

Royal



Gazette

Part II Regulations under the Regulations Act

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

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

N.S. Reg. 312/2015

Made: July 22, 2015

Approved: August 25, 2015

Filed: August 25, 2015

Vehicle Inspection Regulations—amendment

Order in Council 2015-282 dated August 25, 2015
Amendment to regulations made by the Minister of Transportation and Infrastructure Renewal
and approved by the Governor in Council
pursuant to subsection 201(7) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated July 22, 2015, and pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to approve of amendments made by the Minister of Transportation and Infrastructure Renewal to the *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-505 dated November 28, 2006, to increase the maximum fee to be charged by official testing stations by 3%, in the manner set forth in Schedule “A”, attached to and forming part of the report and recommendation, effective on and after August 1, 2015.

Schedule “A”

**In the matter of subsection 201(7) of Chapter 293 of the
Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

and

In the matter of an amendment to the *Vehicle Inspection Regulations*

I, Geoff MacLellan, Minister of Transportation and Infrastructure Renewal for the Province of Nova Scotia, pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby amend the *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-505 dated November 28, 2006, to increase the official testing station maximum fees by 3%, in the manner set forth in the attached, effective on and after August 1, 2015.

Dated and made at Halifax, Province of Nova Scotia, July 22, 2015.

sgd: *Geoff MacLellan*
Honourable Geoff MacLellan
Minister of Transportation and Infrastructure Renewal

**Amendment to the *Vehicle Inspection Regulations*
made by the Minister of Transportation and Infrastructure Renewal
and approved by the Governor in Council
under subsection 201(7) of Chapter 293
of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

The *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-505 dated November

28, 2006, are amended by repealing subsection 25(1) and substituting the following subsection:

- (1) For each completed inspection, an official testing station may charge a fee up to the applicable maximum fee set out in the following table:

Class of Vehicle		Maximum Fee
1	Motor vehicle with single rear axle designed for 2 wheels, including passenger car, station wagon, truck or motorized home	\$29.15
2	Motorcycle or motor-driven cycle	\$16.35
3	Truck or truck tractor, bus or motorized home with hydraulic brakes and single rear axle designed for 4 wheels (4500 kg or less) Motor home with 2 rear axles designed for single wheels (over 4500 kg) Motor home with single rear axle designed for 4 wheels	\$40.85
4	Truck or truck tractor, bus or motorized home (over 4500 kg) with 2 rear axles designed for 4 wheels	\$98.00
5	Trailer or semi-trailer not equipped with brakes (4500 kg or less)	\$16.40
6	Trailer or semi-trailer equipped with electric or surge hydraulic brakes (4500 kg or less)	\$22.35 (1 axle) plus \$11.45 for each additional axle
7	Trailer or semi-trailer with registered weight of over 4500 kg	\$40.85

N.S. Reg. 313/2015

Made: August 25, 2015

Filed: August 26, 2015

Petroleum Products Prices

Order dated August 25, 2015
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-15-38****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

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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board has determined that due to a significant decrease in the price of gasoline it is appropriate to adjust the most recently prescribed weekly price by the Board;

Now therefore the Board prescribes the benchmark prices for gasoline to be:

Gasoline:	
Grade 1	53.6¢ per litre
Grade 2	56.6¢ per litre
Grade 3	59.6¢ per litre

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

Gasoline:	minus 1.5¢ per litre
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And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 26, 2015.

Dated at Halifax, Nova Scotia, this 25th day of August, 2015.

sgd: *Doreen Friis*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 26, 2015**

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	59.3	10.0	15.5	84.8	103.0	105.1	103.0	999.9
Mid-Grade Unleaded	62.3	10.0	15.5	87.8	106.5	108.6	106.5	999.9
Premium Unleaded	65.3	10.0	15.5	90.8	109.9	112.0	109.9	999.9
Ultra-Low-Sulfur Diesel	59.4	4.0	15.4	78.8	96.1	98.2	96.1	999.9
Zone 2								
Regular Unleaded	59.8	10.0	15.5	85.3	103.6	105.7	103.6	999.9
Mid-Grade Unleaded	62.8	10.0	15.5	88.3	107.1	109.1	107.1	999.9
Premium Unleaded	65.8	10.0	15.5	91.3	110.5	112.6	110.5	999.9
Ultra-Low-Sulfur Diesel	59.9	4.0	15.4	79.3	96.7	98.8	96.7	999.9
Zone 3								
Regular Unleaded	60.2	10.0	15.5	85.7	104.1	106.1	104.1	999.9
Mid-Grade Unleaded	63.2	10.0	15.5	88.7	107.5	109.6	107.5	999.9
Premium Unleaded	66.2	10.0	15.5	91.7	111.0	113.0	111.0	999.9
Ultra-Low-Sulfur Diesel	60.3	4.0	15.4	79.7	97.2	99.2	97.2	999.9
Zone 4								
Regular Unleaded	60.3	10.0	15.5	85.8	104.2	106.3	104.2	999.9
Mid-Grade Unleaded	63.3	10.0	15.5	88.8	107.6	109.7	107.6	999.9
Premium Unleaded	66.3	10.0	15.5	91.8	111.1	113.2	111.1	999.9
Ultra-Low-Sulfur Diesel	60.4	4.0	15.4	79.8	97.3	99.4	97.3	999.9
Zone 5								
Regular Unleaded	60.3	10.0	15.5	85.8	104.2	106.3	104.2	999.9
Mid-Grade Unleaded	63.3	10.0	15.5	88.8	107.6	109.7	107.6	999.9
Premium Unleaded	66.3	10.0	15.5	91.8	111.1	113.2	111.1	999.9
Ultra-Low-Sulfur Diesel	60.4	4.0	15.4	79.8	97.3	99.4	97.3	999.9
Zone 6								
Regular Unleaded	61.0	10.0	15.5	86.5	105.0	107.1	105.0	999.9
Mid-Grade Unleaded	64.0	10.0	15.5	89.5	108.4	110.5	108.4	999.9
Premium Unleaded	67.0	10.0	15.5	92.5	111.9	114.0	111.9	999.9
Ultra-Low-Sulfur Diesel	61.1	4.0	15.4	80.5	98.1	100.2	98.1	999.9

N.S. Reg. 314/2015

Made: August 27, 2015

Filed: August 28, 2015

Petroleum Products Prices

Order dated August 27, 2015
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-15-39****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

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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 26, 2015, are:

Grade 1 Regular gasoline	50.1¢ per litre
Ultra-low-sulfur diesel oil	49.0¢ per litre

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

Gasoline:

Grade 1	50.1¢ per litre
Grade 2	53.1¢ per litre
Grade 3	56.1¢ per litre
Ultra-low-sulfur diesel oil	49.0¢ per litre

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

Gasoline:	minus 1.8¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.6¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 28, 2015.

