

# Royal



# Gazette

## Part II Regulations under the Regulations Act

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**Halifax, Nova Scotia**

**Vol. 41, No. 10**

**May 12, 2017**

### Contents

<b>Act</b>	<b>Reg. No.</b>	<b>Page</b>
<b>Builders' Lien Act</b>		
Proclamation of amendments to Act, S. 4, S.N.S. 2013, c. 14 and S. 4, S.N.S. 2014, c. 42.. . . . .	71/2017	337
Builders' Lien Regulations. . . . .	72/2017	338
<b>Costs and Fees Act</b>		
Regulations under the Costs and Fees Act—amendment. . . . .	86/2017	439
<b>Elections Act</b>		
Proclamation, dissolution of General Assembly and fixing dates for Writs of Election and ordinary polling day. . . . .	90/2017	445
<b>Electricity Act</b>		
Renewable Electricity Regulations—amendment. . . . .	73/2017	340
<b>Environment Act</b>		
Davidson Lake Watershed Protected Water Area Designation. . . . .	74/2017	351
Davidson Lake Watershed Protected Water Area Regulations. . . . .	74A/2017	353
Mill Lakes Watershed Protected Water Area Designation. . . . .	75/2017	360
Mill Lakes Watershed Protected Water Area Regulations. . . . .	75A/2017	362
Water and Wastewater Facilities and Public Drinking Water Supplies Regulations—amendment. . . . .	89/2017	444
<b>Family Court Act</b>		
Family Court Rules—amendment. . . . .	80/2017	372
<b>Family Orders Information Release Act</b>		
Family Orders Information Release Regulations—amendment. . . . .	85/2017	438
<b>Housing Act</b>		
Down Payment Assistance Program Regulations. . . . .	88/2017	440

**Interjurisdictional Support Orders Act**

Interjurisdictional Support Orders Regulations—amendment. . . . .	87/2017	439
---	---------	-----

**Maintenance and Custody Act**

Proclamation of amendments to Act, S. 59, S.N.S. 2015, c. 44.. . . .	79/2017	371
--	---------	-----

**Occupational Health and Safety Act**

Proclamation of amendments to Act, S. 7, S.N.S. 2016, c. 14.. . . .	78/2017	370
---	---------	-----

**Parenting and Support Act**

Administrative Recalculation of Child Maintenance Regulations—amendment. . . . .	82/2017	435
--	---------	-----

Child Maintenance Guidelines—amendment. . . . .	83/2017	436
---	---------	-----

Family Maintenance Regulations—amendment. . . . .	84/2017	437
---	---------	-----

**Petroleum Products Pricing Act**

Prescribed Petroleum Products Prices. . . . .	70/2017	335
---	---------	-----

Prescribed Petroleum Products Prices. . . . .	77/2017	368
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**Summary Proceedings Act**

Summary Offence Tickets Regulations—amendment.. . . .	76/2017	366
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[Please note: N.S. Reg. 81/2017, amending the *Family Court Rules*, will be published in a special issue of Volume 41 of the *Royal Gazette Part II*.]

**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. 70/2017**

Made: April 20, 2017

Filed: April 21, 2017

Prescribed Petroleum Products Prices

Order dated April 20, 2017  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****M08012**

**In the matter of the *Petroleum Products Pricing Act***

- and -

**In the matter of prescribing prices for petroleum products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Murray E. Doehler, CPA, CA, P.Eng., Member

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

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

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

**And whereas** the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended April 19, 2017, are:

Grade 1 Regular gasoline	59.1¢ per litre
Ultra-low-sulfur diesel oil	56.8¢ per litre

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

Gasoline:	
Grade 1	59.1¢ per litre
Grade 2	62.1¢ per litre
Grade 3	65.1¢ per litre
Ultra-low-sulfur diesel oil	56.8¢ per litre

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

Gasoline:	plus 0.9¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.4¢ per litre

**And whereas** a winter blending adjustment of plus 1.0¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., April 21, 2017.

Dated at Halifax, Nova Scotia, this 20th day of April, 2017.

sgd: Elaine Wagner  
Clerk of the Board

**Schedule "A"**

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on April 21, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	67.3	10.0	15.5	92.8	112.6	114.8	112.6	999.9
Mid-Grade Unleaded	70.3	10.0	15.5	95.8	116.0	118.2	116.0	999.9
Premium Unleaded	73.3	10.0	15.5	98.8	119.5	121.7	119.5	999.9
Ultra-Low-Sulfur Diesel	65.4	4.0	15.4	84.8	103.4	105.6	103.4	999.9
<b>Zone 2</b>								
Regular Unleaded	67.8	10.0	15.5	93.3	113.2	115.3	113.2	999.9
Mid-Grade Unleaded	70.8	10.0	15.5	96.3	116.6	118.8	116.6	999.9
Premium Unleaded	73.8	10.0	15.5	99.3	120.1	122.2	120.1	999.9
Ultra-Low-Sulfur Diesel	65.9	4.0	15.4	85.3	104.0	106.1	104.0	999.9
<b>Zone 3</b>								
Regular Unleaded	68.2	10.0	15.5	93.7	113.6	115.8	113.6	999.9
Mid-Grade Unleaded	71.2	10.0	15.5	96.7	117.1	119.3	117.1	999.9
Premium Unleaded	74.2	10.0	15.5	99.7	120.5	122.7	120.5	999.9
Ultra-Low-Sulfur Diesel	66.3	4.0	15.4	85.7	104.4	106.6	104.4	999.9
<b>Zone 4</b>								
Regular Unleaded	68.3	10.0	15.5	93.8	113.7	115.9	113.7	999.9
Mid-Grade Unleaded	71.3	10.0	15.5	96.8	117.2	119.4	117.2	999.9
Premium Unleaded	74.3	10.0	15.5	99.8	120.6	122.8	120.6	999.9
Ultra-Low-Sulfur Diesel	66.4	4.0	15.4	85.8	104.5	106.7	104.5	999.9
<b>Zone 5</b>								
Regular Unleaded	68.3	10.0	15.5	93.8	113.7	115.9	113.7	999.9
Mid-Grade Unleaded	71.3	10.0	15.5	96.8	117.2	119.4	117.2	999.9
Premium Unleaded	74.3	10.0	15.5	99.8	120.6	122.8	120.6	999.9
Ultra-Low-Sulfur Diesel	66.4	4.0	15.4	85.8	104.5	106.7	104.5	999.9
<b>Zone 6</b>								
Regular Unleaded	69.0	10.0	15.5	94.5	114.5	116.7	114.5	999.9
Mid-Grade Unleaded	72.0	10.0	15.5	97.5	118.0	120.2	118.0	999.9
Premium Unleaded	75.0	10.0	15.5	100.5	121.4	123.6	121.4	999.9
Ultra-Low-Sulfur Diesel	67.1	4.0	15.4	86.5	105.3	107.5	105.3	999.9

**N.S. Reg. 71/2017**

Made: April 24, 2017

Filed: April 25, 2017

Proclamation, S. 4, S.N.S. 2013, c. 14 and S. 4, S.N.S. 2014, c. 42

Order in Council 2017-122 dated April 24, 2017  
Proclamation made by the Governor in Council  
pursuant to S. 4 of *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act* (S.N.S. 2013, c. 14)  
and S. 4 of *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act* (S.N.S. 2014, c. 42)

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated September 1, 2016, and pursuant to Section 4 of Chapter 14 of the Acts of 2013, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, and Section 4 of Chapter 42 of the Acts of 2014, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, is pleased to order and declare by proclamation that Chapter 14 of the Acts of 2013, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, and Chapter 42 of the Acts of 2014, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, do come into force on and not before June 30, 2017.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

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 4 of Chapter 14 of the Acts of 2013, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, it is enacted as follows:

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

AND WHEREAS in and by Section 4 of Chapter 42 of the Acts of 2014, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, it is enacted as follows:

- 4 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 14 of the Acts of 2013, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act* and Chapter 42 of the Acts of 2014, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act*, do come into force on and not before June 30, 2017;

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 14 of the Acts of 2013, *An Act to Amend Chapter 277 of the Revised Statutes, 1989, the Builders' Lien Act* and Chapter 42 of the Acts of 2014, *An Act to Amend Chapter*

277 of the Revised Statutes, 1989, the *Builders' Lien Act*, do come into force on and not before June 30, 2017, 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 His Honour  
Brigadier-General, the Honourable J. J. Grant  
(Retired), Lieutenant Governor of the Province of  
Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 24th day of April in the year of Our  
Lord two thousand and seventeen and in the sixty-  
sixth year of Our Reign.

BY COMMAND:

**sgd: Diana C. Whalen**  
Provincial Secretary  
Attorney General and Minister of Justice

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**N.S. Reg. 72/2017**

Made: April 24, 2017

Filed: April 25, 2017

Builders' Lien Regulations

Order in Council 2017-123 dated April 24, 2017  
Regulations made by the Governor in Council  
pursuant to Section 48 of the *Builders' Lien Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated March 28, 2017, and pursuant to Section 48 of Chapter 277 of the Revised Statutes of Nova Scotia, 1989, the *Builders' Lien Act*, is pleased to make regulations respecting notice that a contract is substantially performed and respecting notice that a subcontract is certified complete in the form set out in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 30, 2017.

**Schedule "A"**

**Regulations Respecting Builders' Liens  
made by the Governor in Council under Section 48 of  
Chapter 277 of the Revised Statutes of Nova Scotia, 1989,  
the *Builders' Lien Act***

**Citation**

1 These regulations may be cited as the *Builders' Lien Regulations*.

**Definitions**

2 In these regulations,

“Act” means the *Builders’ Lien Act*;

“certified complete” means certified complete under Section 13A of the Act.

### **Application of these regulations**

- 3** (1) These regulations do not apply to an owner who requests work, services or materials for any of the following that are owned and occupied by the owner or their spouse or common-law partner for single-family residential purposes, up to the monetary limit set out in subsection (2):
- (a) constructing a structure;
  - (b) improving a building or land.
- (2) The monetary limit for the purposes of subsection (1) is \$75 000 or less for
- (a) the contract price for the work, services and materials; or
  - (b) if there is no specific contract price, the value of the work, services and materials.

### **Notice of substantial performance**

- 4** (1) No later than 10 days after the date on which a contract between a contractor and an owner is substantially performed, the owner must post a notice of substantial performance in all of the following places:
- (a) on the publicly available portion of the website of the Construction Association of Nova Scotia;
  - (b) if there is a job site office at the job site, in a prominent location in the job site office.
- (2) A notice of substantial performance must include all of the following information:
- (a) the name and address of the owner;
  - (b) the name and address of the contractor;
  - (c) a description of the work or improvement to which the contract relates;
  - (d) a description of the land on which the contract was performed;
  - (e) the date on which the contract was substantially performed.

### **Notice of subcontract completion**

- 5** (1) No later than 10 days after the date on which a subcontract is certified complete, the owner must post a notice of subcontract completion in all of the following places:
- (a) on the publicly available portion of the website of the Construction Association of Nova Scotia;
  - (b) if there is a job site office at the job site, in a prominent location in the job site office.
- (2) A notice of subcontract completion must include all of the following information:
- (a) the name and address of the owner;

- (b) the name and address of the contractor;
- (c) the name and address of the subcontractor;
- (d) if the subcontract is certified complete under subsection 13A(1) of the Act, the name and address of the architect, engineer or other person upon whose certificate payments are to be made;
- (e) a description of the work or services performed under the subcontract or the materials placed or furnished under the subcontract;
- (f) a description of the land on which the work or services were performed under the subcontract or on which the materials were placed or furnished under the subcontract;
- (g) the date on which the subcontract was certified complete.

**No fee for publishing, searching or viewing notice**

6 The Construction Association of Nova Scotia must not, directly or indirectly, charge a fee for any of the following:

- (a) posting a notice on its website under these regulations;
- (b) searching for or viewing a notice posted on its website under these regulations.

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**N.S. Reg. 73/2017**

Made: April 24, 2017

Filed: April 25, 2017

Renewable Electricity Regulations—amendment

Order in Council 2017-127 dated April 24, 2017

Amendment to regulations made by the Governor in Council

pursuant to subsections 4B(7A), (7B), (10A) and (12A) and Sections 4C and 5 of the *Electricity Act*

The Governor in Council on the report and recommendation of the Minister of Energy dated March 22, 2017, and pursuant to subsections 4B(7A), (7B), (10A) and (12A) and Sections 4C and 5 of Chapter 25 of the Acts of 2004, the *Electricity Act*, is pleased to amend the *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, to establish the Solar Electricity for Community Buildings Program as a program for the interconnection of a prescribed renewable low-impact electricity-generation facility to the electrical grid of a public utility and to provide for matters relating to the procurement of electricity under the program, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 24, 2017.



## Schedule "A"

**Amendment to the *Renewable Electricity Regulations*  
made by the Governor in Council under subsections 4B(7A), (7B), (10A) and (12A) and  
Sections 4C and 5 of Chapter 25 of the Acts of 2004, the *Electricity Act***

- 1 Subsection 2(1) of the *Renewable Electricity Regulations*, N.S. Reg. 155/2010, made by the Governor in Council by Order in Council 2010-381 dated October 12, 2010, is amended by
- (a) adding "former" immediately before "Town of Canso" in paragraph (i)(C) of the definition of "municipal electric utility";
  - (b) repealing the definition of "renewable electricity administrator"; and
  - (c) adding the following definitions where they belong in alphabetical order:
    - "expected amounts to be paid", in relation to a procurement, means the amounts that a public utility would be required to pay to the owner of the generation facility to purchase the procured electricity, net of the following:
      - (i) any savings relating to costs that would have been incurred by the public utility to produce, transmit, deliver or furnish any electricity that would be displaced by the procured electricity, and
      - (ii) the value of any benefits or credits relating to the reduction of greenhouse gases or air emissions or to the generation of electricity from renewable resources;
    - "net-metering arrangement" means any agreement between a public utility and a customer of that utility that permits the customer to generate electricity and deliver it to the public utility's electrical grid to offset electricity drawn from the grid by the customer;
    - "procurement administrator" means a person appointed under subsection 4B(1) of the Act to conduct a procurement of renewable low-impact electricity;
    - "solar program" means the Solar Electricity for Community Buildings Program established under Section 37A;
- 2 Subsection 3(1) of the regulations is amended by striking out "149(1)(1)" in subclause (i) of the definition of "not-for-profit body corporate" and substituting "149(1)(l)".
- 3 Clause 6(6)(b) of the regulations is amended by adding "is" immediately after "the supply".
- 4 Clause 13(1)(c) of the regulations is amended by striking out "it" immediately before "has increased".
- 5 (1) Subsection 20(1) of the regulations is amended by
- (a) striking out "Stocks" and substituting "Stock Companies" in clause (d); and
  - (b) striking out "Stocks" and substituting "Stock Companies" in clause (e).
- (2) Clause 20(3)(f) of the regulations is amended by striking out "a NS" wherever it appears and substituting "an NS".

