

# Royal Gazette

## Part II Regulations under the Regulations Act

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### Contents

Act	Reg. No.	Page
<b>Agriculture and Marketing Act</b>		
Commodity Group Designation and Levy - Nova Scotia Cattlemen's Association – revocation .....	145/2006	551
<b>Building Code Act</b>		
Nova Scotia Building Code Regulations .....	143/2006	496
<b>Crop and Livestock Insurance Act</b>		
Nova Scotia Crop and Livestock Insurance Plan for Forage Production - repeal .....	123/2006	442
Crop Insurance Plan Weather Plan .....	124/2006	443
Crop and Livestock Insurance Forms Regulations – repeal .....	125/2006	449
Crop Insurance Plan for Blueberries – amendment .....	126/2006	449
Crop Insurance Plan for Corn – amendment .....	127/2006	452
The Nova Scotia Crop and Livestock Insurance Plan for Forage – amendment .....	128/2006	455
Crop Insurance Plan for Potatoes – amendment .....	129/2006	456
The Nova Scotia Crop and Livestock Insurance Plan for Raspberries – amendment .....	130/2006	460
Crop Insurance Plan for Soybeans – amendment .....	131/2006	462
Crop Insurance Plan for Spring Grain – amendment .....	132/2006	465
The Nova Scotia Crop and Livestock Insurance Plan for Strawberries – amendment .....	133/2006	468
The Nova Scotia Crop Insurance Plan for Tree Fruit – amendment .....	134/2006	472
The Nova Scotia Crop and Livestock Insurance Plan for Tree Insurance – amendment .....	135/2006	475
Nova Scotia Crop and Livestock Insurance Plan for Vegetables – amendment .....	136/2006	477
Crop Insurance Plan for Winter Grain – amendment .....	137/2006	480
<b>Dairy Industry Act</b>		
Milk Producer Licensing Regulations – amendment .....	146/2006	552
<b>Education Act</b>		
Ministerial Education Act Regulations – amendment .....	120/2006	439

**House of Assembly Act**

Proclamation of amendments to Act, S. 3, S.N.S. 2006, c. 9 .....	147/2006	554
--	----------	-----

**Municipal Government Act**

Financial Accounting and Reporting Manual – dispensation from publication of N.S. Reg. 121/2006 .....		440
---	--	-----

**Petroleum Products Pricing Act**

Prescribed Petroleum Products Prices .....	144/2006	549
--	----------	-----

**Special Places Protection Act**

Abraham Lake Nature Reserve Ecological Site Designation .....	141/2006	490
River Inhabitant Nature Reserve Ecological Site Designation .....	139/2006	486
Roman Valley Nature Reserve Ecological Site Designation .....	140/2006	488
Washabuck Nature Reserve Ecological Site Designation .....	138/2006	483
Tusket River Ecological Site Designation – amendment .....	142/2006	493

**Wildlife Act**

Fur Harvesting Regulations – amendment .....	122/2006	441
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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. 120/2006**

Made: July 18, 2006

Filed: July 20, 2006

Ministerial Education Act Regulations

Order dated July 18, 2006  
made by the Minister of Education  
pursuant to Section 145 of the *Education Act*

**In the matter of Section 145 of Chapter 1 of the Acts of 1995-96,  
the *Education Act***

- and -

**In the matter of an amendment to the *Ministerial Education Act Regulations*  
made by the Minister of Education pursuant to  
Section 145 of the *Education Act***

**Order**

I, Karen Casey, Minister of Education for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education Act*, hereby amend the *Ministerial Education Act Regulations*, N.S. Reg. 80/97, made by the Minister of Education on June 24, 1997, by repealing Schedule B to the regulations and substituting the attached Schedule B, effective on and after August 1, 2006.

Dated and made at Halifax, Nova Scotia, July 18, 2006.

Sgd.: *Karen Casey*  
Honourable Karen Casey  
Minister of Education

**Schedule B  
Compensation Grids**

**Grid 1 - Compensation Grid for Directors**

<b>Compa-ratio</b>	<b>80%</b>	<b>81%</b>	<b>82%</b>	<b>83%</b>	<b>84%</b>
<b>Compensation amount</b>	\$80 246	\$81 249	\$82 252	\$83 255	\$84 258
<b>Compa-ratio</b>	<b>85%</b>	<b>86%</b>	<b>87%</b>	<b>88%</b>	<b>89%</b>
<b>Compensation amount</b>	\$85 262	\$86 265	\$87 268	\$88 271	\$89 274
<b>Compa-ratio</b>	<b>90%</b>	<b>91%</b>	<b>92%</b>	<b>93%</b>	<b>94%</b>
<b>Compensation amount</b>	\$90 277	\$91 280	\$92 283	\$93 286	\$94 289
<b>Compa-ratio</b>	<b>95%</b>	<b>96%</b>	<b>97%</b>	<b>98%</b>	<b>99%</b>
<b>Compensation amount</b>	\$95 292	\$96 295	\$97 299	\$98 302	\$99 305

Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$100 308	\$101 311	\$102 314	\$103 317	\$104 320

Grid 2 - Compensation Grid for Superintendents

Compa-ratio	80%	81%	82%	83%	84%
Compensation amount	\$102 963	\$104 250	\$105 537	\$106 824	\$108 111
Compa-ratio	85%	86%	87%	88%	89%
Compensation amount	\$109 398	\$110 685	\$111 972	\$113 259	\$114 546
Compa-ratio	90%	91%	92%	93%	94%
Compensation amount	\$115 833	\$117 120	\$118 407	\$119 694	\$120 981
Compa-ratio	95%	96%	97%	98%	99%
Compensation amount	\$122 268	\$123 555	\$124 842	\$126 129	\$127 417
Compa-ratio	100%	101%	102%	103%	104%
Compensation amount	\$128 704	\$129 991	\$131 278	\$132 565	\$133 852

**N.S. Reg. 121/2006**

Made: June 21, 2006

Filed: July 25, 2006

Financial Accounting and Reporting Manual

Order in Council 2006-341 dated July 24, 2006  
 Dispensation from publication made by the Governor in Council  
 pursuant to subsection 4(3) of the *Regulations Act* of  
 an Order dated June 21, 2006 (N.S. Reg. 121/2006 )  
 made by the Minister of Service Nova Scotia and Municipal Relations  
 pursuant to Section 451 of the *Municipal Government Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated July 11, 2006, and pursuant to subsection 4(3) of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, is pleased to dispense with publication in the Royal Gazette, Part II, of the *Regulation Made By the Minister of Service Nova Scotia and Municipal Relations Pursuant to Section 451 of Chapter 18 of the Statutes of Nova Scotia, 1998, the Municipal Government Act, Respecting the Financial Reporting and Accounting Manual* made by the Minister on June 21, 2006, and which regulation is set forth in Schedule "A" attached to and forming part of the Report and Recommendation.

[Note: N.S. Reg. 121/2006 repeals the *Municipal Accounting and Reporting Manual*, N.S. Reg. 86/2000, and makes the *Financial Reporting and Accounting Manual*.]

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**N.S. Reg. 122/2006**

Made: July 24, 2006

Filed: July 25, 2006

Fur Harvesting Regulations

Order in Council 2006-342 dated July 24, 2006  
Amendments to regulations made by the Governor in Council  
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 10, 2006, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, to permit the taking of one “mistake” fisher throughout the Province; to include submarine and rat traps, which do not present a threat to dogs, as types of trap not prohibited next to roads and trails; and to regulate the trapping of nuisance wildlife next to roads and trails, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after July 24, 2006.

**Schedule “A”**

**Amendment to the *Fur Harvesting Regulations*  
made by the Governor in Council  
pursuant to subsection 113(1) of Chapter 504 of  
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Subsection 6(6) of the *Fur Harvesting Regulations*, N.S. Reg. 165/87, made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is repealed and the following subsection substituted:
  - (6) A licensed fur harvester may possess one fisher if the fisher was taken accidentally by the fur harvester in a trap lawfully set for another species.
- 2 Subsection 11(5A) of the regulations is amended by
  - (a) striking out the period at the end of clause (d) and substituting a semicolon; and
  - (b) adding the following clauses immediately after clause (d):
    - (e) a submarine trap;
    - (f) a rat trap.
- 3 Section 11 of the regulations is further amended by adding the following subsection immediately after subsection (5A):

- (5B) Despite subsection (5A), a person may set a trap on or within 15 m of the travelled surface of a trail or highway if that person has a conservation officer's written permission to set that particular type of trap in that location for the purpose of trapping nuisance wildlife.

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**N.S. Reg. 123/2006 to 124/2006**

Made: July 24, 2006

Filed: July 25, 2006

Nova Scotia Crop and Livestock Insurance Plan for Forage Production  
and Crop Insurance Weather Plan

Order in Council 2006-343 dated July 24, 2006

Repeal of regulations and amendments to regulations made by the Governor in Council  
pursuant to Section 6 of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated July 4, 2006, and pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased, effective on and after July 24, 2006, to approve

- (a) the repeal by the Nova Scotia Crop and Livestock Insurance Commission of the *Nova Scotia Crop and Livestock Insurance Plan for Forage Production*, N.S. Reg. 145/2000, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 2000-434 dated August 30, 2000; and
- (b) of new regulations respecting a crop insurance plan for weather made by the Nova Scotia Crop and Livestock Insurance Commission in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held January 24, 2006, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to

- (a) repeal the *Nova Scotia Crop and Livestock Insurance Plan for Forage Production*, N.S. Reg. 145/2000, made by the Nova Scotia Crop and Livestock Insurance Commission on March 29, 2000, and approved by the Governor in Council by Order in Council 2000-434 dated August 30, 2000; and **[N.S. Reg. 123/2006]**
- (b) make regulations respecting a crop insurance plan for weather events as set forth in the attached.

The repeal and new regulations are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, May 2, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**N.S. Reg. 124/2006**

Crop Insurance Weather Plan

**Regulations Respecting a Crop Insurance Plan for Weather Events  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

**Citation**

1 This plan may be cited as the *Crop Insurance Weather Plan*.

**Purpose**

2 The purpose of this plan is to provide for insurance against a loss in crops as a result of designated perils related to weather.

**Interpretation**

3 In this plan,

- (a) “Act” means the *Crop and Livestock Insurance Act*;
- (b) “contract of insurance” means a contract of insurance as set out in Section 6;
- (c) “crop year” means the period from May 1 to August 31 in the same year;
- (d) “designated peril” means a peril designated in Section 4;
- (e) “fodder crop” means a crop that is grown and managed to produce stored livestock feed and is accepted by the Commission for coverage under this plan, but does not include a pasture crop;
- (f) “forage crop” [means]
  - (i) a pasture crop, or
  - (ii) a fodder crop;
- (g) “pasture crop” means a crop of any mixture that is grown and managed for grazing livestock.

**Designated perils**

4 All of the following are designated as perils under this plan:

- (a) insufficient rainfall, as determined under Section 15;
- (b) extended periods of rain during the month of June in a crop year for fodder crops, as determined under Section 16.

**Application**

- 5 An application for a contract of insurance must be
- (a) on a Contract of Insurance Application Form provided by the Commission for this purpose;
  - (b) accompanied by the insured person's share of the total premium for the crop year; and
  - (c) filed with the Commission before the first day of the crop year for which the contract of insurance is to be in force.

**Contract of insurance**

- 6 (1) A contract of insurance consists of all of the following:
- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application filed under Section 5;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.

**Duration of contract**

- 7 A contract of insurance is in force for the crop year for which it is made.

**Insurance coverage limits**

- 8 (1) Except as provided in subsection (4), any insurable crop offered for insurance may be insured under this plan.
- (2) For forage crops, a person may apply to insure a pasture crop, a fodder crop or both types of crops, but pasture and fodder crops must be accounted for separately under a contract of insurance.
  - (3) The Commission may insure all or part of an insurable crop under this plan.
  - (4) A crop insured under any other plan under the Act is not insurable under this plan.

**Coverage periods**

- 9 (1) A crop is only insurable under this plan for the coverage period for the crop as set out in this Section, and no indemnity is available for a claim arising for loss occurring before or after the coverage period.
- (2) The coverage period for a fodder crop is one of the following, as selected by the person applying for insurance:
    - (a) from May 1 to June 30 in a crop year;
    - (b) from May 1 to July 31 in a crop year;
    - (c) from May 1 to August 31 in a crop year.
  - (3) The coverage period for a pasture crop or a forage crop that consists of both a pasture crop and a fodder crop is the period from May 1 to August 31 in a crop year.



**Established dollar-value-per-acre options**

- 10** (1) Before the beginning of each crop year, the Commission must establish and publish dollar-value-per-acre options for insurable crops.
- (2) An applicant for insurance under this plan must select one of the options established under subsection (1) as the dollar value per acre to be used for calculating premium and indemnity in their contract of insurance.

**Insured crop value**

- 11** (1) The Commission may measure an insured area by any method it considers appropriate.
- (2) The total crop value is calculated by multiplying the number of insured acres by the dollar value per acre for the crop under a contract of insurance.

**Premium**

- 12** (1) The base premium rates set by the Commission for insurance under this plan must be based on a methodology set by an actuary and approved by the Commission.
- (2) The premium may include premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the Act.
- (3) An additional premium surcharge must be applied to all insured areas of crops for which additional coverage for fodder crops, as provided for in Section 16, is included in a contract of insurance.
- (4) An applicant for insurance under this plan must pay their share of the total premium at the time they file their application.
- (5) The minimum premium payable by an insured person in a crop year is \$50.00.

**Designated weather stations**

- 13** (1) Before the beginning of each crop year, the Commission must designate weather stations to record weather data for the purpose of this Plan.
- (2) An applicant for insurance under this plan must select one of the designated weather stations as their choice for the weather station to be used for weather data used in calculating coverage and indemnity under their contract of insurance.
- (3) The Commission may assign a different designated weather station other than the one selected by the applicant to be the weather station to be used to for weather data used in calculating coverage and indemnity under the person's contract of insurance.
- (4) An insured person's designated weather station, as selected by the applicant or as assigned by the Commission, must be identified in their contract of insurance.
- (5) The Commission must notify an insured person in writing when the designated weather station identified in their contract of insurance differs from the weather station the person selected under subsection (2).

**Guaranteed rainfall**

- 14** The guaranteed rainfall under a contract of insurance is 80% of the long term average rainfall for the coverage period as recorded at the designated weather station identified in the person's contract of insurance.

**Evaluation of loss**

15 (1) The amount of an indemnity payable for insufficient rainfall is calculated by the following formula:

$$\text{WRL} \times \text{VPMR} \times 1.2$$

where: WRL = the total weighted rainfall loss for the coverage period determined from the monthly weighted rainfall losses and surpluses calculated under subsection (4), and

VPMR = the value per millimeter of rain determined under subsection (5).

- (2) The daily rainfall amount used to calculate monthly rainfall amounts and rainfall loss under a contract of insurance is capped at a maximum of 70 mm and the monthly rainfall amount used must be 130%, or less, of the long term average rainfall for that month recorded at the designated weather station identified in the person's contract of insurance.
- (3) The amount of rainfall loss under a contract of insurance must be calculated by subtracting the monthly rainfall amount, capped as set out in subsection (2), from the guaranteed rainfall for that month.
- (4) The monthly rainfall loss or surplus determined under subsection (3) must be multiplied by the following weighted factor:

Month	Weighted Factor
May	1.1
June	1
July	1
August	0.9

- (5) The value per millimeter of rain must be calculated by dividing the total crop value by the long-term average rainfall for the coverage period as recorded at the designated weather station identified in the insured person's contract of insurance.

**Additional coverage for fodder crops**

- 16 (1) In this Section, "rain day" means a day for which 5 mm or more of rainfall is recorded at the designated weather station identified in the insured person's contract of insurance.
- (2) An applicant for insurance under this plan may opt to purchase additional coverage for a fodder crop to cover a weather event consisting of 3 consecutive rain days recorded during June 1 to June 30 in a crop year.
- (3) The indemnity payable to an insured person under this Section is 20% multiplied by the dollar value per acre for the crop under their contract of insurance.
- (4) An insured person may only claim for 2 weather events under this Section in a crop year.
- (5) A rain day cannot be included in more than one weather event under this Section.

**Circumstances where contract of insurance does not apply**

17 The Commission may refuse to grant a contract of insurance or may cancel a contract of insurance with no indemnity payable if the Commission determines that a crop is

- (a) not adequately managed to produce a crop; or
- (b) not insurable.

**Claim release**

**18** Before a payment for an indemnity claimed under Section 15 or 16 is made, a Proof of Loss Form, and a Claim Release Form provided by the Commission for this purpose, must be signed by the insured person and received by the Commission.

**Arbitration**

**19** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party must notify the other party in writing no later than 90 days after the end of the crop year that the dispute be determined in accordance with the *Arbitration Proceedings Regulations* made under the Act.

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**N.S. Reg. 125/2006 to 137/2006**

Made: July 24, 2006

Filed: July 25, 2006

Crop and Livestock Insurance Forms Regulations  
and Crop insurance plans for various crops

Order in Council 2006-345 dated July 24, 2006

Repeal of regulations and amendments to regulations made by the Governor in Council pursuant to Section 6 of the *Crop and Livestock Insurance Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated July 4, 2006, and pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act*, is pleased to approve, effective on and after July 24, 2006:

- (a) the repeal by the Nova Scotia Crop and Livestock Insurance Commission of the *Crop and Livestock Insurance Forms Regulations*, N.S. Reg. 90/99, made by the Nova Scotia Crop and Livestock Insurance Commission on May 12, 1999, and approved by the Governor in Council by Order in Council dated September 14, 1999, as set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) the making by the Nova Scotia Crop and Livestock Insurance Commission of amendments to
  - (i) the *Crop Insurance Plan for Blueberries*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Commission on March 1, 2000, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation,
  - (ii) the *Crop Insurance Plan for Corn*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in Schedule "C" attached to and forming part of the report and recommendation,

- (iii) *The Nova Scotia Crop and Livestock Insurance Plan for Forage*, N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on August 13, 1993, and approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, in the manner set forth in Schedule “D” attached to and forming part of the report and recommendation,
- (iv) the *Crop Insurance Plan for Potatoes*, N.S. Reg. 114/2002, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 2002-407 dated September 13, 2002, in the manner set forth in Schedule “E” attached to and forming part of the report and recommendation,
- (v) the *Nova Scotia Crop and Livestock Insurance Plan for Raspberries*, N.S. Reg. 90/99, made by the Nova Scotia Crop and Livestock Insurance Commission on May 12, 1999, and approved by the Governor in Council by Order in Council 1999-440 dated September 14, 1999, in the manner set forth in Schedule “F” attached to and forming part of the report and recommendation,
- (vi) the *Crop Insurance Plan for Soybeans*, N.S. Reg. 51/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on November 1, 1999, and approved by the Governor in Council by Order in Council 2003-89 dated March 14, 2003, in the manner set forth in Schedule “G” attached to and forming part of the report and recommendation,
- (vii) the *Crop Insurance Plan for Spring Grain*, N.S. Reg. 50/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2003-88 dated March 14, 2003, in the manner set forth in Schedule “H” attached to and forming part of the report and recommendation,
- (viii) *The Nova Scotia Crop and Livestock Insurance Plan for Strawberries*, N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on February 21, 1994, and approved by the Governor in Council by Order in Council 95-21 dated January 6, 1995, in the manner set forth in Schedule “I” attached to and forming part of the report and recommendation,
- (ix) *The Nova Scotia Crop Insurance Plan for Tree Fruit*, N.S. Reg. 121/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on March 20, 2003, and approved by the Governor in Council by Order in Council 2003-268 dated June 20, 2003, in the manner set forth in Schedule “J” attached to and forming part of the report and recommendation,
- (x) *The Nova Scotia Crop Insurance Plan for Tree Insurance*, N.S. Reg. 14/95, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 95-63 dated January 24, 1995, in the manner set forth in Schedule “K” attached to and forming part of the report and recommendation,
- (xi) the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*, N.S. Reg. 192/2000, made by the Nova Scotia Crop and Livestock Insurance Commission on March 29, 2000, and approved by the Governor in Council by Order in Council 2000-571 dated November 17, 2000, in the manner set forth in Schedule “L” attached to and forming part of the report and recommendation, and
- (xii) the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on January 30, 2002, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in Schedule “M” attached to and forming part of the report and recommendation.

**N.S. Reg. 125/2006**

Crop and Livestock Insurance Forms Regulations

**Schedule "A"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to repeal the *Crop and Livestock Insurance Forms Regulations*, N.S. Reg. 90/99, made by the Nova Scotia Crop and Livestock Insurance Commission on May 12, 1999, and approved by the Governor in Council by Order in Council 1999-440 dated September 14, 1999.

This repeal is effective on and after the date it is approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**N.S. Reg. 126/2006**

Crop Insurance Plan for Blueberries

**Schedule "B"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Blueberries*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on March 1, 2000, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Blueberries*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 Clauses 3(1)(a) and (b) of the *Crop Insurance Plan for Blueberries*, N.S. Reg. 134/2002, made by the Crop and Livestock Insurance Commission on March 1, 2000, and approved by the Governor in Council

by Order in Council 2002-487 dated November 1, 2002, are repealed and the following clauses substituted:

- (a) “average insurable yield” means the average insurable yield of an insurable blueberry crop determined in accordance with subsection 10(3);
- (b) “contract of insurance” means a contract of insurance as set out in Section 7;

2 Section 6 of the plan is repealed and the following Section substituted:

**6** An application for a contract of insurance shall be

- (a) on a contract of insurance application form provided by the Commission for this purpose;
- (b) accompanied by a premium deposit of at least \$50; and
- (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.

3 Section 7 of the plan is repealed and the following Section substituted:

**7 (1)** A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
- (b) a completed application form filed under Section 6;
- (c) a copy of this plan.

**(2)** If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.

4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:

**(2)** The Commission may insure all or part of the acreage of blueberries offered for insurance coverage.

(2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):

**(3)** Upon application in writing by an insured person, the Commission may insure a blueberry crop on the basis of variety, area, agronomic practice or specified perils.

5 Section 10 of the plan and the immediately preceding heading are repealed and the following Section and heading substituted:

**Total guaranteed production**

**10 (1)** An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable blueberry crop for the purpose of determining the guaranteed production for that crop in a crop year.

- (2) The total guaranteed production for an insured blueberry crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured blueberry crop.
- (3) The average insurable yield of an insurable blueberry crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.

6 Section 11 of the plan is repealed and the following Section substituted:

- 11 (1) For each crop year, the Commission shall establish price options for each insurable blueberry crop and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.

7 (1) Subsection 13(1) of the plan is repealed and the following subsection substituted:

- 13 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.

(2) Subsection 13(5) of the plan is amended by striking out "\$20" and substituting "\$50".

8 Section 20 of the plan is repealed and the following Section substituted:

- 20 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

9 Section 22 of the plan is repealed and the following Section substituted:

- 22 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from an insured blueberry crop shall be filed with the Commission, on a proof of loss form provided by the Commission for that purpose, no later than 15 days after the earlier of
  - (a) the completion of harvesting of the insured crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

10 Section 23 of the plan is repealed and the following Section substituted:

- 23 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they

wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

## N.S. Reg. 127/2006

Crop Insurance Plan for Corn

### Schedule "C"

#### Nova Scotia Crop and Livestock Insurance Commission

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Corn*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Corn*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 (1) Clauses 3(1)(a) and (b) of the *Crop Insurance Plan for Corn*, N.S. Reg. 134/2002, made by the Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, are repealed and the following clauses substituted:
- (a) "average insurable yield" means the average insurable yield of an insurable corn crop determined in accordance with subsection 10(3);
  - (b) "contract of insurance" means a contract of insurance as set out in Section 7;
- (2) Subsection 3(1) of the plan is further amended by
- (a) striking out the period at the end of clause (i) and substituting a semi-colon; and
  - (b) adding the following clauses immediately after clause (i):
    - (j) "Zone 1" means the area of the Province that consists of the Municipality of the District of West Hants, Kings County and Annapolis County;
    - (k) "Zone 2" means all areas of the Province outside Zone 1.



2 Section 6 of the plan is repealed and the following Section substituted:

**6** An application for a contract of insurance shall be

- (a) on a contract of insurance application form provided by the Commission for this purpose;
- (b) accompanied by a premium deposit of at least \$50; and
- (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.

3 Section 7 of the plan is repealed and the following Section substituted:

**7 (1)** A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
- (b) a completed application form filed under Section 6;
- (c) a copy of this plan.

**(2)** If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.

4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:

**(2)** The Commission may insure all or part of the area of corn offered for insurance coverage.

(2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):

**(3)** Upon application in writing by an insured person, the Commission may insure a corn crop on the basis of variety, area, agronomic practice or specified perils.

5 Section 10 of the plan and the immediately preceding heading are repealed and the following Section and heading substituted:

**Total guaranteed production**

**10 (1)** An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable corn crop for the purpose of determining the guaranteed production for that crop in a crop year.

**(2)** The total guaranteed production for an insured corn crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured corn crop.

- (3) The average insurable yield of an insurable corn crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.

6 Section 11 of the plan is repealed and the following Section substituted:

- 11 (1) For each crop year, the Commission shall establish price options for each insurable corn crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.

7 (1) Subsection 13(1) of the plan is repealed and the following subsection substituted:

- 13 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.

(2) Subsection 13(4) of the plan is amended by striking out "\$20" and substituting "\$50".

8 Subsection 15(1) of the plan is repealed and the following subsection substituted:

- 15 (1) No later than 10 days after the final planting date, an insured person shall file a final seeding report with the Commission on a seeding report form provided by the Commission for this purpose.

9 Section 17 of the plan is repealed and the following Section substituted:

- 17 (1) The final date for planting corn shall be June 15 in Zone 1 and June 8 in Zone 2.
- (2) Despite subsection (1), the Commission may insure any area of corn planted up to 7 days after the final planting date, but shall reduce the coverage on that area by 5% for each day after the final planting date that the area remains unplanted.

10 Section 23 of the plan is repealed and the following Section substituted:

- 23 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report with the Commission on a harvest yield report form provided by the Commission for this purpose.

11 Section 30 of the plan is repealed and the following Section substituted:

- 30 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from an insured corn crop shall be filed with the Commission, on a proof of loss form provided by the Commission for that purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured corn crop; and
- (b) the end of the crop year in which the loss occurred.

- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

12 Section 31 of the plan is repealed and the following substituted:

- 31 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

### **N.S. Reg. 128/2006**

The Nova Scotia Crop and Livestock Insurance Plan for Forage

#### **Schedule "D"**

#### **Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend *The Nova Scotia Crop and Livestock Insurance Plan for Forage*, N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on August 13, 1993, and approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

#### **Amendment to *The Nova Scotia Crop and Livestock Insurance Plan for Forage* made pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989, the *Crop and Livestock Insurance Act***

1 Section 6 of *The Nova Scotia Crop and Livestock Insurance Plan for Forage*, N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on August 13, 1993, and approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, is repealed and the following Section substituted:

- 6 (1) For the purpose of this plan, a contract of insurance consists of all of the following:
- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 7;
  - (c) a copy of this plan.

- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.
- 2 Section 10 of the plan is amended by adding the following subsection immediately after subsection (3):
- (4) Despite subsections (1) and (2), upon application in writing by an insured person, the Commission may insure a forage crop to allow for claim adjusting at less than the whole-farm level.
- 3 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1) For each crop year, the Commission shall establish price options for each insurable forage crop and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 4 Section 12 of the plan is repealed and the following Section substituted:
- 12 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- (2) Subject to subsection (3), the premium payable by an insured person shall be reduced by any payments for premium made by the Government of Canada under the *Farm Income Protection Act* (Canada) or the Province of Nova Scotia under the *Crop and Livestock Insurance Act*.
- (3) The minimum premium payable by an insured person in each crop year is \$50.
- (4) An applicant for insurance under this plan shall pay their share of the total premium at the time they file their application.
- 5 Section 16 of the plan is repealed and the following Section substituted:
- 16 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 129/2006**

## Crop Insurance Plan for Potatoes

**Schedule "E"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Potatoes*, N.S. Reg. 114/2002, made by the

Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 2002-407 dated September 13, 2002, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Potatoes*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 (1) Clauses 3(1)(a) and (b) of the *Crop Insurance Plan for Potatoes*, N.S. Reg. 114/2002, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 2002-407 dated September 13, 2002, are repealed and the following clauses substituted:
  - (a) “average insurable yield” means the average insurable yield of an insurable potato crop determined in accordance with subsection 10(3);
  - (b) “contract of insurance” means a contract of insurance as set out in Section 7;
- (2) Subsection 3(1) of the plan is further amended by
  - (a) striking out the period at the end of clause (f) and substituting a semi-colon; and
  - (b) adding the following clauses immediately after clause (f):
    - (g) “Zone 1” means the area of the Province that consists of the Municipality of the District of West Hants, Kings County and Annapolis County;
    - (h) “Zone 2” means all areas of the Province outside Zone 1.
- 2 Section 6 of the plan is repealed and the following Section substituted:
  - 6** An application for a contract of insurance shall be
    - (a) on a contract of insurance application form provided by the Commission for this purpose;
    - (b) accompanied by a premium deposit of at least \$50; and
    - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
  - 7 (1)** A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended, and a copy of the amendment shall be delivered to the insured person.
- 4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:
- (2) The Commission may insure all or part of the area of potatoes offered for insurance coverage
- (2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):
- (3) Upon application in writing by an insured person, the Commission may insure a potato crop on the basis of variety, area, agronomic practice or specified perils.
- 5 Section 10 of the plan and the immediately preceding heading are repealed and the following heading and Section substituted:
- Total guaranteed production**
- 10 (1)** An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable potato crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured potato crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured potato crop.
- (3) The average insurable yield of an insurable potato crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1)** Subject to subsection (2), for each crop year, the Commission shall establish price options for each insurable potato crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) The Commission shall not establish a price option that is greater than the base price established by contract for the sale of a potato crop.
- (3) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 Subsection 13(1) of the plan is repealed and the following subsection substituted:

- 13 (1)** The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- 8 Subsection 15(1) of the plan is repealed and the following subsection substituted:
- 15 (1)** No later than 10 days after the final planting date, an insured person shall file a final seeding report with the Commission on a seeding report form provided by the Commission for this purpose.
- 9 Section 17 of the plan is repealed and the following Section substituted:
- 17 (1)** The final date for planting potatoes shall be June 15 in Zone 1 and June 8 in Zone 2.
- (2)** Despite subsection (1), the Commission may insure any area of potato planted up to 7 days after the final planting date, but shall reduce the coverage on that area by 5% for each day after the final planting date that the area remains unplanted.
- 10 Section 22 of the plan is repealed and the following Section substituted:
- 22** No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.
- 11 Section 28 of the plan is repealed and the following Section substituted:
- 28 (1)** Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a potato crop shall be filed with the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured potato crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2)** Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.
- 12 Section 29 of the plan is repealed and the following Section substituted:
- 29** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 130/2006**

Nova Scotia Crop and Livestock Insurance Plan for Raspberries

**Schedule "F"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Nova Scotia Crop and Livestock Insurance Plan for Raspberries*, N.S. Reg. 90/99, made by the Nova Scotia Crop and Livestock Insurance Commission on May 12, 1999, and approved by the Governor in Council by Order in Council 1999-440 dated September 14, 1999, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Nova Scotia Crop and Livestock Insurance Plan for Raspberries*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 Clauses 3(1)(a) and (b) of the *Nova Scotia Crop and Livestock Insurance Plan for Raspberries*, N.S. Reg. 90/99, made by the Nova Scotia Crop and Livestock Insurance Commission on May 12, 1999, and approved by the Governor in Council by Order in Council 1999-440 dated September 14, 1999, are repealed and the following clauses substituted:
  - (a) "average insurable yield" means the average insurable yield of an insurable raspberry crop determined in accordance with subsection 9A(3);
  - (b) "contract of insurance" means a contract of insurance as set out in Section 7;
- 2 Section 6 of the plan is repealed and the following Section substituted:
  - 6 An application for a contract of insurance shall be
    - (a) on a contract of insurance application form provided by the Commission for this purpose;
    - (b) accompanied by a premium deposit of at least \$50; and
    - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
  - 7 (1) A contract of insurance consists of all of the following:



- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.
- 4 Subsections 9(2) and (3) of the plan are repealed and the following subsections substituted:
- (2) The Commission may insure all or part of the acreage of raspberries offered for insurance coverage.
  - (3) Upon application in writing by an insured person, the Commission may insure a raspberry crop on the basis of variety, area, agronomic practice or specified perils.
- 5 The plan is further amended by adding the following heading and Section immediately after Section 9:
- Total guaranteed production**
- 9A (1)** An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable raspberry crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured raspberry crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured raspberry crop.
  - (3) The average insurable yield of an insurable raspberry crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 10 of the plan is repealed and the following Section substituted:
- 10 (1)** For each crop year, the Commission shall establish price options for each insurable raspberry crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 Subsection 12(1) of the plan is repealed and the following subsection substituted:
- 12 (1)** The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- 8 Section 18 of the plan is repealed and the following Section substituted:
- 18** No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

9 Section 20 of the plan is repealed and the following Section substituted:

- 20 (1)** Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a raspberry crop shall be made to the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2)** Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

10 Section 21 of the plan is repealed and the following Section substituted:

- 21** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

### **N.S. Reg. 131/2006**

Crop Insurance Plan for Soybeans

#### **Schedule "G"**

#### **Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Soybeans*, N.S. Reg. 51/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on November 1, 1999, and approved by the Governor in Council by Order in Council 2003-89 dated March 14, 2003, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Soybeans*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 (1) Clauses 3(1)(a) and (b) of the *Crop Insurance Plan for Soybeans*, N.S. Reg. 51/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on November 1, 1999, and approved by the

Governor in Council by Order in Council 2003-89 dated March 14, 2003, are repealed and the following clauses substituted:

- (a) “average insurable yield” means the average insurable yield of an insurable soybean crop determined in accordance with subsection 10(3);
- (b) “contract of insurance” means a contract of insurance as set out in Section 7;
- (2) Clause 3(1)(e) of the plan is amended by striking out “all varieties of soybeans” and substituting “all varieties of soybeans, sunflowers and canola”.
- (3) Subsection 3(1) of the plan is further amended by
  - (a) striking out the period at the end of clause (f) and substituting a semi-colon; and
  - (b) adding the following clauses immediately after clause (f):
    - (g) “Zone 1” means the area of the Province that consists of the Municipality of the District of West Hants, Kings County and Annapolis County;
    - (h) “Zone 2” means all areas of the Province outside Zone 1.

2 Section 6 of the plan is repealed and the following Section substituted:

- 6** An application for a contract of insurance shall be
- (a) on a contract of insurance application form provided by the Commission for this purpose;
  - (b) accompanied by a premium deposit of at least \$50; and
  - (c) filed with the Commission no later than May 1 in advance of the first crop year for which the contract of insurance is to be in force.

3 Section 7 of the plan is repealed and the following Section substituted:

- 7** (1) A contract of insurance consists of all of the following:
- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended, and a copy of the amendment shall be delivered to the insured person.

4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:

- (2) The Commission may insure all or part of the area of soybeans offered for insurance coverage
- (2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):
- (3) Upon application in writing by an insured person, the Commission may insure a soybean crop on the basis of variety, area, agronomic practice or specified perils.
- 5 Section 10 of the plan and the immediately preceding heading are repealed and the following heading and Section substituted:

**Total guaranteed production**

- 10 (1) An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable soybean crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured soybean crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured soybean crop.
- (3) The average insurable yield of an insurable soybean crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1) For each crop year, the Commission shall establish price options for each insurable soybean crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 Subsection 13(1) of the plan is repealed and the following subsection substituted:
- 13 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- 8 Subsection 15(1) of the plan is repealed and the following subsection substituted:
- 15 (1) No later than 10 days after the final planting date, an insured person shall file a final seeding report with the Commission on a seeding report form provided by the Commission for this purpose.
- 9 Section 17 of the plan is repealed and the following Section substituted:
- 17 (1) The final date for planting soybeans shall be June 15 in Zone 1 and June 8 in Zone 2.
- (2) Despite subsection (1), the Commission may insure any area of soybeans planted up to 7 days after the final planting date, but shall reduce the coverage on that area by 5% for each day after the final planting date that the area remains unplanted.

10 Section 23 of the plan is repealed and the following Section substituted:

**23** No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

11 Section 30 of the plan is repealed and the following Section substituted:

**30 (1)** Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a soybean crop shall be filed with the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of

(a) the completion of harvesting of the insured soybean crop; and

(b) the end of the crop year in which the loss occurred.

**(2)** Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

12 Section 31 of the plan is repealed and the following Section substituted:

**31** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

### **N.S. Reg. 132/2006**

Crop Insurance Plan for Spring Grain

#### **Schedule "H"**

#### **Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Spring Grain*, N.S. Reg. 50/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2003-88 dated March 14, 2003, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Spring Grain*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 (1) Clauses 3(1) (a) and (b) of the *Crop Insurance Plan for Spring Grain*, N.S. Reg. 50/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on June 27, 2001, and approved by the Governor in Council by Order in Council 2003-88 dated March 14, 2003, are repealed and the following clauses substituted:
- (a) “average insurable yield” means the average insurable yield of an insurable spring grain crop determined in accordance with subsection 10(3);
  - (b) “contract of insurance” means a contract of insurance as set out in Section 7;
- (2) Subsection 3(1) of the plan 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 clauses immediately after clause (h):
    - (i) “Zone 1” means the area of the Province that consists of the Municipality of the District of West Hants, Kings County and Annapolis County;
    - (j) “Zone 2” means all areas of the Province outside Zone 1.
- 2 Section 6 of the plan is repealed and the following Section substituted:
- 6** An application for a contract of insurance shall be
- (a) on a contract of insurance application form provided by the Commission for this purpose;
  - (b) accompanied by a premium deposit of at least \$50; and
  - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
- 7** (1) A contract of insurance consists of all of the following:
- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended, and a copy of the amendment shall be delivered to the insured person.

- 4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:
- (2) The Commission may insure all or part of the area of spring grain offered for insurance coverage
- (2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):
- (3) Upon application in writing by an insured person, the Commission may insure a spring grain crop on the basis of variety, area, agronomic practice or specified perils.
- 5 Section 10 of the plan and the immediately preceding heading are repealed and the following heading and Section substituted:

**Total guaranteed production**

- 10 (1)** An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable spring grain for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured spring grain crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured spring grain crop.
- (3) The average insurable yield of an insurable spring grain crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1)** For each crop year, the Commission shall establish price options for each insurable spring grain crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) For pedigreed seed, the price options shall be increased by \$25 per tonne.
- (3) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 (1) Subsection 13(1) of the plan is repealed and the following subsection substituted:
- 13 (1)** The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- (2) Subsection 13(4) of the plan is repealed and the following subsection substituted:
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$50.
- 8 Subsection 15(1) of the plan is repealed and the following subsection substituted:

- 15 (1) No later than 10 days after the final planting date, an insured person shall file a final seeding report with the Commission on a seeding report form provided by the Commission for this purpose.
- 9 Section 17 of the plan is repealed and the following Section substituted:
- 17 (1) The final date for planting spring grain shall be June 15 in Zone 1 and June 8 in Zone 2.
- (2) Despite subsection (1), the Commission may insure any area of spring grain planted up to 7 days after the final planting date, but shall reduce the coverage on that area by 5% for each day after the final planting date that the area remains unplanted.
- 10 Section 23 of the plan is repealed and the following Section substituted:
- 23 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.
- 11 Section 30 of the plan is repealed and the following Section substituted:
- 30 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a spring grain crop shall be filed with the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured spring grain crop; and
- (b) the end of the crop year in which the loss occurred.
- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.
- 12 Section 31 of the plan is repealed and the following Section substituted:
- 31 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 133/2006**

The Nova Scotia Crop and Livestock Insurance Plan for Strawberries

**Schedule "I"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend *The Nova Scotia Crop and Livestock Insurance Plan for Strawberries*,



N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on February 21, 1994, and approved by the Governor in Council by Order in Council 95-21 dated January 6, 1995, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to *The Nova Scotia Crop and Livestock Insurance Plan for Strawberries*  
made pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

1 Section 3 of *The Nova Scotia Crop and Livestock Insurance Plan for Strawberries*, N.S. Reg. 6/95, made by the Nova Scotia Crop and Livestock Insurance Commission on February 21, 1994, and approved by the Governor in Council by Order in Council 95-21 dated January 3, 1995, is repealed and the following Section substituted:

3 (1) In this plan,

- (a) “average insurable yield” means the average insurable yield of an insurable strawberry crop determined in accordance with subsection 9A(3);
- (b) “contract of insurance” means a contract of insurance as set out in Section 7;
- (c) “strawberries” means varieties of strawberries accepted by the Commission for insurance coverage.

(2) For conversion purposes, a quart of strawberries weighs 0.6237 kg (1.375 lbs. or 22 oz.) and 1 kg equals 2.2046 pounds.

2 Section 6 of the plan is repealed and the following Section substituted:

6 An application for a contract of insurance shall be

- (a) on a contract of insurance application form provided by the Commission for this purpose;
- (b) accompanied by a premium deposit of at least \$50; and
- (c) filed with the Commission before November 15 in the first crop year for which the contract of insurance is to be in force.

3 Section 7 of the plan is repealed and the following heading and Section substituted:

**Contract of insurance**

7 (1) A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.

4 Section 9 of the plan is repealed and the following Section substituted:

- 9** (1) All the area of strawberries owned or operated by an insured person and to be harvested shall be offered for insurance coverage.
- (2) The Commission may insure all or part of the area offered for insurance coverage.
- (3) Upon application in writing by an insured person, the Commission may insure a strawberry crop on the basis of variety, area, agronomic practice or specified perils.

5 The plan is further amended by adding the following heading and Section immediately after Section 9:

**Total guaranteed production**

- 9A** (1) An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable strawberry crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured strawberry crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured strawberry crop.
- (3) The average insurable yield of an insurable strawberry crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.

6 Section 10 of the plan is repealed and the following Section substituted:

- 10** (1) For each crop year, the Commission shall establish price options for each insurable strawberry crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.

7 Section 12 of the plan is repealed and the following Section substituted:

- 12** (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- (2) The base premium rate shall be adjusted by giving a discount when indemnity is less than total premiums paid or adding a surcharge when indemnity exceeds total premiums, and adjustments shall be calculated using the following formula:

$$(LR-1) \times (n \div (20+n))$$

where "LR" equals total indemnity divided by total premiums and "n" equals the number of years insured in the plan.

- (3) Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$50.
- (5) The premium determined under subsections (1) to (3) includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the *Crop and Livestock Insurance Act*.

8 Section 19 of the plan is repealed and the following Section substituted:

**19** No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

9 The plan is further amended by adding the following Section immediately after Section 19:

**Notice of claim**

**19A (1)** Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a strawberry crop shall be made to the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of

- (a) the completion of harvesting of the insured strawberry crop; and
- (b) the end of the crop year in which the loss occurred.

(2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

10 Section 20 of the plan is repealed and the following Section substituted:

**20** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 134/2006**

## Crop Insurance Plan for Tree Fruit

**Schedule "J"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *The Nova Scotia Crop Insurance Plan for Tree Fruit*, N.S. Reg. 121/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on March 20, 2003, and approved by the Governor in Council by Order in Council 2003-268 dated June 20, 2003, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to *The Nova Scotia Crop Insurance Plan for Tree Fruit*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 Clauses 3(1)(a) and (b) of *The Nova Scotia Crop and Livestock Insurance Plan for Tree Fruit*, N.S. Reg. 121/2003, made by the Nova Scotia Crop and Livestock Insurance Commission on March 20, 2003, and approved by the Governor in Council by Order in Council 2004-176 dated April 8, 2004, effective April 1, 2004, are repealed and the following clauses substituted:
  - (a) "average insurable yield" means the average insurable yield of an insurable tree fruit crop determined in accordance with subsection 10(3);
  - (b) "contract of insurance" means a contract of insurance as set out in Section 7;
- 2 Section 6 of the plan is repealed and the following Section substituted:
  - 6 An application for a contract of insurance shall be
    - (a) on a contract of insurance application form provided by the Commission for this purpose;
    - (b) accompanied by a premium deposit of at least \$50; and
    - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
  - 7 (1) A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.
- 4 Section 9 of the plan is amended by adding the following subsection immediately after subsection (4):
- (5) Upon application in writing by an insured person, the Commission may insure a tree fruit crop on the basis of variety, area, agronomic practice or specified perils.
- 5 Section 10 of the plan and the immediately preceding heading are repealed and the following heading and Section substituted:

**Total guaranteed production**

- 10 (1) An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable tree fruit crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured tree fruit crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured tree fruit crop.
- (3) The average insurable yield of an insurable tree fruit crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1) For each crop year, the Commission shall establish price options for each insurable tree fruit crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) Subject to subsection (3), an insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- (3) The price option selected by an insured person as the established price shall not exceed the actual average price received by the insured person for their insurable tree fruit crop over the immediately preceding 2 years.
- 7 Section 14 of the plan is repealed and the following Section substituted:
- 14 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.

- (2) The base premium rate shall be adjusted by giving a discount when indemnity is less than total premiums paid or adding a surcharge when indemnity exceeds total premiums, and adjustments shall be calculated using the following formula:

$$(LR-1) \times (n \div (20+n))$$

where "LR" equals total indemnity divided by total premiums and "n" equals the number of years insured in the plan.

- (3) Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$50.
- (5) The premium determined under subsections (1), (2) and (3) includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the *Crop and Livestock Insurance Act*.

8 Section 20 of the plan is repealed and the following Section substituted:

- 20 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

9 Section 22 of the plan is repealed and the following Section substituted:

- 22 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a tree fruit crop shall be made to the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured tree fruit crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

10 Section 28 of the plan is repealed and the following Section substituted:

- 28 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 135/2006**

The Nova Scotia Crop and Livestock Insurance Plan for Tree Insurance

**Schedule "K"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend *The Nova Scotia Crop and Livestock Insurance Plan for Tree Insurance*, N.S. Reg. 14/95, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 95-63 dated January 24, 1995, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to *The Nova Scotia Crop and Livestock Insurance Plan for Tree Insurance*  
made pursuant to Section 6 of Chapter 113 of the Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

1 Section 5 of *The Nova Scotia Crop and Livestock Insurance Plan for Tree Insurance*, N.S. Reg. 14/95, made by the Nova Scotia Crop and Livestock Insurance Commission and approved by the Governor in Council by Order in Council 95-63 dated January 24, 1995, is repealed and the following Section substituted:

- 5 (1) A contract of insurance consists of all of the following:
- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
  - (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended and a copy of the amendment shall be delivered to the insured person.

2 Section 6 of the plan is repealed and the following heading and Section substituted:

**Application**

6 An application for a contract of insurance shall be

- (a) on a contract of insurance application form provided by the Commission for this purpose;
- (b) accompanied by the insured person's share of the total premium; and

- (c) filed with the Commission no later than December 1 in the first crop year for which the contract of insurance is to be in force.

3 Section 9 of the plan is repealed and the following heading and Section substituted:

**Eligibility**

- 9 (1)** The Commission shall determine the eligibility of trees for coverage under this plan.
- (2)** If an applicant has both apple and pear trees and does not wish to insure both kinds of trees, only the trees making up the highest percentage of trees in the tree fruit orchard are eligible for tree insurance under this plan.
- (3)** At the time of filing an application for tree insurance, the applicant shall indicate the number of apple and pear trees owned or leased by the applicant.
- (4)** Trees planted before June 1 in a crop year are eligible for coverage in the fall of that crop year if their total terminal growth exceeds 46 cm.
- (5)** A new grower who has immature trees that are not yet producing is eligible for tree insurance under this plan if they own 500 trees or more.

4 Section 10 of the plan is repealed and the following Section substituted:

- 10 (1)** The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- (2)** The premium determined under subsection (1) includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the *Crop and Livestock Insurance Act*.

5 Section 11 of the plan is repealed and the following Section substituted:

- 11 (1)** For each crop year, the Commission shall establish insurable values for each insurable tree, considering tree age and planting density, and shall announce these values to insured persons before the beginning of the crop year.
- (2)** The Commission shall use the insurable values to calculate premium and indemnity in contracts of insurance for insurable trees.
- (3)** If in a crop year the number of trees owned or leased by an insured person is greater or less than the number of trees they had insured under this plan in the immediately preceding crop year, the insured person shall report the change to the Commission.

6 Section 14 of the plan is repealed and the following Section substituted:

- 14** If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.



**N.S. Reg. 136/2006**

Nova Scotia Crop and Livestock Insurance Plan for Vegetables

**Schedule "L"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*, N.S. Reg. 192/2000, made by the Nova Scotia Crop and Livestock Insurance Commission on March 29, 2000, and approved by the Governor in Council by Order in Council 2000-571 dated November 17, 2000, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 Clauses 3(1)(a) and (b) of the *Nova Scotia Crop and Livestock Insurance Plan for Vegetables*, N.S. Reg. 192/2000, made by the Nova Scotia Crop and Livestock Insurance Commission on March 29, 2000, and approved by the Governor in Council by Order in Council 2000-571 dated November 17, 2000, are repealed and the following clauses substituted:
  - (a) "average insurable yield" means the average insurable yield of an insurable vegetable crop determined in accordance with subsection 9A(3);
  - (b) "contract of insurance" means a contract of insurance as set out in Section 7;
- 2 Section 6 of the plan is repealed and the following Section substituted:
  - 6 An application for a contract of insurance shall be
    - (a) on a contract of insurance application form provided by the Commission for this purpose;
    - (b) accompanied by a premium deposit of at least \$50; and
    - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
  - 7 (1) A contract of insurance consists of all of the following:

- (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;
    - (b) a completed application form filed under Section 6;
    - (c) a copy of this plan.
  - (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended, and a copy of the amendment shall be delivered to the insured person.
- 4 Section 9 of the plan is repealed and the following Section substituted:
- 9
- (1) All the area of vegetables owned or operated by an insured person and to be harvested shall be offered for insurance coverage.
  - (2) The Commission may insure all or part of the area of vegetables offered for insurance coverage
  - (3) Upon application in writing by an insured person, the Commission may insure a vegetable crop on the basis of variety, area, agronomic practice or specified perils.
- 5 The plan is further amended by adding the following heading and Section immediately after Section 9:
- Total guaranteed production**
- 9A
- (1) An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable vegetable crop for the purpose of determining the guaranteed production for that crop in a crop year.
  - (2) The total guaranteed production for an insured vegetable crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured vegetable crop.
  - (3) The average insurable yield of an insurable vegetable crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 10 of the plan is repealed and the following Section substituted:
- 10
- (1) For each crop year, the Commission shall establish price options for each insurable vegetable crop, and shall announce these options to insured persons before the beginning of the crop year.
  - (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 Section 12 of the plan is repealed and the following Section substituted:
- 12
- (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.

- (2) The base premium rate shall be adjusted by giving a discount when indemnity is less than total premiums paid or adding a surcharge when indemnity exceeds total premiums, and adjustments shall be calculated using the following formula:

$$(LR-1) \times (n \div (20+n))$$

where "LR" equals total indemnity divided by total premiums and "n" equals the number of years insured in the plan.

- (3) Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$50.
- (5) The premium determined under subsections (1) to (3) includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the *Crop and Livestock Insurance Act*.

8 Section 19 of the plan is repealed and the following Section substituted:

- 19 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

9 Section 21 of the plan is repealed and the following Section substituted:

- 21 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a vegetable crop shall be filed with the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
- (a) the completion of harvesting of the insured vegetable crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

10 Section 22 of the plan is repealed and the following Section substituted:

- 22 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 137/2006**

Crop Insurance Plan for Winter Grain

**Schedule "M"****Nova Scotia Crop and Livestock Insurance Commission**

I certify that at a meeting held November 8, 2005, the Nova Scotia Crop and Livestock Insurance Commission passed a motion to amend the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on January 30, 2002, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, in the manner set forth in the attached.

The amendments are effective on and after the date they are approved by the Governor in Council.

Dated and signed at Truro, Nova Scotia, April 26, 2006.

Crop and Livestock Insurance Commission

per: Sgd.: *Gerald Post*  
Gerald Post, Manager

**Amendment to the *Crop Insurance Plan for Winter Grain*  
made pursuant to Section 6 of Chapter 113 of the  
Revised Statutes of Nova Scotia, 1989,  
the *Crop and Livestock Insurance Act***

- 1 Clauses 3(a) and (b) of the *Crop Insurance Plan for Winter Grain*, N.S. Reg. 134/2002, made by the Nova Scotia Crop and Livestock Insurance Commission on January 30, 2002, and approved by the Governor in Council by Order in Council 2002-487 dated November 1, 2002, are repealed and the following clauses substituted:
  - (a) "average insurable yield" means the average insurable yield of an insurable winter grain crop determined in accordance with subsection 10(3);
  - (b) "contract of insurance" means a contract of insurance as set out in Section 7;
- 2 Section 6 of the plan is repealed and the following Section substituted:
  - 6 An application for a contract of insurance shall be
    - (a) on a contract of insurance application form provided by the Commission for this purpose;
    - (b) accompanied by a premium deposit of at least \$50; and
    - (c) filed with the Commission before the first day of the first crop year for which the contract of insurance is to be in force.
- 3 Section 7 of the plan is repealed and the following Section substituted:
  - 7 (1) A contract of insurance consists of all of the following:
    - (a) a Contract of Insurance in Form 1 of the regulations respecting general (field crop) insurance made under the Act;

- (b) a completed application form filed under Section 6;
  - (c) a copy of this plan.
- (2) If a document referred to in subsection (1) is subsequently amended while the contract of insurance is still in force, the contract of insurance remains in force as amended, and a copy of the amendment shall be delivered to the insured person.
- 4 (1) Section 9 of the plan is amended by repealing subsection (2) and substituting the following subsection:
- (2) The Commission may insure all or part of the area of winter grain offered for insurance coverage
- (2) Section 9 of the plan is further amended by adding the following subsection immediately after subsection (2):
- (3) Upon application in writing by an insured person, the Commission may insure a winter grain crop on the basis of variety, area, agronomic practice or specified perils.
- 5 Section 10 of the plan and the immediately preceding heading are repealed and the following heading and Section substituted:

**Total guaranteed production**

- 10 (1) An insured person shall select a coverage level of 70%, 80%, 85% or 90% of the average insurable yield of an insurable winter grain crop for the purpose of determining the guaranteed production for that crop in a crop year.
- (2) The total guaranteed production for an insured winter grain crop shall be determined by multiplying the selected coverage level by the average insurable yield for the total area of that insured winter grain crop.
- (3) The average insurable yield of an insurable winter grain crop is the potential production of that crop as determined by the Commission from the insured person's yield records, subject to a methodology developed by an actuary and approved by the Commission.
- 6 Section 11 of the plan is repealed and the following Section substituted:
- 11 (1) For each crop year, the Commission shall establish price options for each insurable winter grain crop, and shall announce these options to insured persons before the beginning of the crop year.
- (2) An insured person shall select one of the price options as the established price to be used for calculating premium and indemnity in their contract of insurance.
- 7 Section 13 of the plan is repealed and the following Section substituted:
- 13 (1) The base premium rate shall be based on a methodology set by an actuary and approved by the Commission.
- (2) The base premium rate shall be adjusted by giving a discount when indemnity is less than total premiums paid or adding a surcharge when indemnity exceeds total premiums, and adjustments shall be calculated using the following formula:

$(LR-1) \times (n \div (20+n))$

where "LR" equals total indemnity divided by total premiums and "n" equals the number of years insured in the plan.

- (3) Despite subsection (2), the maximum discount shall be 50% and the maximum surcharge shall be 100%.
- (4) Despite subsections (1), (2) and (3), the minimum annual premium payable by an insured person in each crop year is \$50.
- (5) The premium determined under subsections (1) to (3) includes premium payments made by the Government of Canada under the *Farm Income Protection Act* (Canada) and the Province under the *Crop and Livestock Insurance Act*.

8 Subsection 15(1) of the plan is repealed and the following subsection substituted:

- 15 (1) No later than 10 days after the final planting date, an insured person shall file a final seeding report with the Commission on a seeding report form provided by the Commission for this purpose.

9 Section 23 of the plan is repealed and the following Section substituted:

- 23 No later than 15 days after the completion of harvest, an insured person shall file a harvest yield report on a harvest yield report form provided by the Commission for this purpose.