Dated at Halifax, Nova Scotia, this 27th day of August, 2015.

sgd: Doreen Friis
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 28, 2015**

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	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	54.6	4.0	15.4	74.0	90.6	92.7	90.6	999.9
Zone 2								
Regular Unleaded	56.0	10.0	15.5	81.5	99.2	101.3	99.2	999.9
Mid-Grade Unleaded	59.0	10.0	15.5	84.5	102.7	104.8	102.7	999.9
Premium Unleaded	62.0	10.0	15.5	87.5	106.1	108.2	106.1	999.9
Ultra-Low-Sulfur Diesel	55.1	4.0	15.4	74.5	91.2	93.3	91.2	999.9
Zone 3								
Regular Unleaded	56.4	10.0	15.5	81.9	99.7	101.8	99.7	999.9
Mid-Grade Unleaded	59.4	10.0	15.5	84.9	103.2	105.2	103.2	999.9
Premium Unleaded	62.4	10.0	15.5	87.9	106.6	108.7	106.6	999.9
Ultra-Low-Sulfur Diesel	55.5	4.0	15.4	74.9	91.7	93.7	91.7	999.9
Zone 4								
Regular Unleaded	56.5	10.0	15.5	82.0	99.8	101.9	99.8	999.9
Mid-Grade Unleaded	59.5	10.0	15.5	85.0	103.3	105.3	103.3	999.9
Premium Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Ultra-Low-Sulfur Diesel	55.6	4.0	15.4	75.0	91.8	93.8	91.8	999.9
Zone 5								
Regular Unleaded	56.5	10.0	15.5	82.0	99.8	101.9	99.8	999.9
Mid-Grade Unleaded	59.5	10.0	15.5	85.0	103.3	105.3	103.3	999.9
Premium Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Ultra-Low-Sulfur Diesel	55.6	4.0	15.4	75.0	91.8	93.8	91.8	999.9
Zone 6								
Regular Unleaded	57.2	10.0	15.5	82.7	100.6	102.7	100.6	999.9
Mid-Grade Unleaded	60.2	10.0	15.5	85.7	104.1	106.1	104.1	999.9
Premium Unleaded	63.2	10.0	15.5	88.7	107.5	109.6	107.5	999.9
Ultra-Low-Sulfur Diesel	56.3	4.0	15.4	75.7	92.6	94.6	92.6	999.9

N.S. Reg. 315/2015

Made: September 1, 2015

Filed: September 2, 2015

Petroleum Products Prices

Order dated September 1, 2015
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-15-40****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., Vice-Chair

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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board has determined that due to a significant increase in the price of ultra-low-sulfur diesel oil it is appropriate to adjust the most recently prescribed weekly price by the Board;

Now therefore the Board prescribes the benchmark prices for ultra-low-sulfur diesel oil products to be:

Ultra-low-sulfur diesel oil 54.6¢ 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:

Ultra-low-sulfur diesel oil: minus 1.6¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., September 2, 2015.

Dated at Halifax, Nova Scotia, this 1st day of September, 2015.

sgd: *Doreen Friis*
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 September 2, 2015**

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	55.5	10.0	15.5	81.0	98.7	100.7	98.7	999.9
Mid-Grade Unleaded	58.5	10.0	15.5	84.0	102.1	104.2	102.1	999.9
Premium Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Ultra-Low-Sulfur Diesel	60.2	4.0	15.4	79.6	97.1	99.1	97.1	999.9
Zone 2								
Regular Unleaded	56.0	10.0	15.5	81.5	99.2	101.3	99.2	999.9
Mid-Grade Unleaded	59.0	10.0	15.5	84.5	102.7	104.8	102.7	999.9
Premium Unleaded	62.0	10.0	15.5	87.5	106.1	108.2	106.1	999.9
Ultra-Low-Sulfur Diesel	60.7	4.0	15.4	80.1	97.6	99.7	97.6	999.9
Zone 3								
Regular Unleaded	56.4	10.0	15.5	81.9	99.7	101.8	99.7	999.9
Mid-Grade Unleaded	59.4	10.0	15.5	84.9	103.2	105.2	103.2	999.9
Premium Unleaded	62.4	10.0	15.5	87.9	106.6	108.7	106.6	999.9
Ultra-Low-Sulfur Diesel	61.1	4.0	15.4	80.5	98.1	100.2	98.1	999.9
Zone 4								
Regular Unleaded	56.5	10.0	15.5	82.0	99.8	101.9	99.8	999.9
Mid-Grade Unleaded	59.5	10.0	15.5	85.0	103.3	105.3	103.3	999.9
Premium Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Ultra-Low-Sulfur Diesel	61.2	4.0	15.4	80.6	98.2	100.3	98.2	999.9
Zone 5								
Regular Unleaded	56.5	10.0	15.5	82.0	99.8	101.9	99.8	999.9
Mid-Grade Unleaded	59.5	10.0	15.5	85.0	103.3	105.3	103.3	999.9
Premium Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Ultra-Low-Sulfur Diesel	61.2	4.0	15.4	80.6	98.2	100.3	98.2	999.9
Zone 6								
Regular Unleaded	57.2	10.0	15.5	82.7	100.6	102.7	100.6	999.9
Mid-Grade Unleaded	60.2	10.0	15.5	85.7	104.1	106.1	104.1	999.9
Premium Unleaded	63.2	10.0	15.5	88.7	107.5	109.6	107.5	999.9
Ultra-Low-Sulfur Diesel	61.9	4.0	15.4	81.3	99.0	101.1	99.0	999.9

N.S. Reg. 316/2015

Made: September 3, 2015

Filed: September 4, 2015

Petroleum Products Prices

Order dated September 3, 2015
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-15-41****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., Vice-Chair

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 Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended September 2, 2015, are:

Grade 1 Regular gasoline	53.8¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

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

Gasoline:

Grade 1	53.8¢ per litre
Grade 2	56.8¢ per litre
Grade 3	59.8¢ per litre
Ultra-low-sulfur diesel oil	54.6¢ per litre

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

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

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., September 4, 2015.

