comments field of this application.
 - The legal description is accurate and complete and complies with the *Land Registration Administration Regulations*, applicable professional standards or regulations and the PDCA standards as set out in the PDCA checklist.

[Click Here to Submit Application](#)

[Clear](#)

N.S. Reg. 190/2010

Made: December 16, 2010

Filed: December 20, 2010

Prescribed Petroleum Products Prices

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

Order**NSUARB-GAS-W-10-51****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair**Order**

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

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 15, 2010, are:

Grade 1 Regular gasoline	62.7¢ per litre
Ultra-low-sulfur diesel oil	65.7¢ per litre

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

Gasoline:	
Grade 1	62.7¢ per litre
Grade 2	65.7¢ per litre
Grade 3	68.7¢ per litre
Ultra-low-sulfur diesel oil	65.7¢ per litre

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

Gasoline:	plus 0.3¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.4¢ per litre

And whereas a winter blending adjustment of plus 3.4¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., December 17, 2010.

Dated at Halifax, Nova Scotia, this 16th day of December, 2010.

Sgd: *Nancy McNeil*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on December 17, 2010**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
(Pump Prices includes 15% HST)								
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	69.3	10.0	15.5	94.8	113.6	115.3	113.6	999.9
Mid-Grade Unleaded	72.3	10.0	15.5	97.8	117.1	118.8	117.1	999.9
Premium Unleaded	75.3	10.0	15.5	100.8	120.5	122.2	120.5	999.9
Ultra-Low-Sulfur Diesel	75.8	4.0	15.4	95.2	114.1	115.8	114.1	999.9
Zone 2								
Regular Unleaded	69.7	10.0	15.5	95.2	114.1	115.8	114.1	999.9
Mid-Grade Unleaded	72.7	10.0	15.5	98.2	117.5	119.3	117.5	999.9
Premium Unleaded	75.7	10.0	15.5	101.2	121.0	122.7	121.0	999.9
Ultra-Low-Sulfur Diesel	76.2	4.0	15.4	95.6	114.5	116.3	114.5	999.9
Zone 3								
Regular Unleaded	70.2	10.0	15.5	95.7	114.7	116.4	114.7	999.9
Mid-Grade Unleaded	73.2	10.0	15.5	98.7	118.1	119.8	118.1	999.9
Premium Unleaded	76.2	10.0	15.5	101.7	121.6	123.3	121.6	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 4								
Regular Unleaded	70.2	10.0	15.5	95.7	114.7	116.4	114.7	999.9
Mid-Grade Unleaded	73.2	10.0	15.5	98.7	118.1	119.8	118.1	999.9
Premium Unleaded	76.2	10.0	15.5	101.7	121.6	123.3	121.6	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 5								
Regular Unleaded	70.2	10.0	15.5	95.7	114.7	116.4	114.7	999.9
Mid-Grade Unleaded	73.2	10.0	15.5	98.7	118.1	119.8	118.1	999.9
Premium Unleaded	76.2	10.0	15.5	101.7	121.6	123.3	121.6	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	15.4	96.1	115.1	116.8	115.1	999.9
Zone 6								
Regular Unleaded	71.0	10.0	15.5	96.5	115.6	117.3	115.6	999.9
Mid-Grade Unleaded	74.0	10.0	15.5	99.5	119.0	120.8	119.0	999.9
Premium Unleaded	77.0	10.0	15.5	102.5	122.5	124.2	122.5	999.9
Ultra-Low-Sulfur Diesel	77.5	4.0	15.4	96.9	116.0	117.8	116.0	999.9

N.S. Reg. 191/2010

Made: December 20, 2010

Filed: December 21, 2010

Pension Benefits Regulations

Order in Council 2010-454 dated December 20, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated November 29, 2010, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to permit a decrease in employee contributions in relation to the Nova Scotia School Board Association Pension Plan if the plan has opted for temporary solvency funding relief under the regulations, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 20, 2010.

Schedule "A"

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under Section 105 of Chapter 340
of the Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

- 1 Clause 6A(4)(b) of the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, is amended by adding "except in relation to the Nova Scotia School Board Association Pension Plan," immediately before "to decrease employee contributions".
- 2 Subsection 19(9) of the regulations is amended by
 - (a) striking out ", other than a pension plan for which special payments are made under clause 6A(3)(b) or subsection 6A(3A)," immediately after "If a pension plan" in the text before clause (a); and
 - (b) adding "except in relation to a municipality pension plan or university pension plan for which special payments are made under clause 6A(3)(b) or subsection 6A(3A)," immediately before "the transfer deficiency" in clause (b).

N.S. Reg. 192/2010

Made: December 20, 2010

Filed: December 21, 2010

Atlantic Lottery Regulations

Order in Council 2010-455 dated December 20, 2010
Amendment to regulations made by the Governor in Council
pursuant to subsection 127(1) of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Workforce Development dated November 25, 2010, and pursuant to subsection 127(1) of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is pleased to amend the *Atlantic Lottery Regulations*, N.S. Reg. 36/95, made by the Governor in Council by Order in Council 95-255 dated April 4, 1995, to exempt certain retailers from certain rules for the conduct of retailers and to make some housekeeping changes, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 20, 2010.

Schedule "A"

**Amendment to the *Atlantic Lottery Regulations*
made by the Governor in Council pursuant to
subsection 127(1) of Chapter 4 of the Acts of 1994-95,
the *Gaming Control Act***

- 1 Section 2 of the *Atlantic Lottery Regulations*, N.S. Reg. 36/95, made by the Governor in Council by Order in Council 95-255 dated April 4, 1995 is amended by adding the following clause immediately after clause (d):
 - (da) "linked bingo" means a bingo-type lottery scheme offered by the Lottery Corporation that electronically links 2 or more participating premises during a portion of their regularly scheduled bingo sessions;
- 2 The regulations are further amended by adding the following subsection immediately after subsection 6(5):
 - (6) This Section does not apply to linked bingo.
- 3 Subsection 7C(1) of the regulations is amended by adding ", except that it does not apply to linked bingo" immediately after "system".
- 4 Subsection 8(2) of the regulations is amended by striking out "Twelve months from the date of the draw for each lottery scheme," and substituting "For each lottery scheme, 3 years from the date of the draw, or any later time that the Corporation determines,"
- 5 The regulations are further amended by repealing Section 10C and substituting the following Section:
 - 10C (1)** When claiming a prize greater than \$1000 as a result of participating in a lottery scheme as a player, a retailer must inform the entity paying out the prize that they are a retailer.
 - (2)** Subsection (1) does not apply to a retailer who
 - (a) is claiming a prize as a result of participating as a player in

- (i) a lottery scheme offered by the Lottery Corporation on the Internet, or
 - (ii) linked bingo; or
- (b) operates linked bingo and no other lottery scheme to which these regulations apply.
- 6 The regulations are further amended by repealing Section 14 and substituting the following Section:
- 14** Through special purpose funds or trust funds created or continued under the *Finance Act*, the Corporation may pay the following from the revenue it receives:
- (a) to Sport Nova Scotia, \$100 000 annually;
 - (b) to the Cultural Federation of Nova Scotia, \$50 000 annually;
 - (c) to the Exhibition Association of Nova Scotia, \$50 000 annually.
- 7 Section 16 of the regulations is amended by striking out “clause 2(f)” and substituting “clause 2(g)”.
- 8 The regulations are further amended by adding the following subsection immediately after subsection 28(3):
- (3A)** The Lottery Corporation must not alter its internal control system without the prior written approval of the Executive Director.
- 9 Clause 29(2)(b) of the regulations is amended by striking out “or employee of a retailer” and substituting “, except a retailer referred to in subsection 10C(2).”
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N.S. Reg. 193/2010

Made: December 20, 2010

Filed: December 21, 2010

Day Care Regulations and Family Home Day Care Program Regulations—repeal
and Day Care Regulations

Order in Council 2010-456 dated December 20, 2010
Repeal of regulations and regulations made by the Governor in Council
pursuant to Section 15 of the *Day Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated October 19, 2010, and pursuant to Section 15 of Chapter 120 of the Revised Statutes of Nova Scotia, 1989, the *Day Care Act*, is pleased, effective April 1, 2011, to

