

Nova Scotia

Guide to Appealing a Vehicle Impoundment Order

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1 Overview

A person who owns a vehicle or other conveyance that is subject to an impoundment or immobilization order may appeal the order to the Motor Vehicle Appeal Board on one or more of the grounds set out in section 286 of the Traffic Safety Act. This guide applies to vehicles impounded for 90 or 180 days under section 4(1)(b) of the Powers and Duties of Peace Officer Regulations under the Traffic Safety Act. This guide explains how to appeal a vehicle impoundment order to the Motor Vehicle Appeal Board (MVAB).

It will help you understand:

- whether you may have grounds for an appeal
- what the Board can consider
- what evidence you may need
- how to apply
- what happens after you apply
- the types of hearings available
- how to prepare for your hearing
- what happens after the Board makes its decision

Important: Your vehicle impoundment remains in effect while your appeal is being considered.

This guide provides general information only. It is not legal advice.

2 Eligibility to Apply

The owner of a vehicle impounded under section 4(1)(b) of the Powers and Duties of Peace Officer Regulations under the Traffic Safety Act may apply to the Motor Vehicle Appeal Board (MVAB) to have the impoundment reviewed in some circumstances. However, disagreeing with the impoundment or hardship created by the impoundment is not enough to have it rescinded. The Board can only consider the specific grounds of appeal that apply to the reason your impoundment was issued. Exceptional hardship may be considered as defined below.

2.1 Document Review

Review the Impoundment Order and any other documents you received. Your appeal should identify the ground or grounds that apply to your circumstances.

3 Grounds for Appeal

You are responsible for proving that at least one of the following grounds applies:

- the vehicle or other conveyance had been taken without the knowledge and consent of the owner at the time when the order was made
- the driving privilege of the individual driving the vehicle or other conveyance at the time when the order was made was not, at that time, suspended
- the owner exercised due diligence in attempting to determine that the driving privilege of the individual driving the vehicle or other conveyance at the time when the order was made was not, at that time, suspended
- the order will result in exceptional hardship to the owner based on the criteria set out in the regulations

The exceptional hardship ground is set out in clause 286(1)(d) of the Traffic Safety Act. Under subsection 286(2), this ground is not available if an impoundment or

immobilization order was previously made in respect of a vehicle or other conveyance while it was owned by the same person.

An appeal based on exceptional hardship may be considered where:

- **No reasonable alternative transportation is available:** the appellant must show they looked into every reasonable option, such as using another vehicle or making arrangements to manage without a vehicle
- **The impoundment creates a health or safety risk:** if there is no reasonable alternative, the Board may consider whether the impoundment would threaten the health or safety of someone who is normally transported in the vehicle
- **There is a risk to public health, safety, the environment, or community property:** this may apply where the vehicle is normally used to provide a service to the community and its loss would create such a threat
- **The impoundment will cause a serious financial, employment, education, or training loss:** normally, financial loss, loss of employment, or loss of an education or training opportunity is not enough on its own, but the Board may consider these losses if:
 - there is no reasonable alternative to the impounded vehicle
 - the loss will be immediate, significant, and lasting
 - the loss affects someone who is normally transported in the vehicle
- **Where the vehicle was impounded because the driver was suspended, additional restrictions apply:** the financial, employment, education, or training hardship must affect someone other than the suspended driver, and it cannot simply result from the suspended driver's own financial, employment, education, or training loss

Important: You should rely only on the grounds that relate to the reason your suspension was issued

3.1 Check the Appeal Type

Question 1: Is my vehicle subject to an Impoundment Order?

- **No:** This is not the correct appeal process.
- **Yes:** Continue to Question 2.

Question 2: Does at least one permitted ground of appeal apply?

- **No:** The reason you want to appeal may not be something the Board is permitted to consider.
- **Yes:** Continue to Question 3.

Question 3: Do I have evidence that supports my position?

- **No, or not sure:** Consider the evidence available to you and the disclosure you receive through the appeal process. You may also wish to obtain legal advice.
- **Yes:** You may have grounds to appeal.

MVAB administrative staff can explain the appeal process, but they cannot provide legal advice or tell you whether you should appeal.

3.2 What are not Grounds for Appeal

The Board can only decide an appeal on the permitted grounds. Inconvenience is not a basis for exceptional hardship. Financial or economic loss, loss of employment or an employment opportunity, and loss of education or training may be considered only if all the additional requirements described in the exceptional hardship section of this guide are met.

4 Applicable Legislation

Vehicle impoundment appeals covered by this guide relate to section 286 of the Traffic Safety Act and the applicable regulations. Your Impoundment Order and related documents identify the authority under which the order was issued.

5 Provision of Proof

If you appeal, you are responsible for presenting enough evidence to prove your ground of appeal. The Board considers the evidence and makes findings of fact using the civil standard known as the balance of probabilities. In plain language, you must satisfy the Board that the facts you are asking it to accept are more likely than not to be true.