Dated at Halifax, Nova Scotia, this 3rd day of September, 2015.

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 September 4, 2015**

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	60.5	10.0	15.5	86.0	104.4	106.5	104.4	999.9
Mid-Grade Unleaded	63.5	10.0	15.5	89.0	107.9	109.9	107.9	999.9
Premium Unleaded	66.5	10.0	15.5	92.0	111.3	113.4	111.3	999.9
Ultra-Low-Sulfur Diesel	61.4	4.0	15.4	80.8	98.4	100.5	98.4	999.9
Zone 2								
Regular Unleaded	61.0	10.0	15.5	86.5	105.0	107.1	105.0	999.9
Mid-Grade Unleaded	64.0	10.0	15.5	89.5	108.4	110.5	108.4	999.9
Premium Unleaded	67.0	10.0	15.5	92.5	111.9	114.0	111.9	999.9
Ultra-Low-Sulfur Diesel	61.9	4.0	15.4	81.3	99.0	101.1	99.0	999.9
Zone 3								
Regular Unleaded	61.4	10.0	15.5	86.9	105.5	107.5	105.5	999.9
Mid-Grade Unleaded	64.4	10.0	15.5	89.9	108.9	111.0	108.9	999.9
Premium Unleaded	67.4	10.0	15.5	92.9	112.4	114.4	112.4	999.9
Ultra-Low-Sulfur Diesel	62.3	4.0	15.4	81.7	99.5	101.5	99.5	999.9
Zone 4								
Regular Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Mid-Grade Unleaded	64.5	10.0	15.5	90.0	109.0	111.1	109.0	999.9
Premium Unleaded	67.5	10.0	15.5	93.0	112.5	114.5	112.5	999.9
Ultra-Low-Sulfur Diesel	62.4	4.0	15.4	81.8	99.6	101.7	99.6	999.9
Zone 5								
Regular Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Mid-Grade Unleaded	64.5	10.0	15.5	90.0	109.0	111.1	109.0	999.9
Premium Unleaded	67.5	10.0	15.5	93.0	112.5	114.5	112.5	999.9
Ultra-Low-Sulfur Diesel	62.4	4.0	15.4	81.8	99.6	101.7	99.6	999.9
Zone 6								
Regular Unleaded	62.2	10.0	15.5	87.7	106.4	108.4	106.4	999.9
Mid-Grade Unleaded	65.2	10.0	15.5	90.7	109.8	111.9	109.8	999.9
Premium Unleaded	68.2	10.0	15.5	93.7	113.3	115.3	113.3	999.9
Ultra-Low-Sulfur Diesel	63.1	4.0	15.4	82.5	100.4	102.5	100.4	999.9

N.S. Reg. 317/2015 to 318/2015

Made: September 8, 2015

Filed: September 8, 2015

On-site Sewage Disposal Systems Regulations;
Activities Designation Regulations—amendment

Order in Council 2015-292 dated September 8, 2015
Regulations and amendments to regulations made by the Governor in Council
pursuant to Sections 66 and 110 and subsection 122A(3)
of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated July 29, 2015, and pursuant to Sections 66 and 110 and subsection 122A(3) of Chapter 1 of the Acts of 1994-95, the *Environment Act* (the “Act”), is pleased, effective on and after May 1, 2016, to do the following in order to incorporate the use of notifications for the installation of on-site sewage systems so that departmental resources can be used more efficiently and directed toward higher-risk activities, and to make other administrative changes:

- (a) pursuant to Sections 66 and 110 and subsection 122A(3) of the Act,
 - (i) repeal the *On-site Sewage Disposal Systems Regulations*, N.S. Reg. 194/2007, made by the Governor in Council by Order in Council 2007-173 dated March 27, 2007, and
 - (ii) make regulations respecting on-site sewage disposal systems in the manner [form] set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 66 of the Act, amend the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 317/2015

On-site Sewage Disposal Systems Regulations

Schedule “A”

**Regulations Respecting On-site Sewage Disposal Systems
made by the Governor in Council
under Sections 66 and 110 and subsection 122A(3) of
Chapter 1 of the Acts of 1994-95, the *Environment Act***

Citation

1 These regulations may be cited as the *On-site Sewage Disposal Systems Regulations*.

Definitions

2 In these regulations, the following definitions apply:

“Act” means the *Environment Act*;

“*Activities Designation Regulations*” means the *Activities Designation Regulations* made under the Act;

“Approval and Notification Procedure Regulations” means the *Approval and Notification Procedure Regulations* made under the Act;

“certificate of installation” means documentation in a form acceptable to the Minister verifying that a system was installed as required by these regulations and the Standard;

“certified person” means a qualified person, an installer or a septic tank cleaner;

“development officer” means a development officer as defined in the *Municipal Government Act* and appointed by a council to approve subdivisions;

“disposal field” means the part of a system that treats sewage and distributes treated sewage into the soil;

“fee” means a fee established by the Minister in the *Fees Regulations* made under clause 8A(1)(a) of the Act;

“holding tank” means a system that consists of a closed watertight receptacle that does not discharge effluent, but is designed and used to receive and store sewage before it is collected by a septic tank cleaner;

“installer” means a person who holds a current certificate of qualification as an installer;

“instrument of subdivision” means an instrument of subdivision under the *Municipal Government Act*;

“lot width” means the minimum width of a lot measured through the centre of the proposed or existing disposal field to the boundaries of the lot;

“pit privy” means a pit where human solid waste is stored and from which liquid waste is emitted into the soil, and includes the structure that sits over the pit;

“portable rest room” means a mobile receptacle used for the temporary storage of sewage;

“professional engineer” means a person who holds a certificate of registration or licence to practise under the *Engineering Profession Act*;

“qualified person” means a person who holds a current certificate of qualification as a qualified person;