- (a) repeal
 - (i) the regulations made pursuant to the *Day Care Act*, N.S. Reg. 195/79, made by the Governor in Council by Order in Council 79-1556 dated November 27, 1979; and
 - (ii) the *Family Home Day Care Program Regulations*, N.S. Reg. 241/2007, made by the Governor in Council by Order in Council 2007-241 dated April 24, 2007; and

- (b) make regulations respecting day care in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Respecting Day Care
made by the Governor in Council pursuant to Section 15
of Chapter 120 of the Revised Statues of Nova Scotia, 1989,
the *Day Care Act***

Citation

1 These regulations may be cited as the *Day Care Regulations*.

Definitions for Act and regulations

2 (1) In these regulations,

“Act” means the *Day Care Act*;

“accessible”, in relation to a building or outdoor play space, means able to accommodate persons with disabilities;

“agency” means a person licensed to manage a family home day care program;

“agency director” means a person who provides daily onsite supervision of an agency;

“attending school” means attending a public or private school under the *Education Act* and does not include attending a pre-primary program under the *Pre-primary Education Act*;

“care provider” means a person who is approved by an agency to provide a family home day care program in the person’s home;

“Department” means the department presided over by the Minister;

“facility director” means a person who provides daily onsite supervision of a facility;

“family day care home” means a home in which a family home day care program is provided;

“family home consultant” means a person hired by an agency to provide services and support to care providers;

“family home day care program” means a day care program that is provided by a care provider in the care provider’s home;

“former regulations” means either of the following, as applicable:

- (i) the regulations respecting day care, N.S. Reg. 195/79, made by the Governor in Council by Order in Council 79-1556 dated November 27, 1979,
- (ii) the *Family Home Day Care Program Regulations*, N.S. Reg. 241/2007, made by the Governor in Council by Order in Council 2007-241 dated April 24, 2007;

“full-day program” means a day care program that is not a family home day care program and that

- (i) provides day care for children who are not attending school, and
- (ii) is operated for more than 4 consecutive hours per day or more than 30 hours per week;

“infant” means a child who is younger than 18 months old;

“level 1 classification” means a staff classification issued by the Minister under subsection 37(2);

“level 2 classification” means a staff classification issued by the Minister under subsection 37(3);

“level 3 classification” means a staff classification issued by the Minister under subsection 37(4);

“licensee” means the person in whose name a license has been issued under the Act;

“operate” includes manage;

“parent” includes a guardian, foster parent and any other person having the care and custody of a child;

“parent handbook” means the parent handbook required by Section 44;

“part-day program” means a day care program that is not a family home day care program and that

- (i) provides day care for children who are older than 30 months old and are not attending school, and
- (ii) is operated for fewer than 4 consecutive hours per day or fewer than 30 hours per week;

“preschooler” means a child who is 36 months old or older and is not attending school;

“private school” means a private school as defined in the *Education Act*;

“public school” means a public school as defined in the *Education Act*;

“school-age child” means a child who is attending school and is not older than 12 on December 31 of the school year;

“school-age program” means a day care program that provides day care for children attending school;

“school-age training approval” means the staff training approved by the Minister under subsection 37(5);

“staff” means paid employees of a licensee and does not include care providers;

“staff-to-children ratio” means the ratio representing the minimum number of staff required by these regulations;

“toddler” means a child who is between 18 months old and 35 months old, inclusive.

- (2) In Section 8 of the Act and in these regulations, “examine” includes photograph, copy or reproduce by any means and temporarily remove books and records for that purpose.

Exempted services

- 3 (1) For the purpose of the exemption from the definition of “day care” in subclause 2(a)(i) of the Act, “organized recreational activities” means recreational programs offered by recognized community providers.
- (2) For the purposes of subclause 2(a)(ii) of the Act, the following services are exempted from the definition of “day care” and do not require a license:
- (a) care for 6 or fewer children of any age on a regular basis, including any children of the person providing the care;
 - (b) care for 8 or fewer school-age children on a regular basis, including any children of the person providing the care;
 - (c) casual and irregular babysitting arrangements for care and supervision provided to a child
 - (i) in the child’s home,
 - (ii) in the home of the person providing the care and supervision, or
 - (iii) when the parents are on the premises and readily available;
 - (d) care and supervision of children provided under the *Children and Family Services Act*;
 - (e) a program provided for children that has the promotion of specific recreational, athletic, artistic or musical skills as its only purpose;
 - (f) a camp for school-age children operated during school holiday periods by persons who are not at the same time and same location working for a licensee as staff or care providers;
 - (g) a program provided in a public school by a school board for children who will be at least 4 years old on December 31 of the school year in which they are enrolled in the program;
 - (h) a program provided by a private school that serves 2 or more grades for children who will be at least 4 years old on December 31 of the school year in which they are enrolled in the program;
 - (i) a pre-primary program under the *Pre-primary Education Act*.
- (3) The prohibition in Section 11 of the Act against advertising or holding out an unlicensed place to be a facility, or implying or leading the public to believe that an unlicensed place is a facility, applies to an exempted service.
- (4) The presence of more than 1 person providing care does not permit an increase in the maximum number of children allowed for a service to be exempted under clause (2)(a) or (b).

Licensing

- 4 (1) The following are the programs for which a license may be issued:
- (a) a full-day program;

- (b) a part-day program;
 - (c) a school-age program; or
 - (d) if the licensee is an agency, a family home day care program.
- (2) A school-age program may be operated at any of the following times:
- (a) before school begins in the morning and after school ends in the afternoon;
 - (b) during school lunch periods;
 - (c) during school holidays or in-service days.
- (3) A term, condition or restriction attached to a license under subsection 5(3) of the Act may include
- (a) a term or condition permitting extended hours of operation, including on weekends, in accordance with standards established by the Minister; or
 - (b) a stipulation that the licensee is on probation.
- (4) Except as provided in subsection (4), a license issued in accordance with the former regulations remains valid until it is renewed under these regulations or is sooner suspended or cancelled.
- (5) A license for a part-day program for children younger than 30 months old issued under the former regulations remains valid as long as the licensee complies with the conditions under which the license was issued, and the license may be renewed under those same conditions.

Form of license

- 5 (1) A license for a full-day program, part-day program or school-age program must be in Form 1.
- (2) A license for a family home day care program must be in Form 2.

License must be displayed

- 6 A license must be displayed at all times in a conspicuous place near the entrance of the facility or agency.

License proposal

- 7 (1) Before applying for a license, a person must submit a proposal for the license to the Department and obtain the Department's approval of the proposal.
- (2) A proposal for a license must be made on a form approved by the Minister and must be accompanied by any items specified on the proposal form.

Applying for license

- 8 (1) An application for a license must be made to the Department on a form approved by the Minister.
- (2) An application for a license must be accompanied by
- (a) proof that the applicant has obtained approval of their license proposal as required by Section 7; and
 - (b) any additional item specified on the application form.

- (3) In addition to the requirements of subsection (2), an applicant for a license must submit proof that the proposed facility or, in the case of an agency, the play group space to be used for its family home day care program complies with
 - (a) the regulations, orders and directions of the appropriate authorities respecting fire prevention, safety, health and sanitary requirements; and
 - (b) any applicable municipal bylaws.
- (4) If an applicant has previously submitted the proof of compliance required by subsection (3), the Minister may waive the requirement to submit the proof with the current application if the applicant can establish that there have been no changes to the facility or play group space or to the applicable regulations, orders, directions and bylaws referred to in subsection (3).
- (5) An application, including all of the accompanying documentation, must be approved by the Department before a license is issued.

Applying for license renewal

- 9** (1) An application to renew a license must be made to the Department on a renewal application form approved by the Minister, and must include the information and documentation specified in the renewal application form.
- (2) If an applicant has previously submitted any item required by the renewal application form, and the item has not changed since it was last provided, the Minister may waive the requirement to submit the item with the current renewal application.