10 Section 29 of the plan is repealed and the following Section substituted:

- 29 (1) Despite subsection 12(1) of the Terms and Conditions of Form 1 of the regulations respecting general (field crops) insurance, which specifies a 60-day filing period, a claim for an indemnity payable due to a reduction of yield from a winter grain crop shall be filed with the Commission, on a proof of loss form provided by the Commission for this purpose, no later than 15 days after the earlier of
  - (a) the completion of harvesting of the insured winter grain crop; and
  - (b) the end of the crop year in which the loss occurred.
- (2) Before a payment is made for an indemnity claimed, a claim release form provided by the Commission for this purpose must be received by the Commission.

11 Section 30 of the plan is repealed and the following Section substituted:

- 30 If the Commission and an insured person fail to resolve any dispute arising out of the adjustment of loss under a contract of insurance, and the requirements of the regulations made under the Act respecting the filing of a proof of loss form are complied with, and either party wishes the dispute determined by arbitration, that party shall notify the other party and the Crop and Livestock Insurance Arbitration Board in writing no later than 90 days after the end of the crop year that they wish the dispute to be determined in accordance with the requirements of the *Arbitration Proceedings Regulations* made under the Act.

**N.S. Reg. 138/2006 to 142/2006**

Made: July 24, 2006

Filed: July 25, 2006

Designation of Washabuck River, River Inhabitants, Roman Valley and Abraham Nature Reserves and Tusket River Ecological Site Designation

Order in Council 2006-351 dated July 24, 2006

Regulations and amendment to regulations made by the Minister of Environment of Labour and approved by the Governor in Council pursuant to Section 14 of the *Special Places Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour, dated July 11, 2006, and pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, is pleased, effective on and after July 24, 2006, to

- (a) approve the following new ecological site designations by the Minister of Environment and Labour:
  - (i) an ecological site to be known as Washabuck River Nature Reserve, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation;
  - (ii) an ecological site to be known as River Inhabitants Nature Reserve, in the form set forth in Schedule "B" attached to and forming part of the report and recommendation;
  - (iii) an ecological site to be known as Roman Valley Nature Reserve, in the form set forth in Schedule "C" attached to and forming part of the report and recommendation;
  - (iv) an ecological site to be known as Abraham Lake Nature Reserve, in the form set forth in Schedule "D" attached to and forming part of the report and recommendation; and
- (b) approve of an amendment to the Tusket River Ecological Site Designation, N.S. Reg. 78/2003, made by the Minister of Education and approved by the Governor in Council by Order in Council 89-587 dated May 23, 1989, to add certain lands to be included as part of the Tusket River Ecological Site, in the manner set forth in Schedule "E" attached to and forming part of the report and recommendation.

**N.S. Reg. 138/2006**

Designation of Washabuck River Nature Reserve

**Schedule "A"**

**In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act***

**- and -**

**In the matter of the designation of an ecological site near South Cove, Victoria County, to be known as the Washabuck River Nature Reserve**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map in Appendix B, attached to and forming part of

this order, as an ecological site, to be known as Washabuck River Nature Reserve.

The written consent of the landowner has been granted and has been filed with the Department of Environment and Labour.

This designation is effective on and after the date it is published in the Royal Gazette, except that the designation is not effective on that portion of the land subject to mineral exploration licence number 05728, or any valid continuation of title, issued to Jubilee Minerals Limited or its successor as ratified under Chapter 18 of the Acts of 1990, the *Mineral Resources Act*, until the date upon which the licence or any valid continuation of title no longer applies to the land as a result of the surrender, abandonment, forfeiture, expiration, cancellation or termination of the licence.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 11/06, 2006.

Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

## Appendix A

### Washabuck River Nature Reserve - Description

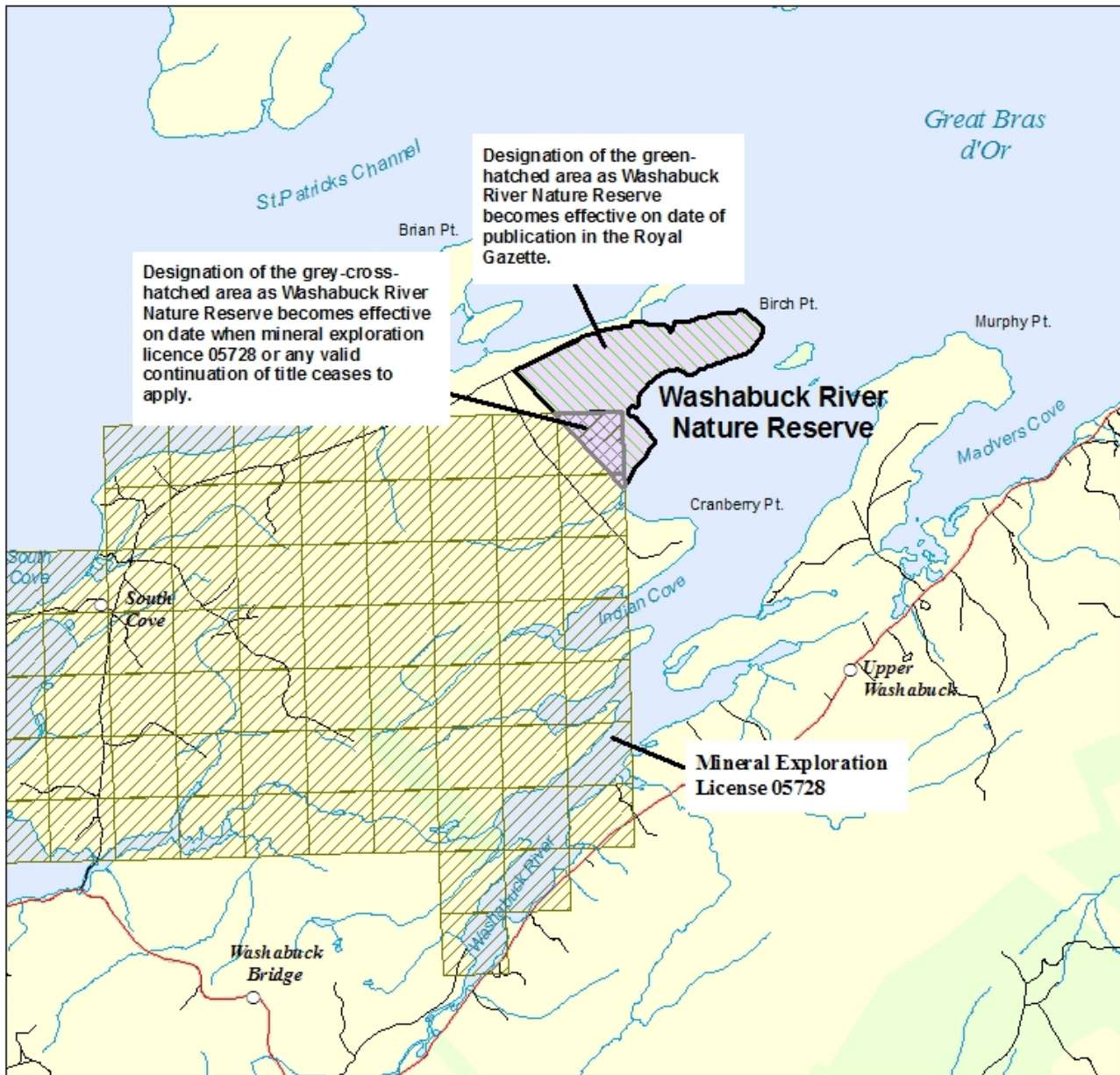
**All** that certain tract of land and land covered by water shown outlined in bold line and identified as “Washabuck River Nature Reserve”, on Field Plot P-054/05-1, entitled *Washabuck River Nature Reserve*, filed at the Department of Natural Resources Office at Halifax, said tract of land located near South Cove, Victoria County, Province of Nova Scotia.

**Saving and excepting** from the above described Washabuck River Nature Reserve, any and all highways as defined in the *Public Highways Act*, R.S.N.S. 1989, c. 371.

**Containing** a total area of 67 hectares more or less.



### Appendix B Map of Washabuck River Nature Reserve



#### Washabuck River Nature Reserve



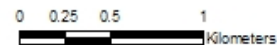
#### Legend

- Lands of Henry W. Fuller and Dr. James V. O'Brien
- Other private land
- Provincial Crown land
- Area covered by Mineral Exploration Licence 05728, issued under the Mineral Resources Act
- Washabuck River Nature Reserve - becoming effective on the date of publication in the Royal Gazette
- Washabuck River Nature Reserve - becoming effective on the date on which Mineral Exploration Licence 05728 or any valid continuation of title ceases to apply to area

Map produced by the Protected Areas Branch of the NS Department of Environment and Labour, January, 2006.

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Environment and Labour  
Environmental and Natural Areas Management Division  
Protected Areas Branch

**N.S. Reg. 139/2006**

Designation of River Inhabitants Nature Reserve

**Schedule "B"****In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*****- and -****In the matter of the designation of an ecological site near Askilton, Inverness County to be known as the River Inhabitants Nature Reserve**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map in Appendix B, attached to and forming part of this order, as an ecological site, to be known as the River Inhabitants Nature Reserve.

The written consent of the landowner has been granted and has been filed with the Department of Environment and Labour.

This designation is effective on and after the date it is published in the Royal Gazette, except that the designation is not effective on that portion of the land that is subject to underground hydrocarbon storage-area licence number UHSLIC03-05-23-02, or any valid continuation of title, issued to Intragaz Incorporated or its successor as ratified under Chapter 37 of the Acts of 2001, the *Underground Hydrocarbons Storage Act*, until the date upon which the licence or any valid continuation of title no longer applies to the land as a result of the surrender, abandonment, forfeiture, expiration, cancellation or termination of the licence.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 11, 2006.

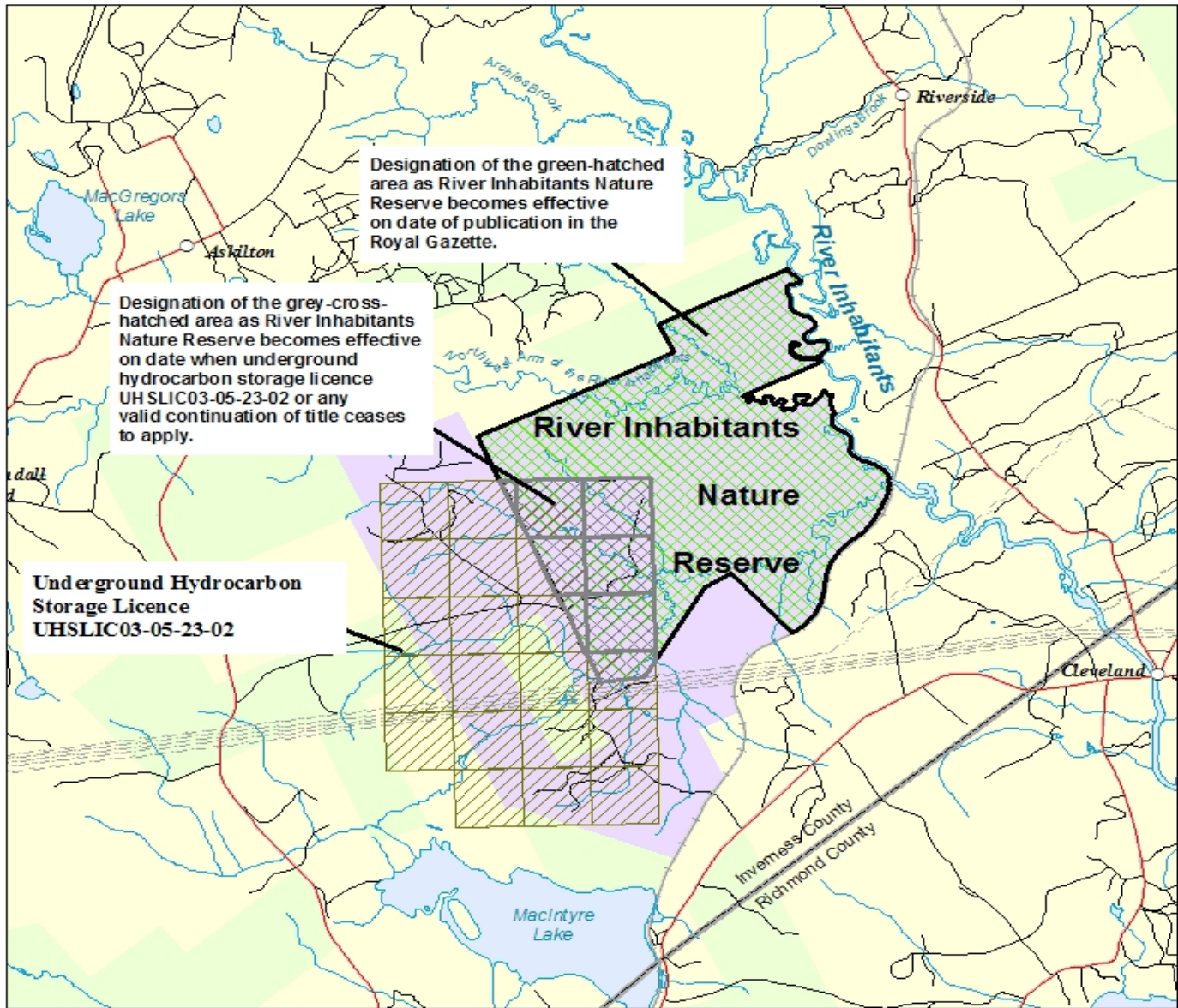
Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

**Appendix A****River Inhabitants Nature Reserve Description**

**All** that certain tract of land and land covered by water shown outlined in bold line and identified as "River Inhabitants Nature Reserve", on Field Plot P-059/05, entitled *River Inhabitants Nature Reserve*, filed at the Department of Natural Resources Office at Halifax, said tract of land located near Askilton, Inverness County, Province of Nova Scotia.

**Containing** a total area of 360 hectares more or less.

### Appendix B Map of River Inhabitants Nature Reserve



Designation of the green-hatched area as River Inhabitants Nature Reserve becomes effective on date of publication in the Royal Gazette.

Designation of the grey-cross-hatched area as River Inhabitants Nature Reserve becomes effective on date when underground hydrocarbon storage licence UHSLIC03-05-23-02 or any valid continuation of title ceases to apply.

**Underground Hydrocarbon Storage Licence**  
UHSLIC03-05-23-02

#### River Inhabitants Nature Reserve



Legend	
	Lands of Stora Enso Port Hawkesbury Limited
	Provincial Crown land
	Other private land
	Area covered by Underground Hydrocarbon Storage Licence UHSLIC03-05-23-02, issued under the Underground Hydrocarbons Storage Act
	River Inhabitants Nature Reserve - becoming effective on the date of publication in the Royal Gazette
	River Inhabitants Nature Reserve - becoming effective on the date on which Licence UHSLIC03-05-23-02 or any valid continuation of title ceases to apply to area

Map produced by the Protected Areas Branch of the NS Department of Environment and Labour, January, 2006. This map is a geographic representation only. The NS Department of Environment and Labour accepts no liability for any errors or omissions contained herein. All information shown here is copyright of the Province of Nova Scotia. All rights reserved.



**NOVA SCOTIA**  
Environment and Labour  
Environmental and Natural Areas Management Division  
Protected Areas Branch

**N.S. Reg. 140/2006**

Designation of Roman Valley Nature Reserve

**Schedule "C"****In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*****- and -****In the matter of the designation of an ecological site near East Roman Valley, Guysborough County to be known as the Roman Valley Nature Reserve**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map in Appendix B, attached to and forming part of this order, as an ecological site, to be known as the Roman Valley Nature Reserve.

This designation is effective on and after the date it is published in the Royal Gazette.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 11, 2006.

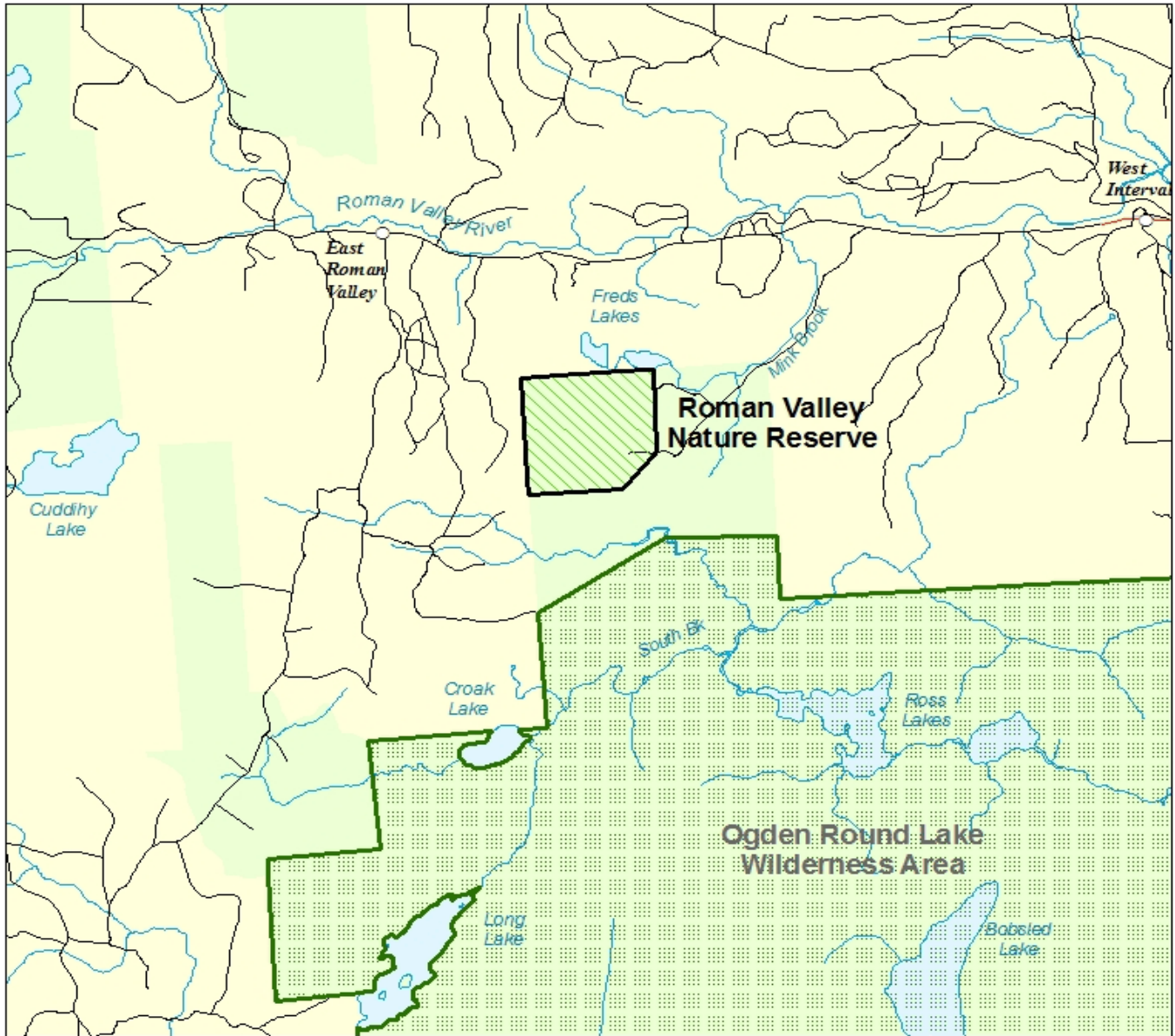
Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

**Appendix A****Roman Valley Nature Reserve Description**

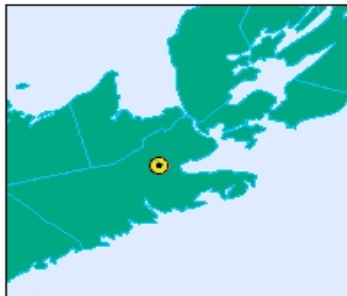
**All** that certain tract of land and land covered by water shown outlined in bold line and identified as "Roman Valley Nature Reserve", on Field Plot P-005/06, entitled *Roman Valley Nature Reserve*, filed at the Department of Natural Resources Office at Halifax, said tract of land located near East Roman Valley, Guysborough County, Province of Nova Scotia.

**Containing** a total area of 57 hectares more or less.

**Appendix B**  
**Map of Roman Valley Nature Reserve**



**Roman Valley**  
**Nature Reserve**



Legend	
	Provincial Crown land
	Private land
	Roman Valley Nature Reserve - becoming effective on the date of publication in the Royal Gazette
	Ogden Round Lake Wilderness Area

Map produced by the Protected Areas Branch of the NS Department of Environment and Labour, January, 2006.

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Protected Areas Branch

**N.S. Reg. 141/2006**

Designation of Abraham Lake Nature Reserve

**Schedule "D"****In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*****- and -****In the matter of the designation of an ecological site near Creelmans Crossing, Halifax County to be known as the Abraham Lake Nature Reserve**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map in Appendix B, attached to and forming part of this order, as an ecological site, to be known as the Abraham Lake Nature Reserve.

The written consent of the landowner has been granted and has been filed with the Department of Environment and Labour.

This designation is effective on and after the date it is published in the Royal Gazette, except that the designation is not effective on that portion of the land that is subject to mineral exploration licences numbered 05916 and 05917, or any valid continuation of title, issued to D.D.V. Gold Limited or its successor as ratified under Chapter 18 of the Acts of 1990, the *Mineral Resources Act*, until the date upon which the licences or any valid continuation of title no longer apply to the land as a result of the surrender, abandonment, forfeiture, expiration, cancellation or termination of the licences.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 11, 2006.

Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

**Appendix A**  
**Abraham Lake Nature Reserve**

**All that certain lot**, piece or parcel of land situate, lying and being in the Abraham Lake area, in the County of Halifax, in the Province of Nova Scotia, and being more particularly described as follows:

**Beginning** at a survey marker, wooden post and stones, numbered 6212, situate (by grid azimuths referenced to the Nova Scotia Three Degree Modified Transverse Mercator Projection, Zone 4, Central Meridian 61 degrees, 30 minutes West longitude) 276 degrees, 52 minutes, 19 seconds a distance of 10194.91 feet from the Nova Scotia Coordinate Monument # 12020 having coordinate values (North 16 412 813.12 feet, East 14 488 709.43 feet);

**Thence** 338 degrees, 03 minutes, 03 seconds, a distance of 1712.28 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6211;

**Thence** Northwesterly a distance of 1826 feet, more or less, along a forestry road being lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6210, said survey marker being 309 degrees, 24 minutes, 49 seconds, a distance of 1812.80 feet from survey marker numbered 6211;

**Thence** 286 degrees, 42 minutes, 07 seconds, a distance of 1738.09 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6209;

**Thence** 275 degrees, 59 minutes, 14 seconds, a distance of 1963.34 feet along lands now or formerly of Neenah Paper Inc. to a survey marker and stones numbered 6214;

**Thence** 275 degrees, 59 minutes, 14 seconds a distance of 2421.60 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6208;

**Thence** 250 degrees, 42 minutes, 14 seconds, a distance of 1374.42 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6207;

**Thence** Southwesterly a distance of 470 feet, more or less, along a forestry road being lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6206, said survey marker being 218 degrees, 14 minutes, 26 seconds a distance of 466.37 feet from survey marker number 6207;

**Thence** 161 degrees, 32 minutes, 59 seconds a distance of 1550.30 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6205;

**Thence** 125 degrees, 55 minutes, 33 seconds a distance of 1718.87 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6204;

**Thence** 158 degrees, 38 minutes, 11 seconds a distance of 3031.45 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6203;

**Thence** 104 degrees, 44 minutes, 48 seconds a distance of 336.49 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6202;

**Thence** 104 degrees, 44 minutes, 48 seconds a distance of 1705.79 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6201;

**Thence** 64 degrees, 21 minutes, 27 seconds a distance of 2893.99 feet along lands now or formerly of Neenah Paper Inc. to a survey marker and wooden post numbered 6213;

**Thence** 64 degrees, 21 minutes, 27 seconds a distance of 2569.12 feet along lands now or formerly of Neenah Paper Inc. to a survey marker, wooden post and stones numbered 6200;

**Thence** 338 degrees, 03 minutes, 05 seconds a distance of 627.91 feet along lands now or formerly of Neenah Paper Inc. to the place of beginning;

**Containing an area of 958 acres**, more or less;

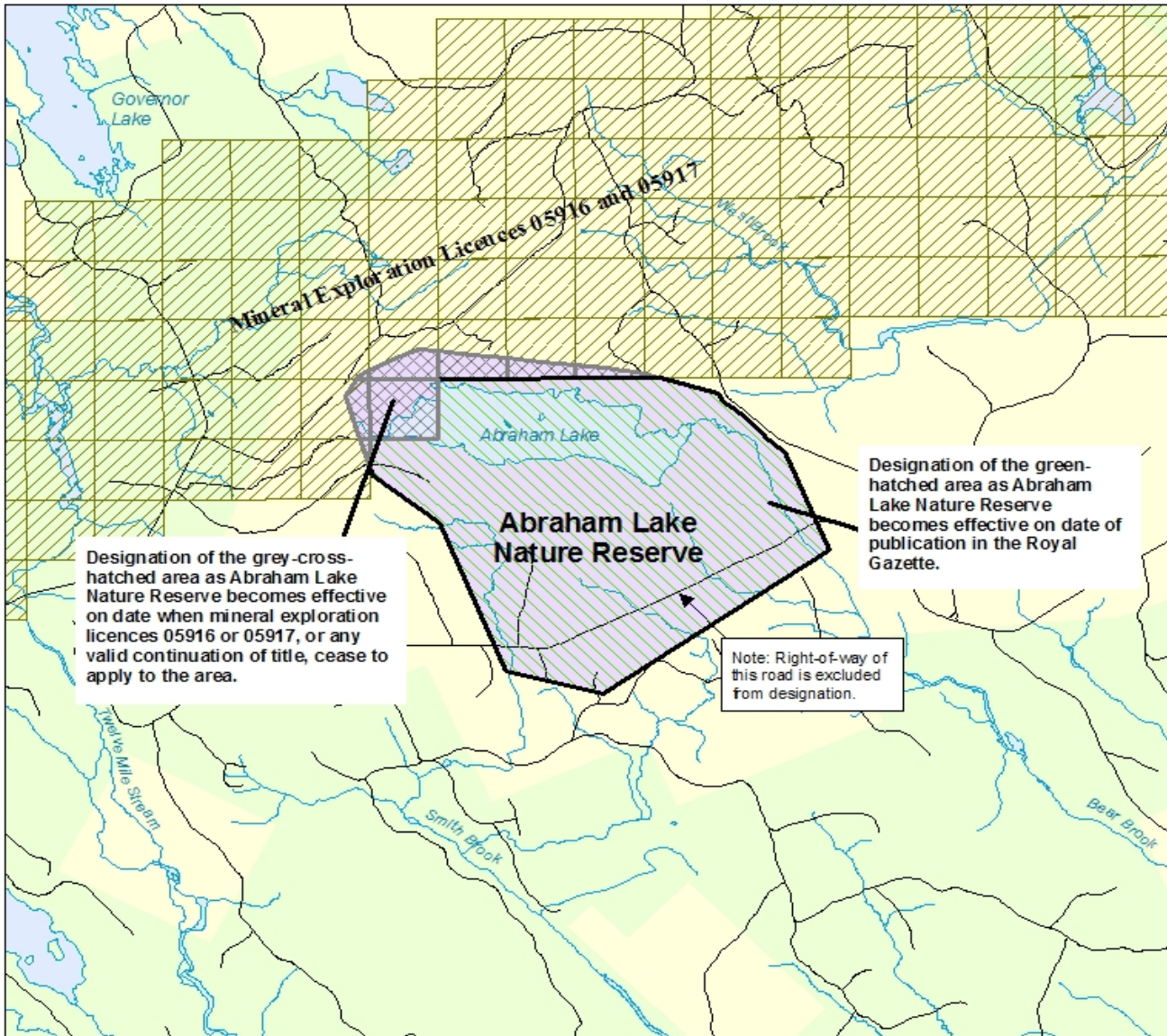
**Saving and excepting** from the above described lot of land the road known as Abraham Lake Road, said road being 66 feet in width and the boundaries to be defined by a line 33 feet each side of the centerline of the existing road, the title to this strip of land being now or formerly of Neenah Paper Inc.;

**Being and intended to be** the land as acquired by the Nature Conservancy of Canada from Scott Worldwide, Inc. by Indenture dated the 20th day of December, 1994 and as recorded in the Office of the Registrar of Deeds for Halifax County, on the 23rd day of January, 1995, in Book 5675, at Pages 1101-1105, as Document 2656;

**Also being and intended to be** the land as acquired by the Nature Conservancy of Canada from Scott Worldwide, Inc. by Indenture dated the 30th day of November, 1993 and as recorded in the Office of the Registrar of Deeds for Halifax County, on the 10th day of December, 1993, in Book 5505, at Pages 456-459, as Document 52139;

Also being and intended to be land covered by Abraham Lake;

### Appendix B Map of Abraham Lake Nature Reserve



## Abraham Lake Nature Reserve

**Legend**

- Lands of the Nature Conservancy of Canada
- Other private land
- Provincial Crown land
- Area covered by Mineral Exploration Licences 05916 & 05917, issued under the Mineral Resources Act
- Abraham Lake Nature Reserve - becoming effective on the date of publication in the Royal Gazette
- Abraham Lake Nature Reserve - becoming effective on the date on which Mineral Exploration Licences 05916 or 05917, or any valid continuation of title, cease to apply to area

Map produced by the Protected Areas Branch of the NS Department of Environment and Labour, January, 2006.  
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0 0.25 0.5 1  
Kilometers

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Environment and Labour  
Environmental and Natural Areas Management Division  
Protected Areas Branch



**N.S. Reg. 142/2006**

Tusket River Ecological Site Designation

**Schedule "E"****In the matter of Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*****- and -****In the matter of an additional designation of land near East Quinan, Yarmouth County, to the Tusket River Ecological Site**

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 14 of Chapter 438 of the Revised Statutes of Nova Scotia, 1989, the *Special Places Protection Act*, hereby designate the area of land described in Appendix A and shown on the map in Appendix B, attached to and forming part of this order, as an addition to the Tusket River Ecological Site, as designated by the Minister of Education and approved by the Governor in Council by Order in Council 89-587 dated May 23, 1989.