“septic tank” means a watertight, covered receptacle designed and constructed to treat sewage before it is discharged to a disposal field or discharged for further treatment;

“septic tank cleaner” means a person who holds a current certificate of qualification as a septic tank cleaner;

“sewage” means any wastewater or human waste;

“soil assessment” means a procedure outlined in the Standard that uses a test pit to evaluate factors that affect the subsurface distribution and treatment of septic tank effluent;

“Standard” means the *On-site Sewage Disposal Systems Standard* published by the Minister;

“subdivider” means the registered owner of an area of land proposed to be subdivided and includes anyone acting with the registered owner’s consent;

~~“subdivider” means the registered owner of an area of land proposed to be subdivided and includes anyone acting with the registered owner’s consent;~~

“subdivision” means a subdivision as defined in the *Municipal Government Act*;

“surface watercourse” means a watercourse as defined in the Act, excluding groundwater;

“system” means, except where the context requires otherwise, any on-site mechanism or part of an on-site mechanism for the treatment and disposal of sewage that is not directly connected to an approved central wastewater collection and treatment system;

“vault privy” means a closed watertight receptacle that stores human solid waste and is required to be pumped out regularly, and includes the structure that sits over the receptacle.

System Installations and Maintenance

Selection and design of systems

- 3 (1) A system must be selected from the Standard or designed.
- (2) A person must be a professional engineer or a qualified person to select a system from the Standard.
- (3) A person must be a professional engineer to design a system.

Installing a system

- 4 (1) A qualified person or professional engineer must inform the Department at least 24 hours before a system is installed.
- (2) An installer must construct a system in accordance with these regulations, the Standard, and the notification given or approval granted for that system.
- (3) If a change in conditions occurs before or during the installation of a system and the change may have an impact on the suitability of the selection or design of the system, the installer must immediately inform the qualified person or professional engineer who selected or designed the system of the change.
- (4) A qualified person or professional engineer who is notified of a change in conditions must consider the change and determine whether an approval or notification is required under Section 3 of the *Activities Designation Regulations* with respect to the change.

Covering a system

- 5 (1) An installer must not cover a system without the permission of the qualified person or professional engineer who selected or designed the system.
- (2) A qualified person or professional engineer who refuses to grant permission to cover a system must, no later than 15 days after the date of the refusal, send a written report to the Minister explaining why permission to cover the system was refused.

Certificate of installation

- 6 (1) A person who selects or designs a system must issue a certificate of installation when the installation is finished.

- (2) If the person who selected or designed a system has not maintained their qualification or is dead, ill or otherwise unavailable to issue a certificate of installation for the system, another person who holds [a] current qualification to select or design that system may issue the certificate of installation.
- (3) A person who issues a certificate of installation must, no later than 15 days after completion of the system, send a copy of the certificate of installation to each of the following:
 - (a) the Minister;
 - (b) the local building official appointed under the *Building Code Act*;
 - (c) the owner of the lot.

Maintaining a system

7 The owner of a lot must ensure the proper functioning and maintenance of their system.

Malfunctions and releases to the environment

- 8 (1) An owner of a lot must advise the Department no later than 15 days after the date the owner becomes aware of any of the following occurrences:
- (a) a malfunction of a system on the lot that has resulted in a release of untreated or partially treated sewage;
 - (b) a release of untreated sewage to the environment on or from the lot.
- (2) A person who is installing a system to replace a malfunctioning system or to remedy a release of untreated sewage to the environment must complete the work no more than 45 days after the date that the notification for the activity was submitted under the *Approval and Notification Procedure Regulations*, unless a written extension is granted by the Minister.

Directives

- 9 (1) The following are prescribed for the purposes of clause 122A(1)(e) of the Act as circumstances in which an inspector may issue a directive to a person:
- (a) the person has installed a system or caused a system to be installed without obtaining an approval or providing notification as required by the *Activities Designation Regulations*;
 - (b) the person has not complied with the Standard in installing a system or causing a system to be installed.
- (2) The following are prescribed for the purposes of clause 122A(1)(e) of the Act as actions that an inspector may require in a directive:
- (a) in a directive issued to a person described in clause (1)(a), that the person, at the person's expense, do any of the following:
 - (i) uncover the system for inspection,
 - (ii) remove the system,
 - (iii) modify the system,
 - (iv) obtain a system assessment;

- (b) in a directive issued to a person described in clause (1)(b), that the person comply with the Standard at the person's expense.

Certifications

Eligibility requirements for certificates of qualification

- 10 (1)** To be eligible for a certificate of qualification as a qualified person, a person must do all of the following:
- (a) complete 1000 hours of work experience in the on-site sewage industry, including the installation of at least 6 systems;
 - (b) successfully complete the Installers Course of Instruction as established or adopted by the Minister;
 - (c) successfully complete the Qualified Persons Course of Instruction as established or adopted by the Minister.
- (2)** To be eligible for a certificate of qualification as an installer, a person must do all of the following:
- (a) complete 1000 hours of work experience in the on-site sewage industry, including the installation of at least 6 systems;
 - (b) successfully complete the Installers Course of Instruction as established or adopted by the Minister.
- (3)** To be eligible for a certificate of qualification as a septic tank cleaner, a person must successfully complete the Septic Tank Cleaners Course of Instruction as established or adopted by the Minister.

Applying for certificate of qualification

- 11** An application for a certificate of qualification must be made on a form approved by the Minister and must be accompanied by all of the following:
- (a) the certification fee;
 - (b) proof that the applicant has current insurance coverage as follows:
 - (i) for certification as a qualified person, professional liability insurance,
 - (ii) for certification as an installer or a septic tank cleaner, general contractors' liability insurance;
 - (c) for certification as a septic tank cleaner, proof that the applicant has access to an approved septage disposal site.

Compliance with terms and conditions

- 12** A certified person must comply with the terms and conditions of any certificate of qualification issued to them.

Certificate of qualification in possession

- 13 (1)** A certified person must carry their current certificate of qualification at all times while performing the services authorized by the certificate.

- (2) When requested by an inspector, a certified person must present their current certificate of qualification while performing the services authorized by the certificate.