Approval for alteration

- 10** (1) In Section 10 of the Act, “significantly affect the care of children”, in relation to a proposed alteration to a facility for which Ministerial approval is required, includes
- (a) changing the physical dimensions of the indoor or outdoor space;
 - (b) changing the age range of the children for whom care is provided; and
 - (c) changing the maximum number of children for whom care is provided.
- (2) The Minister may make conditions, qualifications, restrictions or requirements in respect of, or as a prerequisite to, the approval of a proposal for alterations.

No commitment to fund

- 11** Issuance of a license or approval of an alteration must not be construed as a commitment by the Minister to provide funds to the licensee.

Cancellation, suspension, refusal to renew

- 12** (1) On cancelling, suspending or refusing to renew a license, the Minister must post a notice of closure on each entrance to and exit from the licensee’s facility or, in the case of an agency, the agency and any family day care home managed by the agency.
- (2) A notice of closure must set out the effective date of and reasons for the cancellation, suspension or refusal to renew the license.

Inspections

- 13** (1) A facility and an agency must be inspected at least annually.

- (2) Section 8 of the Act, respecting the right of the Director to enter, inspect and examine, applies with the necessary changes in detail to an agency.

Agency's duties

14 An agency must do all of the following:

- (a) recruit and approve care providers and family day care homes to establish and operate a family home day care program;
- (b) approve, manage and monitor the care providers and family day care homes under its management in accordance with all of the following:
 - (i) the Act and its regulations,
 - (ii) the funding agreement between the agency and the Minister, if applicable,
 - (iii) the service agreements between each care provider and the agency,
 - (iv) standards established by the Minister;
- (c) hire a family home consultant to provide services and support to care providers and family day care homes under its management, including all of the following:
 - (i) assisting parents and care providers in matching requirements with services,
 - (ii) providing administrative support and record-keeping,
 - (iii) organizing parent committee meetings,
 - (iv) providing a lending library,
 - (v) providing regular play groups,
 - (vi) coordinating the delivery of professional development courses for agency staff associated with the family home day care program and for care providers,
 - (vii) providing or organizing transportation for care providers and children enrolled in its family home day care program to attend agency functions;
- (d) ensure that care providers and family day care homes meet the requirements for approval in subsection 15(1);
- (e) ensure that agency staff who provide care to children under its family home day care program have current first aid and infant CPR training from a recognized program approved by the Director;
- (f) annually assess care providers and family day care homes under its management;
- (g) operate in accordance with the proposal for the agency that was approved before the agency's license was issued.

Agency may approve care provider and family day care home

- 15 (1)** An agency may approve a person who is at least 18 years old as a care provider and the person's home as a family day care home if the agency is satisfied that all of the following requirements are met:
- (a) the agency has completed a criminal record check for each person in the home who would be required by Section 43 to have a criminal record check completed once the person and home are approved, and the results of the criminal record checks are satisfactory to the agency;
 - (b) the agency has completed a child abuse register check for each person in the home who would be required by Section 43 to have a child abuse register check completed once the person and home are approved, and the results of the child abuse record checks are satisfactory to the agency;
 - (c) the person has adequate commercial general liability insurance or its equivalent;
 - (d) the person has personal qualities that promote positive healthy development in children;
 - (e) the person is capable of providing the agency's family home day care program;
 - (f) the person has signed a service agreement with the agency;
 - (g) the person and the person's home meet and will continue to meet the requirements of all of the following:
 - (i) the Act and its regulations,
 - (ii) the service agreement made between the person and the agency,
 - (iii) standards established by the Minister.
- (2)** On approving a care provider and a family day care home, an agency must submit any information required by the Minister to the Department.

Agency may cancel approval

- 16** An agency may cancel an approval of a care provider and family day care home if the care provider or family day care home does not meet or continue to meet any requirement of subsection 15(1).

Compliance and enforcement standards

- 17 (1)** A licensee must adhere to the license compliance and enforcement standards established by the Minister.
- (2)** If a licensee fails to meet the license compliance and enforcement standards, the Minister may decline to issue any other license to the licensee until the violation or deficiency is remedied by the licensee.

Program

- 18 (1)** A licensee must adhere to the daily program standards established by the Minister.
- (2)** The daily program for children enrolled in a day care program, including a play group provided by an agency under subclause 14(c)(v), must promote full participation of all children, including those with diverse abilities, and must meet all of the following requirements:

- (a) it must be developmentally and culturally appropriate;
 - (b) it must foster and enhance cognitive, creative, physical, emotional, social, and language development;
 - (c) it must address the individual and group needs of the children;
 - (d) it must provide a safe and nurturing environment for children;
- (3) For children enrolled in a full-day program or a family home day care program, all of the following must be provided daily:
- (a) a rest time;
 - (b) a developmentally appropriate period of outdoor activity in the morning and afternoon, except when extreme weather conditions exist;
 - (c) opportunities for physical activity.
- (4) A day care program offering extended hours of operation must comply with Departmental standards for programs offering extended hours.

Behaviour guidance

- 19** (1) Each licensee, facility director, agency director, family home consultant, care provider, staff member and volunteer of a licensee must behave in a manner that does not harm any child who is attending the day care program, and in particular must not do or permit any of the following:
- (a) use corporal punishment, including
 - (i) striking a child directly or with any physical object, and
 - (ii) shaking, shoving, spanking and other forms of aggressive physical conduct;
 - (b) require or force a child to repeat physical movements;
 - (c) use harsh, humiliating, belittling or degrading responses of any form, whether verbal, emotional or physical;
 - (d) confine or isolate a child;
 - (e) deprive a child of basic needs, including food, shelter, clothing and bedding.
- (2) A licensee must have a behaviour guidance policy and must do all of the following:
- (a) provide training in the policy for the licensee's directors, staff, care providers and volunteers before they begin their employment or volunteering;
 - (b) ensure that the policy is reviewed with the parents of a child at the time of the child's enrolment in a program operated by the licensee;
 - (c) ensure that the policy is reviewed with all of the licensee's directors, staff, care providers and volunteers on an annual basis, or more often if needed;

- (d) have a written record of the licensee's compliance with clauses (a), (b) and (c);
- (e) ensure that each of the licensee's directors, staff, care providers and volunteers comply with the policy.

Building and space requirements

- 20 (1)** A children's activity room in a facility must
- (a) have at least 2.753 m² (30 ft.²) of unobstructed indoor floor space for each child occupying the room; and
 - (b) provide natural lighting through a window or windows with a glass area of at least 10% of the total floor area.
- (2)** Space used for hallways, entryways, exits, staff purposes, facility administration, diapering areas, washrooms, kitchen, laundry, shelving or storage must not
- (a) be included when calculating the unobstructed indoor floor space per child; or
 - (b) infringe on the children's unobstructed indoor floor space or on space used for the children's routine activities.
- (3)** A facility and a family home day care must be accessible and must not be located above the 2nd floor of a building.
- (4)** Each space within a facility that is used for the care of infants must
- (a) be separate from spaces used by children of other ages;
 - (b) be located on the ground floor;
 - (c) include an infant activity room; and
 - (d) include a sleeping area that is
 - (i) in a room separated from the infant activity room,
 - (ii) large enough to accommodate 1 crib for each infant with a 46-cm (18-in.) space or a divider between each crib, and
 - (iii) supervised at all times when infants are present.
- (5)** A facility that is licensed to operate a full-day program for the care of infants or toddlers must contain a diapering area that is
- (a) equipped with a counter that has a smooth, non-porous surface that is easily cleaned;
 - (b) located next to a hand-washing sink; and
 - (c) not used for other purposes.
- (6)** A facility must have washroom and toilet facilities suitable for toddlers, preschoolers and school-age children that are

- (a) either
 - (i) inside the facility, or
 - (ii) at the same location as the facility and are available for use by the facility; and
 - (b) in the ratio of 1 toilet and 1 sink per 10 toddlers, preschoolers and school-age children.
- (7) A facility must have a separate washroom for staff.
- (8) Clause (1)(b), subsection (3), and subclause (4)(d)(iii) also apply to family day care homes.
- (9) A licensee holding a license issued in accordance with the former regulations is not required to comply with clause (1)(b) and subsections (3) and (7), and this exemption applies on renewal of the license at the request of the licensee.