The written consent of the landowner has been granted and has been filed with the Department of Environment and Labour.

This designation is effective on and after the date it is published in the Royal Gazette.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 11, 2006.

Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

**Appendix A****Addition to Tusket River Ecological Site - Description  
(Ecological Site originally designated under O.I.C 89-587)**

**All** that certain lot, piece and parcel of land and land covered by water situate, lying and being on the western side of the Main Public Highway at East Quinan, Yarmouth County, Nova Scotia and being a portion of the lands and premises shown on a plan of survey prepared by Gerald A. Pottier N.S.L.S. No. 394 dated the 12<sup>th</sup> day of July, A.D., 1972, together with lands belonging to Her Majesty in Right of the Province of Nova Scotia below the mean highwater mark of Gilfilling Lake, said lands and premises being more particularly bounded and described as follows:

**Beginning** at an iron post located on the western official sideline of the Main Public Road leading from East Quinan to Kegeshock at the northeast corner of lands now or formerly of Eddie Surette;

**Thence** North eighty-five degrees fifty-seven minutes West (N 85° 57' W) a distance of one thousand eight hundred fifty-eight decimal seven nine feet (1858.79') to an iron post;

**Thence** North eighty-five degrees fifty-seven minutes West (N 85° 57' W) a distance of twenty-seven decimal five feet (27.5') more or less to a point on the mean highwater mark of Gilfilling Lake;

**Thence** continuing lakeward at right angles (90°) to the mean highwater mark (shoreline) of Gilfilling Lake a distance of one hundred feet (100') to a point;

**Thence** in a westerly and northerly direction parallel to the various courses of the mean highwater mark of Gilfilling Lake a distance of one thousand two hundred twenty-five feet (1225') more or less to a point;

**Thence** continuing landward a distance of one hundred feet (100') to a point on the mean highwater mark of Gilfilling Lake;

**Thence** South eighty-five degrees thirty-seven minutes East (S 85° 37' E) a distance of eight feet (8') more or less to an iron post, said iron post being located North forty-one degrees forty-seven minutes West (N 41° 47' W) a distance of nine hundred sixty-eight decimal six three feet (968.63') from the last mentioned iron post;

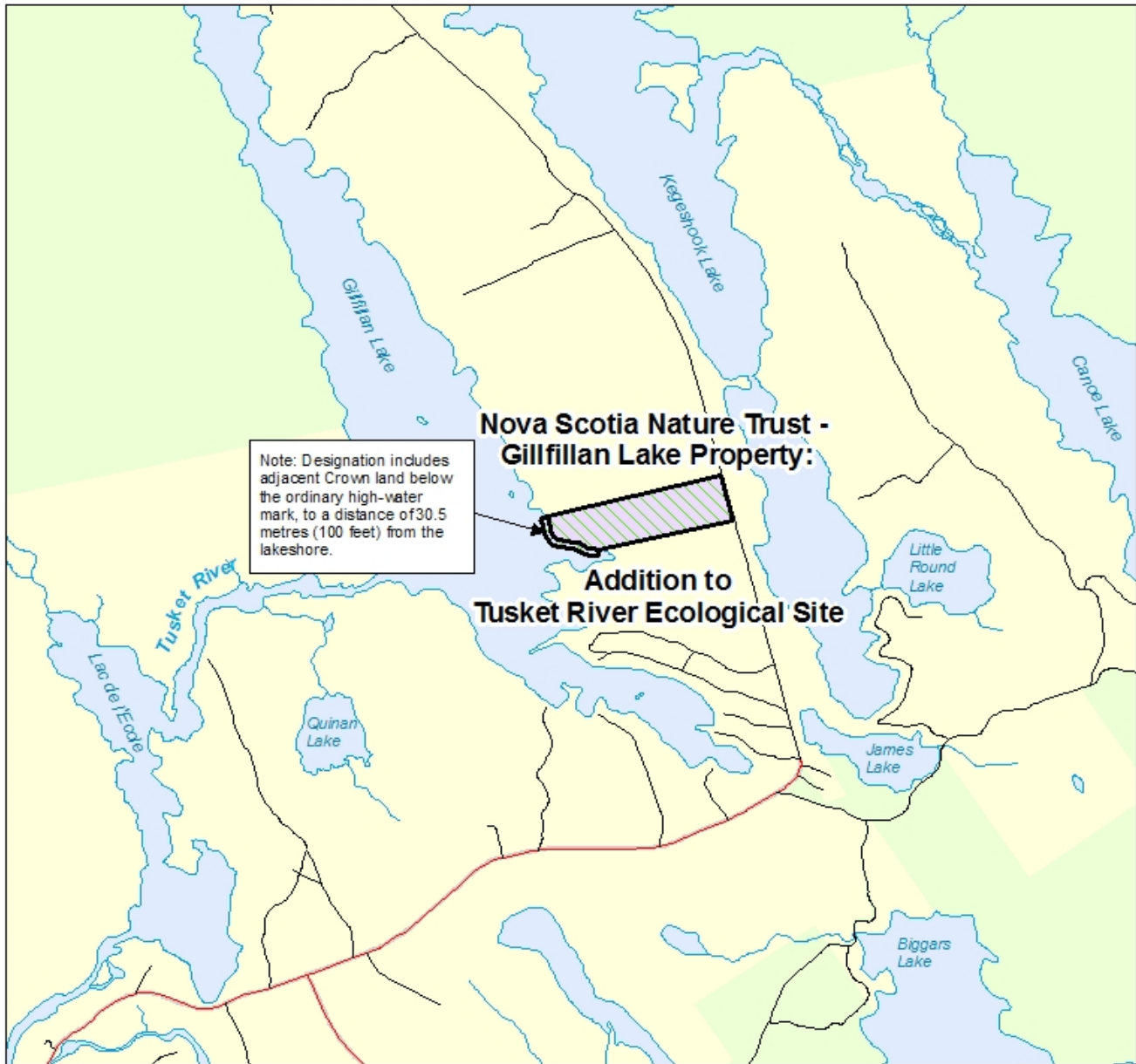
**Thence** South eighty-five degrees thirty-seven minutes East (S 85° 37' E) a distance of two thousand five hundred fifty-five decimal zero two feet (2555.02') to an iron post on the western official sideline of the Main Public Road leading from East Quinan to Kegeshock;

**Thence** South zero four degrees ten minutes West (S 04° 10' W) a distance of six hundred fifty-nine decimal seven one feet (659.71') to an iron post and the place of beginning.

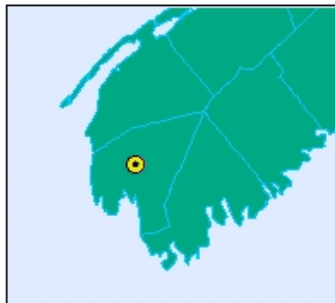
**Thence** bearings refer to Magnetic North for the year 1972.

**Thence** a total area of 40 acres more or less.

**Appendix B**  
**Map of Addition to Tusket River Ecological Site**



**Nova Scotia Nature Trust -  
 Gillfillan Lake Property  
 Addition to Tusket River Ecological Site**



**Legend**

	Lands of the Nova Scotia Nature Trust
	Other private land
	Provincial Crown land
	Addition to Tusket River Ecological Site

Map produced by the Protected Areas Branch of the NS Department of Environment and Labour, January, 2006.

This map is a geographic representation only. The NS Department of Environment and Labour accepts no liability for any errors or omissions contained herein.

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**Environment and Labour**  
 Environmental and Natural Areas Management Division  
 Protected Areas Branch

**N.S. Reg. 143/2006**

Made: July 13, 2006

Filed: July 26, 2006

Nova Scotia Building Code Regulations

Order dated July 13, 2006  
made by the Minister of Environment and Labour  
pursuant to Section 4 of the *Building Code Act*

**Schedule "A"**

**In the matter of Section 4 of chapter 46 of the Revised Statutes  
of Nova Scotia, 1989, the *Building Code Act***

- and -

**In the matter of *Nova Scotia Building Code Regulations***

I, Mark Parent, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*, hereby repeal the *Nova Scotia Building Code Regulations*, N.S. Reg. 209/2003 made by Order of the Minister of Environment and Labour dated December 4, 2003, effective on and after September 1, 2006.

Furthermore, I hereby make the *Nova Scotia Building Code Regulations* in the form set forth in the attached, except subsection 2.4.1, effective on and after September 1, 2006, and make subsection 2.4.1 in the form set forth in the attached, effective on and after September 1, 2008.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 13, 2006.

Sgd.: *Mark Parent*  
Honourable Mark Parent  
Minister of Environment and Labour

**Nova Scotia Building Code Regulations  
made under Section 4  
of the  
*Building Code Act*  
R.S.N.S., 1989, c. 46  
2006**

**Part 1****Repeals, Interpretation, Scope, Definitions and Administration****Section 1.1. Repeals, Adoption and Interpretation****1.1.1. Title, Repeals, and Effective Date**

**1.1.1.1. Title.** These *regulations* may be cited as the *Nova Scotia Building Code Regulations*.

**1.1.1.2. Repeals and Effective Date of Regulations.**

**(1)** The *Nova Scotia Building Code Regulations* made by the Minister of Environment and Labour Housing and Municipal Affairs on the 4<sup>th</sup> day of December, 2003, (N.S. Reg. 209/2003) and came into force on

and after January 1, 2004 together with these *regulations* including those contained in the Third and Fourth Revisions and Errata published June 2001 and April 2002 are hereby repealed on and after September 1, 2006. [sic]

- (2) (a) These Nova Scotia *Building Code Regulations* made by the Minister of Environment and Labour, except subsection 2.4.1., shall come into force on and after September 1, 2006, and
- (b) Subsection 2.4.1., which establishes the qualification of building officials, shall come into effect on and after September 1, 2008.

### 1.1.2. Adoption

#### 1.1.2.1. Nova Scotia *Building Code*.

- (1) (a) These Nova Scotia *Building Code Regulations* made by the Minister of Environment and Labour except subsection 2.4.1., shall come into force on and after September 1, 2006, and
- (b) Subsection 2.4.1., which establishes the qualification of building officials, shall come into effect on and after September 1, 2008.

(2) These regulations adopt the National Building Code of Canada, 2005 which together with the regulations shall be known as the “Nova Scotia Building Code” and may be referred to as the “Code”.

### 1.1.3. Interpretation

#### 1.1.3.1. Numbering System

(1) These *regulations* have been prepared following the same decimal numbering system as used in the *Code*.

(2) The first number indicates the Part of the *regulations*; the second, the Section in the Part; the third, the Subsection and the fourth, the Article in the Subsection. An Article may be further broken down into Sentences (indicated by numbers in brackets), and the Sentence further divided into Clauses and Subclauses. They are illustrated as follows:

A	Division
A-3	Part
A-3.5	Section
A-3.5.2.	Subsection
A-3.5.2.1.	Article
A-3.5.2.1.(2)	Sentence
A-3.5.2.1.(2)(a)	Clause
A-3.5.2.1.(2)(a)(i)	Subclause

1.1.3.2. **Schedules.** The Schedules “A” through “A-9” inclusive, “B”, “C” and “D” form part of these *regulations*.

### 1.1.4. Nova Scotia Building Advisory Committee

#### 1.1.4.1. Appointment of Nova Scotia Building Advisory Committee

(1) The Minister may appoint to the Committee such number of members as the Minister determines, for such terms as may be specified in the appointments.

- (2) The Committee shall include
  - (a) a representative of municipal government appointed from among persons nominated by the Executive of the Union of Nova Scotia Municipalities;
  - (b) a representative of the Fire Marshal for the Province;
  - (c) a representative appointed from among persons nominated by the Disabled Persons Commission;

- (d) a representative appointed from among persons nominated by the Executive of the Association of Professional Engineers of Nova Scotia;
- (e) a representative appointed from among persons nominated by the Executive of the Nova Scotia Association of Architects;
- (f) a representative appointed from among persons nominated by the Executive of the Nova Scotia Home Designers Association;
- (g) a representative appointed from among persons nominated by the Executive of Association of [the] Interior Designers of Nova Scotia;
- (h) a representative appointed from among persons nominated by the Executive of the Nova Scotia Home Builders Association;
- (i) a representative appointed from among persons nominated by the Executive of the Construction Association of Nova Scotia;
- (j) a representative appointed from among persons nominated by the Executive of the Nova Scotia Building Officials Association;
- (k) a representative appointed from among persons nominated by the Executive of the Atlantic Provinces Building Supply Dealers Association, who shall be a resident of Nova Scotia;
- (h) a representative appointed from among persons nominated by the Executive of the NS & PEI Regional Council of Carpenters, Millwrights & Allied Workers, who shall be a resident of Nova Scotia, and
- (l) up to 3 additional members, as selected by the Minister.

## Section 1.2 Scope and Application

### 1.2.1. Application

#### 1.2.1.1. Scope

(1) These *regulations* apply to the administration and enforcement of the *Building Code Act* in the design, construction, erection, placement and *occupancy* of new *buildings*, and the *alteration*, reconstruction, *demolition*, removal, relocation, *occupancy* and change of *occupancy* classification of existing *buildings* and to the work necessary to correct *unsafe conditions* in existing *buildings* reported to the *authority having jurisdiction* or observed during an inspection.

(2) Any construction or condition that lawfully existed prior to the effective date of these regulations need not conform to these regulations provided that such construction or condition does not constitute an unsafe condition in the opinion of the authority having jurisdiction.

(3) Construction pursuant to a building permit in effect prior to April 30, 1997, and still in effect, need not conform to these regulations provided that such construction conforms to the regulations in force on the date that the building permit was issued.

(4) Where a *building* or any part thereof is altered, these *regulations* apply to the parts of the *building* that are altered.

(5) Where the whole or any part of a *building* is relocated either within or into the area of jurisdiction of the *authority having jurisdiction* these *regulations* apply only to the parts of the *building* that are being altered or *constructed*.

(6) When the whole or any part of a *building* is demolished, these *regulations* apply to the work involved in the *demolition* and to the work required to any parts remaining after *demolition* to the extent that deficiencies occurring or remaining after *demolition* require correction.

(7) When a *building* is damaged by fire, earthquake or other cause, these *regulations* apply to the work necessary to reconstruct damaged portions of the *building*.

(8) “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of these *regulations*, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*, may be used where a *building* existed prior to March 13, 1987:

- (a) where an existing *building* is undergoing *construction* other than for a change of use, or
- (b) where an existing *building* is undergoing *construction*, and where a change of *occupancy* classification results in an *occupancy* with a reduced fire hazard risk.

(9) When a *heritage building* or part thereof is undergoing a change in *occupancy* classification the *owner* may choose the “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of these *regulations*, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*.

(10) In a *Heritage Conservation District* any *building* undergoing a change in *occupancy* classification the *owner* may choose the “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of these *regulations*, or a combination the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*.

#### 1.2.1.2. Exemptions

(1) The *Code* does not apply to:

- (a) sewerage, water, electrical, telephone, rail or similar systems located above, below or on an area which has been dedicated or deeded for public use,
- (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*,
- (c) flood control, dams for public water supply, hydroelectric dams and their related structures (not excluding *buildings*),
- (d) mechanical or other equipment and *appliances* not specifically regulated by the *Code*,
- (e) above ground or below ground bulk storage tanks not regulated under Part 6 of the *Code*, or the National Farm Building Code of Canada,
- (f) free-standing signs,
- (g) fences,
- (h) retaining walls or exterior steps not attached to, and forming part of, a *building's* construction, or
- (i) modular homes and mobile homes built to CAN/CSA -A277-M-01, “Procedure for Certification of Factory Built Homes”, or CSA Z240 MH Series Standard “Mobile Homes”, except for the inspections required by Subclause 2.1.1.11.(b).

(2) Unless a municipality otherwise requires by by-law, or where *regulations* are in another enactment, the *Code* applies but a *building permit* is not required for

- (a) accessory *buildings* not greater than 20 square metres (215.2 square feet) in area,
- (b) except under Clause 1.2.1.2.(2)(c), interior and exterior non-structural material *alterations* and material repairs with a monetary value of five thousand dollars or less.
- (c) replacement or installation of a new plumbing *fixture* that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system.

### Section 1.3 Definitions of Words and Phrases

#### 1.3.1. Definitions

1.3.1.1. **General.** Definitions contained in Section 2 of the *Building Code Act*, also apply in these *regulations*.

**1.3.1.2. Italicized Words.** The words and phrases defined in Article 1.1.3.2. of the *Code* identified in these *regulations* in italics, also apply in these *regulations* unless otherwise defined.

**1.3.1.3. Specific Definitions.** In these *regulations* the following definitions apply:

“Architect” means a member licensed to practice or licensee of the Nova Scotia Association of Architects.

“Building Code Act” or “Act” means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*.

“Building Official” means a person appointed as an inspector pursuant to Section 5 of the Act.

“Camping accommodation” means the same as defined *Tourist Accommodations Act*.

“Care facility” means the *occupancy* or use of a *building* or part thereof by persons who require special care or treatment because of cognitive or physical limitations.

“Code” means the Nova Scotia *Building Code*.

“Construct” means to do anything in the erection, installation, extension, relocation, material *alteration* or material repair of a *building* and includes the installation of a factory-made *building* fabricated or moved from elsewhere.

“Demolition” means the doing of anything in the removal of a *building* or any material part thereof.

“Field Review of Construction” means, and is limited to, the inspection of the construction work at intervals appropriate to the stage of construction, at the project site and where applicable at the fabrication location where *building* components are fabricated for use at the project site, that the *designer* in their professional discretion consider[s] necessary to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto. “*Field Review of Construction*” does not include the coordination, quality and performance of construction.

“Roofed accommodation” means the same as defined by the *Tourist Accommodations Act*.

“Heritage *Building*” means a registered heritage property, registered under the *Heritage Property Act* by the Province or by a municipality.

“Heritage Conservation District” means a heritage conservation district designated by the municipality in accordance with the *Heritage Property Act*.

“Interior Designer” means a member licensed to practice or a licensee of the Association of Interior Designers of Nova Scotia.

“Mobile home” means a transportable, single or multiple section *dwelling unit* certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacture.

“Modular home” means a finished section or sections of a complete *dwelling unit* built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-01 “Procedures for Certification of Factory Built Houses”.



“National *Building Code* of Canada, 2005” means the National *Building Code* of Canada, 2005 as issued by the Canadian Commission on Building and Fire *Codes*, National Research Council of Canada, NRCC No. 38726 7, including all revisions and errata and corrections to errata made by that body on or before the date these *regulations* come into force.

“Owner” includes a person controlling the property under consideration, and also *prima facie* the assessed *owner* of the property whose name appears on the assessment role prepared in accordance with the *Assessment Act*.

“Professional Engineer” means a member or licensee of the Association of Professional Engineers of Nova Scotia.

“Work” means any construction duty or function regulated by these *regulations*, carried out on or about a construction site or on, in, or about a *building* or part thereof.

## Section 1.4 Administration

### 1.4.1. *Permits*

#### 1.4.1.1. **General**

- (1) A *permit* is required if work regulated by the *Code* is to be done.
- (2) The *authority having jurisdiction* may place a value on the cost of the work based on an accepted costing standard for the purpose of determining *permit* fees to be applicable.
- (3) The *authority having jurisdiction* may, if applicable, withhold an *building permit* until satisfied that there is a valid on-site sewage disposal system *permit* issued by the Department of the Environment for the construction of a *building* requiring a new *private sewage disposal system*.
- (4) The *authority having jurisdiction* may, if applicable, withhold an *occupancy permit*
  - (a) until satisfied that there is a valid electrical *permit* issued by the electrical *authority having jurisdiction*,
  - (b) until satisfied that the civic address is posted where a municipality has so provided by by-law, in accordance with Section 313 of the *Municipal Government Act*,
- (5) The *authority having jurisdiction* may, if applicable, withhold a *building permit* until satisfied that there is a valid “Minister’s Consent For Building and Access to Property” issued by the Department of Transportation and Public Works, under the *Public Highways Act*,
- (6) Where a municipality has so provided by by-law, the *authority having jurisdiction* may withhold the issuance of a *building permit* until satisfied that any and all applicable *regulations* of the *Heritage Property Act*, and the *Municipal Government Act*, including any *Land Use Bylaw*, *Subdivision Bylaw*, lot grading plan or Development Agreement, have been complied with and all required permits have been issued by the Development Officer.
- (7) Unless a municipality in accordance with Section 7 of the *Building Code Act* has provided other or additional *regulations* by by-law, an *occupancy permit* is required:
  - (a) to allow the initial *occupancy* of a *building* or part thereof,
  - (b) when the *occupancy* classification of a *building* or part thereof is changed, or
  - (c) to allow partial *demolition* or *alteration* of a *building*.

**1.4.1.2. Application.** To obtain a *permit* the *owner* shall file an application as prescribed by the *authority having jurisdiction*.

**1.4.1.3. Required Information**

- (1) Every *building permit* application as a minimum shall:
  - (a) identify and describe in detail the work and *occupancy* to be covered by the *permit* for which application is made,
  - (b) describe the land by including where Nova Scotia property mapping exists in the unique Parcel Identifier (PID) or where this mapping does not exist the assessment account number, and a description that will readily identify and locate the *building* lot,
  - (c) include plans and specifications as required by Section 2.3 of the *Code*,
  - (d) state the valuation of the proposed work and be accompanied by the required fee,
  - (e) state the names, addresses and telephone numbers of the *owner*, *architect*, *professional engineer*, or other *designer*, *constructor* and any inspection or testing agency that has been engaged to monitor the work or part of the work, and
  - (f) describe any special *building* systems, materials and *appliances*,
  - (g) such additional information as may be required by the *authority having jurisdiction*. [sic]

**1.4.1.4. Letter of Undertaking when Professional Required to Design.** The *owner* shall, along with the application referred to in Article 1.4.1.2., submit a letter of undertaking to the *authority having jurisdiction* for the *Field Review of Construction* when the *building*, or part thereof, has been designed within the Scope of Part 4 of the *Code* except as provided under A-2.1.1.6. for Part 9 *buildings*.

**1.4.1.5. Dimensional Tolerances.** If, in the opinion of the *authority having jurisdiction*, safety to life will not be reduced and *barrier-free* design and access will not be adversely affected, an *authority having jurisdiction* may accept a minor variation, not more than 2%, in a dimension given in this *Code*.

**1.4.1.6. Deviations.** The *owner* shall not deviate, nor authorize a deviation, from the *Code*, or the conditions of a *permit*, without first obtaining permission in writing to do so from the *authority having jurisdiction*.

**1.4.1.7. Land Survey.** In addition to Clause 1.4.1.3.(1)(c) the *owner*, if requested by the *authority having jurisdiction* shall submit an up-to-date plan of survey or real property report, prepared by a registered Nova Scotia Land Surveyor, containing sufficient information regarding the site and the location of the *building*:

- (1) to establish before construction begins that the regulations of the *Code* related to the site and the location of the *building* will be complied with, and
- (2) to verify that, upon completion of the work, compliance with all such regulations.

**1.4.1.8. Responsibility for carrying out work.** The acceptance of drawings and specifications, the granting of a *permit*, and inspections made by the *authority having jurisdiction* shall not in any way relieve the *owner*, *owner's* agent, the *constructor*, the *architect*, the *professional engineer*, or the *designer*, of a *building* from their respective responsibility for carrying out the work or having it carried out in accordance with these *regulations*, including ensuring that the *occupancy* of the *building*, or any part thereof, is in accordance with the terms of the *permit*.

**1.4.1.9. Inspection Exemption Modular and Mobile Homes.**

Modular homes and mobile homes are subject to the inspection required by Clauses 2.1.1.11.(1)(b) of these *regulations* and are exempt for the work certified at factory in accordance with CSA Z240 MH Series “Mobile Homes” or the CSA Standard A277-M-01 “Procedures for Certification of Factory Built Houses”;

**1.4.1.10. Site Grading.** The *authority having jurisdiction* may require an *owner* to have a *building* site graded in conformance with any storm drainage plan, prepared or accepted by the *authority having jurisdiction*, for the area in which the *building* is located.

**1.4.1.11. Permission to Proceed in Part**

(1) The *authority having jurisdiction* may allow, at the risk of the *owner*, with conditions if necessary, to ensure conformance with this *Code*, the *owner* to proceed with *excavation* or construction of part of a *building* before the plans of the entire *building* have been submitted.

(2) If the *authority having jurisdiction* allows *excavation* or construction of part of a *building* under Sentence (1), the *owner* shall submit all such plans and specifications as may be required in connection therewith by the *authority having jurisdiction*, including at a minimum, complete plans and specifications for the work which is authorized under sentence (1).

(3) If an *owner* proceeds to excavate or *construct* part of a *building* under Sentences (1) and (2), the *owner* proceeds without assurance that the *excavation* or construction of other parts of the *building* will be allowed.

**1.4.1.12. Temporary Building or Occupancy** (see A-1.4.1.12.)

(1) Notwithstanding anything contained elsewhere in these *regulations*, a permit for a temporary *building* or part thereof, or a temporary change of occupancy classification of an existing building, may be issued by the *authority having jurisdiction*, authorizing for a limited time only the erection and existence of a *building*, or part thereof, or for a temporary change of *occupancy* classification, for an *occupancy* which, because of its nature, will exist for a short time, under circumstances which warrant only selective compliance with the *Code*.

(2) A *permit* for a temporary *building* or temporary change of *occupancy* classification shall state the date after which and the conditions under which the *permit* is no longer valid.

(3) A *permit* for a temporary *building* or temporary change of *occupancy* classification may be extended provided permission in writing is granted by the *authority having jurisdiction*.

(4) A *permit* for a temporary *building* or temporary change of occupancy classification shall be posted on the *building*.

(5) A *permit* issued for a tent or temporary *air-supported structure*, shall be required to be renewed every twelve months.

(6) A permit issued for a temporary change of *occupancy* classification shall be required to be renewed every twelve months.

**Part 2****Responsibilities and Obligations****Section 2.1 Obligations of Owner****2.1.1. General**

**2.1.1.1. Required Permits.** Every *owner* shall obtain all required *permits* or approvals prior to commencing the work to which they relate.

**2.1.1.2. Start Up Date.** Every *owner* shall give written notice to the *authority having jurisdiction* of the date on which the *owner* intends to begin work prior to commencing work on the *building* site.

**2.1.1.3. Notice of Employees.**

- (1) Every *owner* shall, prior to commencing the work, give notice in writing to the *authority having jurisdiction* of:
- (a) the name, address and telephone number of
    - i) the *constructor* or other person in charge of the work,
    - ii) the *designer* of the work,
    - iii) the *architect(s), professional engineer(s),* and prime consultant(s) performing the *Field Review of Construction(s)*, and
    - iv) any inspection or testing agency engaged to monitor the work or part of the work, and
  - (b) any change in or termination of employment of such persons during the course of the construction in writing, as soon as practical but not later than 72 hours of such change, or termination occurs.
- (2) Every *owner* shall give notice in writing to the *authority having jurisdiction*:
- (a) as soon as any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*, and
  - (b) prior to occupying any portion of the *building* if it is to be occupied in stages.