Certification expiry and renewal

- 14** (1) A certificate of qualification expires on the last day of the continuing education program referred to in subsection (2) that was in progress on the date the certificate was issued.
- (2) To be eligible for renewal of their certificate of qualification, a certified person must have, in the time since their certificate of qualification was initially issued or most recently renewed,
 - (a) successfully participated in a continuing education program established or approved by the Minister for that class of certification; or
 - (b) successfully completed the course or courses of instruction required by Section 10 for their class of certification.
 - (3) An application for renewal of a certificate of qualification must be made on a form approved by the Minister and must be accompanied by the things required by Section 11 and proof that the applicant meets the requirements of subsection (2).
 - (4) On receipt of a completed application for renewal of a certificate of qualification, the Minister or the authorized representative of a designated organization may renew the certificate.

Written notice of changes to identifying information

- 15** A certified person must notify the Minister and the authorized representative of a designated organization in writing of any change to their address or to any other identifying information provided with their application for their certificate of qualification or renewal of their certificate of qualification no later than 14 days after the date of the change.

Certification reinstatement

- 16** The Minister may reinstate a certificate of qualification that has been suspended on any terms and conditions that the Minister considers appropriate.

Permitted Activities

Qualified person

- 17** (1) A person other than a qualified person must not advertise or claim to be a qualified person.
- (2) A person who is assisting a qualified person is not required to be a qualified person.

Installers

- 18** (1) A person other than an installer must not do any of the following:
- (a) advertise or claim to be an installer;
 - (b) install or modify a system;
 - (c) cause a system to be installed or modified.
- (2) A person is not required to be an installer to do any of the following:
- (a) assist an installer under the direct supervision of the installer;

- (b) install or construct a pit privy.

Septic tank cleaners

19 (1) A person other than a septic tank cleaner must not do any of the following:

- (a) advertise or claim to be a septic tank cleaner;
 - (b) pump, repair or modify a septic tank, holding tank or vault privy or cause a septic tank, holding tank or vault privy to be pumped, repaired or modified;
 - (c) pump portable rest rooms or cause portable rest rooms to be pumped;
 - (d) clean a system using pressurized water or air.
- (2)** A person who is assisting a septic tank cleaner under the direct supervision of the septic tank cleaner is not required to be a septic tank cleaner.

Subdivision

Application of these regulations to lots being subdivided

20 These regulations apply to any lot that is shown on a plan or instrument of subdivision that must be submitted to a development officer for approval by a municipality and is in an area that is not serviced by an approved central wastewater collection and treatment system, except for a lot that is

- (a) larger than 9000 m² in area and 76 m or more in lot width; and
- (b) identified on an application for subdivision as not intended for development purposes.

Subdivision review process

21 (1) A subdivider who proposes to put a system on their lot must prepare and submit documentation that includes all of the following information to the Department and to a development officer as part of the application process under the *Municipal Government Act*:

- (a) the name, address, including civic number, and telephone number of the owner of the lot to be subdivided;
- (b) the name, address, including civic number, and telephone number of the subdivider;
- (c) the name and address, including civic number, of each owner of land abutting the lot to be subdivided;
- (d) for a subdivider who is not the owner of the lot, proof from the owner that the subdivider is appointed as the agent of the owner to make the application;
- (e) a plan or sketch of the lot to be subdivided showing all of the following:
 - (i) the dimensions and area of the lot,
 - (ii) the lot layout, including all of the following, whether proposed or existing:
 - (A) buildings,
 - (B) systems,

- (C) driveways,
- (D) water wells,
- (iii) the location on the lot and adjoining lots of all the following:
 - (A) surface watercourses,
 - (B) wetlands,
 - (C) marine water bodies,
 - (D) any features that may influence the selection or design of the system, including any ditches, roads or easements,
- (iv) the surface slopes and directions,
- (v) the location of any test pits;
- (f) an explanation of all of the following:
 - (i) the extent to which the system will be used,
 - (ii) the expected volume for the system,
 - (iii) what uses the system will be subjected to.
- (2)** In addition to the information provided under subsection (1), a subdivider must provide the Department with an assessment report prepared by a qualified person or a professional engineer that assesses the lot's suitability to support a system and includes all of the following:
 - (a) an evaluation of the results of a soil assessment;
 - (b) the proposed system selected or designed for the lot;
 - (c) any information required by the Department.
- (3)** The Department may review and audit the information provided under subsections (1) and (2) and may conduct any inspections considered necessary to verify the information, including inspecting any test pit on the proposed lot, and may request additional test pits.
- (4)** If requested by a development officer, the Department must send a written response to the development officer, and copy it to the subdivider, respecting the assessment report on the suitability of the lot being subdivided to support a system and indicating 1 of the following:
 - (a) that the information provided by the subdivider is insufficient to allow the Department to determine whether the lot is suitable for the proposed system and that the subdivider must provide additional information;
 - (b) that the lot is suitable for the proposed system and specifying any terms and conditions that must be met;
 - (c) that the lot is not suitable for the proposed system and specifying the reasons for this

determination.

- (5) A written response made by the Department under subsection (4) is deemed to be based on the physical conditions of the lot being subdivided and the abutting properties at the time of the assessment report, and any change in the conditions since the time of the assessment report may nullify any determination by the Department that the lot is suitable.

Minimum lot requirements for lots being subdivided

- 22 (1) Except as provided in subsections (3) and (5), a lot that is being subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must meet the minimum lot size requirements set out in the following table:

Minimum Lot Size Requirements		
Depth of Permeable Soil (mm)	Lot Area (m ²)	Lot Width (m)
0–149	9000	76
150–299	6800	60
300–600	4500	53
601–899	3150	37
900 and deeper	2700	37

- (2) Except as provided in subsections (3) and (5), a lot that is being subdivided that is a waterfront lot with permeable soil deeper than 600 mm and on which a subdivider proposes to install or construct a system that has a maximum daily flow of up to 1500 L per day must be at least 3700 m² in area and have a lot width of at least 45 m.
- (3) To prevent an adverse effect, the Department may require a lot that is being subdivided on which a subdivider proposes to install or construct a system that has a maximum daily flow of greater than 1500 L per day to meet lot areas and widths larger than the minimum size requirements set in this Section.
- (4) For a lot that is being subdivided on which a subdivider proposes to install or construct a system, the following minimum requirements must be met:
- the lot must have enough soils of the type, permeability, depth and area to support the proposed system on the lot;
 - the system must meet the clearance distances required by the Standard.
- (5) The minimum lot size requirements in subsections (1) and (2) do not apply to a lot that a subdivider plans to create by consolidating 2 or more parcels of land in accordance with the *Municipal Government Act*.