Equipment requirements

- 21 (1) A facility or a family day care home must be equipped with indoor play equipment and toys that are
- (a) developmentally appropriate, safe and sanitary;
 - (b) accessible for independent selection; and
 - (c) available in a quantity and variety to engage all children in each group of children served.
- (2) Each child who is enrolled in a day care program must be provided with all of the following:
- (a) furnishings of a suitable size;
 - (b) individual utensils and personal hygiene items;
 - (c) except in a family day care home, an individual storage space that is easily accessible to the child and keeps the child's personal effects separate from those of other children.
- (3) Each toddler and preschool child who is in attendance at a facility or family day care home during the daily rest period must be provided with
- (a) an assigned cot or rest mat with a washable and moisture-resistant cover; and
 - (b) a sheet and blanket that are clean and of sufficient warmth.
- (4) Each infant who is enrolled in a day care program must be provided with a crib or portable crib that meets the standards of the *Cribs and Cradles Regulations* made under the *Hazardous Products Act* (Canada).
- (5) A stroller used by staff or volunteers of a licensee for transporting infants must be equipped with a sun shade and a safety belt.
- (6) A highchair or infant seat used by staff or volunteers of a licensee for seating an infant must be equipped with a safety belt.
- (7) Playpens, jolly jumpers and baby walkers must not be used for children of any age.

Outdoor play equipment and space requirements for facilities

- 22** (1) An outdoor play space used by a facility must be accessible to all enrolled children, including those with diverse abilities.
- (2) Children enrolled in a full-day program or a school-age program must be provided with either of the following:
- (a) 1 or more outdoor play spaces located at the facility that are safe and suitable for the age range of the children enrolled in the program; or
 - (b) access to a safe and suitable outdoor play space that is within a reasonable distance of the facility and that is suitable for the age range of the children enrolled in the program.
- (3) Except for outdoor play spaces located at a public school or a private school, for the purpose of clause (2)(a) an outdoor play space located at a facility must meet all of the following requirements:
- (a) it must provide at least 7 m² (75 ft.²) of play space per child using the play space;
 - (b) it must be large enough to accommodate the largest age group of children enrolled in the day care program, other than infants;
 - (c) it must be enclosed by a fence that is at least 1.2 m (4 ft.) high.
- (4) If any infants are enrolled in a full-day program, there must be a separate outdoor play space for the infants at the facility or in the immediate vicinity that meets all of the following requirements:
- (a) it must provide at least 7 m² (75 ft.²) of play space per infant using the play space;
 - (b) it must be large enough to accommodate all of the infants enrolled in the program;
 - (c) it must be enclosed by a fence that is at least 1.2 m (4 ft.) high.
- (5) Any outdoor play space provided for children enrolled in a part-day program must comply with the requirements of subsections (2) and (3).
- (6) The Minister may waive or alter any of the requirements of subsection (3) or (4) and apply other requirements if there are special circumstances and the Minister is satisfied that the waiver or alteration will not adversely affect the children's safety or the services and programs provided.
- (7) Any outdoor play structure for gross motor activity that is provided by a facility must meet all of the following requirements:
- (a) it must be appropriate to the size of the outdoor play area;
 - (b) it must be appropriate to the age range of the children using the outdoor play area;
 - (c) it must be safe and well maintained;
 - (d) it must be designed for commercial use and installed according to the manufacturer's specifications.

- (8) A licensee with an existing outdoor play structure located at a facility on the coming into force of these regulations is not required to comply with the design and installation requirements of clause (7)(d), but any replacement of the structure must comply with clause (7)(d).

Outdoor play supervision requirements for facilities

- 23** (1) Subject to subsection (2), an outdoor play space used by a facility must be supervised in accordance with the staff-to-children ratios and group sizes set out in Section 34 for a full-day program, a part-day program or a school-age program, as applicable.
- (2) Children from 2 or more age ranges, other than infants, may use an outdoor play space at the same time if
- (a) the space available for each child using the play space is at least as large as required by clause 22(3)(a); and
- (b) the staff-to-children ratio is based on the youngest child in the group.
- (3) Despite subsection (2), children other than infants may occasionally use an outdoor place space for infants if the staff-to-children ratio is based on the youngest child in the group.

Outdoor play space requirements for family day care homes

- 24** (1) An outdoor play space used by a family home day care program must be accessible to all enrolled children, including those with diverse abilities.
- (2) Children enrolled in a family home day care program must be provided with an outdoor play area that is
- (a) on the premises of the family day care home and enclosed by a fence that is at least 1.2 m (4 ft.) high; or
- (b) within a reasonable distance of the family day care home and that has been determined by the agency to be safe and appropriate.
- (3) An outdoor play space used by children enrolled in a family home day care program must be supervised in accordance with the staff-to-children ratios and group sizes set out in Section 34 for a family home day care program.

Nutrition

- 25** (1) A licensee must adhere to the food and nutrition standards established by the Minister.
- (2) Each meal served to a child who is enrolled in a day care program must
- (a) be nutritious; and
- (b) provide servings from each of the food groups identified by Health Canada.
- (3) Each snack served to a child who is enrolled in a day care program must
- (a) be nutritious; and
- (b) provide servings from at least 2 of the food groups identified by Health Canada, including at least 1 serving of vegetables or fruit.

- (4) Each child enrolled in a full-day program must be provided with a lunch, a morning snack and an afternoon snack.
- (5) Each child enrolled in a part-day program and a school-age program must be provided with a snack.
- (6) Subject to subsection (7), each child enrolled in a school-age program may bring a lunch from home or be provided with a lunch.
- (7) Children who bring their lunch from home must eat apart from children who are provided with a lunch by the program.
- (8) For a family home day care program,
 - (a) each child who is in attendance during a regular meal period must be provided with a meal; and
 - (b) each child who is in attendance before or after a regular meal period must be provided with a snack.

Menus must be developed and followed

- 26** (1) A facility director or, in the case of a family home day care program, a care provider, must develop and follow menus.
- (2) A menu must be kept on file for 12 months.
 - (3) A facility director or, for a family home day care program, a care provider, may make a substitution to a menu if
 - (a) the substitution is of equal nutritional value to the original menu item;
 - (b) the menu documents the substitution; and
 - (c) a record of the substitution is kept on file for 12 months.

Infant feeding requirements

- 27** (1) Breast milk or formula provided by a parent for an infant must be
 - (a) labelled to specify the name of infant, the date received, and the contents;
 - (b) refrigerated at 4.0° C or lower; and
 - (c) stored in accordance with Provincial guidelines.
- (2) Food provided by a parent for an infant must be dated, refrigerated if required, and used or discarded before the expiry date.
 - (3) An infant who cannot hold a bottle must be held by a staff member during bottle feeding.
 - (4) An infant must not be fed in a crib or by bottle propping.

Health, safety and communicable disease control

- 28** (1) Each facility director, agency director, care provider, family home consultant and staff member who works directly with children must have a valid first aid certificate that includes infant CPR training.

- (2) A facility director or, in the case of a family home day care program, a care provider is responsible for recognizing and responding to symptoms of ill health in children attending the facility or the family day care home.
- (3) A licensee must follow Provincial guidelines for promoting and maintaining health and safety and preventing and controlling communicable diseases.
- (4) A facility director or, in the case of a family home day care program, the care provider or agency director, as applicable, must follow the Provincial guidelines referred to in subsection (3) and, in particular, must ensure that the following requirements are met:
 - (a) each facility, family day care home and play group space must be kept in a clean and sanitary condition at all times;
 - (b) each indoor play area must be suitably ventilated and free from odours;
 - (c) staff, care providers and volunteers must wash their hands before and after diapering or toileting a child and before and after food preparation;
 - (d) toys used by infants and toddlers must be
 - (i) cleaned and sanitized at least twice weekly or more often if necessary,
 - (ii) checked daily for broken pieces or other hazards;
 - (e) toys used by preschoolers and school-age children must be cleaned and sanitized at least weekly or more often if necessary;
 - (f) each highchair, cot, crib and mat must be sanitized on a regular basis and before being used by another child;
 - (g) the counter of the diapering area must be disinfected after each diapering;
 - (h) at least 2 first aid kits must be available within each facility, family day care home and agency;
 - (i) a first aid kit, a list of children in attendance and the children's emergency contact information must all be taken on outings with children;
 - (j) a safety belt must be used for an infant when the infant is in a highchair, infant seat, or stroller;
 - (k) medical supplies, drugs, medications and dangerous or noxious materials must be properly labelled and safely stored.