- 6 Section 23 of the regulations is amended by striking out “for a” immediately before “feed-in”.
- 7 (1) Subsection 35(1) of the regulations is amended by adding “or agencies” immediately after “departments”.
- (2) Subsection 35(1) of the regulations is further amended by striking out “Service Nova Scotia and Municipal Relations” in clause (f) and substituting “Office of Service Nova Scotia”.
- 8 (1) Subsection 35B(1) of the regulations is amended by striking out “The primary basis” and substituting “Except as provided in subsection (4), the primary basis”.
- (2) Subsection 35B(2) of the regulations is amended by adding “, other than a bidder under the solar program,” immediately after “A bidder”.
- (3) Section 35B is further amended by adding the following subsection immediately after subsection (2):
- (2A)** A bidder under the solar program must include all of the following in their proposal:
- (a) independently reviewed or audited year-end financial statements for the bidder’s most recent fiscal year;
  - (b) the proposed nameplate capacity of the generation facility;
  - (c) the amount of electricity proposed to be delivered;
  - (d) the proposed location and orientation of solar panels;
  - (e) a solar site assessment;
  - (f) an estimate of the total cost to develop the generation facility that separately identifies the costs for significant components of the development, including costs for solar panels, inverters, the balance of system hardware, labour and permitting;
  - (g) an estimate of the annual operating and maintenance costs for the generation facility;
  - (h) an estimate of the total amount of indebtedness expected to be incurred to develop the generation facility, the average length of the term for repaying the indebtedness and the average interest rate;
  - (i) an estimate of the amount of any incentives or grants that the bidder expects to receive to develop the generation facility;
  - (j) any information the procurement administrator requires to assess whether the proposal meets the requirements of the Act and these regulations.
- (4) Subsection 35B(3) [of the regulations] is amended by striking out “subsection (2)” and substituting “subsections (2) and (2A)”.
- (5) Section 35B of the regulations is further amended by adding the following subsections immediately after subsection (3):

- (4) The primary basis for evaluating bids under a request for proposals for the solar program is the price for the proposed electricity, and this requirement must be clearly indicated in any request for proposals.
- (5) A procurement administrator must not award a contract to a bidder under a request for proposals for the solar program if the bid price is too high, taking into account the relative amounts of the bid prices received from all other bidders who responded to the request for proposals and any other factor the procurement administrator considers appropriate.
- (6) Responses to a request for proposals for the solar program must be submitted to the Minister electronically through the Internet through an online application form established for the program.

9 The regulations are further amended by repealing Section 35C and substituting the following Section:

- 35C** (1) In evaluating proposals submitted under a request for proposals under Section 4B of the Act, the procurement administrator must
- (a) respond to any concerns or questions from bidders in a timely manner;
  - (b) undertake the evaluation required by subsection 4B(10) of the Act in a timely fashion; and
  - (c) provide the written decision required by subsection 4B(10) of the Act no later than 7 days after making the decision.
- (2) The procurement administrator must exclude any proposal from further evaluation if the administrator is not satisfied of any of the following:
- (a) that the proposal is technically feasible;
  - (b) that the bidder has the financial capacity or support to construct and operate the proposed generation facility.

10 (1) Section 35D of the regulations is amended by

- (a) striking out “the renewable electricity administer” and substituting “a procurement administrator”;
- (b) striking out “include” and substituting “includes”.

(2) Section 35D of the regulations is further 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) for any contract awarded to a bidder,
    - (i) the price for electricity under the contract,
    - (ii) the nameplate capacity of the generation facility under the contract, and

- (iii) the annual amount of electricity expected to be generated by the generation facility under the contract;
  - (f) if more than 1 contract is awarded in the procurement,
    - (i) the total, mean and median prices for electricity under all contracts,
    - (ii) the total, mean and median nameplate capacity of generating facilities under all contracts awarded, and
    - (iii) the total, mean and median amounts of electricity expected to be generated by the generation facilities under all contracts awarded;
  - (g) for a procurement under the solar program,
    - (i) the expected amounts to be paid by a public utility using the assumptions set out in subsection 37E(7), and
    - (ii) an assessment of any impacts on the expected amounts to be paid by NSPI because of the limits in subsection 37E(4);
  - (h) any issues or trends relating to the procurement process that the procurement administrator considers relevant.
- 11 (1) Subsection 37(1) of the regulations is amended by striking out “The renewable electricity administrator” and substituting “Except as provided in subsection (1A), a procurement administrator”.
- (2) Section 37 of the regulations is further amended by adding the following subsections immediately after subsection (1):
- (1A)** The Minister must, in consultation with NSPI, prepare a standard form power purchase agreement to be used for procuring renewable low-impact electricity from a generation facility connected to the electrical grid of a public utility under a program established under Section 4C of the Act and must have the form of power purchase agreement approved by the Board before any procurement.
- (1B)** For a procurement under the solar program, the standard form power purchase agreement must incorporate all of the following terms:
- (a) the owner of the generation facility must be permitted to designate a commercial operation date for the generation facility that is no later than 24 months after the date the agreement was awarded by the procurement administrator;
  - (b) the term of the agreement must end 20 years after the commercial operation date, except that the agreement may give a party to it the right to terminate earlier if there is a default by the other party;
  - (c) before the commercial operation date, the owner must be permitted to change the design of the generation facility from the design proposed in its response to the request for proposals for the solar program, unless the change would

- (i) result in the generation facility not meeting the requirements in Section 37C for a procurement administrator to award a contract under the solar program,
  - (ii) move the generation facility from the location identified by the owner in its response to the request for proposals,
  - (iii) increase the price bid identified by the owner in its response to the request for proposals, or
  - (iv) increase the amount of electricity proposed to be delivered by the owner in its response to the request for proposals;
- (d) except as provided in clause (e), the price for electricity output from the generation facility at the delivery point must be as follows:
- (i) for net output from the generation facility before the commercial operation date, no payment may be made,
  - (ii) for net output from the generation facility that is 110% or less of the annual amount of electricity proposed to be delivered in the response to the request for proposals, the price bid in the response,
  - (iii) for net output from the generating facility that is greater than 110% of the annual amount of electricity proposed to be delivered, an amount in \$/MWh that is equal to the public utility's cost of generating or purchasing 1 more MWh of electrical energy from sources other than the generation facility as calculated by the public utility averaged over the 12-month period immediately preceding the relevant time;
- (e) for a generation facility that is conveyed to an entity that is not eligible to participate in a request for proposals under Section 37B or for a generation facility whose owner ceases to be an entity that is eligible to participate in a request for proposals, the price for electricity output from the generation facility at the delivery point must be as follows:
- (i) for net output from the generation facility before the commercial operation date, no payment may be made,
  - (ii) for net output from the generation facility that is 110% or less of the annual amount of electricity proposed to be delivered in the response to the request for proposals, 70% of the price bid in the response,
  - (iii) for net output from the generating facility that is greater than 110% of the annual amount of electricity proposed to be delivered, an amount in \$/MWh that is equal to the public utility's cost of generating or purchasing 1 more MWh of electrical energy from sources other than the generation facility as calculated by the public utility averaged over the 12-month period immediately preceding the relevant time;
- (f) any benefits or credits relating to the reduction of greenhouse gases or air emissions or to the generation of electricity from renewable resources must accrue to the public utility;

- (g) the owner of the generation facility must not be required to provide the public utility with any form of financial security for the performance of its obligations under the power purchase agreement;
  - (h) the requirements for generation facilities in subsection 37C(2).
- (1C) When a contract is awarded by the procurement administrator to a bidder under a request for proposals for the solar program, the bidder and the public utility are deemed to have entered into a power purchase agreement in the form provided for in subsection (1A) effective from the date of the award.
- (3) Subsection 37(2) of the regulations is amended by
- (a) striking out “intended”; and
  - (b) striking out “subsection (1)” and substituting “this Section”.
- 12 The regulations are amended by adding the following centred heading and Sections immediately after Section 37:

### **Solar Electricity for Community Buildings Program**

#### **Solar Electricity for Community Buildings Program**

**37A** The Solar Electricity for Community Buildings Program is established, for the years 2017, 2018 and 2019, as a program under subsection 4C(1) of the Act to connect a renewable low-impact electricity generation facility to a public utility’s electrical grid.

#### **Eligible respondents to requests for proposals under solar program**

**37B (1)** Any or all of the following categories of participants, as determined by the procurement administrator, may participate in a request for proposals undertaken by a procurement administrator for the procurement of renewable low-impact electricity under the solar program:

- (a) an NS Mi’kmaw band as defined in the *Indian Act* (Canada), or a body corporate, partnership or other business association that is wholly owned by 1 or more bands;
  - (b) a municipality, or a body corporate, partnership or other business association that is wholly owned by 1 or more municipalities;
  - (c) a university, or a body corporate, partnership or other business association that is wholly owned by a single university;
  - (d) a not-for profit body corporate, or a body corporate, partnership or other business association that is wholly owned by a single not-for profit body corporate.
- (2) In clause (1)(c), “university” includes the Nova Scotia Community College.

#### **Requirements for generation facilities**

**37C (1)** A procurement administrator may not award a contract under the solar program if the electricity proposed to be produced from the generation facility was subject to a power purchase agreement or net-metering arrangement on the date the response to the request for proposals was submitted by the respondent.

- (2) A procurement administrator may not award a contract under the solar program unless the proposed generation facility meets all of the following requirements:
- (a) it will be wholly owned by an entity that is eligible to participate in a request for proposals under Section 37B on the date that it reaches commercial operation;
  - (b) it will not exceed a total nameplate capacity of 50 kW;
  - (c) it is expected to produce at least 51% of its average annual renewable low-impact electricity from solar energy;
  - (d) it will be connected to the electrical grid of a public utility through 1 electric meter that records electricity sales and peak power at least 4 times per hour;
  - (e) it will be located on or wholly within 100 m of a building that satisfies all of the following conditions:
    - (i) it will be owned or leased, in whole or in part, by the owner of the generation facility on the date that the generation facility reaches commercial operation;
    - (ii) it is not associated with another generation facility procured under the solar program unless the contract for the development of the other generation facility has been terminated;
    - (iii) it will be provided with electricity from a public utility through an electric meter on the date the generation facility reaches commercial operation;
    - (iv) it will not be constructed or provided with electricity solely to qualify for the solar program;
    - (v) it will be located on the same property as the generation facility, or on an adjoining property that is owned by the owner of the generation facility, on the date that the generation facility reaches commercial operation until the end of the contract.

#### **Condition regarding use of information**

**37D** The owner of a generation facility that provides renewable low-impact electricity under the solar program must agree in writing that the Minister may use the information described in and as permitted under subsection 37F(5) for any purpose, including the publication or other public release of the information, regardless of any proprietary interest or claim to confidentiality that the owner may have and without any compensation being paid to the owner for the use of the information.

#### **Program limits on expected amounts to be paid by public utility**

**37E (1)** In this Section,

“program year” means

- (i) 2017, for contracts awarded by the procurement administrator under the solar program before August 1, 2017,
- (ii) 2018, for contracts awarded by the procurement administrator under the solar program after July 31, 2017, and before August 1, 2018,

(iii) 2019, for contracts awarded by the procurement administrator under the solar program after July 31, 2018, and before August 1, 2019.

- (2) For contracts awarded under the solar program, the expected amounts to be paid by a public utility in 2019 must not exceed the amounts set out in the following table for the electrical utility:

<b>Municipal Electric Utility</b>	<b>Amount</b>
Electrical utility for the Town of Antigonish	\$12 000
Electrical utility for the Town of Berwick	\$4500
Electrical utility for the former Town of Canso	\$1000
Electrical utility for the Town of Lunenburg	\$5500
Electrical utility for the Town of Mahone Bay	\$2000
Electric Light Commissioners for Riverport, in the County of Lunenburg	\$1200

- (3) The total expected amounts to be paid by NSPI for all contracts awarded under the solar program for a program year must not exceed the amounts set out in the following table for that program year:

<b>Program Year</b>	<b>Amount</b>
2017	\$250 000
2018	\$350 000 plus any increases made under subsection (5) for the program year
2019	\$400 000 plus any increases made under subsection (5) for the program year

- (4) The total expected amounts to be paid by NSPI for each program year under subsection (3) are subject to the following additional limits:
- no more than 30% of an amount set out in subsection (3) may be paid to 1 or more owners who fall into the same category of participant in a clause in subsection 37B(1);
  - no more than 30% of an amount set out in subsection (3) may be paid to 1 or more owners for generation facilities located in Halifax County;
  - no more than 30% of an amount set out in subsection (3) may be paid to 1 or more owners for generation facilities located in the counties of Cape Breton, Inverness, Richmond and Victoria;
  - no more than 30% of an amount set out in subsection (3) may be paid to 1 or more owners for generation facilities located in the counties of Antigonish, Colchester, Cumberland, Guysborough and Pictou;
  - no more than 30% of an amount set out in subsection (3) may be paid to 1 or more owners for generation facilities located in the counties of Annapolis, Digby, Hants, Kings, Lunenburg, Queens, Shelburne and Yarmouth.



- (5) If the expected amounts to be paid by NSPI for a program year are less than the total amount set out in subsection (3), then an amount equal to the difference between those amounts must be added to the amount set out in subsection (3) as an increase in the total limit for the following program year.
- (6) In subsection (5), the net expected payments determined for NSPI for a program year must exclude expected payments under contracts awarded by the procurement administrator that have been terminated.
- (7) To determine whether an amount set out in subsection (2) or (3) would be exceeded, the procurement administrator must assume all of the following, despite information to the contrary in any response to a request for proposals:
  - (a) that a generation facility awarded a contract under the solar program with a public utility other than NSPI will be in commercial operation for the entire year in 2019;
  - (b) that a generation facility awarded a contract under the solar program with NSPI will be in commercial operation for the entire year in the program year for the contract.

### **Data reporting and sharing**

- 37F (1)** An owner of a generation facility under the solar program must provide the Minister with all of the following information:
- (a) the nameplate capacity of the generation facility;
  - (b) the cost of constructing the generation facility, or of any particular component or aspect of the generation facility.
- (2)** On request, a public utility must provide the procurement administrator with all of the following:
- (a) the costs that would be incurred to produce, transmit, deliver or furnish any electricity that would be displaced by electricity purchased under the solar program to permit the procurement administrator to assess whether the awarding of a contract would result in the expected amounts to be paid by the public utility exceeding the program limits under Section 37E;
  - (b) notification in writing if a power purchase agreement between the public utility and an owner of a generation facility connected to its electrical grid under the solar program is terminated.
- (3)** A public utility must provide the Minister with all of the following:
- (a) all electric meter data for each generation facility connected to its electrical grid under the solar program including
    - (i) the amount of electricity produced and sold for each generation facility, and
    - (ii) the time, date and amount of peak power for each generation facility;
  - (b) the price of all electricity sold by the owner of each generation facility to the public utility under the program;

- (c) notification in writing if a power purchase agreement between the public utility and an owner of a generation facility connected to its electrical grid under the solar program is terminated.
- (4) The information required to be provided to the Minister under subsections (1) and (3) must be provided at the times and in the formats requested by the Minister.
- (5) Subject to subsection (6), the Minister may use the information included in a response to a request for proposals or required to be provided under subsections (1) and (3) for any purpose, including the publication or other public release of the information.
- (6) The Minister may not publish or ~~publically~~ [publicly] release the information required by clauses 35B(2A)(a)(e), (h), and (i).
- 13 (1) Clause 47(1)(a) of the regulations is amended by striking out “or” immediately after “5”.
- (2) Clause 47(1)(b) of the regulations is amended by striking out “or” immediately after “5”.
- (3) Clause 47(1)(c) is amended by striking out “or 6A or 6” immediately after “5” and substituting “, 6 or 6A”.
- 14 The regulations are further amended by striking out “renewable electricity administrator” and substituting “procurement administrator” wherever it appears.