**2.1.1.4. Plans at Site.** Every *owner* shall ensure that the plans, specifications and related documents on which the issuance of the *building permit* was based are available at the site of the work for inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

**2.1.1.5. Professional Design and Review.** The *owner* who undertakes to *construct* or have *constructed* a *building* or part thereof within the scope of Part 4 of the *Code* shall:

- (1) ensure that an *architect, professional engineer,* or both, as required, are appointed to undertake the design of the *building* or part thereof, and
- (2) complete and submit a letter of undertaking in the form specified in Schedule “A” for the *Field Review of Construction* of such *buildings*.

**2.1.1.6. Design Regulations for Structural Components.** Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a *building* within the scope of that Part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall:

- (1) ensure that a *professional engineer* is appointed to undertake the design of the structural component, and
- (2) when required by the *authority having jurisdiction*, complete and submit a letter of undertaking in the form specified in Schedule “A” for the *Field Review of Construction* for this structural component.

**2.1.1.7. Site Conditions, Size, or Complexity Requiring Professional Design and Inspection.** Where the site conditions, the size or complexity of a *building*, part of a *building* or *building* component warrant, the *authority having jurisdiction* may require the *owner* to file a Letter of Undertaking and have appropriate Field Review of Construction letters submitted as deemed necessary.

**2.1.1.8. Design Regulations for Sprinklered Building.**

- (1) Where a *building* is required or intended to be *sprinklered*, the *owner* shall:
- (a) ensure that a *professional engineer* is appointed to undertake the design of the sprinkler system, and
  - (b) complete and submit a Letter of Undertaking in the form specified in Schedule “A” of the *Field Review of Construction*
- (2) Where the *alteration* of an existing *building* requires changes to an existing sprinkler system, the *authority having jurisdiction* may waive compliance with Clauses 2.1.1.8.(1) (a) and (b). Where Clauses 2.1.1.8.(1) (a) and (b) are waived, the design documents and test results conducted on the system as per provincial maintenance regulations must be filed with the *authority having jurisdiction*.

**2.1.1.9. Alteration to Property Boundary or Ground Elevation.** No *owner* or person hired by the *owner* shall allow the ground elevations or the property boundaries of a *building* lot to be changed so as to place a *building* or part thereof, in contravention of these *regulations*, unless the *building* or part thereof, is so altered, after obtaining the necessary *permit*, that no contravention will occur as a result of the change of the property boundary or grades.

**2.1.1.10. Right of Entry.** Every *owner* shall allow the *authority having jurisdiction* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing these *regulations* in accordance with the provisions of Sections 10(1), 10(2), and 10(3) of the *Building Code Act*.

**2.1.1.11. Notification for Inspection and Certification of Field Review of Construction**

(1) The *owner* of a *building* being *constructed* under the scope of Part 9 of the Code shall notify the *authority having jurisdiction* to inspect for compliance with the Code at the following stages of construction:

- (a)
  - (i) footings in place,
  - (ii) the site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation,
  - (iii) the framing, roof, and plumbing and mechanical,
  - (iv) insulation and vapour barrier before wall framing is covered,
  - (v) before *occupancy*,
- (b) for *mobile* and *modular homes* conforming to 1.4.1.9.
  - (i) footings in place
  - (ii) (a) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3 - Z240.10.1-94 "Recommended Practice for Site Preparation, Foundation, and Anchorage of Mobile Homes",  
(b) in the case of a modular home site preparation and foundation,
  - (iii) installation and anchorage
  - (iv) before *occupancy*.

(2) The *owner* of a *building* being *constructed* outside the scope of Part 9 of the Code shall notify the *authority having jurisdiction* to inspect for compliance with the Code:

- (a) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7.,
- (b) of intent to cover construction that has been ordered to be inspected by the *authority having jurisdiction* before covering and,
- (c) at intervals deemed necessary by the *authority having jurisdiction* based on the complexity of the *building* and,
- (d) when construction has been completed so that a final inspection can be made.

**2.1.1.12. Occupancy Prior to Completion.** Should the *owner* require *occupancy* to occur prior to the completion of all work the *owner* shall apply for the *occupancy permit* and shall ensure that no *unsafe condition* exists or will exist because of the work being undertaken or not completed.

**2.1.1.13. Test or Inspections to Prove Compliance.** Every *owner* shall make, or have made at their own expense, the tests or inspections necessary to prove compliance with these *regulations* and shall promptly file a copy of all such test or inspection reports with the *authority having jurisdiction*.

**2.1.1.14. Repairs to Public Property.** Every *owner* is responsible for the cost of repair of any damage to public property or works located therein that may occur as a result of undertaking work for which a *permit* was or was not required.

**2.1.1.15. Discontinuation of Work.** Every *owner* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

## Section 2.2 Obligations of Professional

### 2.2.1. General

**2.2.1.1. Design.** The *architect*, or *professional engineer* who undertakes to design a *building* or part thereof shall do so in accordance with their respective statutes and bylaws to ensure that the design meets the intent of the *Code*.

**2.2.1.2. Field Review of Construction.** The *architect*, or *professional engineer* who undertakes the *Field Review of Construction* shall do so in accordance with their respective statutes and bylaws, and shall

(1) inspect the *building* at intervals appropriate to the stage of construction to determine general compliance with design referred to in Article 2.2.1.1.,

(2) coordinate with the *authority having jurisdiction* the review of changes to the design documents for consistency with the intent of the plans and specifications.

(3) file with the *authority having jurisdiction* the Certification of *Field Review of Construction*.

## Section 2.3 Obligations of Constructor

### 2.3.1. General

**2.3.1.1. Construction Safety Regulations.** Every *constructor* shall ensure that all construction safety requirements of the Department of Labour, Occupational Health and Safety Division, are complied with.

**2.3.1.2. Work on Public Property.** Every *constructor* is responsible for ensuring that no *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part therein without approval having first been obtained in writing from the appropriate government authority.

### 2.3.1.3. Responsibilities for the Work Undertaken.

(1) Every *constructor* is responsible jointly and severally with the *owner* for all and any work actually undertaken.

(2) Every *constructor* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

**2.3.1.4. Owner Deemed to be constructor.** Where the work for which a *permit* is issued is not under the control of a *constructor*, the *owner* shall be deemed to be the *constructor* and shall accept the responsibilities and obligations of a *constructor*.

**2.3.1.5. Materials, Systems, to Comply with Code.** Every *constructor* shall ensure that all materials, systems, equipment, used in the construction, *alteration*, reconstruction or renovation of a *building* meet the *regulations* of the *Code* for the work undertaken.

## Section 2.4 Obligation of Authority having Jurisdiction

### 2.4.1. Qualifications of Building Officials

**2.4.1.1. Appointment.** A person appointed or eligible to be appointed by a municipality as a building official shall

- (1) hold a valid diploma from the Nova Scotia Building Code Training and Certification Board, and
- (2) be a member in good standing of the Nova Scotia Building Officials Association.

#### 2.4.1.2. Administration and Enforcement of the Building Code Act and Regulation

- (1) Building Officials are required to administer and enforce the provisions of the *Building Code Act* and Regulation.
- (2) Building Officials may only administer and enforce the provisions of the *Building Code Act* and Regulation within the scope for which they hold a valid diploma from the Nova Scotia Building Code Training and Certification Board.

#### 2.4.2. General

**2.4.2.1. Administration and Enforcement.** The *authority having jurisdiction* shall administer and enforce these *regulations*.

**2.4.2.2. Copies of Applications, Inspections, and Tests,** The *authority having jurisdiction* shall keep copies of all applications received, *permits* and orders issued, inspections and tests made and of all papers and documents connected with the administration of these *regulations* for such time as is required by law.

**2.4.2.3. Notices and Orders.** The *authority having jurisdiction* shall issue, in writing, such notices or orders as may be necessary to inform the *owner* where a contravention of these *regulations* has been observed. Such notices or orders may specify any remedial or other measures that are required to meet the *regulations* in accordance with the provisions of Section 12 of the Act. Where the *authority having jurisdiction* issues such written notice or order, a copy shall be retained by the *authority having jurisdiction* and a copy shall be sent to:

- (1) the *owner*, by regular mail, at the address given on the *permit* application;
- (2) the *designer, architect or professional engineer* by regular mail, at the address given on the *permit* application;
- (3) the *constructor*, by regular mail, or if the *constructor* is present during the inspection, may be given to the *constructor*.

**2.4.2.4. Responding to Code Inquiries.** The *authority having jurisdiction* shall answer such relevant questions as may be reasonable with respect to the provisions of these *regulations* when requested to do so, but shall refrain from assisting in the laying out of any work and from acting in the capacity of a *designer*.

**2.4.2.5. Authority having Jurisdiction to Issue Permits.** The *authority having jurisdiction* shall issue a *building permit* or an *occupancy permit* to the *owner* when, to the best of *authority having jurisdiction's* knowledge, the applicable conditions, as set forth in these *regulations*, have been met.

**2.4.1.6. Safety Regulations.** The *authority having jurisdiction* shall, when inspecting *building* sites and structures, comply with the safety *regulations* made pursuant to the *Occupational Health and Safety Act*, Department of Labour, Province of Nova Scotia.

### Section 2.5 Powers of Authority having Jurisdiction

#### 2.5.1. General

**2.5.1.1. Right to Enter Property.** The *authority having jurisdiction* may enter and inspect any *building* or premises at any reasonable time for the purpose of administering or enforcing these *regulations* in accordance with the provisions of s[ubs]ections 10(1), 10(2), and 10(3) of the *Building Code Act*.

#### 2.5.1.2. Orders.

- (1) The *authority having jurisdiction* is empowered to order:

- (a) a person who contravenes these *regulations* to comply with them within the time period that may be specified,
- (b) work to stop on the *building* or any part thereof if such work is proceeding in contravention of these *regulations*, or if there is deemed to be an *unsafe condition*,
- (c) the removal of any unauthorized encroachment on public property,
- (d) the removal of any *building* or part thereof constructed in contravention of these *regulations*,
- (e) the cessation of any *occupancy* in contravention of these *regulations*,
- (f) the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed,
- (g) correction of any *unsafe condition*, and
- (h) the *owner* to uncover and replace at their own expense:
  - i) work that has been ordered to be done pursuant to an order issued by the *authority having jurisdiction* and which has been covered without being inspected; and
  - ii) work for which notification to inspect is required to be given pursuant to Article 2.1.1.11., and where uncovering the work is necessary to determine compliance with the *Code*.

**2.5.1.3. Tests Required to Prove Compliance.** The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets these *regulations*.

**2.5.1.4. Reports Regarding Failure or Potential Failure.** The *authority having jurisdiction* may require the *owner* or the *owner's* representative, where any failure occurs which causes or has the potential to cause injury or loss of life, to submit a report stating the nature and details of the failure and the name and addresses of the *constructor*.

**2.5.1.5. Conditional Building or Occupancy Permit.**

- (1) The *authority having jurisdiction* may issue a *building* or *occupancy permit* conditional upon:
- (a) the submission of additional information not available at the time where such information is of such a nature that withholding of the *permit* until the information becomes available would be unreasonable,
  - (b) completion of such work that is incomplete at the time of inspection, or application is of such a nature that no *unsafe condition* exists and that withholding of the *permit* would be unreasonable.

**2.5.1.6. Refuse to Issue Permit.**

- (1) The *authority having jurisdiction* may refuse to issue any *permit*:
- (a) whenever information submitted is inadequate to determine compliance with the provisions of these *regulations*,
  - (b) whenever incorrect information is found to have been submitted,
  - (c) that would authorize any *building* work or *occupancy* that would not be permitted by these *regulations*, or
  - (d) that would be prohibited by any other Act, regulation or bylaw.

**2.5.1.7. Revoke a Permit.**

- (1) The *authority having jurisdiction* may revoke a *permit* by written notice to the *permit* holder if:
- (a) there is contravention of any condition under which the *permit* was issued,
  - (b) the *permit* was issued in error, or
  - (c) the *permit* was issued on the basis of incorrect information.

**2.5.1.8. Occupancy Prior to Completion.** The *authority having jurisdiction* may issue an *occupancy permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the



*occupancy* of a *building* or part thereof for the accepted use, prior to commencement or completion of the construction or *demolition* work.

**2.5.1.9. Provide Reasons for Refusal.** The *authority having jurisdiction* shall provide the reasons for refusal to grant a *permit*, when requested to do so.

### Part 3

#### Amendments to the Nova Scotia Building Code

#### Section 3.1 Amendments Made to Parts 1 through 9 inclusive of the *National Building Code of Canada*.

##### 3.1.1. Amendments

**3.1.1.1. Definition of *Owner*.** The definition of “*owner*” in Section 1.4 (Part 1, Division A, Volume 1), of the National Building Code of Canada, 2005 is deleted and replaced herein with the definition of “*owner*” in Article 1.3.1.3. of these *regulations*.

**3.1.1.2. Sentence 1.1.1.1.(2) (Part 1, Division A, Volume 1) amended.** Sentence 1.1.1.1.(2) (Part 1, Division A, Volume 1) of the National Building Code of Canada, 2005 is deleted and the following substituted:

**1.1.1.1.(2) (Part 1, Division A, Volume 1) Scope**

(1) Except as provided in Sentences (2) and (3), the *Code* applies to both site assembled and factory built *buildings*.

(2) Mobile homes are exempt from this *Code* provided they meet the requirements of CSA Z240 MH Series and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CSA Z240 MH Series.

(3) Modular homes are exempt from this *Code* provided they meet the requirements of CSA A277-M-01 and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CSA A277-M-01.

**3.1.1.3. Climatic Values Sentence 1.1.3.1.(1) (Part 1, Division B, Volume 1) amended.** Sentence 1.1.3.1.(1) (Part 1, Division B, Volume 1) of the National Building Code of Canada, 2005 is amended by deleting “Table C 2, Appendix C.” in the last line and substituting “Schedule B, Design Data for Selected Locations in Nova Scotia”.

**3.1.1.4. Climatic Values Sentence 1.1.3.1.(2)(Part 1, Division B, Volume 1) amended.** Sentence 1.1.3.1.(2) (Part 1, Division B, Volume 1) of the National Building Code of Canada, 2005 is amended by deleting “Table C-2 (Appendix C, Division B, Volume 2)” in the middle line and substituting, “Schedule B, Design Data for Selected Locations in Nova Scotia”.

**3.1.1.5. *Barrier-Free Design* deleted and replaced. Section 3.8. (Part 3, Division B, Volume 1)** Section 3.8. (Part 3, Division B, Volume 1) of the National Building Code of Canada, 2005 is deleted and replaced with the Section 3.8 “*Barrier-Free Design*” contained in Schedule “C” of these *regulations*.

**3.1.1.6. *Barrier-Free Design*. Sentence 9.5.2.1. (1) (Part 9, Division B, Volume 1) deleted and replaced** Sentence 9.5.2.1.(1) General (Part 9, Division B, Volume 1) of the National Building Code of Canada, 2005 is deleted and replaced by the following sentence:

**Sentence 9.5.2.1.(1) General** Subject to Article 3.8.1.1. of this regulation every *building* shall be designed in conformance with Section 3.8.

**3.1.1.7. Exception for Apartment Buildings Article 9.5.2.3. (Part 9, Division B, Volume 1) deleted** Article 9.5.2.3. Exception for Apartment Buildings (Part 9, Division B, Volume 1) of the National Building Code of Canada, 2005 is deleted.

**3.1.1.8. Section 3.2. (Part 3, Division B, Volume 1) Amended.** Section 3.2. (Part 3, Division B, Volume 1) 3.2. of the National Building Code of Canada, 2005 is amended by adding Article 3.2.2.84. "Alternate Compliance Methods For Existing Buildings

**Section 3.2.2.84. Alternate Compliance Methods For Existing *Buildings***

**(1) Scope**

**(2) Application.** The Alternate Compliance Methods for Existing *Buildings* contained in Schedule "D" of these *regulations* are hereby adopted and may be used in accordance with Sentences 1.2.1.1.(8), (9), and (10) of these *regulations*.

**3.1.1.9. Section 9.1. General (Part 9, Division B, Volume 1) Amended.** Section 9.1. (Part 9, Division B, Volume 1) of the National Building Code of Canada, 2005 is amended by adding Sentence 9.111.(2).

**(2)** The Alternate Compliance Methods for Existing *Buildings* contained in Schedule "D" of these *regulations* are hereby adopted and may be used in accordance with Sentences 1.2.1.1.(8), (9), and (10) of these *regulations*.

**3.1.1.10. Clause 3.1.2.5.(2)(d) (Part 3, Division B, Volume 1) Amended.** Clause 3.1.2.5.(2)(d) (Part 3, Division B, Volume 1) of the National Building Code of Canada, 2005 is amended by italicizing the words, "*care facility*". (Note that the term "*care facility*" is defined within these regulations.)

**3.1.1.11. Sentence 9.27.2.2.(5) (Division B, Volume 1) amended.** Sentence 9.27.2.2.(5) is amended by replacing the comma after the word break with a period and deleting the balance of the sentence including deletion of Clauses 9.27.2.2.(50) (a) and (b) and the reference to Appendix C for information on the moisture index.

**3.1.1.12. Article 9.32.3.6. (Part 9, Division B, Volume 1) deleted.** Article 9.32.3.6. (Part 9, Division B, Volume 1) of the National Building Code of Canada, 2005 is deleted and appendix note A-9.32.3.6. (Appendix A, Division B, Volume 2) is deleted.

**3.1.1.13. Article 1.3.1.2. (Part 1, Division B, Volume 1) Applicable Editions Amended** Article 1.3.1.2. (Part 1, Division B, Volume 1) of the National Building Code of Canada, 2005 is deleted and replaced with the following:

1) Except as provide[d] under sentence (2) where documents are referenced in this Code, they shall be the editions designated in Table 2.7.3.2. (Part 1, Division B, Volume 1) except those documents designated under the following Acts and Regulations of the Province of Nova Scotia in which case the edition so referenced shall be deemed to be enforce (see Appendix note A-2.7.3.2.).

(a) *Fuel Safety Regulations*

(b) *Boilers and Pressure Vessels Act* and Regulations

(c) *Elevators and Lifts Act* and Regulations

(d) *Electrical Installation and Inspection Act* and Regulations

2) Where amendments to documents adopted by this code apply, these amendments shall apply to the particular provisions of those documents adopted by the above Acts and Regulations unless amended by this regulation.

**3.1.1.14. Article 1.3.3.2. (Part 1, Division A, Volume 1) amended.** Article 1.3.3.2. (Part 1, Division A, Volume 1) of the National Building Code of Canada 2005 is amended by adding new Sentence 1.3.3.2.(2) (Part 1, Division A, Volume 1).

**Sentence 1.3.3.2.(2)** Except as provided in Sentence 1.1.1.1.(3) (Part 1, Division A, Volume 1), Articles 3.2.2.46. and 3.2.2.47. (Part 3, Division B, Volume 1) apply to all buildings used for major occupancies classified as Group C, residential occupancies exceeding 300 m<sup>2</sup> in building area. (Appendix A -1.3.3.2.(2) NSBCR)

**3.1.1.15. Table 3.2.2.47. (Part 3, Division B, Volume 1) deleted and replaced.** Table 3.2.2.47. (Part 3, Division B, Volume 1) of the National Building Code of Canada 2005 is deleted and replaced with

**Table 3.2.2.47.  
Maximum Building Area, Group C, up to 3 Storeys**

No. of Storeys	Maximum Area, m <sup>2</sup>		
	Facing 1 Street	Facing 2 Streets	Facing 3 Streets
1	900	1 120	1350
2	450	560	675
3	300	375	450

**3.1.1.16. Table 3.2.2.46. (Part 3, Division B, Volume 1) deleted and replaced.** Table 3.2.2.46. (Part 3, Division B, Volume 1) of the National Building Code of Canada 2005 is deleted and replaced with

**Table 3.2.2.46.  
Maximum Building Area, Group C, up to 3 Storeys, Increased Area**

No. of Storeys	Maximum Area, m <sup>2</sup>		
	Facing 1 Street	Facing 2 Streets	Facing 3 Streets
1	1 200	1 500	1 800
2	600	750	900
3	400	500	600

**3.1.1.17. Table 3.2.2.44. (Part 3, Division B, Volume 1) deleted and replaced.** Table 3.2.2.44. (Part 3, Division B, Volume 1) of the National Building Code of Canada 2005 is deleted and replaced with

**Table 3.2.2.44.  
Maximum Building Area, Group C, up to 3 Storeys**

No. of Storeys	Maximum Area, m <sup>2</sup>		
	Facing 1 Street	Facing 2 Streets	Facing 3 Streets
1	2 400	3 000	3 600
2	1 200	1 500	1 800
3	800	1 000	1 200

**3.1.1.18. Article 3.2.2.50. Group D, up to 6 Storeys (Part 3, Division B) deleted and replaced.** Article 3.2.2.50. Group D, up to 6 Storeys (Part 3, Division B) of the National Building Code of Canada 2005 is deleted and replaced with

**3.2.2.50.**

- (1) A building classified as Group D is permitted to conform to Sentence (2) provided
- (a) it is not more than 3 storeys in building height, and
  - (b) it has a building area not more than the value in Table 3.2.2.50.

**Table 3.2.2.50.  
Maximum Building Area, Group D, up to 3 Storeys**

No. of Storeys	Maximum Area, m <sup>2</sup>		
	Facing 1 Street	Facing 2 Streets	Facing 3 Streets
1	not limited	not limited	not limited
2	7 200	not limited	not limited
3	4 800	6 000	7 200

- (2) The building referred to in Sentence (1) shall be of noncombustible construction, and
- (a) floor assemblies shall be fire separations with a fire-resistance rating not less than 1 h,
  - (b) mezzanines shall have a fire-resistance rating not less than 1 h,
  - (c) roof assemblies shall have a fire-resistance rating not less than 1 h, except that in a building not more than 1 storey in building height this requirement is waived, and
  - (d) loadbearing walls, columns and arches shall have a fire-resistance rating not less than that required for the supported assembly.

**3.1.1.19. Sentence 3.2.4.20.(5) (Part 3, Division B, Volume 1) Smoke Alarms.** Sentence 3.2.4.20.(5) (Part 3, Division B, Volume 1) of the National Building Code of Canada 2005 is deleted and replaced with

- (5) Smoke alarms referred in Sentence (1) shall
- (a) be installed
    - (i) by permanent connections to an electrical circuit, (see Appendix A, Division B, Volume 2)
    - (ii) have no disconnect switch between the overcurrent device and the smoke alarm, and
    - (iii) in case the regular power supply to the *smoke alarm* is interrupted, be provided with a battery as an alternate power source that can continue to provide power to the *smoke alarm* for a period of no less than 24 hours in the normal condition, followed by five minutes of alarm.

**3.1.1.20. Sentence 9.10.19.3.(1) (Part 9, Division B, Volume 1) Power Supply.** Sentence 9.10.19.3.(1) (Part 9, Division B, Volume 1) of the National Building Code of Canada 2005 is deleted and replaced with

**9.10.19.3.(1)** Smoke alarms referred in Article 9.10.19.1. shall

- (a) be installed
  - (i) by permanent connections to an electrical circuit, (see Appendix A, Division B, Volume 2)
  - (ii) have no disconnect switch between the overcurrent device and the smoke alarm, and
  - (iii) in case the regular power supply to the *smoke alarm* is interrupted, be provided with a battery as an alternate power source that can continue to provide power to the *smoke alarm* for a period of no less than 24 hours in the normal condition, followed by five minutes of alarm,

or

- (b) in a single dwelling unit be installed
  - (i) as a component of a household fire warning system which includes a certified control unit that meets the applicable requirements of ULC-S545 “Standard for Residential Fire Warning System Control Units” and,

(ii) in case the regular power supply to the control unit is interrupted, be provided with a battery as an alternate power source that can continue to provide power to the control unit for a period of no less than 24 hours in the normal condition, followed by five minutes of alarm.

**3.1.1.21. Appendix Notes.** The Appendix Notes to the National Building Code of Canada 2005 edition apply as appendix notes to the *Code* and where amendments made by this regulation unless specifically replaced or amended herein.

**Schedule "A"**  
**LETTER OF UNDERTAKING**

**CONFIRMATION OF COMMITMENT BY OWNER**  
**TO THE MUNICIPAL AUTHORITY HAVING JURISDICTION**  
**FIELD REVIEW OF CONSTRUCTION**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

Authority Having Jurisdiction \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Dear:**

Authority Having Jurisdiction \_\_\_\_\_

**Re:**

Address of Project \_\_\_\_\_

Name of Project \_\_\_\_\_

Legal Description of Project \_\_\_\_\_

I (the *owner*) submit this Letter of Undertaking to the *authority having jurisdiction* along with a completed application for a *building permit*.

The undersigned has appointed an *architect(s)*, *professional engineer(s)*, or *designer(s)*, or prime consultant(s) to undertake, as required in Articles 2.1.1.5. and 2.1.1.6. of the *Regulations*, the *Field Review of Construction* and I have attached to this Letter of Undertaking (check appropriate boxes)

- Field Review of Construction* Commitment Certificates completed by me or the prime consultant appointed by me to coordinate the *Field Review of Construction*.
- Field Review of Construction* Commitment Certificates (identified below) completed by individual *designers* appointed by me to perform the *Field Review of Construction* for the applicable discipline(s).
- shall forward *Field Review of Construction* Commitment Certificates for those not yet appointed.

(Initial the disciplines that apply to this project. All disciplines will not necessarily be employed on every project)

- |  |                                     |                                       |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design         | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing     |
| <input type="checkbox"/> Mechanical              | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System |                                     |                                       |

I shall notify the *authority having jurisdiction* if the *architect*, or *professional engineer* named in the attached "Review of Construction Commitment Certificate(s)" ceases, for whatever reason, to provide the *Field Review of Construction* for this *building* and shall appoint another *architect* and *professional engineer* immediately so that the *Field Review of Construction* will continue uninterrupted. This notice and the necessary *Field Review of Construction* Commitment Certificates shall be forwarded to the *authority having jurisdiction* as soon as practical, but not later than 72 hours.

Signature of *Owner*

Date

Print Name

Address

Postal Code

Phone

Fax

e-mail

**Schedule "A-1"**  
**FIELD REVIEW OF CONSTRUCTION**  
**INSPECTION COMMITMENT CERTIFICATE**  
**PRIME CONSULTANT**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

Authority Having Jurisdiction	Date
Address	

**Dear:**

Authority Having Jurisdiction
-------------------------------

**Re:**

Address of Project
Name of Project
Legal Description of Project

This is to advise that I am the *architect, professional engineer or designer* appointed by the *owner* as prime consultant to coordinate the *Field Review of Construction* for the above referenced project.

I hereby certify as prime consultant for this project that I will coordinate the *Field Review of Construction* for the following disciplines which I have checked and initialled.

- |  |                                     |                                       |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design         | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing     |
| <input type="checkbox"/> Mechanical              | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System |                                     |                                       |

I attach for your review the *Field Review of Construction* Inspection Commitment Certificates for each above marked and initialled discipline completed by an appropriate professional for each discipline, or shall forward the *Field Review of Construction* Inspection Commitment Certificate for those not yet appointed.

I, and professionals who have completed the various *Field Review of Construction* Inspection Commitment Certificates, will perform the *Field Review of Construction*.

I also certify that

- 1) I will coordinate the review of shop drawings;
- 2) I will coordinate the review of changes to the design documents; and
- 3) I will complete or have completed by the appropriate professional the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*, or the *Architects Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than

72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

_____		
Print Name		
_____	_____	
Signature	Initials Sample	
_____		
Print Name of Firm or Company		
_____		
Print Address		
_____		
_____	_____	_____
Print Municipality	Postal Code	
_____		
Telephone	Fax	e-mail

Affix below the seal of the licensed *Architect, or Professional Engineer* as appropriate in accordance with provincial legislation or signed by the prime consultant)

**Schedule "A-2"**

**FIELD REVIEW OF CONSTRUCTION  
INSPECTION COMMITMENT CERTIFICATE  
BUILDING DESIGN REQUIREMENTS**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the *Nova Scotia Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the *Nova Scotia Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the *Nova Scotia Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

_____	_____
Authority Having Jurisdiction	Date
_____	
Address	
_____	
_____	
_____	

**Dear:**

\_\_\_\_\_

Authority Having Jurisdiction

**Re:**

\_\_\_\_\_

Address of Project



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 Name of Project
 

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 Legal Description of Project
 

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This is to advise that I am the *architect*, or *professional engineer* appointed by the owner or prime consultant to perform the *Field Review of Construction* for the BUILDING DESIGN aspects of the project, which are within Part 3 and Part 5 of the *Code* and as shown in design documents submitted to the *authority having jurisdiction* but do not include areas of work referred to in certificates A-3 to A-9 inclusive.