Administering medicine to child

29 A facility director or, in the case of a family home day care program, a care provider who agrees to administer medicine to a child must do all of the following:

- (a) obtain prior written instructions signed by the child's parent;
- (b) keep a written record of each dose, including all of the following:

- (i) the date and time the dose was administered,
 - (ii) the amount of the dose administered,
 - (iii) the child's name,
 - (iv) the initials of the staff member or care provider who administered the dose, to be entered after the dose is administered;
- (c) accept only medicine that is brought to the facility or family day care home by the parent and that is supplied in the original container, in the case of patent medicine, or in a container supplied for the purpose by a pharmacist, in the case of prescribed medicine.

Responding to accident, communicable disease or serious incident

30 (1) In this Section, "serious incident" means any of the following:

- (a) the death of a child while the child is attending a day care program;
 - (b) any injury to a child that occurs while the child is attending a day care program and that requires emergency medical attention;
 - (c) a fire or other disaster on the premises of a facility or family day care home;
 - (d) a concern relating to the physical environment or an operational or safety practice in a facility or a family day care home that, in the opinion of a licensee, staff member, volunteer, parent, care provider or the Department, poses a risk to the children's health, safety or well-being;
 - (e) abuse of a child within the meaning of the *Children and Family Services Act* by a staff member or a care provider.
- (2)** If an accident, communicable disease or other incident occurs that affects or could affect the health, safety or well-being of a child attending a day care program, the facility director or, in the case of a family home day care program, the care provider must do all of the following:
- (a) immediately secure any necessary medical assistance;
 - (b) notify the parents of any child affected;
 - (c) notify the licensee;
 - (d) prepare an incident report, which must include all of the following:
 - (i) a summary of the incident and the action taken by the licensee's staff or care provider,
 - (ii) the signature of each staff member and care provider involved,
 - (iii) the signature of a parent of each child affected by the incident;
 - (e) place a copy of the incident report into the file of each child affected by the incident, as required by subclause 31(1)(h);
- (3)** If a serious incident occurs, the licensee must

- (a) notify the Minister within 24 hours; and
 - (b) forward a copy of the incident report required by clause (1)(d) to the Minister no later than 7 days after the date of the serious incident.
- (4) When a serious incident involves abuse of a child within the meaning of the *Children and Family Services Act*, a licensee must adhere to the Department's protocol entitled *Reporting and Investigating Allegations of Abuse and Neglect: A Protocol for Child Care Practitioners Working in Regulated Child Care and Child Protection Staff*.

File required for each child

- 31 (1) For each child enrolled in a day care program, the licensee or, in the case of a family home day care program, the care provider must keep a file that includes all of the following documentation and information:
- (a) an application for enrollment that is signed by the child's parent and sets out all of the following:
 - (i) the child's name and date of birth,
 - (ii) the names, home addresses and phone numbers of the child's parents, together with e-mail contact information for the parents, if available,
 - (iii) the name, address and phone number of the child's physician,
 - (iv) the name and contact information of the person to be notified in case of an emergency if a parent is not available,
 - (v) the names of persons to whom the child may be released;
 - (b) the date the child was admitted to the program;
 - (c) written confirmation as required by subsection 44(5) that the child's parent has been provided with the parent handbook;
 - (d) a health questionnaire for the child completed by the child's parent, including immunization dates;
 - (e) if applicable, information about any medication to be administered to the child during the hours the child is attending the day care program, including
 - (i) the written instructions from the child's parent as required by clause 29(a), and
 - (ii) the written record required by clause 29(b) of each dose of medicine administered;
 - (f) if applicable, written instructions signed by the child's parent concerning any special requirements for feeding, diet, rest or exercise;
 - (g) written consent from the child's parent for the child to
 - (i) receive emergency medical treatment,
 - (ii) participate in off-site outings and field trips, and

- (iii) if applicable, walk between school and the facility or family day care home;
 - (h) a copy of a report required by clause 30(1)(d) of any incident affecting the health, safety or well-being of the child while attending the day care program;
 - (i) for an infant, toddler or preschool child, semi-annual reports respecting the child's development.
- (2) If a child withdraws from enrollment in a day care program, the licensee or care provider must include the date of and reason for the withdrawal in its file for the child.
 - (3) A licensee or care provider must keep each child's file confidential, complete and organized.
 - (4) A licensee or care provider must store a child's file in a safe and secure manner at the facility or, in the case of a family home day care program, at the family day care home, and must keep it for at least 2 years after the date of the child's withdrawal from enrollment.

Records required for each child

- 32** (1) A licensee or, in the case of a family home day care program, a care provider, must keep a daily record of attendance for each child enrolled in the day care program.
- (2) A daily record of attendance must include the child's arrival and departure times and reasons for any absence.
 - (3) A licensee must keep a daily record for an infant or toddler enrolled in a full-day program, which must include all of the following:
 - (a) daily routines, including naps, eating and toileting, noting atypical responses;
 - (b) activities and outings in which the child participated, noting the child's preferences and abilities;
 - (c) information about any unusual occurrence and other pertinent information that does not necessarily relate to a daily occurrence;
 - (d) space for the child's parent to write special instructions or information about the child.
 - (4) A care provider must keep a daily record for an infant or toddler enrolled in a family home day care program, which must include all of the following:
 - (a) information about any unusual occurrence and other pertinent information that does not necessarily relate to a daily occurrence;
 - (b) space for the child's parent to write special instructions or information about the child.
 - (5) A daily record for an infant or toddler must be available to the child's parent at the beginning and end of each day to allow them to record instructions or information under clause (3)(d) or (4)(b) and must be retained for at least 6 months.

Daily log book requirement

- 33** A facility director or, in the case of a family home day care program, a care provider must keep a daily logbook to record information about any absence of a child due to illness and any unusual or special events in the facility or family day care home.

Staff-to-children ratios

- 34 (1)** Except as provided in subsection (2), the number of staff present and working directly with the children enrolled in a day care program must meet the staff-to-children ratios set out in the following table at all times when children are in attendance, including times when activities take place outside of the facility or family day care home:

Table of Staff-to-Children Ratios and Maximum Group Sizes		
Age Range of Children in Group	Staff-to-Children Ratio	Maximum Group Size
Full-Day Program		
Infant	1 to 4	10
Toddler	1 to 6	18
Preschooler	1 to 8	24
Part-Day Program		
Toddler older than 30 months old	1 to 12	24
Preschooler	1 to 12	24
School-Age Program		
School age	1 to 15	30
Family Home Day Care Program		
Any age*	1 to 6	6
Infants	1 to 3	3
School age	1 to 8	8
(*Subject to the requirement in subsection 34(6) that a group of children in a family home day care program include no more than 2 infants and 3 toddlers.)		

- (2)** The staff-to-children ratio for a group of children in a full-day program may be reduced during the children's rest period, if the total number of staff on site in the facility is sufficient to meet the staff-to-children ratio for all groups of children in the facility and the children's health and safety will not be compromised by the reduction.
- (3)** A group of children enrolled in a day care program must not be larger than the maximum group size specified for that program in the table in subsection (1).
- (4)** In a facility, no more than 1 group of children may be located in a single room.
- (5)** In a facility, if a group of children includes children in 2 or more age ranges so that different staff-to-children ratios would otherwise apply, the staff-to-children ratio and the maximum group size applicable for the age range of the youngest child present in the group must be applied to the group.