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**N.S. Reg. 74/2017 to 74A/2017**

Made: April 21, 2017

Filed: April 26, 2017

Davidson Lake Watershed Protected Water Area Designation and  
Davidson Lake Watershed Protected Water Area RegulationsOrder dated April 21, 2017  
made by the Minister of Environment  
pursuant to subsections 106(1) and (6) of the *Environment Act***In the matter of subsections 106(1) and (6) of  
Chapter 1 of the Acts of 1994-95, the *Environment Act*****- and -****In the matter of the designation of an area surrounding  
Davidson Lake, Hants County, as a Protected Water Area to be known as  
the “Davidson Lake Watershed Protected Water Area”****Order**

Whereas Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act* (the “Act”), provides for the designation by the Minister of Environment under subsection (1) of a protected water area and the making of regulations under subsection (6) to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the protected water area;

And whereas the operator of the Hantsport Water Utility, the Municipality of the District of West Hants, has requested that the Minister of Environment designate a portion of the Davidson Lake watershed as a protected water area in order to protect the quality of the surface water and groundwater resource as a water supply;

And whereas the Town of Hantsport, former owner of the Hantsport Water Utility, has provided opportunities for public consultation, including public meetings;

Therefore I, the Honourable Margaret Miller, Minister of Environment, hereby do the following:

- (a) pursuant to subsection 106(1) of the Act, designate an area surrounding Davidson Lake and more fully described in the attached Schedule “A” as a protected water area, to be known as the “Davidson Lake Watershed Protected Water Area”;
- (b) pursuant to subsection 106(6) of the Act, make regulations respecting activity in the Davidson Lake Watershed Protected Water Area, in the form set forth in the attached Schedule “B”.

This order is effective on and after the date it is made.

Dated and made Ap 21, 2017 [*sic*], at Halifax Regional Municipality, Province of Nova Scotia.

sgd: *M. Miller*  
Honourable Margaret Miller  
Minister of Environment

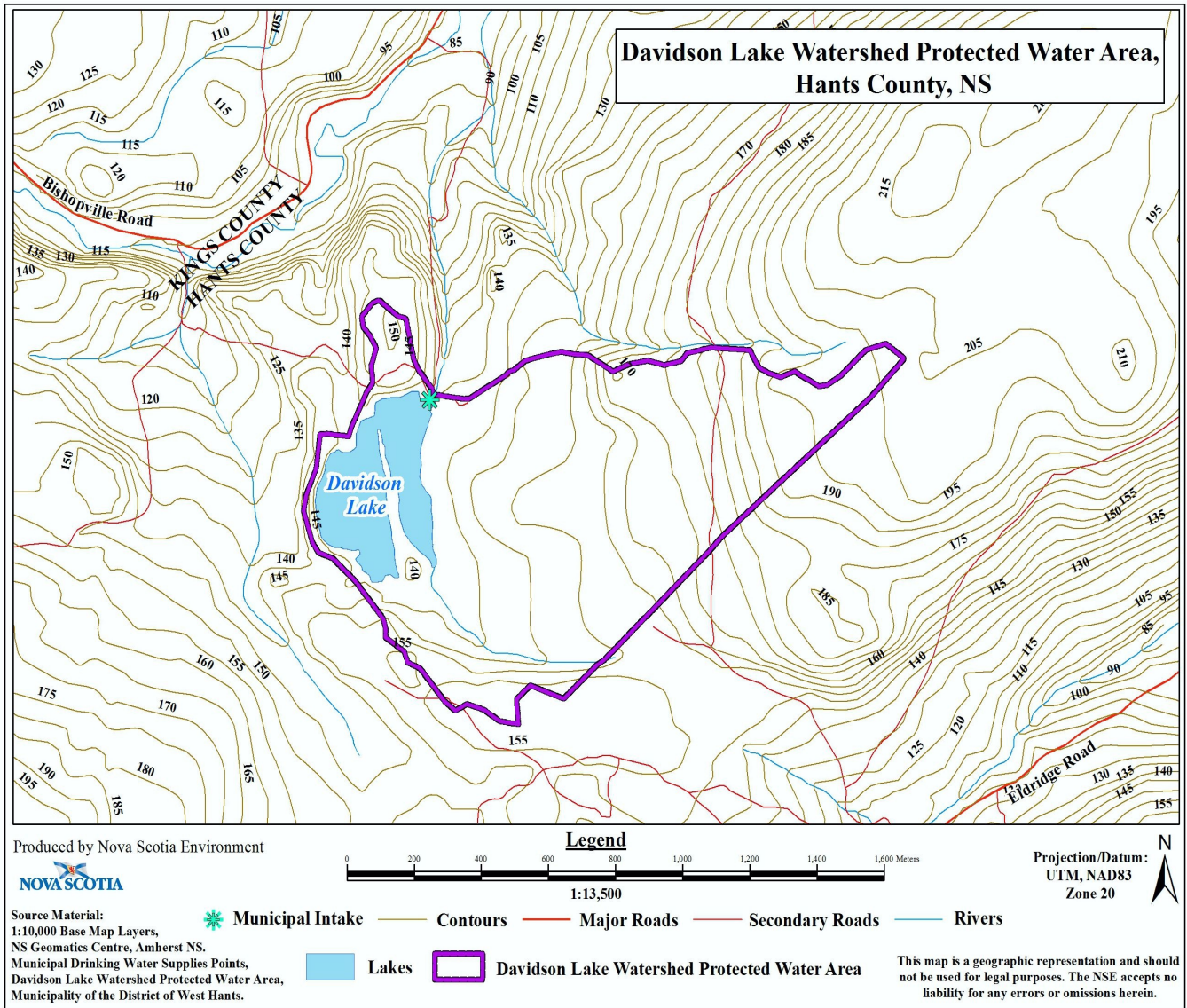
#### **N.S. Reg. 74/2017**

Davidson Lake Watershed Protected Water Area Designation

#### **Schedule “A”**

#### **Davidson Lake Watershed Protected Water Area Boundary Description**

All and singular that certain lot, piece, parcel or tract of land and land covered by water located in Hants County, in the Municipality of the District of West Hants, in the Province of Nova Scotia, shown outlined in purple on the map of the Davidson Lake Watershed Protected Water Area set out below, prepared with information from the Municipality of the District of West Hants, Planning Department.



**N.S. Reg. 74A/2017**

## Davidson Lake Watershed Protected Water Area Regulations

**Schedule “B”****Regulations Respecting the Davidson Lake Watershed Protected Water Area  
made by the Minister of Environment under subsection 106(6) of  
Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

**1** These regulations may be cited as the *Davidson Lake Watershed Protected Water Area Regulations*.

**Interpretation**

**2** In these regulations,

“Act” means the *Environment Act*;

“clearcut” means to harvest all merchantable trees from a piece of land more than 2 ha in size;

“Department” means the Department of Environment;

“forestry operation” means any activity related to using a forest for producing timber, wood fiber [fibre] or Christmas trees, including all of the following activities:

- (i) forest management planning,
- (ii) silviculture,
- (iii) wood harvesting,
- (iv) watershed protection,
- (v) constructing roads, bridges and stream crossings,
- (vi) operating, storing and using equipment and supplies;

“pest control product” means a pest control product as defined in the Act;

“Protected Water Area” means the land and water designated by the Minister under subsection 106(1) of the Act as the Davidson Lake Watershed Protected Water Area, as described in Schedule “A” to the designation;

“release” means a release as defined in the Act;

“vehicle” means any vehicle propelled or driven other than by muscular power, whether or not the vehicle is registered under the *Motor Vehicle Act*;

“vessel” means a means of conveyance used on water and includes any accessory to the vessel;

“Water Works Operator” means the Municipality of the District of West Hants, operator of the Hantsport Water Works;

“watercourse” means a watercourse as defined in the Act;

“wetland” means a wetland as defined in the Act.

### Removal of signs prohibited

3 A person must not remove or alter any sign or notice posted by the Water Works Operator under clause 106(2)(c) of the Act.

### Prohibited and restricted activities

4 A person must not do any of the following things in the Protected Water Area:

- (a) swim or bathe in any lake or watercourse;
- (b) camp without the landowner’s permission;
- (c) fish in any lake or watercourse;
- (d) hunt in or over the waters of Davidson Lake;
- (e) operate a vehicle on any land in the Protected Water Area, unless
  - (i) the operation of the vehicle is authorized by the Water Works Operator, or
  - (ii) the vehicle is being operated on any of the following:
    - (A) a public road,
    - (B) a road built for purposes of a forestry operation,
    - (C) an access road to private land holdings;
- (f) operate a vehicle or vessel on, through or over Davidson Lake or any other watercourse or wetland, except as authorized by the Water Works Operator for the purpose of protecting the Protected Water Area;
- (g) ride a horse or bicycle on, through or over any watercourse or wetland, except at a bridge or culvert;
- (h) wash a vehicle, vessel or machinery in or within 60 m of a watercourse;
- (i) carry out maintenance, other than emergency repair, of a vehicle, vessel or machinery.

### Prohibition on release of substances

5 (1) A person must not release or cause or permit the release of any substance that impairs or may impair water quality in the Protected Water Area, including

- (a) oil;
- (b) petroleum products;
- (c) soap;
- (d) detergent;
- (e) toxic chemicals;

- (f) pest control product waste;
  - (g) garbage, litter or solid or liquid waste; and
  - (h) any substance or material that causes or may cause an adverse effect.
- (2) A person who is using mechanical equipment or transporting gasoline or oil in the Protected Water Area must not release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or wetland.
- (3) A person must not refuel a vehicle or vessel within 20 m of the shoreline or bank of any watercourse or wetland within the Protected Water Area.
- (4) A person must not store lubricants or fuel in bulk quantities of more than 450 L in the Protected Water Area.

**Forestry operations**

- 6 (1) A person must not do any of the following in the Protected Water Area within a calendar year without the prior written permission of the Water Works Operator:
- (a) clearcut;
  - (b) harvest more than 50 cords of wood.
- (2) A request for permission for a forestry operation referred to in subsection (1) must include a cutting plan that contains all of the following information and documentation:
- (a) the size of the area to be cut, measured in hectares;
  - (b) the type of cutting to be done;
  - (c) a map of the property showing the area to be cut and the location of all of the following:
    - (i) existing and proposed access or haul roads, landings and skid trails,
    - (ii) watercourses and wetlands,
    - (iii) a 65-m buffer zone surrounding watercourses and wetlands,
    - (iv) existing or proposed watercourse or wetland crossings,
    - (v) areas where slopes exceed 20%;
  - (d) the type of equipment to be used;
  - (e) the anticipated start and completion dates for the operation;
  - (f) the proposed monitoring schedule for checking vehicles and mechanical equipment for leaks, and general environmental monitoring;
  - (g) the proposed monitoring schedules for water sampling and checking sediment traps, if required by the Water Works Operator;

- (h) any information that the Water Works Operator requires to determine whether the requested permission should be granted.
- (3) A person must not clearcut within 65 m of the shoreline or bank of any watercourse or wetland within the Protected Water Area.
- (4) A person must not cut any mature tree within 65 m of the shoreline or bank of watercourse [*sic*] within the Protected Water Area unless both of the following conditions have been met:
  - (a) the person has obtained written permission from the Water Works Operator to do so;
  - (b) the person has notified the Water Works Operator of the start date of cutting.
- (5) A person must not pile or accumulate wood processing waste, such as sawdust, bark, wood chips and wood shavings, within 65 m of the shoreline or bank of any watercourse or wetland within the Protected Water Area.

**Pest control products**

- 7 (1) A person must not use a pest control product within the Protected Water Area other than for 1 of the following purposes:
- (a) personal application, such as applying mosquito repellent;
  - (b) application within structures associated with a woods camp.
- (2) In clause (1)(b), “woods camp” means a building or structure intended to provide basic shelter for a person or group of persons engaged in hunting, fishing or other outdoor activities on an occasional or seasonal basis in a remote location where electricity and municipal or community services are not available.

**Road construction and maintenance restrictions**

- 8 (1) A person must not undertake any road construction, including crossing and drainage works required for maintenance of the roadbed, without the prior written permission of the Water Works Operator.
- (2) Except as provided in subsection (3), a new road must be constructed at least 20 m from any watercourse or wetland in the Protected Water Area.
  - (3) A road may be constructed to cross a watercourse or wetland in the Protected Water Area but must be constructed, as much as possible, at right angles.
  - (4) A person who is responsible for a road in the Protected Water Area must maintain and repair the road and must notify the Water Works Operator before undertaking any maintenance, repair or removal of the road.
  - (5) Bridges, pipe arches or other similar open-bottomed box culverts that retain the streambed in its natural form must be used for roads that are constructed to cross watercourses or wetlands.

**Soil erosion and sedimentation control**

- 9 (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in any watercourse or wetlands within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately do all of the following things:



- (a) cease the activity causing sedimentation and take measures to control the soil erosion and sediment deposition;
  - (b) notify the Water Works Operator.
- (3) A person may alter the land levels within 65 m of a watercourse or wetland located in the Protected Water Area only if the alteration is necessary for road construction and watercourse or wetland crossings permitted under these regulations.
- (4) A person must not erect a structure or alter the level of the land in an area of the Protected Water Area where the slope is greater than 15% other than for 1 of the following purposes:
- (a) preventing floods or erosion;
  - (b) facilitating drainage;
  - (c) municipal water treatment and distribution.

**Watercourse or wetland alteration**

- 10 (1) A person must not construct a bridge or culvert or otherwise alter a watercourse or wetland in the Protected Water Area without the prior written permission of the Water Works Operator.
- (2) An owner, operator or person responsible for a bridge or culvert constructed in the Protected Water Area must maintain and repair the bridge or culvert.
- (3) An owner, operator or person responsible for a bridge or culvert constructed in the Protected Water Area must not remove the bridge or culvert without first providing written notice of intent to remove the bridge or culvert to the Water Works Operator, along with a copy of
- (a) if an approval was required, a copy of the approval received from the Department for the activity; or
  - (b) if a notification was required, a copy of the notification submitted to the Department and a copy of the notification receipt received from the Department.

**Prohibition on landfills**

- 11 A person must not establish any form of dump, incinerator, landfill or waste disposal site in the Protected Water Area.

**Agricultural waste setbacks from watercourses**

- 12 A person must not pile or accumulate agricultural refuse or farm waste such as manure or compost within 650 m of any watercourse or wetland in the Protected Water Area.

**Prohibition on aquaculture**

- 13 A person must not conduct aquaculture activities of any kind, commercial or domestic, in the Protected Water Area.

**Gravel and mineral extraction**

- 14 A person must not operate or use any pit, mine or quarry to extract gravel, rock or minerals in the Protected Water Area without the prior written permission of the Water Works Operator.

**Easement restriction**

**15** A person must not construct a pipeline, railway, telephone line, power line or other similar undertaking or grant an easement on, over or across the Protected Water Area without the prior written permission of the Water Works Operator.