N.S. Reg. 318/2015

Activities Designation Regulations—amendment

Schedule “B”**Amendment to the *Activities Designation Regulations*
made by the Governor in Council under Section 66
of Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 Subsection 2(1) of the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, is amended by adding the following definition where it belongs in alphabetical order:

“*On-site Sewage Disposal Systems Regulations*” means the *On-site Sewage Disposal Systems Regulations* made under the Act;

- 2 Subsection 7(1) of the regulations is amended by striking out “Part 1 of Division III” and substituting “this Section”.
- 3 The regulations are further amended by adding the following Section immediately after Section 7:

7A (1) Definitions in the *On-site Sewage Disposal Systems Regulations* apply to this Section.

(2) Each of the following is designated as an activity:

- (a) the installation of a system;
- (b) the replacement of a system;
- (c) the alteration of a system.

(3) Unless it is exempt under subsection (5) or (6), an activity specified in subsection (2) is designated as requiring notification, except that any activity that cannot be done in compliance with the *On-site Sewage Disposal Systems Regulations* and the Standard requires an approval.

(4) A notification or application for approval for a system must be submitted by a qualified person or a professional engineer.

(5) The construction of a pit privy is exempt from the requirement to provide notification or obtain an approval, but must be done in accordance with the Standard.

(6) The following activities are exempt from the requirement to provide notification or obtain an approval:

- (a) replacement of a septic tank, pump or siphon chamber in the same location as the existing one, or in accordance with the Standard;
- (b) diversion of sewage away from a water resource or a structure as a temporary measure;
- (c) repair of any of the following:
 - (i) a pipe that connects a building to the rest of a disposal system,

- (ii) a non-perforated pipe used in a system to transfer effluent from a septic tank, pump or siphon chamber to a disposal field;
- (d) replacement of imported sand fill or final cover material in an eroded system.

N.S. Reg. 319/2015

Made: September 2, 2015

Approved: September 8, 2015

Filed: September 8, 2015

Vehicle Inspection Regulations—amendment

Order in Council 2015-295 dated September 8, 2015

Amendment to regulations made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council pursuant to subsection 201(7) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated September 2, 2015, and pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased, effective on and after September 15, 2015, to approve of:

- (a) the repeal by the Minister of Transportation and Infrastructure Renewal of amendments to the *Vehicle Inspection Regulations*, N.S. Reg. 312/2015, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council by Order in Council 2015-282 dated August 25, 2015; and
- (b) amendments made by the Minister of Transportation and Infrastructure Renewal to the *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-205 [505] dated November 28, 2006, to increase the maximum fee to be charged by official testing stations by 3%, in the manner set forth in Schedule “A”, attached to and forming part of the report and recommendation.

Schedule “A”

In the matter of subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*

and

In the matter of the repeal and making of an amendment to the *Vehicle Inspection Regulations*

I, Geoff MacLellan, Minister of Transportation and Infrastructure Renewal for the Province of Nova Scotia, pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby

- (a) repeal the amendment to the *Vehicle Inspection Regulations*, N.S. Reg. 312/2015, made by the Minister of Transportation and Infrastructure Renewal and approved by the Governor in Council 2015-282; and

- (b) amend the *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-505 dated November 28, 2006, to increase the official testing station maximum fees by 3%, in the manner set forth in the attached.

This Order is effective on and after the later of the September 15, 2015, and the date it is approved by the Governor in Council.

Dated and made at Halifax, Province of Nova Scotia, September 2, 2015.

sgd: Geoff MacLellan
Honourable Geoff MacLellan
Minister of Transportation and Infrastructure Renewal

**Amendment to the *Vehicle Inspection Regulations*
made by the Minister of Transportation and Infrastructure Renewal
under subsection 201(7) of Chapter 293
of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

The *Vehicle Inspection Regulations*, N.S. Reg. 214/2006, made by the Minister of Service Nova Scotia and Municipal Relations and approved by the Governor in Council by Order in Council 2006-505 dated November 28, 2006, are amended by repealing subsection 25(1) and substituting the following subsection:

- (1) For each completed inspection, an official testing station may charge a fee up to the applicable maximum fee set out in the following table:

Class of Vehicle		Maximum Fee
1	Motor vehicle with single rear axle designed for 2 wheels, including passenger car, station wagon, truck or motorized home	\$29.15
2	Motorcycle or motor-driven cycle	\$16.35
3	Truck or truck tractor, bus or motorized home with hydraulic brakes and single rear axle designed for 4 wheels (4500 kg or less) Motor home with 2 rear axles designed for single wheels (over 4500 kg) Motor home with single rear axle designed for 4 wheels	\$40.85
4	Truck or truck tractor, bus or motorized home (over 4500 kg) with 2 rear axles designed for 4 wheels	\$98.00
5	Trailer or semi-trailer not equipped with brakes (4500 kg or less)	\$16.40
6	Trailer or semi-trailer equipped with electric or surge hydraulic brakes (4500 kg or less)	\$22.35 (1 axle) plus \$11.45 for each additional axle
7	Trailer or semi-trailer with registered weight of over 4500 kg	\$40.85

N.S. Reg. 320/2015

Made: September 8, 2015

Filed: September 8, 2015

Section 77 Exemption Regulations—amendment

Order in Council 2015-297 dated September 8, 2015
Amendment to regulations made by the Governor in Council
pursuant to Section 81 of the *Finance Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated August 19, 2015, and pursuant to Section 81 of Chapter 2 of the Acts of 2010, the *Finance Act*, is pleased to amend the *Section 77 Exemption Regulations*, N.S. Reg 154/2012, made by the Governor in Council by Order in Council 2012-255 dated August 7, 2012, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after September 8, 2015.