I hereby certify for the Building Design Requirements that

- 1) I will review the shop drawings relevant to this certificate to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the design documents relevant to this certificate to ensure that the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Architects Act*, or *Professional Engineer's Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

---

 Print Name

---

 Signature

---

 Initials Sample

---

 Print Name of Firm or Company

---

 Print Address

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 Print Municipality

---

 Postal Code

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 Telephone

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 Fax

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 e-mail

Affix below the seal of the licensed *Architect*, or *Professional Engineer* as appropriate in accordance with provincial legislation.

### Schedule "A-3"

## **FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE STRUCTURAL DESIGN REQUIREMENTS**

### **PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition of buildings*;

And whereas *architects*, and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

Authority Having Jurisdiction	Date
Address	

**Dear:**

Authority Having Jurisdiction

**Re:**

Address of Project

Name of Project

Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the *Field Review of Construction* for the STRUCTURAL DESIGN requirements.

I hereby certify for the Structural Design Requirements that

- 1) I will review the structural shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the structural design drawings to determine that the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the occupancy permit.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than

72 hours if the contract for *Field Review of Construction* is terminated at any time during construction.

_____		
Print Name		
_____	_____	
Signature	Initials Sample	
_____		
Print Name of Firm or Company		
_____		
Print Address		
_____		
_____	_____	_____
Print Municipality	Postal Code	
_____		
Telephone	Fax	e-mail

Affix below the seal of the licensed *Professional Engineer* in accordance with provincial legislation.

**Schedule "A-4"**

**FIELD REVIEW OF CONSTRUCTION  
INSPECTION COMMITMENT CERTIFICATE  
MECHANICAL DESIGN REQUIREMENTS**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the *Nova Scotia Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the *Nova Scotia Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the *Nova Scotia Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the MECHANICAL DESIGN requirements.

**To:**

_____	_____
Authority Having Jurisdiction	Date
_____	
Address	
_____	
_____	
_____	

**Dear:**

_____
Authority Having Jurisdiction

**Re:**


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 Address of Project

---

 Name of Project

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 Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the MECHANICAL DESIGN requirements.

I hereby certify for the Mechanical Design Requirements that

- 1) I will review the mechanical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the mechanical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

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 Print Name

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 Signature

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 Initials Sample

---

 Print Name of Firm or Company

Affix below the seal of the licensed  
*Professional Engineer* in accordance with  
provincial legislation.

---

 Print Address

---

 Print Municipality

---

 Postal Code

---

 Telephone

Fax

e-mail

### Schedule "A-5"

## **FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE ELECTRICAL DESIGN REQUIREMENTS**

### PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition of buildings*;

And whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

Authority Having Jurisdiction	Date
Address	

**Dear:**

Authority Having Jurisdiction

**Re:**

Address of Project

Name of Project

Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the ELECTRICAL DESIGN requirements.

I hereby certify for the Electrical Design Requirements that

- 1) I will review the electrical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the electrical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Initials Sample

\_\_\_\_\_  
Print Name of Firm or Company

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
Print Municipality

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail

Affix below the seal of the licensed  
*Professional Engineer* in accordance with  
provincial legislation.

**Schedule "A-6"**

**FIELD REVIEW OF CONSTRUCTION  
INSPECTION COMMITMENT CERTIFICATE  
FIRE SUPPRESSION SYSTEMS DESIGN REQUIREMENTS**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the *Nova Scotia Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the *Nova Scotia Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the *Nova Scotia Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

\_\_\_\_\_  
Authority Having Jurisdiction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Dear:**

\_\_\_\_\_  
Authority Having Jurisdiction

**Re:**


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 Address of Project

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 Name of Project

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 Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the FIRE SUPPRESSION SYSTEMS DESIGN requirements.

I hereby certify for the Fire Suppression Systems Design Requirements that

- 1) I will review the fire suppression systems shop drawings *to determine general compliance with the design documents*, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the fire suppression systems design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*;
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*;
- 4) I will file a copy of this form, a copy of the shop drawings, and specifications for the fire suppression system, and a copy of the appropriate contractor's material and test certificate for the system, as required by sentence 3.2.5.13.(1) of the *Code*, with the Office of the Fire Marshal. I shall forward proof of receipt for each of the documents filed, issued by the Office of the Fire Marshal, to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

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 Print Name

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 Signature

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 Initials Sample

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 Print Name of Firm or Company

Affix below the seal of the licensed  
*Professional Engineer* in accordance with  
provincial legislation.

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 Print Address

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 Print Municipality

---

 Postal Code

---

 Telephone

Fax

e-mail

## Schedule "A-7"

**FIELD REVIEW OF CONSTRUCTION  
INSPECTION COMMITMENT CERTIFICATE  
GEOTECHNICAL DESIGN REQUIREMENTS**

**PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

**To:**

\_\_\_\_\_

Authority Having Jurisdiction	Date
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\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Dear:**

\_\_\_\_\_

Authority Having Jurisdiction

**Re:**

\_\_\_\_\_

Address of Project

\_\_\_\_\_

Name of Project

\_\_\_\_\_

Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the GEOTECHNICAL (PERMANENT) DESIGN requirements.

I hereby certify for the Geotechnical (Permanent) Systems Design Requirements that

- 1) I will review the Geotechnical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the Geotechnical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and



- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Initials Sample

Affix below the seal of the licensed  
*Professional Engineer* in accordance with  
provincial legislation.

\_\_\_\_\_  
Print Name of Firm or Company

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
Print Municipality

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail

#### Schedule "A-8"

### **FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE PLUMBING DESIGN REQUIREMENTS**

#### **PREAMBLE**

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And whereas the Minister of the Department of Environment and Labour has by regulation adopted the National *Building Code*, with amendments as the *Nova Scotia Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And whereas Part 2 of the *Nova Scotia Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the *Nova Scotia Building Code* with sufficient drawings and documents to show how these standards have been met;

And whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

#### **To:**

\_\_\_\_\_  
Authority Having Jurisdiction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

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**Dear:**


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 Authority Having Jurisdiction
**Re:**


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 Address of Project

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 Name of Project

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 Legal Description of Project

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the PLUMBING DESIGN requirements.

I hereby certify for the Plumbing Design Requirements that

- 1) I will review the plumbing shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the plumbing design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Engineering Profession Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

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 Print Name

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 Signature

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 Initials Sample

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 Print Name of Firm or Company

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 Print Address

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 Print Municipality

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 Postal Code

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 Telephone

Fax

e-mail

Affix below the seal of the licensed *Professional Engineer* in accordance with provincial legislation.

**Schedule "A-9"**  
**CERTIFICATION OF FIELD REVIEW OF CONSTRUCTION**

NOTE: This letter must be signed by a Licensed *Architect*, or *Professional Engineer* as appropriate in accordance with Provincial Legislation and must be submitted after completion of the project but before the *occupancy permit* is issued. A separate letter must be submitted by each *architect*, or *professional engineer* hired by the *owner* or prime consultant.

**To:**

Authority Having Jurisdiction	Date
Address	

**Dear:**

Authority Having Jurisdiction

**Re:**

Address of Project

Name of Project

Legal Description of Project

I hereby certify that I have fulfilled my obligations for Field Review of Construction as defined in the Letter of Undertaking and the Inspection Commitment Certificate, and advise that I have reviewed the work at intervals appropriate, to determine general compliance with the design and all revisions thereto as accepted by the *authority having jurisdiction* for the following disciplines which I have checked and initialled.

- |  |                                     |                                       |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design         | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing     |
| <input type="checkbox"/> Mechanical              | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System |                                     |                                       |

Print Name

Signature	Initials Sample
-----------	-----------------

Print Name of Firm or Company

Print Address

Print Municipality	Postal Code
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Telephone	Fax	e-mail
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Affix below the seal of the licensed *Architect*, or *Professional Engineer* as appropriate in accordance with provincial legislation.

**Schedule "B"**  
**Design Data for Selected Locations in Nova Scotia**

Location	Design Temperature				Degree - Days Below 18°C	15 Min. Rain mm	One Day Rain 1/50 mm	Ann Rain mm	Ann. Total Ppn. mm	Driving Rain Wind Pressures P/a 1/5	Ground Snow Load, kPa		Hourly Wind Pressures		Seismic Data				
	January		July 2.5%								S <sub>g</sub>	S	1/10 kPa	1/50 kPa	S <sub>s</sub> (0.2)	S <sub>s</sub> (0.5)	S <sub>s</sub> (1.0)	S <sub>s</sub> (2.0)	PGA
	2.5 % °C	1% °C	Dry °C	Wet °C															
	2	3	4	5							6	7	8	9	10	11	12	13	14
Amherst	-21	-24	27	21	4600	18	123	950	1150	220	2.4	0.5	0.41	0.58	0.24	0.13	0.062	0.018	0.14
Antigonish	-20	-23	27	21	4600	15	123	1100	1250	240	2.1	0.6	0.41	0.54	0.19	0.11	0.060	0.017	0.095
Baddeck	-16	-18	27	21	4546	13	-	-	-	-	-	-	0.45	-	-	-	-	-	-
Bedford	-18	-18	26	20	3880	15	-	-	-	-	-	-	0.40	-	-	-	-	-	-
Bridgewater	-15	-17	27	20	4250	15	144	1300	1475	260	1.9	0.6	0.41	0.59	0.23	0.13	0.069	0.019	0.12
Canso	-17	-19	25	20	4500	15	123	1325	1400	260	1.7	0.6	0.49	0.62	0.24	0.14	0.071	0.020	0.13
Dartmouth	-16	-18	26	20	4200	18	144	1250	1400	280	1.6	0.6	0.40	0.55	0.23	0.13	0.069	0.019	0.12
Debert	-22	-25	27	21	4600	18	118	1000	1200	240	2.1	0.6	0.39	0.58	0.23	0.12	0.062	0.017	0.12
Digby	-15	-17	25	20	4050	15	139	1100	1275	260	2.2	0.6	0.40	0.55	0.26	0.13	0.069	0.020	0.14
East Gore	-20	-22	27	21	4325	16	-	-	-	-	-	-	0.35	-	-	-	-	-	-
Eimsdale	-19	-21	27	21	4424	16	-	-	-	-	-	-	0.40	-	-	-	-	-	-
Enfield	-19	-21	27	21	4424	16	-	-	-	-	-	-	0.40	-	-	-	-	-	-
Greenwood	-17	-19	28	21	4300	15	123	925	1100	280	2.7	0.6	0.36	0.54	0.25	0.13	0.067	0.018	0.14
Halifax	-16	-18	26	20	4100	15	150	1350	1500	280	1.9	0.6	0.40	0.58	0.23	0.13	0.069	0.019	0.12
Kennetcook	-20	-22	27	21	4325	15	-	-	-	-	-	-	0.35	-	-	-	-	-	-
Kentville	-18	-20	28	21	4200	18	128	950	1200	260	2.4	0.6	0.36	0.54	0.24	0.13	0.067	0.018	0.14
Lantz	-19	-21	27	21	4424	16	-	-	-	-	-	-	0.40	-	-	-	-	-	-
Liverpool	-14	-16	27	20	4050	15	150	1325	1425	280	1.7	0.6	0.44	0.61	0.24	0.14	0.072	0.020	0.13
Lockeport	-14	-16	25	20	4100	15	139	1250	1450	280	1.4	0.6	0.44	0.60	0.26	0.14	0.074	0.021	0.14
Louisburg	-15	-17	26	20	4500	15	118	1300	1500	300	2.1	0.6	0.52	0.65	0.22	0.12	0.066	0.018	0.12
Lunenburg	-15	-17	26	20	4250	15	144	1300	1450	260	1.9	0.6	0.43	0.61	0.23	0.13	0.069	0.019	0.12
Maitland	-21	-23	26	22	4400	16	-	-	-	-	-	-	0.37	-	-	-	-	-	-
Milford Station	-20	-22	27	21	4500	16	-	-	-	-	-	-	0.38	-	-	-	-	-	-
Mount Uniacke	-19	-21	27	21	4610	17	-	-	-	-	-	-	0.42	-	-	-	-	-	-
New Glasgow	-21	-23	27	21	4450	15	107	975	1200	260	2.2	0.6	0.40	0.55	0.18	0.13	0.058	0.016	0.086
Noel	-20	-22	26	22	4400	15	-	-	-	-	-	-	0.37	-	-	-	-	-	-
North Sydney	-16	-18	27	21	4600	13	123	1200	1475	300	2.4	0.6	0.47	0.59	0.19	0.11	0.061	0.016	0.098
Pictou	-21	-24	27	21	4400	15	107	850	1175	260	2.2	0.6	0.40	0.55	0.18	0.11	0.057	0.016	0.084
Port Hawkesbury	-19	-22	27	21	4400	15	128	1325	1450	260	2.1	0.6	0.59	0.74	0.21	0.12	0.064	0.018	0.11
Shubenacadie	-20	-22	27	21	4500	16	-	-	-	-	-	-	0.38	-	-	-	-	-	-
Springhill	-20	-23	27	21	4600	18	123	1075	1175	220	3.1	0.6	0.39	0.56	0.24	0.13	0.063	0.018	0.14
Stewiacke	-21	-23	27	21	4400	18	128	1050	1250	240	1.8	0.6	0.39	0.55	0.22	0.12	0.065	0.018	0.12
Sydney	-16	-18	27	21	4650	13	123	1200	1475	300	2.3	0.6	0.47	0.59	0.20	0.12	0.062	0.017	0.10
Tatamagouche	-21	-24	27	21	4500	18	118	875	1150	260	2.2	0.6	0.40	0.55	0.19	0.11	0.057	0.016	0.097
Truro	-21	-23	27	21	4650	18	123	1000	1175	240	2.0	0.6	0.37	0.53	0.21	0.12	0.062	0.017	0.12
Walton	-19	-21	26	22	4400	15	-	-	-	-	-	-	0.38	-	-	-	-	-	-
Wolfville	-19	-21	28	21	4200	18	123	975	1175	260	2.4	0.6	0.36	0.54	0.25	0.13	0.067	0.018	0.14
Yarmouth	-13	-15	22	19	4100	13	150	1125	1260	280	1.8	0.6	0.41	0.56	0.23	0.13	0.068	0.018	0.12

NOTE: As it is not practical to list values for all municipalities in Nova Scotia, recommended climatic design values for locations not listed, or where complete data was unavailable on the date of publication, can be obtained by writing to the Atmospheric Environment Service, Environment Canada, 4905 Dufferin Street, Downsview, Ontario M3H 5T4 or by contacting (416) 739-4365.

If a municipality has recent climatic values for additional locations that it wishes included in a subsequent amendment of this table, please send them to the Building Code Coordinator, Public Safety Division, Nova Scotia Environment and Labour, PO Box 697, Halifax, NS, B3J 2T8.

Seismic Values for those not listed may be obtained through the Natural Resources Canada Website at [www.eathquakescanada.ca](http://www.eathquakescanada.ca), or by writing to the Geological Survey of Canada, 7 Observatory Crescent Ottawa, ON, K1A 0Y3.

**Schedule “C”**  
**Barrier-Free Design**

As amended by Article 3.1.1.5. of these regulations Section 3.8 Barrier-Free Design of the Code is replaced with the following:

**Section 3.8 Barrier-Free Design**

**3.8.1. General** (see Appendix Note 3.8.1.)

**3.8.1.1. Application**

(1) The requirements of this section apply to all *buildings*, except

- (a) houses, including semi-detached, duplexes, triplexes, townhouses, row houses, boarding houses, and rooming houses,
- (b) houses on their own lot, except as required by Sentence 3.8.1.1.(5), houses licensed under the *Tourist Accommodations Act* as *roofed accommodation*, for not more than 10 persons including the owner and the owner’s family,
- (c) buildings of Group F, Division 1 major occupancy,
- (d) buildings which are not intended to be occupied on a daily or full time basis, including automatic telephone exchanges, pumphouses, and substations, and
- (e) industrial occupancies with an operation which is not adaptable to barrier-free.

(2) In [a] *camping accommodation* where sleeping accommodations are provided, and in [a] *roofed accommodation* one sleeping unit conforming to Article 3.8.3.17. shall be provided for every twenty (20) sleeping units or part thereof.

(3) In [a] *roofed accommodation*, when a fire alarm system is required by Subsection 3.2.4. (Part 3, Division B, Volume 1) or Subsection 9.10.18. (Part 9, Division B, Volume 1) NBC, at least one sleeping unit for every twenty (20) sleeping units or part thereof, other than those required in Sentence 3.8.1.1.(2), shall be provided with a warning system which shall conform to Article 3.2.4.19. Visual Signals (Part 3, Division B, Volume 1).

(4) Every floor area to which a barrier-free path of travel is required to provide access, shall conform to Article 3.3.1.7. (Part 3, Division B, Volume 1). Protection on Floor Areas with a Barrier-Free Path of Travel

(5) Where an alteration on the entrance level is made to a house, exempt by Clause 3.8.1.1.(1)(b), to add sleeping accommodation,

- (a) one sleeping unit conforming to Article 3.8.3.17.,
- (b) an entrance conforming to Article 3.8.3.3.,
- (c) barrier free path of travel conforming to Article 3.8.1.3., and
- (d) one parking stall for each required sleeping unit under this sentence conforming with Sentence 3.8.2.2.(5)

shall be provided.

(6) Except as exempt by 3.8.1.1.(1)(a), in residential occupancies of multiple suites, one unit conforming to Article 3.8.3.18. shall be provided for every twenty (20) units or part thereof. (see Appendix A-3.8.1.1.(6))

**3.8.1.2. Entrances** (See Appendix A- 3.8.1.2.)

(1) In addition to the barrier-free entrances required by Sentence (2), not less than 50% of the pedestrian entrances of a building referred to in Sentence 3.8.1.1.(1) shall be barrier-free and shall lead from

- a) the outdoors at sidewalk level, or
- b) a ramp that conforms to Article 3.8.3.4. and leads from a sidewalk.

- (2) A suite of assembly occupancy, business and personal services occupancy or mercantile occupancy that is located in the first storey of a building, or in a storey to which a barrier-free path of travel is provided, and that is completely separated from the remainder of the building so that there is no access to the remainder of the building, shall have at least one barrier-free entrance.
- (3) A barrier-free entrance required by Sentences (1) or (2) shall be designed in accordance with Article 3.8.3.3.
- (4) At a barrier-free entrance that includes more than one doorway, only one of the doorways is required to be designed in accordance with the requirements of Article 3.8.3.3.
- (5) If a *walkway* or pedestrian bridge connects two *barrier-free storeys* in different buildings, the path of travel from one storey to the other storey by means of a *walkway* or bridge shall be barrier free.
- (6) Where a principal entrance to a building of residential occupancy is equipped with a security door system,  
(a) both visual and audible signals shall be used to indicate when the door lock is released, and  
(b) there are more than 20 suites a closed circuit visual monitoring system shall be provided capable of connection to individual suites. [*sic*]
- (7) Where a house is required to conform to the requirements of sentence 3.8.1.1.(5) such house shall provide one barrier free entrance in conformance with sentence (1).

#### 3.8.1.3. Barrier-Free Path of Travel (see Appendix A - 3.8.1.3.)

- (1) Except as required elsewhere in this Part or as permitted by Article 3.8.3.3. for doorways, the unobstructed width of a *barrier-free* path of travel shall be not less than 920 mm.
- (2) Interior and exterior walking surfaces that are within a barrier-free path of travel shall  
(a) have no opening that will permit the passage of a sphere more than 13 mm diam,  
(b) have any elongated openings oriented approximately perpendicular to the direction of travel,  
(c) be stable, firm and slip-resistant,  
(d) be bevelled at a maximum slope of 1 in 2 at changes in level not more than 13 mm, and  
(e) be provided with sloped floors or ramps at changes in level more than 13 mm.
- (3) A barrier-free path of travel is permitted to include ramps, passenger elevators or other platform elevating devices to overcome a difference in level.
- (4) The width of a barrier free path of travel that is more than 30 m long shall be increased to not less than 1500 mm for a length of 1500 mm at intervals not exceeding 30 m.

#### 3.8.1.4. Storeys Served by Escalators

- (1) In a *building* in which an escalator or inclined moving walk provides access to any floor level above or below the entrance floor level, an interior *barrier-free* path of travel shall be provided to that floor level. (See Appendix A, Division B, Volume 2)
- (2) The route from the escalator or inclined moving walk to the *barrier-free* path of travel from floor to floor required by Sentence (1) shall be clearly indicated by appropriate signs.

#### 3.8.1.5. Controls

- (1) Except as required by Sentence 3.8.1.5. (Part 3, Division B, Volume 1) for elevators, controls for the operation of *building* services or safety devices, including electrical switches, thermostats and intercom switches, intended to be operated by the occupant and located in or adjacent to a *barrier-free* path of travel

shall be accessible to a person in a wheelchair, operable with one hand, and mounted between 400 mm and 1 200 mm above the floor.

### 3.8.2. Occupancy Requirements

#### 3.8.2.1. Areas Requiring a Barrier-Free Path of Travel (See Appendix A-3.8.2.1.)

(1) Except as permitted by Sentence (2), a *barrier-free* path of travel from the entrances required by Sentences 3.8.1.2.(1) and (2) to be *barrier-free* shall be provided throughout and within all normally occupied *floor areas* of

- (a) the entrance storey,
- (b) each storey exceeding 600 m<sup>2</sup> in area, and
- (c) each storey served by a passenger elevator, escalator, inclined moving walk, or other platform equipped passenger elevating device.

(See Article 3.3.1.7. Protection on Floor Areas with a Barrier-Free Path of Travel (Part 3, Division B, Volume 1) for additional requirements for floor areas above or below the first storey to which a barrier-free path of travel is required.)

(2) A barrier-free path of travel for persons in wheelchairs is not required

- (a) to service rooms,
- (b) to elevator machine rooms,
- (c) to janitor's rooms,
- (d) to service spaces,
- (e) to crawl spaces,
- (f) to attic or roof spaces,
- (g) to floor levels not served by a passenger elevator, a platform equipped passenger elevating device, an escalator, or an inclined moving walk,
- (h) to high hazard industrial occupancies,
- (i) within portions of a floor area with fixed seats in an assembly occupancy where those portions are not part of the barrier-free path of travel to spaces designated for wheelchair use,
- (j) within floor levels of a suite of residential occupancy that are not at the same level as the entry level to the suite,
- (k) within a *suite* of *residential occupancy* not required by 3.8.1.1.(6) or
- (l) within those parts of a floor area that are not at the same level as the entry level, provided amenities and uses provided on any raised or sunken level are accessible on the entry level by means of a barrier-free path of travel.

(3) In an assembly occupancy, the number of spaces designated for wheelchair use within rooms or areas with fixed seats shall conform to Table 3.8.2.1. (See also Article 3.8.3.6. for additional requirements.)

**Table 3.8.2.1. Designated Wheelchair Spaces**

Number of Fixed Seats in Seating Area	Number of Spaces Required for Wheelchairs
2 - 100	2
101 - 200	3
201 - 300	4
301 - 400	5
401 - 500	6
501 - 900	7
901 - 1 300	8
1 301 - 1 700	9
each increment of up to 400 seats in excess of 1 700	one additional space

(4) A platform equipped passenger elevating device referred to in Sentence (1) shall conform to CSA B355, "Lifts for Persons with Physical Disabilities."

### 3.8.2.2. Access to Parking Areas

(1) If exterior parking is provided, a *barrier-free* path of travel shall be provided between the exterior parking area and a *barrier-free* entrance conforming to Article 3.8.1.2. (See Appendix A-3.8.1.2.)

(2) If a passenger elevator serves one or more indoor parking levels, a *barrier-free* path of travel shall be provided between at least one parking level and all other parts of the *building* required to be provided with *barrier-free* access in accordance with Article 3.8.2.1.

(3) If an exterior passenger loading zone is provided, it shall have

- (a) an access aisle not less than 1 500 mm wide and 6 000 mm long adjacent and parallel to the vehicle pull-up space,
- (b) a curb ramp conforming to 3.8.3.2(2), where there are curbs between the access aisle and the vehicle pull-up space, and
- (c) a clear height not less than 2 750 mm at the pull-up space and along the vehicle access and egress routes.

(4) Where on-site parking is provided, parking stalls for use by disabled persons shall be provided

- (a) as designated by Table 3.8.2.2.,
- (b) one parking stall for disabled persons shall be provided for each viewing position required in assembly occupancies in Sentence 3.8.2.1.(3) or
- (c) one parking stall for each barrier free residential suite.

**Table 3.8.2.2. Designated Parking Stalls**

Number of Parking Stalls	Number of Designated Stalls Required for Wheelchairs
2 - 15	1
16 - 45	2
46 - 100	3
101 - 200	4
201 - 300	5
301 - 400	6
401 - 500	7
501 - 900	8
901 - 1 300	9
1 301 - 1 700	10
each increment of up to 400 stalls in excess of 1 700	one additional space

(5) Parking stalls for use by persons with physical disabilities shall

- (a) be not less than 2 400 mm wide and provided on one side with an access aisle not less than 1 500 mm wide. (If more than one parking space is provided for persons with physical disabilities, a single access aisle can serve two adjacent parking stalls.) and if parallel parking stalls shall be not less than 7 000 mm long. [sic]
- (b) have a firm, slip-resistant and level surface of asphalt, concrete or compacted gravel,
- (c) be located close to an entrance required to conform to Article 3.8.1.3., but not exceeding 50 m,
- (d) be clearly marked as being for the use of persons with physical disabilities, and
- (e) be identified by a sign located not less than 1 500 mm above ground level in conformance the *Motor Vehicle Act* of Nova Scotia, traffic sign regulations.



### 3.8.2.3. Washrooms Required to be Barrier-Free

- (1) Except as permitted by Sentence (2), a washroom in a storey to which a barrier-free path of travel is required in accordance with Article 3.8.2.1., shall be barrier-free in accordance with the appropriate requirements in Articles 3.8.3.8. to 3.8.3.12.
- (2) A washroom need not conform to the requirements of Sentence (1) provided
  - (a) it is located within a suite of residential occupancy, except where required by 3.8.1.1.(6), or
  - (b) other barrier-free washrooms are provided on the same floor area within 45 m.
- (3) In a *building* in which water closets are required in accordance with Subsection 3.7.2., one or more *barrier-free* water closets shall be provided in the entrance *storey*, unless
  - (a) a *barrier-free* path of travel is provided to *barrier-free* water closets elsewhere in the building, or
  - (b) the water closets required by Subsection 3.7.2. are for *dwelling units* only.
- (4) In any space containing 4 or more water closets at least one of the water closets shall conform to Articles 3.8.3.8. and 3.8.3.9. (See Appendix A.)
- (5) Where *alterations* are made to existing buildings, a universal toilet room conforming to Article 3.8.3.12. is permitted to be provided in lieu of facilities for disabled persons in washrooms used by the general public.

### 3.8.3. Design Standards

#### 3.8.3.1. Accessibility Signs

- (1) Signs incorporating the international symbol of accessibility for persons with physical disabilities shall be installed to indicate the location of a barrier-free entrance. (See Appendix A.)
- (2) A teletypewriter (TTY/TDD) phone, washroom, shower, elevator or parking space designed to be barrier-free shall be identified by a sign consisting of the international symbol of accessibility for persons with physical disabilities and by appropriate graphic or written directions to indicate clearly the type of facility available. (See Appendix A.)
- (3) If a washroom is not designed to accommodate persons with physical disabilities in a storey to which a barrier-free path of travel is required, signs shall be provided to indicate the location of barrier-free facilities. (See Appendix A.)
- (4) Signs incorporating the symbol of accessibility for persons with hearing disabilities shall be installed to indicate the location of facilities for persons with hearing disabilities. (See Appendix A.)

#### 3.8.3.2. Exterior Walks

- (1) Exterior walks that form part of a *barrier-free* path of travel shall
  - a) be not less than 1 100 mm wide, and
  - b) have a level area conforming to Clause 3.8.3.4.(1)(c) adjacent to each entrance doorway.
- (2) A curb ramp shall have
  - a) a minimum width of 1200 mm
  - b) a maximum slope of 1 in 12
  - c) flared sides with a maximum slope of 1 in 10. (see Appendix Note A 3.8.3.2.)