**Application for written permission**

**16 (1)** On receipt of an application for written permission to conduct an activity in the Protected Water Area, the Water Works Operator may request the applicant to provide further information reasonably related to the activity.

**(2)** An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (1).

**Timing of Water Works Operator's decision**

**17** The Water Works Operator must decide whether to grant or refuse permission under these regulations within 60 days after the date that the completed request for the permission and all required supplemental information are submitted.

**Permission may include terms and conditions**

**18** Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary to protect the water quality in the Protected Water Area.

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**N.S. Reg. 75/2017 to 75A/2017**

Made: April 21, 2017

Filed: April 26, 2017

Mill Lakes Watershed Protected Water Area Designation and  
Mill Lakes Watershed Protected Water Area Regulations

Order dated April 21, 2017  
made by the Minister of Environment  
pursuant to subsections 106(1), (4) and (6) of the *Environment Act*

**In the matter of subsections 106(1), (4) and (6) of  
Chapter 1 of the Acts of 1994-95, the *Environment Act***

**- and -**

**In the matter of the designation of an area surrounding  
Mill Lakes Hants County, as a Protected Water Area to be known as  
the "Mill Lakes Watershed Protected Water Area"**

**Order**

Whereas by Order dated February 28, 1964, published in the *Royal Gazette Part I* on March 4, 1964, the Nova Scotia Water Authority defined and prescribed an area surrounding Mill Lakes, Hants County, as a Protected Water Area;

And whereas by Order dated October 24, 1986, N.S. Reg. 264/86, the Minister of Environment designated and made regulations respecting the Mill Lakes Watershed Protected Water Area pursuant to subsections 17(1) and

(2) of Chapter 335 of the Revised Statutes of Nova Scotia, 1967, the *Water Act*;

And whereas subsection 106(4) of the *Environment Act* (the “Act”) permits the Minister to cancel the designation of a protected water area at the request of a Water Works Operator;

And whereas subsection 106(1) of the Act permits the designation by the Minister of Environment of a protected water area and subsection 106(6) permits the making of regulations to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the protected water area;

And whereas the Town of Windsor, operator of the Town of Windsor Water Utility, has requested that the Minister of Environment cancel the designation effected by the Order dated October 24, 1986, N.S. Reg. 264/86, and designate a portion of the Mill Lakes Watershed as a Protected Water Area in order to protect the quality of the surface water and groundwater resource as a water supply;

And whereas the Town of Windsor has provided an opportunity for public consultation on the cancellation and new designation;

Therefore I, the Honourable Margaret Miller, Minister of Environment for the Province of Nova Scotia, pursuant to subsections 106(1), (4) and (6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, do the following:

- (a) pursuant to subsection 106(4) of the Act, cancel the Mill Lakes Watershed Protected Water Area Designation, N.S. Reg. 264/86;
- (b) pursuant to subsection 106(1) of the Act, designate an area more fully described in Schedule “A” as a protected water area to be known as the “Mill Lakes Watershed Protected Water Area”;
- (c) pursuant to subsection 106(6) of the Act,
  - (i) repeal the regulations respecting the Mill Lakes Watershed Protected Water Area, N.S. Reg. 264/86, made by the Minister of Environment by Order dated October 24, 1986, and
  - (ii) make regulations respecting the Mill Lakes Watershed Protected Water Area in the form set forth in Schedule “B”.

This order is effective on and after the date it is made.

Dated and made Ap 21, 2017 [*sic*], at Halifax, Province of Nova Scotia.

sgd: *M. Miller*  
Honourable Margaret Miller  
Minister of Environment

**N.S. Reg. 75/2017**

Mill Lakes Watershed Protected Water Area Designation

**Schedule "A"****Mill Lakes Watershed Protected Water Area  
Boundary Description**

All that certain area of land situate, lying and being in the Mill Lakes areas, in the vicinity of the Town of Windsor, County of Hants, Province of Nova Scotia, said area of land being shown on plan number P-080/83A on file in the office of the Director of Surveys, Department of Natural Resources in Halifax, and being more particularly described as follows:

**Beginning** at Point "A" as shown on said plan number P-080/83A, said point being S 62°20'16" E a distance of 7737.67 feet from Nova Scotia Coordinate Monument number 8644 (said bearings and distances referred to herein are based on the Nova Scotia 3° Modified Transverse Mercator Projection, Zone 5, Central Meridian 64°30' Longitude West);

**From thence** N 38°53'04" E a distance of 1698.56 feet to Point "B";

**Thence** S 68°10'33" E a distance of 1526.75 feet to Point "C";

**Thence** S 28°05'16" E a distance of 3644.43 feet to Point "D";

**Thence** S 07°31'26" W a distance of 1753.94 feet to Point "E";

**Thence** S 14°33'44" E a distance of 4854.10 feet to Point "F";

**Thence** S 06°28'45" W a distance of 2238.71 feet to Point "G";

**Thence** S 53°02'22" W a distance of 11 595.16 feet to Point "H";

**Thence** N 56°14'49" W a distance of 10 776.44 feet to Point "I";

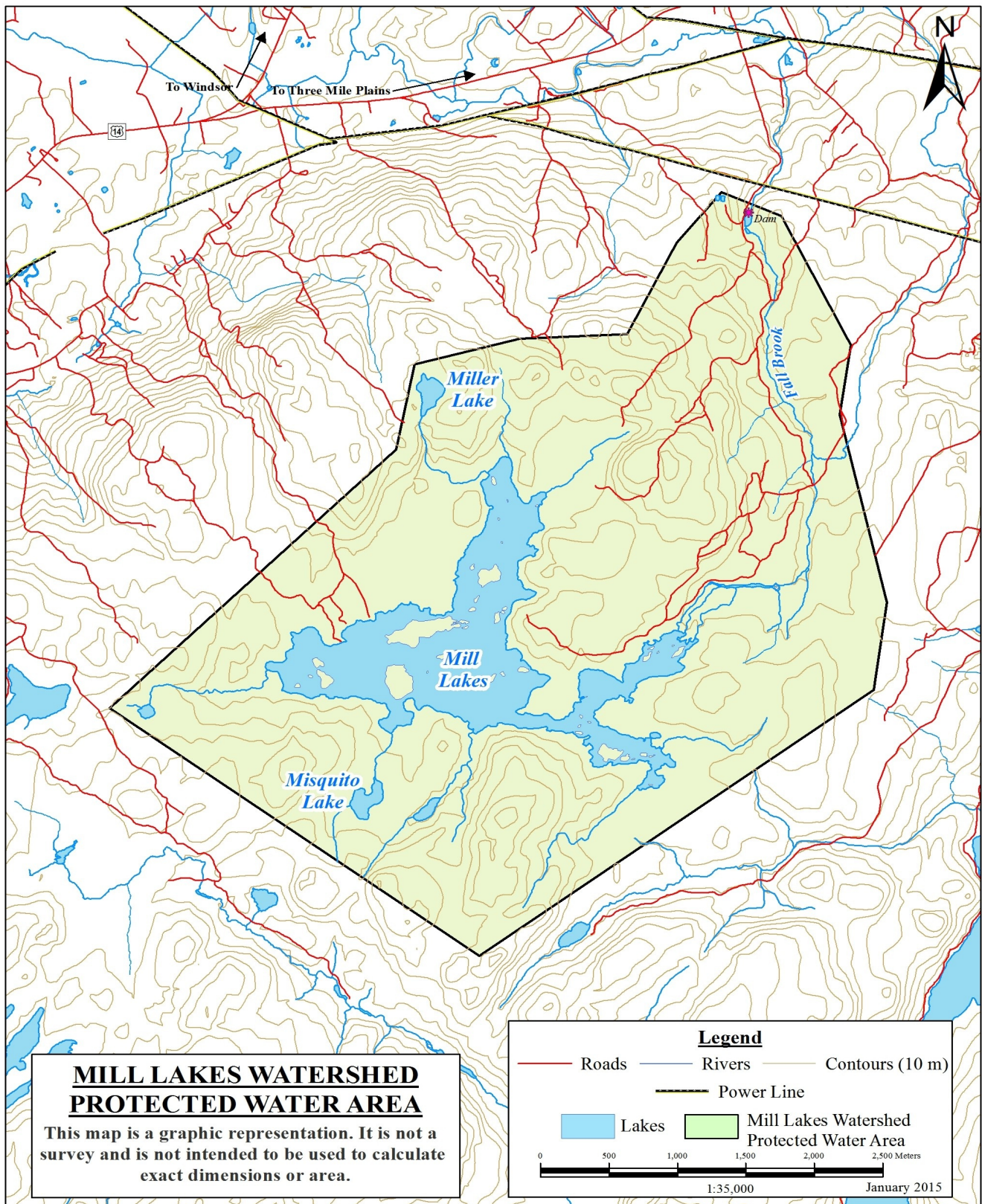
**Thence** N 45°04'07" E a distance of 9512.73 feet to Point "II";

**Thence** N 08°36'56" E a distance of 2131.03 feet to Point "JJ";

**Thence** N 73°30'38" E a distance of 2658.56 feet to Point "J";

**Thence** N 85°37'05" E a distance of 2576.43 feet to Point "K";

**Thence** N 25°35'19" E a distance of 2582.71 feet to the place of beginning containing 4394.515 acres.



**N.S. Reg. 75A/2017**

## Mill Lakes Watershed Protected Water Area Regulations

**Schedule “B”****Regulations Respecting the Mill Lakes Watershed Protected Water Area  
made by the Minister of Environment under subsection 106(6) of  
Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

1 These regulations may be cited as the *Mill Lakes Watershed Protected Water Area Regulations*.

**Interpretation**

2 In these regulations,

“Act” means the *Environment Act*;

“Department” means the Department of Environment;

“off-highway vehicle” means an off-highway vehicle as defined in the *Off-highway Vehicles Act*;

“pesticide” or “pest control product” means a pesticide or pest control product as defined in the Act;

“Protected Water Area” means the land and water designated by the Minister under subsection 106(1) of the Act as the Mill Lakes Watershed Protected Water Area, as described in Schedule “A” to the designation;

“release” means release as defined in the Act;

“vessel” means a means of conveyance used on water and includes any accessory to the vessel;

“Water Works Operator” means the Town of Windsor, operator of the Town of Windsor Water Utility.

“watercourse” means a watercourse as defined in the Act;

“watershed” means a watershed as defined in the Act;

“wetland” means a wetland as defined in the Act.

**Removal of signs prohibited**

3 A person must not remove or alter any sign or notice posted by the Water Works Operator under clause 106(2)(c) of the Act.

**Prohibited and restricted activities**

4 A person must not do any of the following things in the Protected Water Area:

(a) except as provided in Section 5, fish in any watercourse;

(b) swim or bathe in any lake or watercourse;

(c) except as provided in Section 5, boat in any watercourse;

- (d) skate or engage in any other ice surface recreational activities;
- (e) operate a vehicle on or over any watercourse, except at a bridge or crossing approved by the Department;
- (f) except as provided in Section 5, operate an off-highway vehicle in or on a watercourse;
- (g) wash a vehicle, vessel or mechanical equipment;
- (h) carry out maintenance, other than emergency repair, of a vehicle, vessel or machinery.

**Exceptions for landowners**

**5** An owner of land in the Protected Water Area may do any of the following:

- (a) fish in Mill Lakes;
- (b) use any of the following on Mill Lakes:
  - (i) a rowboat, canoe, or other non-motorized vessel,
  - (ii) a vessel powered by an electric motor;
- (c) for the sole purpose of accessing their land, operate an off-highway vehicle on Mill Lakes when the lakes are covered by ice, but only if it is safe to do so.

**Forestry restrictions**

**6** A person must not harvest more than 50 000 board feet or 100 cords of wood in 1 calendar year on land within the Protected Water Area unless the landowner has submitted a forestry plan to the Water Works Operator and the Water Works Operator has granted written permission for the harvesting.

**Prohibition on release of substances**

**7** A person must not release or cause or permit the release of any substance that impairs or may impair water quality in the Protected Water Area, including

- (a) oil;
- (b) petroleum products;
- (c) soap;
- (d) detergent;
- (e) toxic chemicals;
- (f) pest control product waste;
- (g) garbage, litter or solid or liquid waste; and
- (h) any substance or material that causes or may cause an adverse effect.

**Prohibition on landfills**

**8** A person must not establish any form of dump, landfill, compost operation, or waste disposal site in the Protected Water Area.

**Soil erosion and sedimentation control**

- 9** (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in any watercourse or wetlands within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately do all of the following things:
- (a) cease the activity causing sedimentation and take measures to control the soil erosion and sediment deposition;
  - (b) notify the Water Works Operator.

**Road construction and maintenance restrictions**

- 10** (1) A person must not begin constructing a road within the Protected Water Area unless the person has submitted plans for the road construction to the Water Works Operator and the Water Works Operator has granted written permission for the construction.
- (2) An owner of, operator of or person responsible for a road, bridge or culvert within the Protected Water Area must maintain and repair the road, bridge or culvert to the satisfaction of the Water Works Operator.

**Pest control products**

- 11** (1) Except as provided in subsection (2), a person must not use pest control products within the Protected Water Area unless the person has
- (a) provided the Water Works Operator with a copy of any approval issued by the Minister in relation to the use; and
  - (b) received written permission from the Water Works Operator for the use.
- (2) Subsection (1) does not apply to the use of pest control products for any of the following purposes:
- (a) small-scale personal use, such as the application of mosquito repellent;
  - (b) application within a structure such as a camp.

**Watercourse or wetland alteration**

- 12** A person must not alter or begin any activity that will result in altering the natural features of any watercourse or wetland or the natural movement of water within the Protected Water Area unless the person has provided the Water Works Operator with a copy of
- (a) if an approval was required, a copy of the approval received from the Department for the activity; or
  - (b) if a notification was required, a copy of the notification submitted to the Department and a copy of the notification receipt received from the Department.

**Easement restriction**

- 13** A person must not begin construction of or maintenance work on a public road, pipeline, railway, powerline or similar undertaking within the Protected Water Area unless the person has
- (a) provided the Water Works Operator with plans for the construction or maintenance; and
  - (b) received written permission from the Water Works Operator.



**Gravel and mineral extraction**

- 14 (1)** Except as provided in subsection (2), a person must not operate or use any pit, mine or quarry to extract gravel, rock or minerals within the Protected Water Area unless the person has
- (a) provided the Water Works Operator with a copy of any approval issued by the Minister in relation to the pit, mine or quarry; and
  - (b) received written permission from the Water Works Operator for the operation or use.
- (2)** Subsection (1) does not apply to a landowner using granular material for building and maintaining roads on their woodlot.

**Prohibition on agriculture**

- 15 (1)** A person must not pasture any cow, sheep, horse, pig or other domesticated animal within the Protected Water Area.
- (2)** A person must not pile or accumulate agricultural refuse or farm waste such as manure and compost within the Protected Water Area.

**Prohibition on aquaculture**

- 16** A person must not conduct aquaculture activities within the Protected Water Area.

**Application for written permission**

- 17 (1)** On receipt of an application for written permission to conduct an activity in the Protected Water Area, the Water Works Operator may request the applicant to provide further information reasonably related to the activity.
- (2)** An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (1).