- (6) In a family home day care program, a group of children may include children in more than one age range, but only if no more than 2 of the children are infants and no more than 3 of the children are toddlers.

Facility must be administered by director

- 35** (1) Each full-day program, part-day program and school-age program must be administered by a facility director who supervises and manages the facility.
- (2) A facility director must designate a staff member who is qualified in accordance with Section 40 to act as the facility director at times when the facility director is absent from the facility.
 - (3) A facility director or a person designated under subsection (2) must be in attendance at the facility at all times during its operating hours.

Facility staffing requirements

- 36** (1) Facility staff must be at least 16 years old to be included in the staff-to-children ratios for the facility.
- (2) Before May 1, 2012, at least 2/3 of the staff of a facility must be persons who have completed a training program in early childhood education or its equivalent.
 - (3) For the purpose of this Section and Section 37, a person is considered to have the equivalent of early childhood education if he or she meets all of the following requirements:
 - (a) successful completion of Grade 12 or the equivalent through the General Education Development program of the Department of Education;
 - (b) at least 2 years' experience in a licensed day care facility;
 - (c) successful completion of a full-credit course of 2 semesters in a post-secondary education program in at least 1 of the following areas, and successful completion of 25 hours in training programs, seminars or workshops in the other area not completed by way of post-secondary education:
 - (i) human growth and development with an emphasis on the young child,
 - (ii) curriculum development and implementation of programs for young children in day care facilities.
 - (4) Effective May 1, 2012, a facility must be staffed in accordance with the following requirements:
 - (a) at least 2/3 of the staff working directly with children in a full-day program or a part-day program must have a level 1, level 2 or level 3 classification;
 - (b) at least 2/3 of the staff working directly with children in a school-age program must have a level 1, level 2 or level 3 classification or school-age training approval.
 - (5) Despite subsection (4), in a facility with only 2 staff working directly with children, 1 staff member must have a level 1, level 2 or level 3 classification.

Staff classification and school-age training approval

- 37** (1) A person seeking a level 1, level 2 or level 3 classification or school-age training approval must apply to the Minister.

- (2) The Minister may issue a level 1 classification to an applicant who has any of the following qualifications:
- (a) completion of the orientation training referred to in subsection (6) and completion of course work and workplace training as specified in standards set by the Minister;
 - (b) a 1-year certificate in early childhood development or early childhood education from a training program recognized by the Director;
 - (c) the equivalent of early childhood education referred to in subsection 36(3), granted on or before May 1, 2012, and for which the applicant applies no later than April 30, 2011.
- (3) The Minister may issue a level 2 classification to an applicant who has either of the following qualifications:
- (a) a diploma from a 2-year diploma program offered by a post-secondary institution approved by the Director in any 1 of the following:
 - (i) early childhood education,
 - (ii) an area of study that qualifies a person to plan and deliver early childhood education programming for children;
 - (b) a 1-year early childhood education certificate obtained before May 31, 2000, on completing a training program in early childhood education, as defined in the former regulations.
- (4) The Minister may issue a level 3 classification to an applicant who has either of the following qualifications:
- (a) a bachelor's degree from a post-secondary institution approved by the Director in any of the following:
 - (i) early childhood education,
 - (ii) an area of study that qualifies a person to plan and deliver early childhood education programming for children;
 - (b) the qualifications of clause (3)(a) and a bachelor's degree in any discipline from a post-secondary institution recognized by the Director.
- (5) The Minister may grant approval of school-age training to a person who
- (a) has either of the following qualifications:
 - (i) a bachelor's degree in early or elementary education from a post-secondary institution recognized by the Director,
 - (ii) completion of a program at a post-secondary institution recognized by the Director that qualifies a person to plan and deliver developmentally appropriate programming for school-age children; and
 - (b) has completed the orientation training referred to in subsection (6).

- (6) A facility staff person who works directly with children and who does not have a classification referred to in this Section must complete the orientation training approved by the Minister by January 1, 2013, or 1 year after their date of employment, whichever is later.
- (7) The Minister may issue an entry-level classification to a facility staff person who has completed the orientation training in accordance with subsection (6).

Continuing professional development for facility staff

38 Each facility staff person and facility director who holds a classification or school-age training approval under Section 37 must

- (a) complete at least 30 hours of professional development to enhance skills and knowledge specific to early childhood care and education in every 3-year period following the date their classification was issued or approval was granted; and
- (b) provide the Minister with proof of completion of the required hours of professional development.

Cancellation of classification or school-age training approval

39 (1) The Minister may cancel a person's classification or a school-age training approval in any of the following circumstances:

- (a) the classification was issued or the school-age training approved based on false or inaccurate information;
 - (b) the person has been found guilty of a criminal offence by a court of law;
 - (c) the person has not complied with the requirements of Section 38 respecting continuing professional development.
- (2) On cancelling a person's classification or school-age training approval, the Minister must provide written notice to the person, including the reasons for the cancellation.

Qualifications for facility directors

- 40** (1) A person who begins working on or after May 1, 2012, as the director of a facility that offers programming for all ages must have a level 2 or level 3 classification.
- (2) A person who begins working on or after May 1, 2012, as the director of a facility that offers only school-age programming must have a level 2 or level 3 classification or school-age training approval.
- (3) A person who begins working as a facility director before May 1, 2012, must have the qualifications referred to in subsections 36(2).
- (4) If a facility director qualified in accordance with subsection (3) participates in programs or incentives implemented by the Minister to increase their qualifications, the Minister may require the facility director to meet the requirements of subsection (1) or (2), as applicable.

Qualifications for family home consultants

41 (1) Until May 1, 2012, a family home consultant must have all of the following qualifications:

- (a) a 2-year diploma in early childhood education from a recognized training program approved by the Director;

- (b) at least 2 years' experience working in an early learning and child care program.
- (2) Effective May 1, 2012, a family home consultant must have all of the following qualifications:
 - (a) a level 2 or level 3 classification;
 - (b) at least 2 years' experience working in an early learning and child care program.

Requirements for care providers

- 42** (1) A care provider must be at least 18 years old.
- (2) A care provider must do all of the following:
- (a) complete a family home day care training course approved by the Minister no later than 1 year after the date their family day care home is approved;
 - (b) complete annual professional development workshops, as specified by the Minister;
 - (c) permit a family home consultant to visit the family day care home at least once every 30 days to provide services and support as specified in clause 14(c);
 - (d) co-operate with the agency during the annual assessment process.

Criminal record and child abuse register checks

- 43** (1) A licensee must complete a criminal record check for each of the following persons:
- (a) any person who is 18 years old or older who has, or will have, contact with children enrolled in a program operated by the licensee, or with the children's records, including volunteers in a day care program;
 - (b) any person who is 18 years old or older who lives in a home where there is a licensed facility operated by the licensee or, in the case of a family home day care program, in a family day care home operated by the licensee.
- (2) A licensee must complete a child abuse register check for each of the following persons:
- (a) any person who is 13 years old or older who has, or will have, contact with children enrolled in a program operated by the licensee, or with the children's records, including volunteers in a day care program;
 - (b) any person who is 13 years old or older who lives in a home where there is a licensed facility operated by the licensee or, in the case of a family home day care program, in a family day care home operated by the licensee.
- (3) A licensee must keep the results of the criminal record checks and child abuse register checks on file and update them as required by the Minister.