#### 3.8.3.3. Doorways and Doors

- (1) Every doorway that is located in a barrier-free path of travel shall have a clear width not less than 800 mm when the door is in the open position. (See Appendix A, Division B, Volume 2 NBC)
- (2) Door operating devices shall be of a design which does not require tight grasping and twisting of the wrist as the only means of operation. (See Appendix A, Division B, Volume 2 NBC)

- (3) A threshold for a doorway referred to in sentences (1) or (2) shall not be more than 13 mm higher than the finished floor surface and shall be bevelled to facilitate the passage of wheelchairs.
- (4) Except as permitted by Sentences (5) and (11), every door that provides a *barrier-free* path of travel through an entrance referred to in Article 3.8.1.2. shall be equipped with a power door operator if the entrance serves
- (a) a hotel,
  - (b) a *building* containing a Group B, Division 2 *major occupancy*, or
  - (c) a *building* more than 500 m<sup>2</sup> in *building area* containing an *assembly occupancy*, a *business and personal services occupancy* or a *mercantile occupancy*. (See Appendix A, Division B, Volume 2 NBC)
- (5) The requirements of Sentence 3.8.3.3.(4) do not apply to an individual suite having an area less than 500 m<sup>2</sup> in a building having only suites of *assembly occupancy*, *business and personal services occupancy* or *mercantile occupancy* if the suite is completely separated from the remainder of the *building* so that there is no access to the remainder of the *building*.
- (6) Except as permitted by Sentence 3.8.3.3.(7) and except for a door with a power door operator, a closer for a door in a barrier-free path of travel shall be designed to permit the door to open when the force applied to the handle, push plate or latch-releasing device is not more than
- (a) 38 N in the case of an exterior door, or
  - (b) 22 N in the case of an interior door.
- (7) Sentence 3.8.3.3.(6) does not apply to a door at the entrance to a dwelling unit, or where greater forces are required in order to close and latch the door against the prevailing difference in air pressure on opposite sides of the door. (See Appendix A, Division B, Volume 2)
- (8) Except for a door at the entrance to a *dwelling unit*, a closer for an interior door in a barrier-free path of travel shall have a closing period of not less than 3 s measured from when the door is in an open position of 70° to the doorway, to when the door reaches a point 75 mm from the closed position, measured from the leading edge of the latch side of the door. (See Appendix A, Division B, Volume 2)
- (9) Unless equipped for power door operation, a door in a *barrier-free* path of travel shall have a clear space on the latch side extending the height of the doorway and not less than
- (a) 600 mm beyond the edge of the door opening if the door swings toward the approach side, and
  - (b) 300 mm beyond the edge of the door opening if the door swings away from the approach side. (See Appendix A, Division B, Volume 2 NBC)
- (10) A vestibule located in a barrier-free path of travel shall be arranged to allow the movement of wheelchairs between doors and shall provide a distance between 2 doors in series of not less than 1 200 mm plus the width of any door that swings into the space in the path of travel from one door to another.
- (11) Only the active leaf in a multiple leaf door in a barrier-free path of travel need conform to the requirements of this Article. (See Appendix A, Division B, Volume 2 NBC)
- (12) Except as provided in Clause 3.8.3.4.(1)(c), the floor surface on each side of a door in a *barrier-free* path of travel shall be level within a rectangular area
- (a) as wide as the door plus the clearance on the latch side required by Sentence 3.8.3.3.(9), and
  - (b) whose dimension perpendicular to the closed door not less than the width of the *barrier-free* path of travel but need not exceed 1 500 mm.
- (13) The power door operator required by Sentence (4) shall function for passage in both directions through the door.

(14) Where a power door operator is required at least one leaf in each set of doors in the barrier free path of travel through a vestibule shall meet the requirements. (See Appendix A-3.8.3.3.(14))

(15) Doorways in a path of travel to and into at least one bathroom within a suite of residential occupancy shall have a clear width of not less than 800 mm when the door is in the open position.

#### 3.8.3.4. Ramps

(1) A ramp located in a barrier-free path of travel shall

- (a) have a width not less than 870 mm between handrails,
- (b) have a slope not more than 1 in 12 (See Appendix A, Division B, Volume 2 NBC),
- (c) have a level area not less than 1 500 by 1 500 mm at the top and bottom and at intermediate levels of a ramp leading to a door, so that on the latch side the level area extends not less than
  - i) 600 mm beyond the edge of the door opening where the door opens towards the ramp, or
  - ii) 300 mm beyond the edge of the door opening where the door opens away from the ramp (See Appendix A, Division B, Volume 2 NBC),
- (d) have a level area not less than 1 200 mm long and at least the same width as the ramp
  - i) at intervals not more than 9 m along its length, and
  - ii) where there is an abrupt change in the direction of the ramp, and
- (e) except as permitted by Sentence (2), be equipped with handrails and guards conforming to Articles 3.4.6.4. and 3.4.6.5.

(2) The requirement for handrails in Clause 3.8.3.4.(1)(e) need not apply to a ramp serving as an aisle for fixed seating.

(3) Floors or walks in a barrier-free path of travel having a slope steeper than 1 in 20 shall be designed as ramps.

#### 3.8.3.5. Spaces in Seating Area

(1) Spaces designated for wheelchair use referred to in Sentence 3.8.2.1.(3) shall be

- a) clear and level, or level with removable seats,
- b) not less than 900 mm wide and 1 525 mm long to permit a wheelchair to enter from a side approach and 1 220 mm long where the wheelchair enters from the front or rear of the space,
- c) arranged so that at least 2 designated spaces are side by side,
- d) located adjoining a barrier-free path of travel without infringing on egress from any row of seating or any aisle requirements, and
- e) situated, as part of the designated seating plan, to provide a choice of viewing location and a clear view of the event taking place.

#### 3.8.3.6. Assistive Listening Devices

(1) Except as permitted in Sentence (2), in *buildings of assembly occupancy*, all classrooms, auditoria, meeting rooms, churches or places of worship, and theatres with an area of more than 100 m<sup>2</sup>, and all courtrooms shall be equipped with an assistive listening system encompassing the entire seating area.

(2) Where the assistive listening system required in Sentence (1) is an induction loop system, only half the seating area in the room need be encompassed.

#### 3.8.3.7. Water Closet Stalls

(1) At least one water closet stall or enclosure in a room or space required by Article 3.8.2.3. to be *barrier-free* shall

- (a) be not less than 1 500 mm wide by 1 500 mm deep,
- (b) be equipped with a door which shall
  - (i) be capable of being latched from the inside,

- (ii) provide a clear opening not less than 800 mm wide with the door in the open position,
  - (iii) swing outward, unless sufficient room is provided within the stall or enclosure to permit the door to be closed without interfering with the wheelchair (See Appendix A, Division B, Volume 2 NBC),
  - (iv) be provided on the inside with a door pull not less than 140 mm long located so that its midpoint is not less than 200 mm and not more than 300 mm from the hinged side of the door and not less than 900 mm and not more than 1 000 mm above the floor (See Appendix A, Division B, Volume 2 NBC), and
  - (v) be provided with a door pull on the outside, near the latch side of the door,
- (c) have a water closet located so that its centre line is 460 mm from the wall with the grab bar and 1030 mm from any obstruction on the other side wall.
- (d) be equipped with grab bars which shall
- (i) be mounted horizontally on the side wall closest to the water closet and shall extend not less than 450 mm in both directions from the most forward point of the water closet (See Appendix A, Division B, Volume 2 NBC),
  - (ii) be mounted horizontally on the wall behind the water closet, extending not less than 600 mm and centred on the toilet bowl, if the water closet does not have an attached water tank,
  - (iii) be mounted not less than 840 mm and not more than 920 mm above the floor,
  - (iv) be installed to resist a load of not less than 1.3 kN applied vertically or horizontally,
  - (v) be not less than 30 mm and not more than 40 mm in diameter, and
  - (vi) have a clearance of not less than 35 mm and not more than 45 mm from the wall,
- (e) be equipped with a coat hook mounted not more than 1 200 mm above the floor on a side wall and projecting not more than 50 mm from the wall, and
- (f) have a clearance of not less than 1 700 mm between the outside of the stall face and the face of an in-swinging washroom door and 1 400 mm between the outside of the stall face and any wall-mounted fixture.

#### 3.8.3.8. Water Closets

- (1) A water closet for a person with physical disabilities shall
- (a) be equipped with a seat located at not less than 400 mm and not more than 460 mm above the floor,
  - (b) be equipped with hand-operated flushing controls that are easily accessible to a wheelchair user or be automatically operable,
  - (c) be equipped with a seat lid or other back support, and
  - (d) not have a spring-actuated seat. (See Appendix A, Division B, Volume 2 NBC)
  - (e) be located so that its centre line is 460 mm from the wall with the grab bar and 1030 mm from any obstruction on the other side wall.

#### 3.8.3.9. Urinals

- (1) If urinals are provided in a barrier-free washroom, at least one urinal shall be
- (a) wall mounted, with the rim located between 488 mm and 512 mm above the floor, or
  - (b) floor mounted, with the rim level with the finished floor.
- (2) The urinal described in Sentence (1) shall have
- (a) a clear width of approach of 800 mm centred on the urinal,
  - (b) no step in front, and
  - (c) installed on each side a vertically mounted grab bar that is not less than 300 mm long, with its centerline 1 000 mm above the floor, and located not more than 380 mm from the centerline of the urinal.

#### 3.8.3.10. Lavatories

- (1) A barrier-free washroom shall be provided with a lavatory which shall
- (a) be located so that the distance between the centerline of the lavatory and the side wall is not less than 460 mm,

- (b) have a rim height not more than 865 mm above the floor,
  - (c) have a clearance beneath the lavatory not less than
    - (i) 760 mm wide,
    - (ii) 735 mm high at the front edge,
    - (iii) 685 mm high at a point 205 mm back from the front edge, and
    - (iv) 230 mm high over the distance from a point 280 mm to a point 430 mm back from the front edge (See Appendix A, Division B, Volume 2 NBC),
  - (d) have insulated pipes where they would otherwise present a burn hazard (See Appendix A, Division B, Volume 2 NBC),
  - (e) have soap dispensers located close to the lavatory, not more than 1 200 mm above the floor, and accessible to persons in wheelchairs, and
  - (f) have towel dispensers or other hand drying equipment located not more than 1 200 mm above the floor in an area that is accessible to persons in wheelchairs.
- (2) If mirrors are provided in a barrier-free washroom, at least one mirror shall be
- (a) mounted with its bottom edge not more than 1 000 mm above the floor, or
  - (b) be inclined to the vertical to be usable by a person in a wheelchair.

**3.8.3.11. Universal Toilet Room** (See NBC 3.7.2. (Part 3, Division B Volume 1) and (Appendix A, Division B, Volume 2)

(1) A universal toilet room shall

- (a) be served by a *barrier-free* path of travel,
- (b) have a door capable of being locked from the inside and released from the outside in case of emergency and which has
  - (i) a graspable latch operating mechanism located not less than 900mm and not more than 1 000 mm above the floor,
  - (ii) on an outward swinging door, a door pull not less than 140 mm long located on the inside so that its midpoint is not less than 200 mm and not more than 300 mm from the hinged side of the door and not less than 900 mm and not more than 1 000 mm above the floor (see A-3.8.3.8.(1)(b)(iv) in Appendix A), and
  - (iii) on an outward swinging door, have a door closer, spring hinges or gravity hinges, so that the door closes automatically
- (c) have one lavatory conforming to Article 3.8.3.11.,
- (d) have one water closet conforming to the requirements of Article 3.8.3.9. located so that its centre line is 460 mm from the wall with the grab bar and 1030 mm from any obstruction on the other side wall.
- (e) have grab bars conforming to Clause 3.8.3.8.(1)(d),
- (f) have no internal dimension between walls less than 1 700 mm,
- (g) have a coat hook conforming to Clause 3.8.3.8.(1)(e) and a shelf located not more than 1 200 mm above the floor,
- (h) be designed to permit a wheelchair to back in alongside the water closet in the space referred to in SubClause (d), and
- (i) be designed to permit a wheelchair to turn in an open space that has a diameter not less than 1 500 mm.

**3.8.3.12. Showers and Bathtubs**

(1) Except within a *suite* of *residential occupancy*, if showers are provided in a *building*, at least one shower stall in each group of showers shall be *barrier-free* and shall

- (a) be not less than 1 500 mm wide and 900 mm deep,
- (b) have a clear floor space at the entrance to the shower not less than 900 mm deep and the same width as the shower, except that fixtures are permitted to project into that space provided they do not restrict access to the shower (See Appendix A, Division B, Volume 2 NBC),
- (c) have a slip-resistant floor surface,
- (d) have a bevelled threshold not more than 13 mm higher than the finished floor,
- (e) have a hinged seat that is not spring loaded, or a fixed seat that shall be

- (i) not less than 450 mm wide and 400 mm deep,
- (ii) mounted approximately 450 mm above the floor, and
- (iii) designed to carry a minimum load of 1.3 kN,
- (f) have a horizontal grab bar conforming to Subclauses 3.8.3.8.(1)(d)(iv), (v) and (vi) that shall be
  - (i) not less than 900 mm long,
  - (ii) mounted approximately 850 mm above the floor, and
  - (iii) located on the wall opposite the entrance to the shower so that not less than 300 mm of its length is at one side of the seat, (See Appendix A, Division B, Volume 2 NBC),
- (g) have a pressure-equalizing or thermostatic mixing valve controlled by a lever or other device operable with a closed fist from the seated position,
- (h) have a hand-held shower head with not less than 1 500 mm of flexible hose located so that it can be reached from the seated position and equipped with a support so that it can operate as a fixed shower head, and
- (i) have fully recessed soap holders that can be reached from the seated position.

(2) If individual shower stalls are provided for use by residents and patients in buildings of Group B, Division 2 institutional occupancy shall conform to the requirements of Clauses (1)(a) to (i) except where

- (a) common showers are provided in conformance with Clauses (1)(a) to (i), or
- (b) common bath tubs equipped with hoist mechanisms to accommodate residents and patients are available.

(3) If a bathtub is installed in a *suite of residential occupancy* required to be *barrier-free*, it shall

- (a) be located in a room complying with the dimensions of Sentence 3.8.3.12.(1),
- (b) conform to Article 3.7.4.9.,
- (c) be equipped with a hand-held shower head and controls conforming to Article 3.8.3.13. but with a hose 1 800 mm long, and
- (d) have grab bars, instead of those required by Article 3.7.4.9., that are at least
  - (i) 1 200 mm long, located vertically at the end of the bathtub that is adjacent to the clear floor space, with the lower end between 180 mm and 280 mm above the bathtub rim, and
  - (ii) 1 200 mm long located horizontally along the length of the bathtub located 180 mm to 280 mm above the bathtub rim.

### 3.8.3.13. Counters

(1) Every counter more than 2 m long, at which the public is served, shall have at least one *barrier-free* section not less than 760 mm long centred over the knee space required by Sentence (3).

(2) A barrier-free counter surface shall be not more than 865 mm above the floor.

(3) Except as permitted by Sentence (4), knee space beneath each side of a *barrier-free* counter intended to be used as a work surface shall be not less than

- (a) 760 mm wide,
- (b) 685 mm high, and
- (c) 485 mm deep.

(4) A counter that is used in a cafeteria or one that performs a similar function in which movement takes place parallel to the counter need not have knee space underneath the counter.

### 3.8.3.14. Shelves or Counters for Telephones and TTY/TDD Telephone Services (See Appendix A, Division B, Volume 2 NBC)

(1) If built-in shelves or counters are provided for public telephones, they shall be level and shall

- a) be not less than 305 mm deep, and

b) have, for each telephone provided, a clear space not less than 250 mm wide having no obstruction within 250 mm above the surface.

(2) The top surface of a section of the shelf or counter described in Sentence (1) serving at least one telephone shall be not more than 865 mm above the floor.

(3) If a wall-hung telephone is provided above the shelf or counter section described in Sentence (2), it shall be located so that the receiver and coin slot are not more than 1 200 mm above the floor.

(4) Where public telephones are provided, at least one telephone shall be provided with a variable volume control on the receiver.

(5) At least one built-in teletypewriter telephone (TTY/TDD) shall be provided and located in a publicly accessible location where

- (a) four or more public access telephones are provided, including interior and exterior locations, or
- (b) the building area exceeds 600 m<sup>2</sup> in a Group A, Group B, Group D, Group E occupancy, or in a hotel or motel, or
- (c) where a hotel or motel, is required by Sentence 3.8.1.1.(2) to provide a barrier free suite, or
- (d) where a Tourist Cabin is required by Sentence 3.8.1.1.(2) to provide barrier free suites, at least one built-in teletypewriter telephone (TTY/TDD) must be located in public location, or a portable unit available for use.

(See Appendix A-3.8.3.15.(5)(d))

(6) Where public telephones are provided, at least one electrical receptacle shall be provided within 500 mm of one of the public telephones.

### **3.8.3.15. Drinking Fountains**

(1) If drinking fountains are provided, at least one shall be barrier-free and shall

- a) have a spout located near the front of the unit not more than 915 mm above the floor, and
- b) be equipped with controls that are easily operable from a wheelchair using one hand with a force of not more than 22 N or be automatically operable.

### **3.8.3.16. Sleeping Units in roofed accommodation.**

(1) Where sleeping units suites are required by Sentence 3.8.1.1.(2), they shall have

- (a) sufficient space to provide a turning area of not less than 1 500 mm diameter on one side of a bed,
- (b) sufficient space to provide clearance of not less than 900 mm to allow for functional use of units by persons in wheelchairs,
- (c) an accessible balcony where balconies are provided,
- (d) at least one closet that provides
  - i) a minimum clear opening of 900 mm,
  - ii) clothes hanger rods located at a height of 1 200 mm, and
  - iii) at least one shelf located at a height of 1 370 mm,
- (e) light switches, thermostats and other controls that are specifically provided for use by the occupant shall be mounted not more than 1 375 mm above the floor,
- (f) electrical receptacles located between 455 mm and 550 mm above the finished floor,
- (g) a GFI outlet located not more than 1 200 mm above the floor, and
- (h) an accessible bathroom which shall be designed to provide manoeuvring space up to each type of fixture required to be usable by persons in a wheelchair conforming to the following:
  - i) a floor space of not less than 3.7 m<sup>2</sup> with no dimension less than 1 700 mm when the door swings out and 4.0 m<sup>2</sup> with no dimension less than 1 800 mm when the door swings in,
  - ii) fixtures located to provide maximum manoeuvrability for persons in wheelchairs,
  - iii) have grab bars conforming to Clause 3.8.3.8.(1)(d),

- iv) have a coat hook conforming to Clause 3.8.3.8.(1)(e),
  - v) a water closet conforming to Article 3.8.3.9.,
  - vi) contain at least one lavatory conforming to Article 3.8.3.10,
  - (i) washroom accessories conforming to Clause 3.8.3.10.(1)(f), and
  - (j) a lock on the entrance door that is operable with one hand.
- (2) If a bathtub is installed in a *suite of residential occupancy* required to be *barrier-free*, at least one shall
- (a) be located in a room complying with the dimensions of Sentence 3.8.3.12.(1),
  - (b) be equipped with a hand-held shower head and controls conforming to Article 3.8.3.13. but with a hose 1 800 mm long, and
  - (c) have grab bars, instead of those required by Article 3.7.4.9., that are at least
    - i) 1 200 mm long, located vertically at the end of the bathtub that is adjacent to the clear floor space, with the lower end between 180 mm and 280 mm above the bathtub rim, and
    - ii) 1 200 mm long located horizontally along the length of the bathtub located 180 mm to 280 mm above the bathtub rim.
- (3) If a shower is installed within a *suite of residential occupancy*, required to be barrier-free at least one shower stall shall be *barrier-free* and shall
- a) be not less than 1 500 mm wide and 900 mm deep,
  - b) have a clear floor space at the entrance to the shower not less than 900 mm deep and the same width as the shower, except that fixtures are permitted to project into that space provided they do not restrict access to the shower (See Appendix A, Division B, Volume 2 NBC),
  - c) have a slip-resistant floor surface,
  - d) have a bevelled threshold not more than 13 mm higher than the finished floor,
  - e) have a hinged seat that is not springloaded or a fixed seat that shall be
    - i) not less than 450 mm wide and 400 mm deep,
    - ii) mounted approximately 450 mm above the floor, and
    - iii) designed to carry a minimum load of 1.3 kN,
  - f) have a horizontal grab bar conforming to Subclauses 3.8.3.8.(1)(d)(iv), (v) and (vi) that shall be
    - i) not less than 900 mm long,
    - ii) mounted approximately 850 mm above the floor, and
    - iii) located on the wall opposite the entrance to the shower so that not less than 300 mm of its length is at one side of the seat, (See Appendix A, Division B, Volume 2 NBC),
  - g) have a pressure-equalizing or thermostatic mixing valve controlled by a lever or other device operable with a closed fist from the seated position,
  - h) have a hand-held shower head with not less than 1 500 mm of flexible hose located so that it can be reached from the seated position and equipped with a support so that it can operate as a fixed shower head, and
  - i) have fully recessed soap holders that can be reached from the seated position.

### 3.8.3.17. Suites of Residential Occupancies Required to Be Barrier-Free

#### General

- (1) Where one or more suites of residential occupancy are required by Sentence 3.8.1.1.(6) every required suite shall be served by
- (a) entrances in accordance with Article 3.8.1.2.,
  - (b) barrier-free path of travel to, into, and throughout each required suite in accordance with Article 3.8.1.3.,
  - (c) an accessible balcony if required in accordance with NBC 3.3.1.7. 1.(c) Part 3, Division B Volume 1,
  - (d) Where a suite of residential occupancy is required by Sentence 3.8.1.1.(6), barrier free controls for the operation of *building* services or safety devices, including electrical switches, thermostats and intercom switches, shall be accessible to a person in a wheelchair, operable with one hand, and mounted not more than 1 200 mm above the floor and electrical receptacles shall be located between 400 mm and 550 mm above the finished floor, except as required by clause 3.8.3.17. (3)(f) (bathroom) and subclause 3.8.3.17.(4)(c)(v). (kitchen)



**Sleeping Area**

- (2) Where a suite of residential occupancy is required by Sentence 3.8.1.1.(6) to provide barrier free access it shall contain at least one sleeping area with
- (a) a minimum floor area 12.25 m<sup>2</sup>,
  - (b) a least one horizontal room dimension not less than 3.35 m, and
  - (c) at least one closet that provides
    - i) a minimum clear opening of 900 mm,
    - ii) clothes hanger rods located at a height of 1 200 mm, and
    - iii) at least one shelf located at a height of 1 370 mm.

**Bathroom**

- (3) Where a suite of residential occupancy is required by Sentence 3.8.1.1.(6) to provide barrier free access, a minimum of one accessible bathroom shall be provided with:
- (a) a floor space of not less than 3.7 m<sup>2</sup> with no dimension less than 1 700 mm when the door swings out and 4.0 m<sup>2</sup> with no dimension less than 1 800 mm when the door swings in,
  - (b) a water closet conforming to Article 3.8.3.9.,
  - (c) a lavatory conforming to Article 3.8.3.11.,
  - (d) where a shower is provided, it shall conform to Clauses 3.8.3.13.(1)(a) to (i),
  - (e) where a tub is provided, it shall conform to Clauses 3.8.3.13.(3)(a) to (d), and
  - (f) a GFI razor outlet located not more than 1 200 mm above the floor.

**Kitchen**

- (4) Where a suite of residential occupancy is required by Sentence 3.8.1.1.(6) to provide barrier free access the kitchen shall have
- (a) a minimum 1 200 mm clearance between counters and all opposing base cabinets, counter tops, appliances, or walls except in a U shape kitchen the minimum distance shall be 1 500 mm and
  - (b) a minimum clear floor space 750 mm x 1 200 mm shall be provided at each
    - (i) range
    - (ii) cooktop
    - (iii) oven
    - (iv) refrigerator/freezer
    - (v) dishwasher and
    - (vi) other major appliances
  - (c) a minimum of one work surface that is
    - (i) 750 mm wide x 600 mm deep,
    - (ii) 810 mm to 860 mm above the floor,
    - (iii) have a clear floor area 750 mm 1 200 mm which may extend 480 mm under the work surface,
    - (iv) have a knee space a minimum of 750 mm wide, 480 mm deep, and 680 mm high, and
    - (v) have a minimum of one electrical receptacle shall be located at the front or side of the work surface,
  - (d) base cabinets shall have a minimum toe space 150 mm deep and 230 mm high,
  - (e) sinks
    - (i) shall be mounted with the rim between 810 mm and 860 mm above the floor,
    - (ii) have a knee space a minimum of 750 mm wide, 250 mm deep, and a toe space 750 mm wide 230 mm deep and 230 mm high,
    - (iii) have a clear floor area 750 mm 1 200 mm which may extend 480 mm under the work surface,
    - (iv) have faucets with lever handles, and
    - (v) have insulated hot water and drain pipes where they may abut required clear space,
  - (f) upper cabinets shall have a minimum of one shelf not more than 1200 mm above the floor,
  - (g) storage cabinets doors and drawers they shall
    - (i) have a handles that is easily graspable, and
    - (ii) be mounted at the top of base cabinets and bottom of upper cabinets,
  - (h) all controls shall comply with Clause 3.8.3.17.(1)(d) except as required by subclause 3.8.3.17.(4)(c)(v).

**Schedule "D"**  
**Alternate Compliance Methods for Existing Buildings**

No.	Code Requirement	Alternate Compliance Method
1	<b>Fire Separations</b> 3.1.3.1. (Part 3, Division B, Volume 1) and Table 3.1.3.1. (Part 3, Division B, Volume 1); 9.10.9. (Part 9, Division B, Volume 1) 2 h <i>fire separation</i> required between some major occupancies.	Except for F1 occupancies, 1 h <i>fire separation</i> is acceptable, if the <i>building</i> is fully <i>sprinklered</i> .
2	<b>Fire Separations</b> 3.1.3. (Part 3, Division B, Volume 1) and Table 3.1.3.1. (Part 3, Division B, Volume 1); 9.10.9. (Part 9, Division B, Volume 1) 1 h <i>fire separation</i> required between some major occupancies.	½ h <i>fire separation</i> is acceptable if the <i>building</i> is fully <i>sprinklered</i> .
3	<b>Noncombustible Construction</b> 3.1.5. (Part 3, Division B, Volume 1) and 9.10.6.1. (Part 9, Division B, Volume 1) All materials used in <i>noncombustible construction</i> must be <i>noncombustible</i> unless otherwise permitted.	1. Roofs may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i> . 2. Up to 10% gross <i>floor area</i> to a maximum of 10% of any one <i>floor area</i> may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i> .
4	<b>Fire-resistance Rating</b> 3.1.7.1.(1) (Part 3, Division B, Volume 1); 9.10.3.1. (Part 9, Division B, Volume 1) Where a material, assembly of materials or structural member is required to have a <i>fire resistance rating</i> it shall be tested in accordance with CAN/ULC-S101.	A fire-resistance rating may also be used based on: 1. HUD No. 8 Guideline on Fire Ratings of Archaic Materials and Assemblies. 2. Fire Endurance of Protected Steel Columns and Beams, DBR Technical Paper No. 194. 3. Fire Endurance of Unit Masonry Walls, DBR Technical Paper No. 207. 4. Fire Endurance of Light-Framed and Miscellaneous Assemblies, DBR Technical Paper No. 222.
5	<b>Rating of Supporting Construction</b> 3.1.7.5. (Part 3, Division B, Volume 1); 9.10.8.3. (Part 9, Division B, Volume 1) Supporting assemblies to have <i>fire resistance rating</i> at least equivalent to that of the supported floor.	<i>Heavy timber</i> construction is permitted to have a <i>fire resistance rating</i> less than would be required by the <i>Code</i> provided the <i>building</i> ; (a) is fully <i>sprinklered</i> , and (b) does not exceed 5 <i>storeys</i> in <i>building height</i> .