**Timing of Water Works Operator's decision**

- 18** The Water Works Operator must respond to an application for written permission to conduct an activity no later than 10 working days after the date the completed application is received.

**Permission may include terms and conditions**

- 19** Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary to protect the water quality in the Protected Water Area.

**N.S. Reg. 76/2017**

Made: April 26, 2017

Filed: April 27, 2017

Summary Offence Tickets Regulations—amendment

Order dated April 26, 2017

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***Order****Made under Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

I, Diana Whalen, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the *Direct Sellers' Regulation Act* as summary offence ticket offences, in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the date it is made.

Dated and made April 26, 2017, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Diana Whalen*

Honourable Diana Whalen

Attorney General and Minister of Justice

**Schedule "A"****Amendment to the *Summary Offence Tickets Regulations*  
made by the Attorney General and Minister of Justice pursuant to Section 8  
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, are amended by adding the following Schedule immediately after Schedule 44:

**Schedule 45**  
**Direct Sellers' Regulation Act**

<b>Offence</b>	<b>Section</b>	<b>Out of Court Settlement</b>
1 Individual carrying on business of direct selling without permit, for first offence second offence third offence	5(1)(a)	\$985.00 \$1272.50 \$2422.50
2 Corporation carrying on business of direct selling without permit, for first offence second offence third offence	5(1)(a)	\$2422.50 \$5872.50 \$11 622.50
3 Individual carrying on business of direct selling without authorization by holder of permit to act on permit holder's behalf, for first offence second offence third offence	5(1)(b)	\$985.00 \$1272.50 \$2422.50
4 Individual direct seller selling, offering for sale or soliciting orders (specify) for goods or services not specified in permit	8(4)	\$697.50
5 Corporation as direct seller selling, offering for sale or soliciting orders (specify) for goods or services not specified in permit	8(4)	\$1272.50
6 Salesperson selling, offering for sale or soliciting orders (specify) for goods or services not specified in permit of direct seller the salesperson represents	15A(2)	\$697.50
7 Individual employing, authorizing or permitting person without permit to do thing (specify) requiring permit	31	\$697.50
8 Corporation employing, authorizing or permitting person without permit to do thing (specify) requiring permit	31	\$1272.50
9 Falsely holding oneself out as engaged, employed or authorized (specify) to act on behalf of direct seller	31A	\$697.50
10 Individual failing to comply with compliance order (specify), for first offence second offence third offence	36(1)(b)	\$985.00 \$1272.50 \$2422.50
11 Corporation failing to comply with compliance order (specify), for first offence second offence third offence	36(1)(b)	\$2422.50 \$5872.50 \$11 622.50
12 Individual knowingly providing false information in application, statement or material required under Act or regulations (specify)	36(1)(c)	\$697.50
13 Corporation knowingly providing false information in application, statement or material required under Act or regulations (specify)	36(1)(c)	\$1272.50

**N.S. Reg. 77/2017**

Made: April 27, 2017

Filed: April 28, 2017

Prescribed Petroleum Products Prices

Order dated April 27, 2017  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****M08023****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair

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

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

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

**And whereas** the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended April 27, 2017, are:

Grade 1 Regular gasoline	56.9¢ per litre
Ultra-low-sulfur diesel oil	55.2¢ per litre

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

Gasoline:	
Grade 1	56.9¢ per litre
Grade 2	59.9¢ per litre
Grade 3	62.9¢ per litre
Ultra-low-sulfur diesel oil	55.2¢ per litre

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

Gasoline:	nil ¢ per litre
Ultra-low-sulfur diesel oil:	nil ¢ per litre

**And whereas** a winter blending adjustment of plus 8.0¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., April 28, 2017.

Dated at Halifax, Nova Scotia, this 27th day of April, 2017.

sgd: Bruce A. Kiley  
Clerk of the Board

### Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on April 28, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	64.1	10.0	15.5	89.6	108.9	111.1	108.9	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Ultra-Low-Sulfur Diesel	63.2	4.0	15.4	82.6	100.9	103.0	100.9	999.9
<b>Zone 2</b>								
Regular Unleaded	64.6	10.0	15.5	90.1	109.5	111.7	109.5	999.9
Mid-Grade Unleaded	67.6	10.0	15.5	93.1	112.9	115.1	112.9	999.9
Premium Unleaded	70.6	10.0	15.5	96.1	116.4	118.6	116.4	999.9
Ultra-Low-Sulfur Diesel	63.7	4.0	15.4	83.1	101.4	103.6	101.4	999.9
<b>Zone 3</b>								
Regular Unleaded	65.0	10.0	15.5	90.5	109.9	112.1	109.9	999.9
Mid-Grade Unleaded	68.0	10.0	15.5	93.5	113.4	115.6	113.4	999.9
Premium Unleaded	71.0	10.0	15.5	96.5	116.8	119.0	116.8	999.9
Ultra-Low-Sulfur Diesel	64.1	4.0	15.4	83.5	101.9	104.1	101.9	999.9
<b>Zone 4</b>								
Regular Unleaded	65.1	10.0	15.5	90.6	110.1	112.2	110.1	999.9
Mid-Grade Unleaded	68.1	10.0	15.5	93.6	113.5	115.7	113.5	999.9
Premium Unleaded	71.1	10.0	15.5	96.6	117.0	119.1	117.0	999.9
Ultra-Low-Sulfur Diesel	64.2	4.0	15.4	83.6	102.0	104.2	102.0	999.9
<b>Zone 5</b>								
Regular Unleaded	65.1	10.0	15.5	90.6	110.1	112.2	110.1	999.9
Mid-Grade Unleaded	68.1	10.0	15.5	93.6	113.5	115.7	113.5	999.9
Premium Unleaded	71.1	10.0	15.5	96.6	117.0	119.1	117.0	999.9
Ultra-Low-Sulfur Diesel	64.2	4.0	15.4	83.6	102.0	104.2	102.0	999.9
<b>Zone 6</b>								
Regular Unleaded	65.8	10.0	15.5	91.3	110.9	113.0	110.9	999.9
Mid-Grade Unleaded	68.8	10.0	15.5	94.3	114.3	116.5	114.3	999.9
Premium Unleaded	71.8	10.0	15.5	97.3	117.8	119.9	117.8	999.9
Ultra-Low-Sulfur Diesel	64.9	4.0	15.4	84.3	102.8	105.0	102.8	999.9

**N.S. Reg. 78/2017**

Made: April 26, 2017

Filed: April 28, 2017

Proclamation, S. 7, S.N.S. 2016, c. 14

Order in Council 2017-139 dated April 26, 2017

Proclamation made by the Governor in Council

pursuant to Section 7 of

*An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated April 5, 2017, and pursuant to Section 7 of Chapter 14 of the Acts of 2016, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, is pleased to order and declare by proclamation that Chapter 14 of the Acts of 2016, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, do come into force on and not before June 12, 2017.

PROVINCE OF NOVA SCOTIA

**sgd: J. J. Grant**

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 7 of Chapter 14 of the Acts of 2016, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, it is enacted as follows:

- 7 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 14 of the Acts of 2016, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, do come into force on and not before June 12, 2017;

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 14 of the Acts of 2016, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, do come into force on and not before June 12, 2017, 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 His Honour  
Brigadier-General, the Honourable J. J. Grant  
(Retired), Lieutenant Governor of the Province of  
Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 26th day of April in the year of Our Lord two thousand and seventeen and in the sixty-sixth year of Our Reign.

BY COMMAND:

**sgd: Honourable Diana C. Whalen**  
Provincial Secretary  
Attorney General and Minister of Justice

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**N.S. Reg. 79/2017**

Made: April 27, 2017

Filed: April 28, 2017

Proclamation, S. 59, S.N.S. 2015, c. 44

Order in Council 2017-141 dated April 27, 2017

Proclamation made by the Governor in Council

pursuant to Section 59 of

*An Act to Amend Chapter 160 of the Revised Statutes, 1989, the Maintenance and Custody Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated April 21, 2017, and pursuant to Section 59 of Chapter 44 of the Acts of 2015, [*An Act to Amend Chapter 160 of the Revised Statutes, 1989,*] *the Maintenance and Custody Act*, is pleased to order and declare by proclamation that Chapter 44 of the Acts of 2015, [*An Act to Amend Chapter 160 of the Revised Statutes, 1989,*] *the Maintenance and Custody Act*, do come into force on and not before May 26, 2017.

PROVINCE OF NOVA SCOTIA

**sgd: J. J. Grant**

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 59 of Chapter 44 of the Acts of 2015, [*An Act to Amend Chapter 160 of the Revised Statutes, 1989,*] *the Maintenance and Custody Act*, it is enacted as follows:

**59** 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 44 of the Acts of 2015, [*An Act to Amend Chapter 160 of the Revised Statutes, 1989,*] *the Maintenance and Custody Act*, do come into force on and not before May 26, 2017;

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 44 of the Acts of 2015, [*An Act to Amend Chapter 160 of the Revised Statutes, 1989,*] *the Maintenance and Custody Act*, do come into force on and not before May 26, 2017, 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 His Honour  
Brigadier-General, the Honourable J. J. Grant  
(Retired), Lieutenant Governor of the Province of  
Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 27th day of April in the year of Our  
Lord two thousand and seventeen and in the sixty-  
sixth year of Our Reign.

BY COMMAND:

**sgd: Honourable Diana C. Whalen**  
Provincial Secretary  
Attorney General and Minister of Justice

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**N.S. Reg. 80/2017**

Made: April 20, 2017

Approved: April 27, 2017

Filed: April 28, 2017

Family Court Rules—amendment

Order in Council 2017-142 dated April 27, 2017  
Amendment to regulations made by the Family Court Rules Committee  
and approved by the Governor in Council  
pursuant to Sections 11 and 12 of the *Family Court Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated April 21, 2017, and pursuant to Sections 11 and 12 of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act* (the Act), is pleased to approve amendments to the *Family Court Rules*, N.S. Reg. 20/93, approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993, in the manner set forth in Schedule “A” and Schedule “B” attached to and forming part of the report and recommendation, the amendments to be effective on and after the date they are published in the *Royal Gazette* in accordance with Section 12 of the Act.

[Please note: Schedule “B” to Order in Council 2017-142, N.S. Reg. 81/2017, will be published in a special issue of Volume 41 of the *Royal Gazette Part II*.]



**Schedule "A"**

**In the matter of Chapter 159 of the Revised Statutes of Nova Scotia, 1989,  
the *Family Court Act***

**and**

**In the matter of an amendment to the *Family Court Rules*, N.S. Reg. 20/93**

**Certificate**

I, Judge Jean M. Dewolfe, of the Family Court of Nova Scotia, certify that, on April 20, 2017, pursuant to Section 11 of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act*, the Family Court Rules Committee made the attached amendments to the *Family Court Rules*, N.S. Reg. 20/93, approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993.

Dated: April 20, 2017

sgd: J. Dewolfe JFC

**Judge Jean M. Dewolfe**

Judge of the Family Court of Nova Scotia  
Chair, Family Court Rules Committee

**Amendment to the *Family Court Rules*  
made by the Family Court Rules Committee under Sections 11 and 12  
of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act***

- 1 The *Family Court Rules*, N.S. Reg. 20/93, made by the Family Court Rules Committee and approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993, are amended by repealing Rule 21.
- 2 The Rules are further amended by adding the following Rule immediately after Rule 23:

**Rule 24 - Proceedings under the *Children and Family Services Act***

**Interpretation**

**24.01 (1)** This Rule applies to proceedings under the *Children and Family Services Act* commenced on or after March 1, 2017.

**(2)** In this Rule,

“Act” means the *Children and Family Services Act*;

“agency” means an agency as defined in the Act;

“Minister” means the Minister as defined in the Act;

“protection application” means an application to determine whether a child is a child in need of protective services under Section 32 of the Act;

“representative” means a representative as defined in the Act;

“Rules” means the *Family Court Rules*;

“secure-treatment applicant” means the Minister or an agency acting with the consent of the Minister;

“secure-treatment application” means

- (i) an application under Section 56 of the Act for a secure-treatment order or renewal of a secure-treatment order, or
- (ii) an application under Section 57 of the Act for review of a secure-treatment order;

“secure-treatment court” means the Family Court located in Truro, Nova Scotia, or another court facility designated by the Associate Chief Judge of the Family Court of Nova Scotia;

“working day” means a weekday from Monday to Friday, but does not include a holiday or any other day when the applicable office of the court, as defined by practice memorandum, is closed for business, and, in computing “within five working days”, the time does not include the day when the child is taken into care or the protection application is filed.

#### **Forms**

**24.02** If no form is otherwise prescribed by this Rule for an application or an order, an application may be in Form 24.02A and an order may be in Form 24.02B.

#### ***Ex parte* applications**

**24.03** (1) An application for an order under Section 26, 29 or 34 of the Act must be made in Form 24.03A, 24.03B, 24.03C or 24.03D, specifying the order sought.

- (2) If a parent or guardian brings an application under Section 29, the judge may direct that any affidavit filed in support of the application, the order and any other relevant information be provided to an agency.

#### **Taking into care**

**24.04** If a child is taken into care, an representative must immediately serve a notice of taking into care in Form 24.04A personally on the parent or guardian if known and available to be served.

#### **Commencement of proceedings**

**24.05** (1) A protection proceeding is commenced by the agency filing a protection application in Form 24.05A, supported by an affidavit setting out the reasonable and probable grounds relied on by the agency for a finding that the child is in need of protective services and the contents of the interim order requested.

- (2) If a child is taken into care before a protection application is filed, the agency must, as soon as practicable, file a protection application as required by subrule (1).

#### **Place of hearing**

**24.06** (1) A protection application must be heard in the location of the court most convenient to the child’s place of ordinary residence or, if the child has no ordinary residence in the Province, in the location of the court where the application is filed by the agency.

- (2) On application by a party or on the court's own motion, a proceeding under this Rule may be transferred to another location where the court sits.
- (3) As soon as practicable after the filing of a protection application, the agency must file with the court a certified extract from the registration of birth for each child who is the subject of the protection application.

### **Joinder of proceedings**

**24.07** Any proceeding in the court involving the custody or access of a child may be joined or consolidated with a protection proceeding, in accordance with Rule 16.02.