Schedule “A”

**Amendment to the *Section 77 Exemption Regulations*
made by the Governor in Council under Section 81
of Chapter 2 of the Acts of 2010,
the *Finance Act***

- 1 Section 2 of the *Section 77 Exemption Regulations*, N.S. Reg. 154/2012, made by the Governor in Council by Order in Council 2012-255 dated August 7, 2012, is amended by striking out “*Nova Scotia Business Incorporated Financial Assistance Regulations*” in the definition of “NSBI Regulations” and substituting “*Business Development Incentive[s] Regulations*”.
- 2 (1) Clause 3(d) of the regulations is amended by striking out “is approved by the Governor in Council in accordance with the NSBI Regulations” and substituting “does not require the consent of the Governor in Council under the NSBI Regulations”.
- (2) Clause 3(e) of the regulations is amended by striking out “the aggregate of the amount of the guarantee and any other financial assistance owed by the applicant for the guarantee and by any affiliate of the applicant does not exceed \$3 000 000” and substituting “the financial assistance from the Nova Scotia Fund does not require the consent of the Governor in Council under the NSBI Regulations”.
- (3) Section 3 of the regulations is further amended by
 - (a) striking out the period at the end of clause (h) and substituting a semi-colon; and
 - (b) adding the following clause immediately after clause (h):
 - (i) economic development incentives from the Invest Nova Scotia Fund made under the *Invest Nova Scotia Board Act*.

N.S. Reg. 321/2015

Made: September 8, 2015

Filed: September 8, 2015

Business Development Incentives Regulations

Order in Council 2015-298 dated September 8, 2015

Regulations made by the Governor in Council

pursuant to Section 34 of the *Nova Scotia Business Incorporated Act*

The Governor in Council on the report and recommendation of the Minister of Business dated July 10, 2015, and pursuant to Section 34 of Chapter 30 of the Acts of 2000, the *Nova Scotia Business Incorporated Act*, is pleased, effective on and after September 9, 2015, to:

- (a) repeal the *Nova Scotia Business Incorporated Financial Assistance Regulations*, N.S. Reg. 133/2001, made by the Governor in Council by Order in Council 2001-525 dated November 6, 2001; and
- (b) make new regulations respecting business development incentives in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”**Regulations Respecting Business Development Incentives
made under Section 34 of Chapter 30 of the Acts of 2000,
the *Nova Scotia Business Incorporated Act*****Citation**

1 These regulations may be cited as the *Business Development Incentives Regulations*.

Definitions

2 In these regulations,

“Act” means the *Nova Scotia Business Incorporated Act*;

“affiliate” means an affiliate as determined under Section 2;

“annual portfolio lending cap” means the maximum amount of funds available to the Corporation in each fiscal year for providing loans and loan guarantees to applicants;

“annual sector lending limits” means the maximum amount of funds available in each fiscal year to each eligible sector of the economy of the Province as determined by the Corporation under Section 4;

“applicant” means a person applying to the Corporation for a business development incentive in accordance with the Act and these regulations;

“individual loan limits” means the maximum dollar value or the maximum percentage of the total loan portfolio that is appropriate for any individual loan;

“loan guarantee limits” means the maximum dollar value or the maximum percentage of the total loan portfolio that is appropriate for any loan guarantee;

“payroll rebate program” means a program funded through strategic investment funds by which a portion of the payroll paid to employees by a business is returned to the business based on a percentage of the total payroll of the business for the employees;

“strategic investment funds” means funds other than the Nova Scotia Fund maintained by the Corporation to fund certain forms of business development incentives, including the payroll rebate program.

Affiliated bodies corporate

- 3 (1)** For the purposes of these regulations, a body corporate is affiliated with another body corporate if any of the following apply:
- (a) one of them is the subsidiary of the other;
 - (b) both are subsidiaries of the same body corporate;
 - (c) each of them is controlled by the same person.
- (2)** Bodies corporate that are affiliated with the same body corporate at the same time are deemed to be affiliated with each other.
- (3)** For the purposes of this Section,
- (a) a body corporate is controlled by a person or by 2 or more bodies corporate if all of the following apply:
 - (i) securities of the body corporate to which are attached more than 50% of the votes that may be cast to elect directors of the body corporate are held, other than by way of security only, by or for the benefit of that person or by or for the benefit of those bodies corporate,
 - (ii) the votes attached to the securities referred to in subclause (i) are sufficient, if exercised, to elect a majority of the directors of the body corporate;
 - (b) a body corporate is the holding body corporate of another if that other body corporate is its subsidiary; and
 - (c) a body corporate is a subsidiary of another body corporate if it is controlled by any of the following:
 - (i) that other body corporate,
 - (ii) that other body corporate and 1 or more bodies corporate each of which is controlled by that other body corporate,
 - (iii) 2 or more bodies corporate, each of which is controlled by that other body corporate.
- (4)** A body corporate is deemed to be a subsidiary of another body corporate if it is a subsidiary of that other body corporate’s subsidiary.

Annual business plan

- 4** The annual business plan submitted to the Minister under Section 31 of the Act must include all of the following:

- (a) all of the following as determined by the Corporation in respect of the Nova Scotia Fund for the following fiscal year:
 - (i) the annual portfolio lending cap,
 - (ii) the annual sector lending limits,
 - (iii) the individual loan limits,
 - (iv) the loan guarantee limits,
 - (v) the interest rate policy;
- (b) the maximum percentage of the total amount of the Nova Scotia Fund available for business development incentives by way of working capital loans, as determined in consultation with the Minister of Finance and Treasury Board;
- (c) policies and guidelines governing the payroll rebate program and any other business development incentive funded through the strategic investment funds;
- (d) any relevant information the Minister requires to assess the business plan in accordance with the Act, these regulations and the outcomes agreement.

Ineligibility for business development incentives

5 The following business activities are not eligible for business development incentives:

- (a) a commercial business or other activity that is carried out by a private, exclusive or charitable club or organization;
- (b) a business activity that is eligible for financial assistance or an economic development incentive from any of the following:
 - (i) the Nova Scotia Fisheries and Aquaculture Loan Board,
 - (ii) the Nova Scotia Farm Loan Board,
 - (iii) a Provincial lending authority determined by the Corporation.