No.	Code Requirement	Alternate Compliance Method
6	<p><b>Continuity of Fire Separations</b> 3.1.8.3.(1) (Part 3, Division B, Volume 1) and (2); 9.10.9.2. (Part 9, Division B, Volume 1) <i>Fire separations</i> are required to be continuous above the ceiling space.</p>	<p><i>Fire separations</i> are not required to be continuous above the ceiling space where:</p> <ul style="list-style-type: none"> <li>(a) the ceiling space is <i>non-combustible construction</i>,</li> <li>(b) both <i>fire compartments</i> are <i>sprinklered</i>, or</li> <li>(c) the ceiling has a minimum rating of 30 minutes.</li> </ul>
7	<p><b>Wired Glass</b> 3.1.8.5.(1) (Part 3, Division B, Volume 1) and 3.1.8.14.(2, Part 3, Division B, Volume 1); 9.10.13.1. (Part 9, Division B, Volume 1) and 9.10.13.5. (Part 9, Division B, Volume 1) 6 mm wired glass in steel frame required in <i>fire separations</i>.</p>	<p>For fixed transoms or sidelights, 6 mm wired glass fixed to a wood frame of at least 50 mm thickness with steel stops is permitted in a required <i>fire separation</i>.</p>
8	<p><b>Mezzanines</b> 3.2.1.1.(3) to (6) (Part 3, Division B, Volume 1); 9.10.4.1. (Part 9, Division B, Volume 1) <i>Mezzanines</i> enclosing more than 10% above the horizontal plane are considered as <i>storey</i> in <i>building height</i>.</p>	<p><i>Mezzanines</i> may enclose up to 20% above the horizontal plane and not be considered a <i>storey</i> in <i>building height</i> if the <i>building</i> is fully <i>sprinklered</i>.</p>
9	<p><b>Building Height</b> 3.2.2.21. to 3.2.2.84. (Part 3, Division B, Volume 1) <i>Noncombustible construction</i> required for <i>buildings</i> over 4 <i>storeys</i> in <i>building height</i>.</p>	<p><i>Buildings</i> may be of <i>combustible construction</i> up to 5 <i>storeys</i> provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i>,</li> <li>(b) the <i>building</i> contains Group C, D, E, F2 or F3 occupancies, and</li> <li>(c) floor assemblies not required to exceed 1 h <i>fire separation</i> requirements may be of <i>heavy timber</i> construction.</li> </ul>
10	<p><b>Spatial Separation</b> 3.2.3. (Part 3, Division B, Volume 1); 9.10.14. (Part 9, Division B, Volume 1) The maximum area of <i>unprotected openings</i>.</p>	<p>The area of <i>unprotected opening</i> is not limited provided:</p> <ul style="list-style-type: none"> <li>(a) the exterior walls have a interior thermo barrier of 12.7 mm, thick gypsum board of lath, and plaster in good condition,</li> <li>(b) the <i>limiting distance</i> is a minimum 1 m,</li> <li>(c) the entire <i>building</i> has a supervised sprinkler system in conformance with Sentence 3.2.4.9.(2),(Part 3, Division B, Volume 1) and</li> <li>(d) the sprinkler system is connected to the fire department in conformance with Sentence 3.2.4.7.(4). (Part 3, Division B, Volume 1)</li> </ul>

No.	Code Requirement	Alternate Compliance Method
11	<p><b>Construction of Exposing Building Face</b> 3.2.3.7. (Part 3, Division B, Volume 1); 9.10.14.5. and 9.10.15.5. (Part 9, Division B, Volume 1) The <i>exposing building face</i> is required to have a <i>fire resistance rating</i> and/or be of <i>noncombustible construction</i>.</p>	<p><i>Exposing building face</i> is not required to have a <i>fire resistance rating</i> if the <i>building</i> is fully <i>sprinklered</i>. Also, the <i>exposing building face</i> if not required to be of <i>noncombustible construction</i> if it is protected by an exterior sprinkler system conforming to NFPA 13 and has a thermo barrier as specified in No.10(a) of these compliance tables.</p>
12	<p><b>Roof Covering Rating</b> 3.1.15.2. (Part 3, Division B, Volume 1) Class A, B or C roof covering in conformance with CAN/ULC-S107 required.</p>	<p>For existing roofs not covered by a Class A, B or C roofing a manually operated deluge system in accordance with NFPA 13 is permitted.</p>
13	<p><b>Interconnected Floor Space</b> 3.2.8. (Part 3, Division B, Volume 1); 9.10.1.2.(6) (Part 9, Division B, Volume 1) Openings that are not protected by shafts or <i>closures</i> shall be protected in conformance with section 3.2. (Part 3, Division B, Volume 1) or sentence 9.10.1.2.(6) (Part 9, Division B, Volume 1)</p>	<p>1. An open stair in <i>buildings</i> of maximum 3 <i>storeys</i> in <i>building height</i> need not comply with Subsection 3.2.8. (Part 3, Division B, Volume 1) provided;</p> <ul style="list-style-type: none"> <li>(a) it is not a required <i>exit</i> stair,</li> <li>(b) the <i>building</i> contains a Group C or D <i>occupancy</i>,</li> <li>(c) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers,</li> <li>(d) corridors opening into the <i>interconnected floor space</i> are separated from the <i>interconnected floor space</i> by a <i>fire separation</i> with the rating required for the corridor, and</li> <li>(e) <i>smoke detectors</i> are installed in the rooms opening into the <i>interconnected floor space</i>.</li> </ul>
14	<p><b>Separation of Suites</b> 3.3.1.1. (Part 3, Division B, Volume 1); 9.10.9.13. and 9.10.9.14. (Part 9, Division B, Volume 1), <i>Suites</i> are required to be separated from adjoining <i>suites</i> by 3/4 h or 1 h rated <i>fire separations</i>.</p>	<p>Existing ½ h <i>fire separations</i> are acceptable in fully <i>sprinklered buildings</i> not exceeding 5 <i>storeys</i> in <i>building height</i>.</p>
15	<p><b>Corridor Fire Separation</b> 3.3.1.4. (Part 3, Division B, Volume 1); 9.10.9.15. (Part 9, Division B, Volume 1) <i>Public corridors</i> are required to be separated from the remainder of the <i>building</i> by a <i>fire separation</i> having a <i>fire resistance rating</i> of at least 3/4 h.</p>	<p>Existing corridors with ½ h <i>fire resistance ratings</i>, are acceptable in <i>residential occupancies</i> provided the <i>building</i>:</p> <ul style="list-style-type: none"> <li>(a) does not exceed 5 <i>storeys</i> in <i>building height</i>, and</li> <li>(b) is fully <i>sprinklered</i> with fast response sprinklers.</li> </ul>

No.	Code Requirement	Alternate Compliance Method
16	<p><b>Corridor Width</b> 3.3.1.9. and 3.4.3.1. (Part 3, Division B, Volume 1) ; 9.9.3.3. (Part 9, Division B, Volume 1) <i>Public corridors</i> and <i>exit</i> corridors are permitted to have a minimum width of 1 100 mm.</p>	<p><i>Public corridors</i> and <i>exit</i> corridors are permitted with a minimum width of 800 mm provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>occupant load</i> of the <i>building</i> is maximum 20 people, and</li> <li>(b) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>.</li> </ul>
17	<p><b>Door Swing</b> 3.3.1.11. and 3.4.6.11.(Part 3, Division B, Volume 1) ; 9.9.6.5. (Part 9, Division B, Volume 1) Doors required to swing in the direction of <i>exit</i> travel.</p>	<p>2nd egress door from a room is not required to swing in the direction of <i>exit</i> travel provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i> and the system is supervised in conformance with Sentence 3.2.4.9.(2), (Part 3, Division B, Volume 1) and</li> <li>(b) the <i>occupant load</i> of the <i>building</i> is maximum 100 people.</li> </ul>
18	<p><b>Stairs, Ramps, Handrails and Guards</b> 3.3.1.14., 3.3.1.16., 3.3.1.18., 3.4.6.4 to 3.4.6.8. (Part 3, Division B, Volume 1); 9.8. (Part 9, Division B, Volume 1)</p>	<p>Existing conditions that do not comply fully with the requirements are permitted if they do not create a hazardous condition and are acceptable to the <i>authority having jurisdiction</i>.</p>
19	<p><b>Transparent Doors and Panels</b> 3.3.1.19. (Part 3, Division B, Volume 1); 9.6.6.2. (Part 9, Division B, Volume 1) Glass in doors and sidelights are required to be protected by <i>guards</i> and to be safety glass.</p>	<p>Existing glass or transparent panels that do not comply fully with the requirements are permitted if sufficiently discernible or <i>guards</i> are provided in hazardous situations.</p>
20	<p><b>Dead-end Corridors</b> 3.3.1.9.(7) (Part 3, Division B, Volume 1); 9.9.7.3. (Part 9, Division B, Volume 1) Dead-end corridors are permitted to a maximum length of 6 m.</p>	<ol style="list-style-type: none"> <li>1. Dead-end corridors are permitted to a maximum length of 10 m in Group C occupancies provided: <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and</li> <li>(b) <i>smoke detectors</i> are installed in the corridor system.</li> </ul> </li> <li>2. Dead-end corridors are permitted to a maximum of 15 m in length in Group D, E, F2 and F3 occupancies provided: <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and</li> <li>(b) <i>smoke detectors</i> are installed in the corridor system.</li> </ul> </li> </ol>

No.	Code Requirement	Alternate Compliance Method
21	<p><b>Exits</b>            3.4.2.1. (Part 3, Division B, Volume 1);            9.9.8.2. (Part 9, Division B, Volume 1) <i>Floor areas</i> shall be served by not fewer than 2 <i>exits</i> except as permitted by 3.4.2.1.(2) (Part 3, Division B, Volume 1).</p>	<p><i>Floor areas</i> may be served by a single <i>exit</i> within the limits of 3.4.2.1.(2) (Part 3, Division B, Volume 1) provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>,</li> <li>(b) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and</li> <li>(c) the <i>building</i> contains an approved fire alarm system with <i>smoke detectors</i> located in accordance with sentence 3.2.4.11. (Part 3, Division B, Volume 1)</li> </ul>
22	<p><b>Reduction of Exit Width</b>            3.4.3.4.(3) (Part 3, Division B, Volume 1);            9.9.6.1. (Part 9, Division B, Volume 1)            Swinging doors in their swing shall not reduce the effective width of exit stairs and landings to less than 750 mm.</p>	<p>Existing swinging doors in their swing are permitted to reduce the effective width of <i>exit</i> stairs and landings to a minimum of 550 mm provided:</p> <ul style="list-style-type: none"> <li>(a) they serve Group C or D occupancies,</li> <li>(b) the <i>building</i> does not exceed 5 <i>storeys</i> in <i>building height</i>, and</li> <li>(c) the <i>building</i> is fully <i>sprinklered</i>.</li> </ul>
23	<p><b>Fire Separation of Exits</b>            3.4.4.1. (Part 3, Division B, Volume 1); 9.9.4. (Part 9, Division B, Volume 1) <i>Exits</i> are required to be separated from the remainder of the <i>floor area</i> by a <i>fire separation</i> having a fire-resistance rating of not less than 3/4 h.</p>	<ol style="list-style-type: none"> <li>1. Existing <i>fire separations</i> of ½ h, are acceptable provided the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers and does not exceed 3 <i>storeys</i> in <i>building height</i>.</li> <li>2. <i>Buildings</i> not exceeding 5 <i>storeys</i> in <i>building height</i> may have <i>exits</i> that are separated by a 3/4 h <i>fire separation</i> provided the <i>building</i> is fully <i>sprinklered</i>.</li> </ol>
24	<p><b>Exits Through Lobbies</b>            3.4.4.2. (Part 3, Division B, Volume 1);            9.9.8.5. (Part 9, Division B, Volume 1) Rooms adjacent to the lobby are required to be separated by a <i>fire separation</i>.</p>	<p>Rooms adjacent to the lobby are not required to be separated by a <i>fire separation</i> provided;</p> <ul style="list-style-type: none"> <li>(a) the <i>floor area</i> is <i>sprinklered</i> with fast response sprinklers, and</li> <li>(b) <i>smoke detectors</i> are installed in the adjacent rooms</li> </ul>

No.	Code Requirement	Alternate Compliance Method
25	<p><b>Rooms Opening into an Exit</b>            3.4.4.4.(7) (Part 3, Division B, Volume 1);            9.9.5.9. (Part 9, Division B, Volume 1) <i>Service rooms</i> and ancillary rooms are not permitted to open directly into an exit.</p>	<p><i>Service rooms</i> and ancillary rooms may open directly into an <i>exit</i> provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i>,</li> <li>(b) the room is <i>sprinklered</i> with fast response sprinklers,</li> <li>(c) the door assembly has a <i>fire protection rating</i> of at least 20 min.,</li> <li>(d) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>, and</li> <li>(e) weatherstripping is installed on the door to prevent the passage of smoke.</li> </ul>
26	<p><b>Illumination of Exit Signs</b>            3.4.5.1.(2) (Part 3, Division B, Volume 1);            9.9.10.5. (Part 9, Division B, Volume 1)            Exit signs are required to be illuminated continuously while the <i>building</i> is occupied.</p>	<p>In provincial or municipal designated heritage <i>buildings</i> where exit signage may compromise historic appearances, or authenticity of displays, exit signs may be installed to light only on an emergency condition, such as by the fire alarm system or due to power failure.</p>
27	<p><b>Clearance from Exit Doors</b>            3.4.6.10. (1) (Part 3, Division B, Volume 1);            9.9.6.6. (Part 9, Division B, Volume 1) Stair risers shall not be closer than 300 mm from an <i>exit</i> door.</p>	<p>Except as permitted in Sentences 3.4.6.10.(2) or 9.9.6.6.(2), existing <i>exit</i> doors shall not extend beyond the first riser.</p>
28	<p><b>Fire Escapes</b>            3.4.7. (Part 3, Division B) (Volume 1); 9.9.2.1. (Part 9, Division B, Volume 1)            Fire escapes are required to conform to Article 3.4.7. (Part 3, Division B, Volume 1).</p>	<p>Existing fire escapes that do not completely conform to Article 3.4.7.1. are acceptable provided:</p> <ul style="list-style-type: none"> <li>(a) they are acceptable to the <i>authority having jurisdiction</i> and</li> <li>(b) the <i>building</i> is fully <i>sprinklered</i>.</li> </ul>
29	<p><b>Fire Escape Construction</b>            3.4.7.2. (Part 3, Division B, Volume 1).;            9.9.2.1. (Part 9, Division B, Volume 1).</p>	<p>Existing <i>combustible</i> fire escapes are permitted if the <i>building</i> is permitted to be of <i>combustible construction</i> by Part 3, (Part 3, Division B, Volume 1) Part 9 (Part 9, Division B, Volume 1) or by these Compliance Tables.</p>
30	<p><b>Protection of Fire Escapes</b>            3.4.7.4. (Part 3, Division B, Volume 1);            9.9.2.3. (Part 9, Division B, Volume 1)            Openings in the exterior wall adjacent to the fire escape are required to be protected by <i>closures</i>.</p>	<p>Existing openings in the exterior wall adjacent to the fire escape are not required to be protected by <i>closures</i> provided:</p> <ul style="list-style-type: none"> <li>(a) the <i>building</i> is fully <i>sprinklered</i>, and</li> <li>(b) a sprinkler head is located within 1.5 m of the opening required to be protected by Article 3.4.7.4.(Part 3, Division B, Volume 1)</li> </ul>
31	<p><b>Vertical Service Space</b>            3.6.3.1. (Part 3, Division B, Volume 1)  <i>Vertical service spaces</i> are required to be separated from the adjacent <i>floor area</i> by a rated <i>fire separation</i>.</p>	<p>Existing <i>vertical service spaces</i> that do not completely conform to the rated <i>fire separation</i> requirements are acceptable provided the <i>building</i> is fully <i>sprinklered</i>.</p>

No.	Code Requirement	Alternate Compliance Method
32	<p><b>Height and Area of Rooms</b> 3.7.1. (Part 3, Division B, Volume 1); 9.5. (Part 9, Division B, Volume 1) The height and area of rooms are required to comply to minimum dimension requirements.</p>	Existing rooms are not required to comply to the minimum dimension requirements of Subsection 3.6.1. (Part 3, Division B, Volume 1) or Section 9.5. (Part 9, Division B, Volume 1)
33	<p><b>Window Areas</b> 9.7.1.2. (Part 9, Division B, Volume 1) Windows in <i>dwelling units</i> are required to comply to minimum dimensions.</p>	Existing windows are not required to comply with the minimum dimensions of Article 9.7.1.2. (Part 9, Division B, Volume 1)
34	<p><b>Washrooms Required to be Barrier-Free</b> <b>3.8.2.3. (1)</b> NSBCR Except as permitted by Sentence (2), a washroom in a storey to which a barrier-free path of travel is required in accordance with Article 3.8.2.1., shall be barrier-free in accordance with the appropriate requirements in Articles 3.8.3.8. to 3.8.3.12. NSBCR</p>	Except in <i>Assembly occupancies</i> and Group D <i>Business and personal services occupancies</i> intended to offer medical or therapeutic services, a barrier free washroom need not be provided in an existing building with a building area less than 120 m <sup>2</sup> .
35	<p><b>Entrances</b> 3.8.1.2.(1) NSBCR (1) In addition to the barrier-free entrances required by Sentence (2), not less than 50% of the pedestrian entrances of a building referred to in Sentence 3.8.1.1.(1) shall be barrier-free and shall lead from a) the outdoors at sidewalk level, or b) a ramp that conforms to Article 3.8.3.4. and leads from a sidewalk.</p>	Where an existing building has: (a) a building area less than 120 m <sup>2</sup> , (1292 sq. ft.), and (b) the slope from the entrance level floor at the entrance door to a street or public way is greater than 1 in 10, and (c) no entrance is more than 1 m to the property line, and (d) no alternate access to an entrance from a street or public way is possible; (see appendix note No. 36) the owner may use a stair with (a) a maximum rise of 150 mm (6"), and (b) a minimum run of 280 mm (11"), and (c) tactile landings, and (d) contrasting colour nosings, and (e) and unobstructed width of 1 m.
36	<p><b>Mechanical Systems</b> Part 6 and Part 7.</p>	Existing mechanical systems in <i>buildings</i> are not required to fully comply to the requirements of Parts 6 or 7 provided: (a) it is not an <i>unsafe condition</i> and (b) it is acceptable to the authority having jurisdiction.



**N.S. Reg. 144/2006**

Made: July 28, 2006

Filed: July 31, 2006

Prescribed Petroleum Products Prices

Order dated July 28, 2006  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005  
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*  
made by the Governor in Council  
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated July 12, 2006, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on July 13, 2006; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on July 27, 2006.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on July 28, 2006.

Sgd.: *Greg Keefe* for  
Honourable Jamie Muir  
Minister of Service Nova Scotia and Municipal Relations

**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 July 27, 2006**

<b>Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)</b>	
Regular unleaded gasoline	75.9

Mid-grade unleaded gasoline	78.9
Premium unleaded gasoline	81.9
Low sulfur diesel oil	74.4
Ultra low sulfur diesel oil	N/A

**Table 2: Wholesale Margins, Fixed Wholesale Prices,  
Retail Mark-ups and Retail Prices for Regulated Petroleum Products**  
(cents/litre)

			Retail Mark-up				Retail Price (includes all taxes)			
			Self-Service		Full-Service		Self-Service		Full-Service	
	Wholesale Margin (excludes GST)	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
<b>Zone 1</b>										
Regular Unleaded	6.3	101.7	4.0	5.5	4.0	7.5	120.5	122.2	120.5	124.5
Mid-Grade Unleaded	9.3	104.7	4.0	5.5	4.0	7.5	123.9	125.6	123.9	127.9
Premium Unleaded	12.3	107.7	4.0	5.5	4.0	7.5	127.3	129.0	127.3	131.3
Low-Sulfur Diesel	6.3	94.1	4.0	5.5	4.0	7.5	111.8	113.5	111.8	115.8
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Zone 2</b>										
Regular Unleaded	6.7	102.1	4.0	5.5	4.0	7.5	121.0	122.7	121.0	124.9
Mid-Grade Unleaded	9.7	105.1	4.0	5.5	4.0	7.5	124.4	126.1	124.4	128.4
Premium Unleaded	12.7	108.1	4.0	5.5	4.0	7.5	127.8	129.5	127.8	131.8
Low-Sulfur Diesel	6.7	94.5	4.0	5.5	4.0	7.5	112.3	114.0	112.3	116.3
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Zone 3</b>										
Regular Unleaded	7.2	102.6	4.0	5.5	4.0	7.5	121.5	123.2	121.5	125.5
Mid-Grade Unleaded	10.2	105.6	4.0	5.5	4.0	7.5	124.9	126.7	124.9	128.9
Premium Unleaded	13.2	108.6	4.0	5.5	4.0	7.5	128.4	130.1	128.4	132.4
Low-Sulfur Diesel	7.2	95.0	4.0	5.5	4.0	7.5	112.9	114.6	112.9	116.9
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Zone 4</b>										
Regular Unleaded	7.2	102.6	4.0	5.5	4.0	7.5	121.5	123.2	121.5	125.5
Mid-Grade Unleaded	10.2	105.6	4.0	5.5	4.0	7.5	124.9	126.7	124.9	128.9
Premium Unleaded	13.2	108.6	4.0	5.5	4.0	7.5	128.4	130.1	128.4	132.4
Low-Sulfur Diesel	7.2	95.0	4.0	5.5	4.0	7.5	112.9	114.6	112.9	116.9
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Zone 5</b>										
Regular Unleaded	7.2	102.6	4.0	5.5	4.0	7.5	121.5	123.2	121.5	125.5
Mid-Grade Unleaded	10.2	105.6	4.0	5.5	4.0	7.5	124.9	126.7	124.9	128.9
Premium Unleaded	13.2	108.6	4.0	5.5	4.0	7.5	128.4	130.1	128.4	132.4
Low-Sulfur Diesel	7.2	95.0	4.0	5.5	4.0	7.5	112.9	114.6	112.9	116.9
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Zone 6</b>										
Regular Unleaded	8.0	103.4	4.0	5.5	4.0	7.5	122.4	124.1	122.4	126.4
Mid-Grade Unleaded	11.0	106.4	4.0	5.5	4.0	7.5	125.9	127.6	125.9	129.8
Premium Unleaded	14.0	109.4	4.0	5.5	4.0	7.5	129.3	131.0	129.3	133.3
Low-Sulfur Diesel	8.0	95.8	4.0	5.5	4.0	7.5	113.8	115.5	113.8	117.8
Ultra Low-Sulfur Diesel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**N.S. Reg. 145/2006**

Made: July 26, 2006

Filed: July 31, 2006

Commodity Group Designation and Levy - Nova Scotia Cattlemen's Association

Order dated July 26, 2006  
Revocation of designation by the Minister of Agriculture and  
revocation of levy made by Nova Scotia Cattlemen's Association and approved by the Minister of Agriculture  
pursuant to Section 46 of the *Agriculture and Marketing Act*

**In the matter of Section 46 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989,  
the *Agriculture and Marketing Act***

- and -

**In the matter of the revocation of the designation of the Nova Scotia Cattlemen's Association as a  
commodity group under the Act**

- and -

**In the matter of the approval of the revocation of all levies made by the Nova Scotia Cattlemen's  
Association**

**Whereas** Section 46 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*, provides that the Minister by order may designate a body of producers of a specific agricultural product as a commodity group, and that a commodity group may, with the approval of the Minister, require any person engaged in the production of the commodity to pay to it an amount fixed by way of levy or charge;

**And whereas** the Minister of Agriculture and Marketing designated the Nova Scotia Cattlemen's Association as a commodity group on November 7, 1980;

**And whereas** a levy made by the Nova Scotia Cattlemen's Association of \$2.00 per head of every head of cattle sold was approved by the Minister of Agriculture and Fisheries and filed as N.S. Reg. 26/2003, effective on and after January 1, 2003;

**And whereas** under Section 4 of the *Nova Scotia Cattle Marketing Plan*, N.S. Reg. 211/2004, made pursuant to Sections 6 and 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, a commodity board was constituted known as the Nova Scotia Cattle Producers with the authority to levy producers;

**And whereas** the Minister of Agriculture has been asked by the Nova Scotia Cattlemen's Association to revoke the designation of the Nova Scotia Cattlemen's Association as a commodity group and to approve the revocation of all levies made by the Association;

**Therefore**, I, Brooke Taylor, Minister of Agriculture for the Province of Nova Scotia, pursuant to Section 46 of Chapter 6 of the Revised Statutes of Nova Scotia, 1989, the *Agriculture and Marketing Act*, hereby, effective on and after July 26, 2006,

- (a) revoke the designation of the Nova Scotia Cattlemen's Association as a commodity group under the *Agriculture and Marketing Act*, made by the Minister of Agriculture and Marketing on November 7, 1980; and
- (b) approve the attached revocation by the Nova Scotia Cattlemen's Association of the Nova Scotia Cattlemen's Association levy, N.S. Reg. 26/2003, made by the Nova Scotia Cattlemen's Association

and approved by the Minister of Agriculture and Marketing on February 13, 2003, together with all previous levies made by the Nova Scotia Cattlemen's Association.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, July 26, 2006.

Sgd.: *Brooke Taylor*  
Hon. Brooke Taylor  
Minister of Agriculture

-----  
May 10, 2006

Hon. Ron Chisholm  
Minister of Agriculture  
Province of Nova Scotia  
PO Box 190  
Halifax, NS  
B3J 2M4

Dear Mr. Minister:

This letter is to advise you that on March 18<sup>th</sup>, 2006, the membership of the Nova Scotia Cattlemen's Association voted to dissolve the Association, and to cancel registration with the Registrar of Joint Stock Companies.

In addition, we wish to inform you that the Nova Scotia Cattlemen's Association no longer collects levies, as the Nova Scotia Cattle Producers has taken over that function.

Sincerely,

Sgd.: *Jim Bremmer*  
Jim Bremmer  
President  
Nova Scotia Cattlemen's Association

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**N.S. Reg. 146/2006**

Made: May 25, 2006

Filed: August 1, 2006

Milk Producer Licensing Regulations

Order dated May 25, 2006  
Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clauses 9(f), (g) and (i) and clause 15(1)(a) of the *Dairy Industry Act*

The Dairy Farmers of Nova Scotia, pursuant to clauses 9(f), (g) and (i), as delegated under subsection 13(1) and clause 15(1)(a) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held May 25, 2006,

amended the *Milk Producer Licensing Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after August 1, 2006.

**Dated and signed** at Truro, Nova Scotia on July 31, 2006.

Dairy Farmers of Nova Scotia  
per: *Brian Cameron*  
Brian Cameron  
General Manager

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**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia on July 11, 2006.

Natural Products Marketing Council  
  
per: *E. A. Crouse*  
Elizabeth Crouse  
General Manager

### Schedule "A"

**Amendment to the *Milk Producer Licensing Regulations*  
made by the Dairy Farmers of Nova Scotia  
pursuant to clauses 9(f), (g) and (i), as delegated under  
subsection 13(1) and Section 15(1)(a) of Chapter 24 of the Acts of 2000,  
the *Dairy Industry Act***

Section 10 of the *Milk Producer Licensing Regulations*, N.S. Reg. 204/2003, is amended by repealing subsection (2) and substituting the following subsection:

- (2) The Board may suspend or cancel a producer's licence in whole or in part for failing to comply with any of the following:
- (a) effective August 1, 2006, with the *Milk House Water Quality Regulations* made under the Act;
  - (b) effective August 1, 2007, with the Canadian Quality Milk program requirements as established by the Board;
  - (c) effective August 1, 2008, with the Canadian Quality Milk validation requirements as established by the Board;
  - (d) with any production-related provision of an applicable Act or regulation;
  - (e) with an order made or policy established by the Council or the Board.

**N.S. Reg. 147/2006**

Made: August 3, 2006

Filed: August 3, 2006

Proclamation, S. 3, S.N.S. 2006, c. 9

Order in Council 2006-353 dated August 3, 2006

Proclamation made by the Governor in Council  
pursuant to Section 3 of*An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*

The Governor in Council on the report and recommendation of the Government House Leader dated July 26, 2006, pursuant to Section 3 of Chapter 9 of the Acts of 2006, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, is pleased to order and declare by proclamation that Chapter 9 of the Acts of 2006, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, do come into force on and not before August 3, 2006.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

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 3 of Chapter 9 of the Acts of 2006, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, it is enacted as follows:

- 3** 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 9 of the Acts of 2006, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, come into force on and not before August 3, 2006;

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 9 of the Acts of 2006, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, come into force on and not before August 3, 2006 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 Myra A. Freeman, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 3<sup>rd</sup> day of August, in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

Sgd: Ernest L. Fage  
Acting Provincial Secretary  
Acting Minister of Justice and Attorney General