### **Interim hearings**

- 24.08**
- (1) Service of a protection application and supporting affidavit must be effected by personal service at least 2 days before the interim hearing, unless service is waived, before or at the interim hearing, by the party or the court.
  - (2) If an agency is unable to serve a party in accordance with subrule (1), despite reasonable efforts to do so within the time available, the court must proceed with the hearing required by [sub]sections 39(1) and (2) of the Act, and may make any further directions respecting service, including substituted service, that are just and necessary in the circumstances.
  - (3) For the purposes of the hearing required by [sub]sections 39(1) and (2) of the Act, the 5-day time limit of subrule 10.02(3) does not apply and a letter or report under subrule 10.03(1) may be admitted without compliance with the 5-day notice requirement or subrule 10.03(2).
  - (4) At the commencement of an interim hearing, the court must first satisfy itself that the agency has met its obligations of disclosure under subsection 38(1) of the Act and, if that obligation has not been satisfied, the court must, during any period of adjournment of the interim hearing, make any orders that are necessary to effect the disclosure in accordance with Rule 24.09.
  - (4A) At the commencement of an interim hearing, the court must first enquire whether the child is or is entitled to be a Mi'kmaw child and, if so, whether the child's band is known.
  - (4B) If the child is or is entitled to be a Mi'kmaw child and the child's band is known, the court may make any directions respecting service on the band that are just and necessary in the circumstances.
  - (4C) Notice to a band may be in Form 24.08A.
  - (4D) If a child's band has been served notice of the proceeding, the band may elect what further notice it wishes to receive by filing Form 24.08B.
  - (5) In determining whether there are reasonable and probable grounds to believe that the child is in need of protective services under subsections 39(2) and (3) of the Act, the court must decide the question solely on any affidavits filed by any party, unless leave of the court is granted to hear *viva voce* evidence.
  - (6) If an interim hearing is adjourned under subsection 39(3) of the Act, the court must make an interim order under subsection 39(4) of the Act for no longer than is reasonably necessary to complete the interim hearing, subject to the time limits set out in subsection 39(4) of the Act.

- (7) At the interim hearing, as soon as is practicable in the circumstances, the court must determine whether the child is a party and entitled to representation in accordance with Section 37 of the Act and must make any directions respecting the child's party status, representation, presence at hearings, participation and service of documents on the child that are just and necessary in the circumstances, having regard to the child's best interests.
- (8) On the application of any other person, the court may add that person under clause 36(1)(f) of the Act as a party at the interim hearing, only if that person's presence as a party is necessary to determine the matters in issue.
- (9) On the application of a party, an interim order may be varied or terminated and, if a child has been taken into care by an agency after the commencement of the proceeding, the agency must
  - (a) file the application as soon as practicable; and
  - (b) serve the application on each of the other parties at least 2 days before the hearing, unless service is waived, before or at the hearing, by the party or the court.
- (10) A judge of the court who makes any interim order under subsection 39(3) or 39(4) of the Act is not seized with the proceeding, but is not disqualified from conducting any other hearing under Sections 32 to 48 of the Act.

#### **Disclosure and discovery**

- 24.09** (1) No oral examination for discovery under Civil Procedure Rule 18 may take place before the completion of an interim hearing, unless so ordered by the court.
- (2) No oral examination for discovery of a child may take place under Civil Procedure Rule 18 unless the court has first granted an order allowing the examination.
- (3) After a protection application has been filed, a party may seek discovery under Civil Procedure Rules 19, 20 and 21, but no party need respond until after the hearing required by subsections 39(1) and (2) of the Act and, at that hearing, the court may give directions to effect the discovery before completion of the interim hearing.
- (4) After the interim hearing has been completed, the discovery provisions of Civil Procedure Rules 18, 19, 20 and 21 apply.
- (5) If a child is granted party status and representation under Section 37 of the Act, but no *guardian ad litem* is appointed, on the application of counsel for the child or of any party or on the court's own motion, if disclosure of all or any part of a report or assessment, or intended exhibit or evidence, would cause emotional harm to the child, the court may direct the information so identified not be disclosed to the child.

#### **Mediation**

- 24.10** (1) If the parties have agreed to the appointment of a mediator under subsection 21(1) of the Act, a party may move for the extension of a time limit under subsection 41(1), 45(1) or 45(2) of the Act in accordance with subsection 21(3) of the Act and the court may grant an extension in Form 24.10A, in the interests of the child and for the consensual resolution of the matters in issue.
- (2) If an order is granted under subrule (1) and mediation has been completed, the mediator must prepare a written report for the court and, on approval of the report by the parties, the

report must be filed with the court.

### **Pre-hearing conference**

- 24.10.1** (1) Before a protection hearing, a pre-hearing conference must be held and must be in accordance with Rule 11.01.
- (2) Before a disposition hearing, a pre-hearing conference must be held and must be in accordance with Rule 11.01.

### **Protection hearing**

- 24.11** (1) No party may adduce evidence at a protection hearing in accordance with subsection 96(1) or (3) of the Act, unless
- (a) that party has given notice of the intention to do so no later than the pre-hearing conference held under subrule 24.10.1(1); or
- (b) leave of the court has otherwise been granted to do so.
- (2) A judge of the court who conducts the protection hearing and determines that a child is in need of protective services must conduct the disposition hearing and any subsequent reviews respecting that child, unless Rule 16.03 applies.

### **Disposition hearing**

- 24.12** (1) If a finding has been made that a child is in need of protective services, the agency must file and serve an application for a disposition order in Form 24.12A, along with any supporting affidavit and an agency plan for the child's care in Form 24.12B, no later than the pre-hearing conference held under subrule 24.10.1(2).
- (2) A disposition order under subsection 42(1) of the Act must be in Form 24.12C, 24.12D, 24.[12]DA, 24.12E or 24.12F.
- (3) If the court makes an order of dismissal under clause 42(1)(a) of the Act or an order of permanent care and custody under clause 42(1)(f) of the Act, the court must issue a separate order respecting each child who is the subject of the proceeding.
- (4) The court must not issue an order of permanent care and custody respecting a child until the agency has filed the certified extract from the registration of birth as required by subrule 24.06.(3).

### **Conferencing**

- 24.12.1** (1) If an order has been made under clause 40(1)(b) or 41(1)(b) of the Act, the production of documents under Rule 24.09 may still occur.
- (2) An application under Section 40E of the Act may be in Form 24.12.1A.
- (3) An order to terminate conferencing under clause 40E(2)(b) of the Act may be in Form 24.12.1B.
- (4) A party who terminates conferencing under Section 40F of the Act must request a court officer or a judge to appoint a time and date for a pre-hearing conference.
- (5) A notice to terminate conferencing under Section 40F of the Act may be in Form 24.12.1C.

- (6) Within 5 days of the termination of conferencing, the agency must file a notice of the time spent in conferencing.
- (7) A notice of the time spent in conferencing may be in Form 24.12.1D.
- (8) An agreed statement of facts under Section 40G of the Act must provide all of the following and may be endorsed by counsel on behalf of any party:
  - (a) a brief statement of the history of the proceeding;
  - (b) a summary of the assessment, treatments and services provided;
  - (c) an explanation of why a discontinuance would be in the child's best interests;
  - (d) the details of any agreement reached regarding custody of and access to the child.
- (9) The agreed statement of facts may be in Form 24.12.1E.
- (10) A consent order under subsection 40G(3) of the Act may be referred to a judge for approval.

### Reviews

- 24.13** (1) A party applying for a review of a disposition order under Section 46 of the Act must file with the court and serve on the other parties, at least 10 clear days before the commencement of the review hearing, a review application in Form 24.13A, along with any supporting affidavit, and, if the agency seeks a change in placement, access or services, a revised plan for the child's care in Form 24.12B must be filed with the court by the agency before the hearing.
- (2) If a child who is the subject of a review application has been taken into care by an agency after the making of a supervision order, the agency must, as soon as practicable,
    - (a) file the review application with the court; and
    - (b) at least 2 days before the review hearing, serve the review application on each of the other parties, unless service is waived, before or at the review hearing, by the party or the court.
  - (3) If no party has applied for a review before the expiry of a disposition order and no date for a review hearing has been fixed in the disposition order, the agency must obtain a date for a review hearing to take place before the expiry of the order and file and serve a review application in accordance with subrule (1).
  - (4) If a review application has been filed and the court has commenced a review hearing before the expiry of the order in question, with the consent of all parties or on the order of the court in the child's best interests, the review hearing may be adjourned and a further disposition order, other than an order for permanent care and custody, may be made until the review hearing can be justly and expeditiously completed, subject to the time limits set out in subsections 43(4) and 45(1) of the Act.

### Termination of permanent care and custody orders and variation of access

- 24.14** (1) An application to vary or terminate access under an order for permanent care and custody must be filed in Form 24.14A, supported by affidavit, and served on the other parties.

- (2) An application to terminate an order for permanent care and custody must be filed in Form 24.14B, supported by affidavit, and served on the other parties at least 10 clear days before the hearing of the application.
- (3) If a party is required to obtain leave of the court under subsection 48(6) of the Act, before making an application to terminate an order for permanent care and custody, the party must first file an application for leave, supported by affidavit, and, if leave is granted, an application in Form 24.14B must be filed and served as directed by the court.
- (4) An order under subsection 48(8) of the Act, other than clause 48(8)(a), must be in Form 24.14C or Form 24.14D.

**Consent to treatment**

- 24.16\*** (1) An application by the Minister under Section 61 of the Act must be in Form 24.16A, supported by affidavit and the 2 medical opinions required together with the form of order requested.
- (2) The hearing of the application must take place at any time and location and on any terms respecting parties and notice that the court directs.

[\*Numbering as in original.]

**Child abuse register**

- 24.17** (1) An application by the Minister or an agency under subsection 63(3) of the Act for a finding of abuse for purposes of entry in the Child Abuse Register must be in Form 24.17A, supported by affidavit.
- (2) The application and affidavit, together with a copy of the notice of objection in Form 24.17B, must be served on the person whose name is intended to be entered in the Child Abuse Register by personal service or by substituted service as directed by the court.
- (3) For the purposes of this Rule, the person served with an application under subrule (2) must be named as the respondent.
- (4) If the respondent has been served and no notice of objection has been filed with the court within 30 days of the date of service, the Minister or agency may file a notice of default in Form 24.17C and the court may make a finding of abuse without a hearing and without further notice to the respondent.
- (5) On receipt of a notice of objection, the court must forward a copy of the notice of objection to the applicant Minister or agency.
- (6) If a notice of objection has been filed, Rule 24.09 and subrule 24.11(1), with necessary modification, apply to a proceeding under this Rule.
- (7) If the respondent has filed a notice of objection with the court, the Minister or agency may file and serve a notice of hearing in Form 24.17D, to be served on the respondent's counsel or, if the respondent is not represented by counsel, by registered mail to the address provided on the notice of objection, at least 10 clear days before the date of the hearing.
- (8) If the respondent is served in accordance with subrule (7) and fails to appear at the hearing, the respondent is deemed to have admitted to a finding of abuse as alleged in the application.

- (9) An order of finding of abuse must be in Form 24.17E.
- (10) An application under subsection 64(2) of the Act for removal of a person's name from the Child Abuse Register may be in Form 24.17F, and the court must forward a copy of the application to the Minister at least 30 days before the date of the hearing of the application.
- (11) An order for the removal of a person's name from the Child Abuse Register must be in Form 24.17G.

#### **Secure-treatment certificate**

- 24.18** (1) If a secure-treatment certificate under Section 55 of the Act has been served on a child who is the subject of the proceeding, a copy of the certificate must be filed by the secure-treatment applicant.
- (2) If a secure-treatment certificate under Section 55 of the Act has been issued and no application made under Section 56 of the Act, the secure-treatment applicant must file an affidavit explaining the reasons for the issuance of the certificate at least 2 days before the hearing.

#### **Place of hearing**

- 24.19** (4) A secure-treatment application must be heard in the secure-treatment court.

#### **Service on parent or guardian**

- 24.20** (1) Service of notice of a secure-treatment application under subsection 56(2A) of the Act on a child's parent or guardian must be by personal service.
- (2) Notice of a secure-treatment application under subsection 56(2A) of the Act to a child's parent or guardian may be in Form 24.20A.
- (3) If service is not able to be effected in accordance with subrule (1), despite reasonable efforts to do so within the time available, the court must proceed with the hearing required by Section 56 or 57 of the Act, and may make any further directions respecting service, including substituted service, that are just and necessary in the circumstances.
- (4) An application by a parent or guardian of a child who is not in the permanent care and custody of an agency to be added as a party to a secure-treatment proceeding may be in Form 24.20B.

#### **Evidence**

- 24.21** (1) For the purposes of any hearing regarding a secure-treatment application, the 5-day time limit of subrule 10.02(3) does not apply and a letter or report under subrule 10.03(1) may be admitted without compliance with the 5-day notice requirement or with the provisions of subrule 10.03(2).
- (2) On the application of counsel for the child or any party or on the court's own motion, if disclosure of all or any part of a report or assessment, or intended exhibit or evidence, would cause emotional harm to the child, the court may direct the information so identified not be disclosed to the child.

#### **Hearing of application for secure-treatment order**

- 24.22** (1) A secure-treatment proceeding is commenced by the secure-treatment applicant filing a secure-treatment application in Form 24.22A, supported by an affidavit setting out the evidence relied on by the secure-treatment applicant for a determination that



- (a) the child is suffering from an emotional or behavioural disorder; and
  - (b) it is necessary to confine the child in order to remedy or alleviate the disorder.
- (2) Service of the application for a secure-treatment order and supporting affidavit must be effected by personal service at least 2 days before the hearing, unless service is waived, before or at the hearing, by the child, the legal aid office or the court.

#### **Hearing of application for renewal of secure-treatment order**

- 24.23** (1) An application for renewal of a secure-treatment order is commenced by the secure-treatment applicant filing an application for renewal of the secure-treatment order in Form 24.23A, supported by an affidavit setting out the evidence relied on by the secure-treatment applicant for a determination that
- (a) the child is suffering from an emotional or behavioural disorder;
  - (b) it is necessary to confine the child in order to remedy or alleviate the disorder; and
  - (c) there is an appropriate plan of treatment for the child.
- (2) The application for renewal of a secure-treatment order and supporting affidavit must be filed at least 4 days before the renewal hearing.

#### **Hearing of review of secure-treatment order**

- 24.24** (1) An application for review of a secure-treatment order is commenced by a party to the secure-treatment proceeding filing an application for review of the secure-treatment order in Form 24.24A, which may be supported by affidavit evidence.
- (2) Service of the application for review of a secure-treatment order and any supporting affidavit must be effected by personal service at least 4 days before the hearing, unless service is waived, before or at the hearing, by the party or the court.

#### **Order**

- 24.25** (1) A secure-treatment order may be in Form 24.25A.
- (2) An order dismissing a secure-treatment application may be in Form 24.25B.
- (3) An order terminating a secure-treatment order may be in Form 24.25C.

3 The Rules are further amended by

- (a) repealing Forms 21.02A, 21.02B, 21.03A, 21.03B, 21.03C, 21.03D, 21.04A, 21.05A, 21.10A, 21.12A, 21.12B, 21.12C, 21.12D, 21.12E, 21.12F, 21.13A, 21.14A, 21.14B, 21.14C, 21.14D, 21.15A, 21.15B, 21.15C, 21.16A, 21.17A, 21.17B, 21.17C, 21.17D, 21.17E, 21.17F and 21.17G; and
- (b) adding Forms 24.02A, 24.02B, 24.03A, 24.03B, 24.03C, 24.03D, 24.04A, 24.05A, 24.08A, 24.08B, 24.10A, 24.12A, 24.12B, 24.12C, 24.12D, 24.12DA, 24.12E, 24.12F, 24.12.1A, 24.12.1B, 24.12.1C, 24.12.1D, 24.12.1E, 24.13A, 24.14A, 24.14B, 24.14C, 24.14D, 24.16A, 24.17A, 24.17B, 24.17C, 24.17D, 24.17E, 24.17F and 24.17G, in the forms attached, immediately after Form 6.21.

Form 24.02A: Application

Form 24.02A

No.