Parent handbook

- 44** (1) A licensee must have a parent handbook to assist parents in making informed decisions regarding the care of their children.
- (2) A parent handbook for a facility must include all of the following:

- (a) a statement that all of the following are posted at a conspicuous place in the facility and an indication of where they are posted:
 - (i) a copy of the Act and these regulations,
 - (ii) a copy of the parent handbook,
 - (iii) the license for the facility,
 - (iv) a copy of the report of the most recent inspection of the facility,
 - (v) a copy of the licensee's behaviour guidance policy,
 - (vi) a copy of the current menu,
 - (vii) a copy of the daily program plan and routine,
 - (viii) a list of the names of the current members of the parent committee,
 - (ix) a copy of the most recent minutes of the parent committee,
 - (x) notification of funding provided by the Minister;
 - (b) any information required by the Minister.
- (3)** A parent handbook for a family home day care program must include all of the following:
- (a) a statement that the all of the following are posted at the agency, and an indication of where they are posted:
 - (i) the license for the agency,
 - (ii) a copy of the licensee's behaviour guidance policy,
 - (iii) a list of the names of the current members of the parent committee;
 - (b) a statement that all of the following are posted in a conspicuous place in the family day care home, and an indication of where they are posted:
 - (i) a copy of the Act and these regulations,
 - (ii) a copy of the parent handbook,
 - (iii) a copy of the most recent minutes of the parent committee,
 - (iv) a copy of the report of the most recent inspection of the family day care home by the agency,
 - (v) a copy of the agency's behaviour guidance policy,
 - (vi) a copy of the current menu;
 - (c) any information required by the Minister.

- (4) At the time a child is enrolled in a program, the licensee must provide the child's parent with
 - (a) information about the services provided by the licensee and, in the case of a family home day care program, the care provider; and
 - (b) the parent handbook.
- (5) A licensee must obtain written confirmation that a parent has received the parent handbook.

Information required to be posted

- 45** (1) A licensee other than an agency must post all of the items listed in clause 44(2)(a) in a conspicuous place in the facility, together with any additional information that the Minister requires.
- (2) An agency must post all of the items listed in clause 44(3)(a) in a conspicuous place in the agency, together with any additional information that the Minister requires.
- (3) A care provider must post all of the items listed in clause 44(3)(b) in a conspicuous place in the family day care home, together with any additional information that the Minister requires.

Notice to parents of significant changes

- 46** (1) As soon as is practicable, a licensee must notify the parents of each child enrolled in the program operated by the licensee and, if applicable, each care provider in a family home day care program operated by the licensee, if any of the following occurs:
- (a) notice is received of impending suspension, cancellation or non-renewal of a license;
 - (b) the facility or agency is sold or closed;
 - (c) written information has been received from the Minister about the licensee's license or program for the purpose of sharing the information with parents;
 - (d) if the licensee is an agency,
 - (i) a family day care home managed by the agency is sold or closed,
 - (ii) the agency cancels the approval of a care provider or a family day care home managed by the agency;
 - (e) terms, conditions or restrictions are imposed on the license under subsection 5(3) of the Act;
 - (f) the police or an agency established under the *Children and Family Services Act* have directed the licensee to inform the parents about a matter they are investigating.
- (2) Notice of a sale or closure under clause (1)(b) or subclause (1)(d)(i) must be given at least 120 days before the date of the sale or closure.
- (3) A notice given under this Section must be in writing and must be
- (a) sent by ordinary mail to the last known address of each person who is required to be notified;
 - (b) posted in a conspicuous location in the facility or agency and, if applicable, the family day care home; and

- (c) copied to the Minister.

Parent committee

- 47** (1) A facility director or agency director must establish a parent committee to provide a forum in which parents provide input and receive notice of any matters of interest or concern to the parents.
- (2) If the licensee is a non-profit organization with a Board of Directors, the parent committee may be a sub-committee of the Board.
- (3) A parent committee must be established
- (a) in the case of an agency, no later than 3 months after the date the agency approved the first family day care home under its management; or
- (b) in the case of a facility, no later than 3 months after the date at which more than 6 children are enrolled.
- (4) A parent committee must be composed of at least 5 members, as follows:
- (a) at least 3 parents of children currently enrolled in a program operated by the licensee;
- (b) 1 representative of the licensee or its director, who must attend each meeting of the committee; and
- (c) 1 representative of the staff who provide regular care for children or, in the case of a family home day care program, 1 care provider.
- (5) The majority of the members of a parent committee must be parents of children currently enrolled.
- (6) A facility director or agency director must provide the Minister with information about the composition of its parent committee.
- (7) A facility director or agency director must immediately notify the Minister of any changes in the composition of the parent committee.
- (8) The Minister may provide a parent committee chair and, if the Minister considers it necessary, other committee members with a copy of any notice or written information about the status of the license at the same time that the Minister gives it to the licensee.

Parent committee meetings

- 48** (1) A parent committee must meet at least 2 times a year.
- (2) A parent committee meeting must be open to all parents of enrolled children.
- (3) At least 2 weeks before the date of a parent committee meeting, the facility director or agency director must do all of the following:
- (a) give written notice of the meeting to the parents of all enrolled children;
- (b) post a notice of the meeting in a conspicuous location in the facility;

- (c) in the case of a family home day care program, provide a notice of the meeting to the care provider in each family day care home managed by the agency and request that it be posted in a conspicuous location in the family day care home.
- (4) A notice of a parent committee meeting must inform the parents that they may add items to the meeting's agenda.
- (5) A parent committee may discuss any matters of interest or concern to the parents, including the following:
 - (a) the safety, care and well-being of the children;
 - (b) the status of facility's or agency's license;
 - (c) the programs provided by the licensee;
 - (d) the equipment and materials available to children;
 - (e) staffing patterns and staff qualifications.

Minutes of parent committee meetings

- 49** (1) No later than 2 weeks after the date of a parent committee meeting, the facility director or agency director must produce minutes of the meeting.
- (2) A copy of the minutes from a parent committee meeting must
- (a) remain posted at the facility until the minutes of the next meeting are posted;
 - (b) be kept on file by the licensee for inspection by the Department, as required; and
 - (c) in the case of an agency, be distributed to each care provider associated with the agency.

Emergency evacuation and fire safety procedures

- 50** (1) Each facility director and care provider must establish emergency rules and procedures, including an evacuation plan and escape routes to be used in the case of fire and other emergencies.
- (2) The evacuation plan must be posted at each designated play room exit and each exit from the facility or family day care home.
- (3) An evacuation plan must include all of the following:
- (a) a current list of emergency telephone numbers including 911, the local hospital emergency department and poison control;
 - (b) the specific evacuation duties of each staff member or care provider;
 - (c) a diagram of all rooms in the facility or family day care home, with exits noted;
 - (d) the location of a safe meeting place, which must be outside the facility or family day care home and known to the children, staff and care providers.
- (4) Each facility director and care provider must carry out an emergency evacuation drill at least once per month.

- (5) Each agency director who provides play groups at their location for children enrolled in the agency's family home day care program must comply with this Section.

Transportation

- 51** (1) The driver of a vehicle operated by or for a licensee to transport children must deliver each child transported in the vehicle to
- (a) a member of licensee's staff or the care provider;
 - (b) the parent of the child; or
 - (c) a person authorized by the child's parent in writing.
- (2) A licensee that provides transportation for enrolled children is responsible for the safety of the children while in transit.

Minister may make payments

- 52** (1) The Minister may make payments in respect of day care in any amounts that are appropriated annually for this purpose.
- (2) The Minister may refuse to make payments in respect of a day care program for which a license has expired or has been cancelled, suspended or refused.
- (3) The Minister may recover from a licensee payments made by the Minister in error or based on false or misleading information supplied in the licensee's application, or that otherwise ought not to have been paid according to these regulations or any other law, and is entitled to use any legal recourse to recover these payments from a licensee.
- (4) The Minister may determine the terms and conditions for providing, refusing and recovering payments made to a licensee.

Minister may approve demonstration projects

- 53** (1) The Minister may approve demonstration projects designed to explore alternatives in day care services.
- (2) Approval for a demonstration project may be on any terms that the Minister considers reasonable.

Minister may enter into agreements

- 54** (1) The Minister may, on any terms or conditions that the Minister prescribes, enter into an agreement with a person, agency, organization, association, institution or other body in or outside the Province respecting fees, subsidization, capital costs, operating costs, or the establishment of facilities.
- (2) The Minister may enter into agreements with the Government of Canada respecting contributions to the cost of operating or providing day care in the Province.

Day care fee subsidies

- 55** (1) A parent may apply to the Minister for a day care fee subsidy.
- (2) An application for a fee subsidy must be in the form approved by the Minister and must include all of the information required by subsection (4).
- (3) The Minister may determine the terms and conditions for a fee subsidy.