5.1 Types of Evidence

The evidence you need depends on your ground of appeal and what happened in your case. Evidence may include one or more of the following:

- your own testimony
- testimony from a witness who has personal knowledge of what happened
- a sworn or affirmed statement from a witness who cannot attend the hearing
- police reports and other police information
- expert evidence
- photographs
- video
- relevant text messages
- other documents or information relevant to your ground of appeal

You do not need every type of evidence listed above – what is important is making sure that the evidence helps prove the specific grounds on which you are appealing.

6 Application for an Appeal

6.1 Gather Your Documents

Gather the evidence that supports your case. Include a copy of the Impoundment Order and any information received from the Registrar relating to the impoundment.

6.2 Complete the Notice of Appeal

Complete the Vehicle Impoundment Notice of Appeal application. Provide all information required by the form, identify your ground or grounds of appeal, and indicate whether you have a representative and your preferred hearing type. Include copies of any evidence you want the Board to consider. Keep a copy of your completed application and supporting documents.

Appeal Fee

A \$150 appeal fee must accompany the application. The fee is non-refundable regardless of the outcome of the appeal.

For an online application, follow the payment instructions to pay by credit card. For a paper application, include a cheque or money order for \$150 payable to the Minister of Finance.

6.3 Submit the Application

Online Application

Complete the online form, upload your documents, and follow the payment instructions. Keep a copy of your application and supporting documents for your records.

Paper Application

Mail, deliver, or courier your completed Notice of Appeal, copies of your supporting evidence, and the required payment to:

Motor Vehicle Appeal Board

1672 Granville Street

PO Box 186

Halifax, NS B3J 3Z8

Do not send original supporting documents. Send copies.

Incomplete Applications

An incomplete application may be returned without being processed. Read the accompanying letter carefully, correct the missing information or payment, and return the entire package as instructed.

7 Deadline to Appeal

There is no deadline for filing a Notice of Appeal under the process described in this guide. However, the impoundment remains in effect while the appeal is being considered.

Once the Department receives a complete Notice of Appeal that meets the filing requirements, the Board is required to hear an impoundment appeal within 10 days. If the hearing is not held within that period, the Board still has authority to hear and decide the appeal.

8 Representation

For representation for the appeal, you can do the following:

- represent yourself

- have a spokesperson assist you
- hire a lawyer

A spokesperson can be a family member, friend, community leader, religious or spiritual leader, or another person you choose. If you appoint a representative, information about your appeal, including your disclosure package, may be sent to the representative at the address provided on the application.

9 Disclosure Package

You or your representative will receive a disclosure package containing the information to be reviewed, including police information. Review it carefully as soon as you receive it and follow the instructions in the accompanying letter.

You or your representative will need to contact MVAB Administration for the following:

1. To confirm that the disclosure package was received
2. To advise whether you are ready to proceed or intend to submit additional information.

If you are ready to proceed

Contact MVAB Administration as instructed to move the appeal to the hearing stage. This applies even if you selected a written hearing. The MVAB will confirm your appeal.

If you want to provide more evidence

Tell MVAB Administration that you intend to submit additional evidence. Submit the information as instructed and confirm that it has been received prior to the scheduled hearing.

10 Appeal Hearing

10.1 Hearing Types

Depending on the available procedures, your appeal may proceed in writing, by teleconference, or by video conference. You will indicate your preference on the Notice of Appeal application.

Written Hearing

You do not speak directly with the Board panel. The panel considers the Notice of Appeal, your written evidence and submissions, the disclosure package, and other material properly submitted for consideration. After reviewing your disclosure, contact MVAB Administration to confirm that you have submitted everything you want the Board to consider.

Teleconference Hearing

The hearing is conducted by telephone. MVAB Administration will provide scheduling information after you confirm that you received the disclosure package and are ready to proceed. Have your documents and evidence with you. Your witnesses should also be available if they are giving evidence.

Video Conference Hearing

MVAB Administration will provide the date, time, and instructions for joining the hearing using the identified video-conferencing platform. Make sure that you and your witnesses are prepared to connect as instructed.

10.2 Prepare for Your Hearing

Before the teleconference or video conference hearing be sure to do the following:

1. Identify your grounds for appeal.
2. Write down the important facts you want the Board to know.

3. Organize your documents in the order you plan to discuss them.
4. Make sure your witnesses are available.
5. Review the disclosure package carefully.
6. Identify the evidence that supports your grounds for appeal.
7. Make sure any additional evidence has been submitted as required.

10.3 Present Your Case

At an oral hearing, you and your witnesses may be required to swear an oath or make an affirmation to tell the truth. When presenting your appeal, do the following:

1. Explain the grounds on which you are appealing;
2. Explain what happened;
3. Identify the evidence that supports your position;
4. Have your witnesses explain what they personally observed; and
5. Answer the Board's questions clearly and directly.