Family Court for the Province of Nova Scotia

BETWEEN:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

Application

TAKE NOTICE that an application will be made on behalf of the [applicant/respondent] to the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard for an order \_\_\_\_\_

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than one clear day before the hearing of the application.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

Form 24.02B: Order

Form 24.02B

No.

Family Court for the Province of Nova Scotia

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

Respondent

\_\_\_\_\_

Order

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING the Application and all other documents on file in the matter [*and having heard evidence on*  
\_\_\_\_\_];

AND UPON IT APPEARING that the proper persons have received notice of the application in accordance  
with the *Family Court Rules* and the *Children and Family Services Act*;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_  
for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT:

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

Form 24.03A: Application and Affidavit for Production and Inspection of Records

Form 24.03A

No.

Family Court for the Province of Nova Scotia

IN THE MATTER OF: The Children and Family Services Act, s. 26(1)

- and -

IN THE MATTER OF: The Application of \_\_\_\_\_

Application and Affidavit for Production and Inspection of Records

I, \_\_\_\_\_ [full name], Of \_\_\_\_\_ [city, town or municipality], in the County of \_\_\_\_\_ and Province of Nova Scotia, make application under s. 26(1) of the Children and Family Services Act on behalf of [Mi'kmaq Family and Children Services of Nova Scotia/the Minister of Community Services] for an order for production and inspection of records or documents in the possession, custody or control of \_\_\_\_\_ [person or organization] located at \_\_\_\_\_ [address] respecting the [child/children] \_\_\_\_\_ [full name(s) and birthdate(s)] ("the [child/children]") and/or the parent or guardian \_\_\_\_\_;

AND in support of this application I make oath and say that:

- 1. I am a representative of [Mi'kmaq Family and Children Services of Nova Scotia/the Minister of Community Services], an agency within the meaning of the Children and Family Services Act.
2. I have reasonable and probable grounds to believe that the person or organization named above has possession, custody or control of records or documents containing information necessary for the agency to determine whether the [child/children] [is/are] in need of protective services as described in s. 22(2) of the Act, clause(s): \_\_\_\_\_.
3. The records or documents which are necessary can be described as follows: \_\_\_\_\_
4. The person or organization named above has refused or is unwilling to permit the production and inspection of those records or documents, more particularly \_\_\_\_\_
[name and title of person contacted and date contacted].

Representative

SWORN TO before me at \_\_\_\_\_ in the County of \_\_\_\_\_ and Province of Nova Scotia, on \_\_\_\_\_, 20\_\_.

A Commissioner, etc.  
Province of Nova Scotia

**Form 24.03B: Application and Affidavit for Investigative Order(s)**

**Form 24.03B**

No.

**Family Court for the Province of Nova Scotia**

IN THE MATTER OF: The *Children and Family Services Act*, s. 26(2)

and

IN THE MATTER OF: The Application of \_\_\_\_\_

**Application and Affidavit for Investigative Order(s)**

I, \_\_\_\_\_ [full name], of \_\_\_\_\_ [city, town or municipality], in the County of \_\_\_\_\_ and Province of Nova Scotia, make application under s. 26(2) of the *Children and Family Services Act* on behalf of [*Mi'kmaw Family and Children Services of Nova Scotia/the Minister of Community Services*] for [*an investigative order/investigative orders*] described below respecting the [*child/children*] \_\_\_\_\_ [full name(s) and birthdate(s)] (“the [*child/children*]”), and/or the parent or guardian \_\_\_\_\_: [specify order(s) sought, citing clause(s) of s. 26(2) of the Act]

AND in support of the application, I make oath and say that:

1. I am a representative of [*Mi'kmaw Family and Children Services of Nova Scotia/the Minister of Community Services*], an agency within the meaning of the *Children and Family Services Act*.
2. [*I/Another representative*] was refused [*access to the [child/children]/entry to the premises located at \_\_\_\_\_ [street address], Nova Scotia,*] by \_\_\_\_\_ [parent, guardian or other person] on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ [*a.m/p.m.*].
3. I have reasonable and probable grounds to believe that the [*child/children*] may be in need of protective services as described in s. 22(2) of the Act, clauses \_\_\_\_\_.
4. It is necessary to make the order sought to determine whether the [*child/children*] [*is/are*] in need of protective services, for the following reasons:

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

Representative

SWORN TO before me at \_\_\_\_\_  
in the County of \_\_\_\_\_  
and Province of Nova Scotia, on  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
A Commissioner, etc.  
Province of Nova Scotia

**Form 24.03C: Application and Affidavit for Order to Locate and Detain Runaway Child**

**Form 24.03C**

No.

**Family Court for the Province of Nova Scotia**

IN THE MATTER OF: The *Children and Family Services Act*, s. 29(1)

- and -

IN THE MATTER OF: The Application of \_\_\_\_\_

**Application and Affidavit for Order to Locate and Detain Runaway Child**

I, \_\_\_\_\_ [full name], of \_\_\_\_\_ [city, town or municipality], in the  
County of \_\_\_\_\_ and Province of Nova Scotia, make application under s. 29(1) of the  
*Children and Family Services Act* for an order authorizing a peace officer to locate and detain the child \_\_\_\_\_  
\_\_\_\_\_ [full name], born \_\_\_\_\_ (“the child”);

AND in support of this application I make oath and say that:

1. I am the \_\_\_\_\_ [parent, guardian or social worker for an agency], entitled to lawful care  
and custody of the child [if applicable: *under a written agreement or court order attached hereto and  
marked Exhibit “A”*].

2. The child withdrew from my care and control without my consent on \_\_\_\_\_ [date], in the  
following circumstances: [provide factual particulars]

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

3. To the best of my knowledge and information, I believe the child is located or was last seen at \_\_\_\_\_  
\_\_\_\_\_ [provide as much detail as possible as to whereabouts, when last seen, etc.].

4. I have reasonable and probable grounds to believe that the child’s health or safety may be at risk, more particularly: [provide particulars]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. In the event that the child is located and detained by a peace officer, I may be contacted at \_\_\_\_\_ [telephone number] and, if I cannot be contacted, the peace officer may contact \_\_\_\_\_ [name, address and telephone number of alternative person, and state relationship].

\_\_\_\_\_  
 Representative

SWORN TO before me at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 and Province of Nova Scotia, on  
 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 A Commissioner, etc.  
 Province of Nova Scotia

**Form 24.03D: Application and Affidavit for Order to Enter and Search for Child**

**Form 24.03D**

No.

**Family Court for the Province of Nova Scotia**

IN THE MATTER OF: The *Children and Family Services Act*, s. 34(1)

and

IN THE MATTER OF: The Application of \_\_\_\_\_

**Application and Affidavit for Order to Enter and Search for Child**

I, \_\_\_\_\_ [full name], of \_\_\_\_\_ [city, town or municipality], in the County of \_\_\_\_\_ and Province of Nova Scotia, make application under s. 34(1) of the *Children and Family Services Act* on behalf of [*Mi’kmaw Family and Children’s Services of Nova Scotia/the Minister of Community Services*] for an order authorizing the representative named in the application to enter the premises specified and to search for the [*child/children*] \_\_\_\_\_ [full name(s) and birthdate(s), if practicable] (“the [*child/children*]”) for the purpose of taking the [*child/children*] into care as permitted by and in accordance with s. 33 of the Act;

AND in support of the application I make oath and say that:

1. I am a representative of [*Mi'kmaw Family and Children Services of Nova Scotia/the Minister of Community Services*] an agency within the meaning of the *Children and Family Services Act*.
2. I have reasonable and probable grounds to believe that the [*child/children*] [*is/are*] in need of protective services under s. 22(2) of the Act, clause(s) \_\_\_\_\_, on the following basis: [provide brief particulars]
   
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_
3. I have reasonable and probable grounds to believe that the [*child/children*]'s health or safety cannot be protected otherwise than by taking the [*child/children*] into care, for the following reasons:
   
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_
4. [*I/Another representative*] was refused entry to the premises located at \_\_\_\_\_
   
\_\_\_\_\_ [street address], Nova Scotia, where the [*child/children*] may be located, on \_\_\_\_\_, 20\_\_\_\_,
   
at \_\_\_\_\_ [a.m/p.m.].
5. The parent, guardian or other person, \_\_\_\_\_ [name] refused to give up the
   
[*child/children*] to [*me/another representative*] on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ [a.m/p.m.].
6. I believe the [*child/children*] [*is/are/will be*] located at \_\_\_\_\_ [provide street
   
address of premises, if practicable], and I request that the representative named in the Order be
   
\_\_\_\_\_

\_\_\_\_\_  
 Representative

SWORN TO before me at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 and Province of Nova Scotia, on  
 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 A Commissioner, etc.  
 Province of Nova Scotia



Form 24.04A: Notice of Taking into Care

Form 24.04A

No.

Family Court for the Province of Nova Scotia

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

Notice of Taking into Care

TAKE NOTICE that the undersigned Representative has on this day taken into care the following
[child/children] ("the [child/children]") [list full name(s) and birthdate(s)]:

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

who I have reasonable and probable grounds to believe [is/are] in need of protective services and whose health
or safety cannot be protected adequately otherwise than by being taken into care.

AND FURTHER TAKE NOTICE that a hearing must take place at the Family Court, located at \_\_\_\_\_
\_\_\_\_\_, Nova Scotia, not later than 5 working days from today's date and, at that hearing or any
adjournment of the hearing, the Court may make an Order affecting the custody of the [child/children].

AND FURTHER TAKE NOTICE that the agency named above will make application to the Family Court for
the Province of Nova Scotia for a finding that the [child/children] [is/are] in need of protective services under
the Children and Family Services Act, s. 22(2), clause(s) \_\_\_\_\_ [or any other grounds that are included in
the Protection Application [if applicable]].

IF YOU ARE A PARENT OR GUARDIAN, YOU HAVE THE RIGHT TO BE REPRESENTED BY
COUNSEL ENGAGED BY YOU and, should you be unable to afford a lawyer, a lawyer is available through
the local legal aid office. If you wish to be represented by a lawyer, you should contact a lawyer AS SOON AS
POSSIBLE.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_
Representative on behalf of the Applicant

Form 24.05A: Protection Application and Notice of Hearing

Form 24.05A

No.

Family Court for the Province of Nova Scotia

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

Protection Application and Notice of Hearing

TAKE NOTICE that the Applicant makes application to the Family Court for the Province of Nova Scotia for a finding that the following [child/children] ("the [child/children]"):

Full Name

Birthdate

Sex

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

[is/are] in need of protective services under the Children and Family Services Act (the "Act"), s. 22(2), clause(s) \_\_\_\_\_, which state(s):

AND TAKE NOTICE that an interim hearing will take place at the Family Court, located at \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_[a.m/p.m.] or so soon thereafter as the application can be heard for an order

\_\_\_\_\_ [general nature of interim order requested]

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel before the interim hearing.

AND TAKE NOTICE that the child, \_\_\_\_\_, was the subject of a previous proceeding pursuant to the Act.

AND TAKE NOTICE that the child, \_\_\_\_\_, may have been the subject of one or more orders pursuant to s. 42(1)(d) of the Act and, if so, the Applicant will advise you of the time period(s) the child was so subject within 25 days of making this Application.

[OR]

AND TAKE NOTICE that the child, \_\_\_\_\_, was the subject of one or more orders pursuant to s. 42(1)(d) of the Act and spent a total of \_\_\_\_ months in the temporary care and custody of an agency.

AT THIS INTERIM HEARING, the Court may make an order affecting the custody of the [child/children] and, should you fail to appear, an order may be made in your absence without further notice to you. YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL ENGAGED BY YOU and, should you be unable to afford a lawyer, a lawyer is available through the local legal aid office.

AT THE HEARING at the time and place set out above, the Court is required to decide whether there are reasonable and probable grounds to believe that the [child/children] [is/are] in need of protective services on the basis of affidavits filed by any party, including you, but witnesses will not be heard by the Court unless leave of the Court is granted.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

\_\_\_\_\_  
**Form 24.08A: Notice of Application to Band and Notice of Hearing**

**Form 24.08A**

No.

**Family Court for the Province of Nova Scotia**

Between:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

Respondent

\_\_\_\_\_  
**Notice of Application to Band and Notice of Hearing**

TAKE NOTICE that the Applicant makes application to the Family Court for the Province of Nova Scotia for a finding that the [male/female] child, \_\_\_\_\_, born \_\_\_\_\_, ("the child") is in need of protective services under the *Children and Family Services Act* (the "Act"), s. 22(2), clause(s) \_\_\_\_\_.

AND TAKE NOTICE that an [interim hearing/protection hearing] will take place at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.] or so soon thereafter as

the application can be heard for an order \_\_\_\_\_.  
 [custodial term of interim order requested only]

[OR]

AND TAKE NOTICE that the Applicant makes application to the Family Court for the Province of Nova Scotia for an order under s. 42(1) of the Act, clause(s) \_\_\_\_\_, that the child be \_\_\_\_\_.

[AND]

AND TAKE NOTICE that the band is being given notice of the hearing under s. 36(4A) of the Act, which provides as follows:

- 36(4A) Where the child who is the subject of a proceeding is or is entitled to be a Mi'kmaq child,
- (a) at an interim hearing;
  - (b) at a disposition hearing;
  - (c) on a hearing to review a disposition order under Section 46; or
  - (d) on an application to terminate, or vary access under, an order for permanent care and custody under Section 48,

the child's band, if known,

- (e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;
- (f) may have a designate present at the hearing;
- (g) may be represented by counsel; and
- (h) may make submissions to the court,

but shall take no further part in the hearing without leave of the court.

AND TAKE NOTICE that, if you fail to attend, the court may make directions regarding further notice to you, including dispensing with notice of future hearings. You may advise the court and the parties of the band's interest in the proceeding by way of the Notice of Band's Intentions, a copy of which is attached to this notice. This document should be filed with the court and provided to all parties to the proceeding.

AND TAKE NOTICE that the social worker for [*Mi'kmaw Family and Children Services of Nova Scotia/the Minister of Community Services*] is \_\_\_\_\_ [name] of the \_\_\_\_\_ [office, with address], who may be contacted at \_\_\_\_\_ [telephone number(s)].

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

---

**Form 24.08B: Notice of Band's Intention**

Form 24.08B

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

Respondent

---

**Notice of Band's Intention**

I, \_\_\_\_\_ [name], [Chief/Band Council Member], of \_\_\_\_\_ [Band's name] acknowledge receipt of the Notice to Band of Application and Notice of Hearing dated \_\_\_\_\_, 20\_\_.

[Please select all which apply:]

- We intend to have a representative appear before the court at the next hearing.
- We would like to receive further notice hearings in the matter.
- We require no further notice of this matter unless the child, \_\_\_\_\_ [full name], is taken into care.
- We require no further notice of this matter unless the agency makes application for an order for permanent care and custody of the child, \_\_\_\_\_ [full name].
- We request that the assigned social worker contact \_\_\_\_\_ [name] to discuss services and supports within our Band.
- We request that \_\_\_\_\_ [party's name] contact \_\_\_\_\_ [name] to discuss services and supports the Band may be able to provide.
- We request that placement of the child, \_\_\_\_\_ [full name], in customary care with \_\_\_\_\_ [name], a Band member be explored, and \_\_\_\_\_ [name] can be contacted in this regard.