- (4) In order to determine the eligibility of a parent to receive a fee subsidy or to verify information obtained from a parent in respect of their eligibility or ongoing eligibility to receive a fee subsidy, the parent must provide all of the following documentation and information at the time of application and at the request of the Minister at any time during which the parent is in receipt of a fee subsidy:
- (a) proof of age;
 - (b) as applicable,
 - (i) proof of marriage,
 - (ii) proof of divorce,
 - (iii) proof of cohabitation;
 - (c) proof of parentage or guardianship;
 - (d) proof of citizenship or, if not a citizen, proof of residency;
 - (e) proof of income;
 - (f) proof of expenses;
 - (g) proof of assets;
 - (h) the social insurance number of each of the parents and, if applicable, the parent's spouse;
 - (i) the income tax assessment form of each of the parents and, if applicable, the parent's spouse; and
 - (j) an authorization for the release, obtaining or verifying of information about the parents and child, including information or documents
 - (i) specified in clauses (a) to (i),
 - (ii) respecting expenses,
 - (iii) respecting income,
 - (iv) respecting assets.
- (5) If a parent refuses to provide the information, documentation or authorization required by subsection (4), the parent must be refused a fee subsidy or, if the parent is already receiving a fee subsidy, the fee subsidy must be discontinued.
- (6) The Minister may determine the terms and conditions for recovering a fee subsidy that was paid in error or based on false or misleading information supplied by a parent or otherwise ought not to have been paid according to these regulations or any other law, and is entitled to use any legal recourse to recover the fee subsidy from a parent.

Form 1: License for Full-day Program, Part-day Program or School-age Program

Day Care Act

Province of Nova Scotia
Department of
Community Services

License for
Day Care

Under the *Day Care Act* and the regulations, and subject to the limitations thereof, this license is issued to (*legal entity*) to operate the following program(s): (*list the programs to be offered, e.g., full-day and school-age*) at the day care facility under the name of (*facility name*) located at (*facility address*) effective (*issue date*) to and including (*expiry date*) on the following conditions:

Maximum number of children: _____

Age range: _____

Maximum number of children in each program: _____

Other terms, conditions or restrictions: _____

Minister of Community Services

Form 2: License for Family Home Day Care Program

Day Care Act

Province of Nova Scotia
Department of
Community Services

Under the *Day Care Act* and the regulations, and subject to the limitations thereof, this license is issued to (*legal entity*) to operate a family home day care program under the name of (*agency name*), located at (*agency address*), effective (*issue date*) to and including (*expiry date*) on the following conditions:

License for Family
Home Day Care
Agency

Minister of Community Services

N.S. Reg. 194/2010

Made: December 20, 2010

Filed: December 21, 2010

Protection for Persons in Care Regulations

Order in Council 2010-457 dated December 20, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 18 of the *Protection for Persons in Care Act*

The Governor in Council on the report and recommendation of the Minister of Community Services and the Minister of Health dated November 23, 2010, and pursuant to Section 18 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, is pleased to amend the *Protection for Persons in Care Regulations*, N.S. Reg. 364/2007, made by the Governor in Council by Order in Council 2007-441 dated August 17, 2007, to designate small-options homes, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 20, 2010.

Schedule "A"

**Amendment to the *Protection for Persons in Care Regulations*
made under Section 18 of Chapter 33 of the Acts of 2004,
the *Protection for Persons in Care Act***

The *Protection for Persons in Care Regulations*, N.S. Reg. 364/2007, made by the Governor in Council by Order in Council 2007-441 dated August 17, 2007, are amended by adding the following Section immediately after Section 3:

Designation of health facilities

- 4 A home that provides supervisory or personal care to 1 or more persons and is approved and funded either by the Department of Community Services as a small-option home or by the Department of Health as a community-based option is designated as a health facility under the Act.

N.S. Reg. 195/2010

Made: December 20, 2010

Filed: December 21, 2010

Employment Support and Income Assistance Regulations

Order in Council 2010-458 dated December 20, 2010
Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated November 30, 2010, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, to better assist persons in need by increasing the allowable asset levels and adjusting the requirements surrounding family relationships for determining eligibility, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2011.

Schedule "A"

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

- 1 Section 2 of the *Employment Support and Income Assistance Regulations*, N.S. Reg 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, is amended by
- (a) adding the following clause immediately after clause (j):
 - (ja) "common-law partner" means a person who is living with another person in a relationship of interdependence functioning as an economic and domestic unit, and at least 1 of the following applies to the 2 persons in the relationship:
 - (i) they have lived together for at least 12 continuous months,
 - (ii) they are parents of a child or children by birth or adoption or share legal custody of a child or children,
 - (iii) they lived together previously in a relationship of interdependence functioning as an economic and domestic unit for at least 12 continuous months, including any period of time the 2 persons were separated for less than 90 days, and have resumed living together in such a relationship,
 - (iv) the 2 persons advise a caseworker that they are a common-law couple;
 - (b) adding the following clause immediately after clause (ac):
 - (aca) "student family member" means a person who resides with an applicant or recipient who is their parent or legal guardian, and who meets all of the following criteria:
 - (i) they are 23 years old or younger,
 - (ii) they have been out of high school for less than 4 years,
 - (iii) they are attending a post-secondary education program full-time,
 - (iv) they have not had 2 periods of 12 consecutive months when they were not a full-time student;
- 2 Clause 5(1)(e) of the regulations is amended by
- (a) striking out "and dependent child" and substituting ", dependent child and student family member";
 - (b) striking out the period at the end of subclause (iv) and substituting a comma; and
 - (c) adding the following subclauses immediately after subclause (iv):
 - (v) respecting the confirmation of a student family member's residency and enrollment in post-secondary education,

- (vi) respecting the confirmation of living with another person in a relationship of interdependence functioning as an economic and domestic unit.
- 3 The regulations are further amended by adding the following subsection immediately after subsection 31(2):
- (3) A student family member must be included when determining an applicant's or a recipient's family size for the purpose of selecting the applicable prescribed shelter allowance in Appendix "A".
- 4 (1) The regulations are further amended by redesignating Section 35 as subsection 35(1).
- (2) Subsection 35(1) of the regulations is amended by
- (a) striking out "In respect of" and substituting "Except as provided in subsection (2), in respect of"; and
 - (b) striking out "or" at the end of clause (a) and substituting "and".
- (3) Section 35 of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) In respect of any combination of expenses mentioned in Sections 36 to 42, the amount of assistance payable to an applicant or recipient who is living with another person, other than a spouse, in a relationship of interdependence functioning as an economic and domestic unit shall not exceed the lesser of
 - (a) 50% of the actual total of any combination of expenses; and
 - (b) 50% of the amount prescribed in Appendix "A" for the size of the applicant's or recipient's family.
- 5 Subsection 55(1) of the regulations is amended by
- (a) striking out "\$500" in clause (a) and substituting "\$1000"; and
 - (b) striking out "\$1000" in clause (b) and substituting "\$2000".

N.S. Reg. 196/2010

Made: December 20, 2010

Filed: December 21, 2010

Proclamation, S. 20, S.N.S. 2010, c. 49

Order in Council 2010-464 dated December 20, 2010
Proclamation made by the Governor in Council
pursuant to Section 20 of
An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act

The Governor in Council on the report and recommendation of the Minister of responsible for the *Credit Union Act* dated December 15, 2010, and pursuant to Section 20 of Chapter 49 of the Acts of 2010, *An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act*, is pleased to order and declare by proclamation that

Chapter 49 of the Acts of 2010, *An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act*, do come into force on and not before January 1, 2011.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 20 of Chapter 49 of the Acts of 2010, *An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act*, it is enacted as follows:

- 20** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 49 of the Acts of 2010, *An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act*, do come into force on and not before January 1, 2011;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 49 of the Acts of 2010, *An Act to Amend Chapter 4 of the Acts of 1994, the Credit Union Act*, do come into force on and not before January 1, 2011, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 20th day of December in the
year of Our Lord two thousand and ten and in the
fifty-ninth year of Our Reign.

BY COMMAND:

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