The Board may ask questions about your evidence. Be respectful and courteous throughout the hearing.

10.4 Missing Your Hearing

It is important to attend a scheduled teleconference or video conference hearing. If you requested an oral hearing and fail to appear without prior notice or without a reasonable excuse accepted by the Board, you are deemed to have waived your right to a hearing of the appeal under subsection 9(4) of the Reviews, Appeals and Show Cause Hearings Regulations.

If you must reschedule, contact MVAB Administration as soon as possible. A \$150 rescheduling fee may apply if you provide less than 48 hours' notice. Follow the instructions provided with your hearing information.

11 The Board's Decision

The MVAB panel considers the evidence and submissions and decides whether the impoundment is confirmed or rescinded. The Board provides its decision in writing with reasons.

If your impoundment is confirmed

The vehicle impoundment remains in effect. You may wish to obtain legal advice promptly about whether there is a legal process available to challenge the decision.

If your impoundment is rescinded

If the Board rescinds the order, it will issue an order releasing the vehicle from impoundment. The impound facility may still require payment of applicable towing, removal, storage, impoundment, immobilization or related service charges before physically releasing it. Any other lawful hold or release requirement will also continue to apply.

11.1 Challenging the Decision

The Board's decision is final and binding under the Traffic Safety Act. If you believe the decision was made unlawfully or unfairly, you should obtain legal advice promptly about whether an application for judicial review may be available. MVAB administrative staff cannot provide legal advice.

12 Frequently Asked Questions

Q1: What is exceptional hardship?

Section 15 of the Reviews, Appeals and Show Cause Hearings Regulations describes what the MVAB may consider when deciding whether an impoundment will result in exceptional hardship. Where no reasonable alternative to the impounded vehicle is available and the impoundment would result in a serious health or safety concern, or an immediate, significant and lasting loss that meets the requirements of the Regulations.

To qualify, the person must show that:

- All reasonable alternatives have been explored, such as another vehicle or managing without one.
- Without the vehicle, there would be a threat to someone's health or safety, public health or safety, or certain community/environmental interests; or
- There would be an immediate, significant and lasting financial, employment, education, or training loss affecting someone normally transported in the vehicle, provided the specific requirements in the regulation are met.

Inconvenience alone is not exceptional hardship. Ordinary financial loss, loss of employment, or loss of education or training also does not qualify unless the regulation's additional conditions are satisfied.

Q2: How do I know if I have grounds to appeal?

Start with your Impoundment Order and the permitted grounds listed in this guide. Ask whether a ground applies and whether you have evidence supporting your position. If you are unsure, consider obtaining legal advice. MVAB administrative staff can explain the process but cannot provide legal advice.

Q3: Who can be a witness?

A witness is someone who has personal knowledge of facts relevant to the appeal. You may also give evidence yourself.

Q4: What is a sworn or affirmed statement?

A sworn or affirmed statement is a written statement in which the person formally confirms that its contents are true. Follow the evidence requirements provided for your appeal.

Q5: What if I receive additional evidence before my hearing?

Contact MVAB Administration and provide the evidence as soon as possible in accordance with the instructions for your appeal. Information received after the hearing will not be considered.

Q6: What if I need to reschedule?

Contact MVAB Administration as soon as possible. Requirements or fees may apply, particularly when little notice is provided.

Q7: What if I change my mind after paying the appeal fee?

The appeal fee is non-refundable. Contact MVAB Administration for instructions if you do not wish to proceed or later wish to reinitiate the appeal process.

13 Additional Information

Consult the [MVAB webpage](#) for these resources:

- online Vehicle Impoundment Notice of Appeal application;
- fillable PDF Vehicle Impoundment Notice of Appeal application;
- printable Vehicle Impoundment Notice of Appeal application; and
- Guide to Appealing a Vehicle Impoundment Order.

For assistance with the administrative appeal process:

Motor Vehicle Appeal Board Administration

Phone: 902-424-4256

Toll-free: 1-855-424-4256

For legal information:

Legal Information Society of Nova Scotia

Website: <http://www.legalinfo.org/>

Email: questions@legalinfo.org

Phone: 902-455-3135

Toll-free within Nova Scotia: 1-800-665-9779

Links

- [Traffic Safety Act](#)
- [Traffic Safety Act Regulations](#)

14 Disclaimer

This guide provides general information about the practices and procedures associated with an appeal of a vehicle impoundment order. It does not constitute legal advice.

Legislation and regulations may change and may be interpreted by the courts. The plain language descriptions in this guide are intended to help explain the process and are not a substitute for the wording of the applicable legislation.

If you need advice about your circumstances or whether you have grounds for an appeal, you should seek legal advice.

Current to October 2026.