Business activities not eligible for business development incentives from Nova Scotia Fund

6 A business activity involving any of the following is not eligible for business development incentives from the Nova Scotia Fund:

- (a) supplying residential or rental accommodations;
- (b) supplying business premises to non-related persons;
- (c) lending money or other activities of a finance company, loan company or trust company;
- (d) providing insurance within the meaning of the *Insurance Act*;
- (e) trading in or development of real estate for purposes other than as set out in the Act and these regulations;

- (f) construction by a person engaged in the construction industry;
- (g) selling products at retail or wholesale.

Criteria required for business development incentives from Nova Scotia Fund

- 7 (1) An applicant must meet all of the following criteria to be eligible for a business development incentive from the Nova Scotia Fund:
- (a) they have fulfilled credit assessment requirements to justify economic viability, including an assessment of the competence of management, probable market demand and competition, earning prospects, the owners' equity, the security available with respect to any loan or loan guarantee and any potential environmental impacts;
 - (b) they have obtained all approvals, permits or licences that are required from any regulatory agency that has lawful authority to regulate the activities of the business;
 - (c) they have or propose to have a minimum equity investment in the business of at least 20%, in a manner and form determined by the Corporation, unless in the circumstances of the particular case the Corporation determines otherwise.
- (2) The Corporation must not provide a business development incentive from the Nova Scotia Fund unless all of the following conditions are met:
- (a) providing the business development incentive to the applicant represents a net economic benefit to the Province and will be in the best interests of the Province and of the community in which the business is or is to be located;
 - (b) providing the business development incentive to the applicant will not unfairly impact on any other business already operating within the Province;
 - (c) there is no acceptable competitive alternative by which a loan or loan guarantee could be obtained by the applicant from another source on reasonable terms and conditions;
 - (d) the Corporation has considered the matters set out in its annual business plan.
- (3) Business development incentives from the Nova Scotia Fund must not be provided in the form of non-repayable contributions.

Terms and conditions of business development incentives from Nova Scotia Fund

- 8 (1) Subject to any requirement for consent under Section 11, the Corporation may provide a business development incentive from the Nova Scotia Fund on any terms and conditions that it considers appropriate, including any of the following:
- (a) the amount and interest rate of the incentive;
 - (b) the security to be provided by an applicant;
 - (c) the fees to be paid by an applicant;
 - (d) the covenants to be entered into by an applicant;
 - (e) the terms of repayment of the incentive, after appropriate consideration is given by the

Corporation to the economic life of any asset being financed by the incentive;

- (f) the form and content of any documents to be signed or provided by an applicant.
- (2) Subject to any requirement for consent under Section 11, the Corporation may amend the terms and conditions of a business development incentive from the Nova Scotia fund at any time.

Condition for business development incentives from strategic investment funds

9 The Corporation must consider the policies and guidelines established for business development incentives from the strategic investment funds before providing a business development incentive from the strategic investment funds.

Terms and conditions of business development incentives from strategic investment funds

- 10 (1) Subject to any requirement for consent under Section 12, the Corporation may provide a business development incentive from the strategic investment funds on any terms and conditions that it considers appropriate, including any of the following:
- (a) the amount of the incentive;
- (b) the covenants to be entered into by an applicant;
- (c) the form and content of any documents to be signed or provided by an applicant.
- (2) Subject to any requirement for consent under Section 12, the Corporation may amend the terms and conditions of a business development incentive from the strategic investment funds at any time.

Consents required for business development incentives from Nova Scotia Fund

11 A decision of the Corporation approving or amending a business development incentive from the Nova Scotia Fund that results in the total amount owed by the applicant for the incentive and for any other business development incentive from the Nova Scotia Fund owed by the applicant and any affiliate of the applicant exceeding the amount set out in the following table requires the corresponding consent:

Decision	Amount exceeded	Consent required
<ul style="list-style-type: none"> • approval of any one business development incentive from the Nova Scotia Fund • amendment of any terms and conditions governing a business development incentive from the Nova Scotia Fund 	\$5,000,000	Minister
<ul style="list-style-type: none"> • approval of any one business development incentive from the Nova Scotia Fund • amendment of any terms and conditions governing a business development incentive from the Nova Scotia Fund 	\$10,000,000	Minister and Governor in Council

Consents required for business development incentives from strategic investment funds

12 (1) A decision of the Corporation approving or amending a business development incentive from the strategic investment funds that results in the total amount for which the applicant is eligible for the incentive and any other business development incentive from the strategic investment funds for which the applicant is eligible and for which any affiliate of the applicant is eligible exceeding the amount set out in the following table requires the corresponding consent:

Decision	Amount exceeded	Consent required
<ul style="list-style-type: none"> • approval of any one business development incentive from the strategic investment funds • amendment of any terms and conditions governing a business development incentive from the strategic investment funds 	\$5,000,000	Minister
<ul style="list-style-type: none"> • approval of any one business development incentive from the strategic investment funds • amendment of any terms and conditions governing a business development incentive from the strategic investment funds 	\$10,000,000	Minister and Governor in Council

- (2) The consent of the Minister and the Governor in Council is required for a business development incentive from the strategic investment funds that is part of the payroll rebate program if the terms and conditions of the incentive provide for a commencement date that is earlier than the date the incentive is approved by the Corporation.

Consent required for purchase of equity securities

- 13 The consent of the Minister and of the Governor in Council is required for any decision of the Corporation to purchase or acquire additional common or preferred shares or other equity securities, including venture capital investments, under clause 16(1A)(b) of the Act.

Corporation as an independent production fund

- 14 Nothing in these regulations is intended to restrict the ability of the Corporation to be or become certified as an independent production fund under the *Broadcasting Distribution Regulations (Canada)* and, in connection with such certification, make investments as permitted under those regulations as an independent production fund.

Power of Corporation on default

- 15 Upon default in the obligations owed to the Corporation by any person receiving a business development incentive or otherwise obligated to the Corporation, the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation in accordance with policies and procedures adopted by the Corporation.

Applicants deemed consent to being contacted for review of Corporation

- 16 Applicants are deemed to consent to being contacted by any representative of the Corporation, the Department or an independent person appointed by the Corporation in accordance with Section 32 of the Act in respect of any review being conducted under the Act.