Any further notice may be given by sending the documents  by mail  by fax  by e-mail to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Fax or e-mail: \_\_\_\_\_

Signed on behalf of the Band, \_\_\_\_\_ [Band's name], \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Chief/Council Member]

**Form 24.10A: Order for Mediation Report and  
Extension of Time Limit Pending Completion of Mediation**

**Form 24.10A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

**Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING the Application and all other documents on file in the matter;

AND UPON IT APPEARING that the proper persons have received notice of the application in accordance with the *Family Court Rules* and the *Children and Family Services Act*;

AND UPON IT APPEARING that the parties hereto have consented to the appointment of a mediator, and extension of the time limit under s. [41(1)/45(1)/45(2)] of the *Children and Family Services Act* has been applied for;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. On completion of the mediation, the mediator must prepare a written report for the Court and, after delivery of the report to counsel for the parties or to the parties themselves if unrepresented, the report must be filed with the Court.

2. The report must be closed or limited, stating only the number of interviews conducted, the persons who attended the interviews and the terms of any agreement reached or that an agreement was not reached. All other communications during mediation are confidential and privileged, not subject to disclosure during this proceeding, except as otherwise agreed by the parties.

[OR]

- 2. The report must be open or full, not making recommendations but including any information that the mediator considers relevant to the issues.
- 3. The time limit under s. [41(1)/45(1)/45(2)] of the *Children and Family Services Act* is extended by \_\_\_\_\_ [time, not exceeding 3 months].

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

**Form 24.12A: Application for Disposition Order and Notice of Hearing**

**Form 24.12A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

\_\_\_\_\_  
Respondent

**Application for Disposition Order and Notice of Hearing**

TAKE NOTICE that the Applicant makes application to the Family Court for the Province of Nova Scotia for a disposition order in this proceeding, namely an order for \_\_\_\_\_ under the *Children and Family Services Act* (the "Act"), s. 42(1), clause(s) \_\_\_\_\_.

AND TAKE NOTICE that the disposition hearing will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.].

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s), the written Plan and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the commencement of the disposition hearing.

AND TAKE NOTICE that, as the parties having spent \_\_\_ [number of days] days in conferencing, the maximum cumulative duration of all disposition orders made under s. 42 of the Act will be reduced by \_\_\_ [number of days] days under s. 45(3) of the Act.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

\_\_\_\_\_

### Form 24.12B: Agency Plan for the Child's Care

Form 24.12B

No.

#### Family Court for the Province of Nova Scotia

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

Respondent

### Agency Plan for the Child's Care

1. Disposition order sought:
2. Description of services to be provided to remedy the condition or situation on the basis of which the child was found in need of protective services:
  - (a) agency services:
  - (b) other community resources:
3. Criteria by which the agency will determine when its care and custody or supervision is no longer required [specify the objectives of the agency's intervention and how attainment of those objectives will be determined]



4. Estimate of the time required to achieve the purpose of the agency's intervention [include the appropriate date for review, specific time lines with respect to service plans and prognosis]
5. If the agency proposes to remove the child from the care of a parent or guardian:
  - (a) Explanation of why the child cannot be adequately protected while in the care of the parent or guardian [refer to the condition or situation on the basis of which the child was found to be in need of protective services]
  - (b) Description of past and present services:
    - (i) Services that have been attempted and their current status [include any reasons why the services have failed, if applicable]
    - (ii) Services that have been refused by the parent or guardian [specify the reasons for the refusal and any renewed offer of services made subsequent to that refusal]
    - (iii) Services that have been considered, but would be inadequate to protect the child [specify why the services would be inadequate to protect the child]
  - (c) Possible placements with a relative, neighbour or other member of the child's community or extended family that have been considered and rejected, and reasons the possible placements were rejected
  - (d) What efforts, if any, are planned to maintain the child's contact with the parent or guardian [specify the proposed frequency and terms of such planned contact]
6. If the agency proposes that the child be placed in the temporary care and custody of the agency:
  - (a) A description of the child's needs with reference to the findings of current or previous assessments
  - (b) A statement of the goals to be achieved for the child while in temporary care and custody
  - (c) A statement of the objectives to be used to achieve the specified goals for the child
  - (d) A statement of the educational program for the child
  - (e) A statement of the ways in which the child's parents will be involved in the plan of care, including arrangements for contact between the child and the child's family
  - (f) Particulars of any specialized service to be provided
  - (g) Particulars of the dates for review of the plan of care and revisions to the plan of care as necessary
  - (h) A statement of the anticipated plan at final disposition, if applicable
7. If the agency proposes that the child be placed in the permanent care and custody of the agency:
  - (a) Why the circumstances justifying the proposal are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits  
[specify the barriers to change, agency efforts to remedy or alleviate those barriers and why those efforts would be unsuccessful within the maximum time limits provided in the Act]

- (b) Description of the arrangements made or being made for the child’s long-term stable placement [refer to the child’s present placement, any intended changes to that placement, any special needs of the child, availability of long-term placements, agency plans to identify a permanent placement for the child, adoption prospects, etc.]
- (c) Access, if any, proposed for the child

---

*[of Mi’kmaw Family and Children’s Services of  
Nova Scotia/  
Minister of Community Services]*

Date: \_\_\_\_\_, 20\_\_.

---

**Form 24.12C: Order of Dismissal**

**Form 24.12C**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

*[Mi’kmaw Family and Children’s Services of Nova Scotia/  
Minister of Community Services]*

Applicant

and

Respondent

---

**Order of Dismissal**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON HAVING FOUND that the child, \_\_\_\_\_ [full name, birthdate, sex], was in need of protective services under the *Children and Family Services Act*, s. 22(2), clause(s) \_\_\_\_\_ on \_\_\_\_\_, 20\_\_;

AND UPON reading the application for disposition order and all other documents on file in the matter, including the agency’s plan of care for the child, and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision dismissing the proceeding on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT the proceeding respecting the child, \_\_\_\_\_, [full name, birthdate, sex] is dismissed.

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the  
\_\_\_\_\_

**Form 24.12D: Supervision Order**

**Form 24.12D**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

\_\_\_\_\_  
Respondent

**Supervision Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON HAVING FOUND that the [*child/children*], \_\_\_\_\_ [full name(s),  
birthdate(s)], ("the [*child/children*]") [*was/were*] in need of protective services under the *Children and Family  
Services Act* ("the Act"), s. 22(2), clause(s) \_\_\_\_\_ on \_\_\_\_\_, 20\_\_;

AND UPON HAVING FOUND that the maximum time period for the proceeding with respect to the  
[*child/children*] ends on \_\_\_\_\_; [date]

AND UPON reading the application for disposition order and all other documents on file, including the  
agency's plan of care for the [*child/children*], and having heard evidence on \_\_\_\_\_  
\_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for  
the [*child/children*]'s care and the reasons for the decision, on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the  
Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. The [child/children]

Full Name

Birthdate

Sex

must remain in or be returned to the care and custody of \_\_\_\_\_, subject to the supervision of the Applicant agency, for a period of \_\_\_\_\_ months.

2. The terms and conditions of the [child/children]'s care and supervision are the following:

3. Any representative of the supervising agency has the right to enter the residence of the [child/children] to provide guidance and assistance and to ascertain that the [child/children] [is/are] being properly cared for.

4. This supervision order will be reviewed by the court at a hearing to be held on \_\_\_\_\_, 20 \_\_, at \_\_\_\_ [a.m/p.m.] or sooner on the application of any party to this proceeding on notice to the other parties.

DECISION RENDERED on \_\_\_\_\_, 20 \_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

\_\_\_\_\_

**Form 24.12DA: Customary Care and Supervision Order**

**Form 24.12DA**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

### Customary Care and Supervision Order

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON HAVING FOUND that the [child/children], \_\_\_\_\_ [full name(s), birthdate(s)], (“the [child/children]”) [was/were] in need of protective services under the *Children and Family Services Act* (the “Act”), s. 22(2), clause(s) \_\_\_\_\_, on \_\_\_\_\_, 20\_\_;

AND UPON HAVING FOUND that the maximum time period for the proceeding with respect to the [child/children] ends on \_\_\_\_\_; [date]

AND UPON HAVING FOUND that the [child/children] [is/are] or [is/are] entitled to be [an aboriginal child/aboriginal children];

AND UPON reading the application for disposition order and all other documents on file in the matter, including the agency’s plan of care for the [child/children], and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for the [child/children]’s care and the reasons for the decision on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. The [child/children]

Full Name

Birthdate

Sex

must be placed in the customary care and custody of [person’s name], with the consent of [person’s name], and subject to the supervision of the Applicant agency, for a period of \_\_\_\_\_ months.

2. The terms and conditions of the [child/children]’s care and supervision are the following:

3. Any representative of the supervising agency has the right to enter the residence of the [child/children] to provide guidance and assistance and to ascertain that the [child/children] [is/are] being properly cared for.

4. This customary care and supervision order will be reviewed by the court at a hearing to be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.] or sooner on the application of any party to this proceeding on notice to the other parties.

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

\_\_\_\_\_

**Form 24.12E: Order for Temporary Care and Custody**

**Form 24.12E**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

\_\_\_\_\_

Respondent

**Order for Temporary Care and Custody**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON HAVING FOUND that the [*child/children*], \_\_\_\_\_ [full name(s),  
birthdate(s)], ("the [*child/children*]") [*was/were*] in need of protective services under the *Children and Family  
Services Act* (the "Act"), s. 22(2), clause(s) \_\_\_\_\_, on \_\_\_\_\_, 20\_\_;

AND UPON HAVING FOUND that the maximum time period for the proceeding with respect to the child,  
\_\_\_\_\_, ends on [date], although the court may not make any further order for temporary  
care and custody if the court is satisfied that the circumstances justifying this order are unlikely to change  
within a reasonably foreseeable time not exceeding this time limit;

AND UPON reading the application for disposition order and all other documents on file, including the  
agency's plan of care for the [*child/children*], and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for  
the [*child/children*]'s care and the reasons for the decision on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the  
Respondent;

AND UPON FINDING that the religious denomination of the [child/children] is \_\_\_\_\_;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. The [child/children]

Full Name

Birthdate

Sex

must be placed in the temporary care and custody of the Applicant agency for a period of \_\_\_\_\_ months.

2. The terms and conditions of the order are the following:

3. The [child/children] must be returned to the care and custody of \_\_\_\_\_ [name] [on \_\_\_\_\_, 20\_\_/upon \_\_\_\_\_]. [if applicable]

3. This order for temporary care and custody will be reviewed by the court at a hearing to be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.] or sooner on the application of any party to this proceeding on notice to the other parties.

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

Form 24.12F: Order for Permanent Care and Custody

Form 24.12F

No.

Family Court for the Province of Nova Scotia

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

Order for Permanent Care and Custody

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON HAVING FOUND that the child, \_\_\_\_\_ [full name, birthdate, sex], ("the
child") was in need of protective services under the Children and Family Services Act ("the Act"), s. 22(2),
clause(s) \_\_\_\_\_, on \_\_\_\_\_, 20\_\_;

AND UPON reading the application for disposition order and all other documents on file, including the
agency's plan of care for the child, and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for
the child's care and the reasons for the decision on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the
Respondent;

AND UPON FINDING that the religious denomination of the child is \_\_\_\_\_;

NOW UPON MOTION:

IT IS ORDERED THAT the child, \_\_\_\_\_ [full name, birthdate, sex], be placed in the
permanent care and custody of the Applicant agency.

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the



**Form 24.12.1A: Application Regarding Missed Conference and Notice of Hearing**

**Form 24.12.1A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

*[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]*

Applicant

and

\_\_\_\_\_

Respondent

**Application Regarding Missed Conference and Notice of Hearing**

TAKE NOTICE that *[Mi'kmaw Family and Children Services of Nova Scotia/the Minister of Community Services]* makes application to the Family Court for the Province of Nova Scotia for a review of the order for conferencing made by the court on \_\_\_\_\_, 20 \_\_, as a conference was not held within *[30 days as required by s. 40B(1) of the Children and Family Services Act/60 days as required by s. 40C(1) of the Children and Family Services Act]*.

AND TAKE NOTICE that the application will be heard at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20 \_\_, at \_\_\_\_ *[a.m/p.m.]*.

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the commencement of the review hearing.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

Form 24.12.1B: Order Terminating Conferencing

Form 24.12.1B

No.

Family Court for the Province of Nova Scotia

BETWEEN:

[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

Order Terminating Conferencing

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON the court having referred the parties to conferencing under s. [40(1)(b)(ii)/41(1)(b)(ii)] of the *Children and Family Services Act* on [date];

AND UPON reading the Application Regarding Missed Conferencing dated [date] and all other documents on file, and having heard evidence on \_\_\_\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

1. IT IS ORDERED THAT under s. 40E(2)(b) of the *Children and Family Services Act* conferencing is terminated.
2. IT IS FURTHER ORDERED THAT the [Protection Hearing under s. 40/Disposition Hearing under s. 41] of the *Children and Family Services Act* will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.].

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

**Form 24.12.1C: Notice of Termination of Conferencing**

**Form 24.12.1C**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

and

\_\_\_\_\_

Applicant

Respondent

**Notice of Termination of Conferencing**

TAKE NOTICE that conferencing is terminated under s. 40F(1) of the *Children and Family Services Act*.

AND TAKE NOTICE that a pre-hearing conferencing in advance of the [*Protection Hearing under Family Court Rule 24.10.1(1)/Disposition Hearing under Family Court Rule 24.10.1(2)*] will be held at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ [a.m/p.m.] or so soon thereafter as the conference can be heard.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.12.1D: Notice of Time Spent in Conferencing**

**Form 24.12.1D**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

and

\_\_\_\_\_

Applicant

Respondent

**Notice of Time Spent in Conferencing**

TAKE NOTICE that the court referred the parties to conferencing under s. [40(1)(b)(ii)/41(1)(b)(ii)] of the *Children and Family Services Act* (the “Act”) on [date].

AND TAKE NOTICE that the [Applicant/Respondent], \_\_\_\_\_ [name], gave notice of termination of conferencing under s. 40F(1) of the Act on [date].

AND TAKE NOTICE that the parties having spent [number of days] days in conferencing, the maximum cumulative duration of all disposition orders made under s. 42 of the Act will be reduced by [number of days] days under s. 45(3) of the Act.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.12.1E: Agreed Statement of Facts Respecting Conferencing**

**Form 24.12.1E**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

**Agreed Statement of Facts Respecting Conferencing**

The following facts are agreed by the parties endorsing this agreement:

**History of Proceeding**

1.

**Assessment, Treatment and Services Provided**

2.

**Why Discontinuance is in the Child’s Best Interests**

3.

**Arrangements Regarding Custody and Access**

4.

All of which is agreed, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the Applicant,  
[Mi’kmaw Family and Children Services of Nova  
Scotia/the Minister of Community Services]

\_\_\_\_\_  
Counsel for the Respondent,

**Form 24.13A: Review Application and Notice of Hearing**

**Form 24.13A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[Mi’kmaw Family and Children’s Services of Nova Scotia/  
Minister of Community Services]

Applicant

and

\_\_\_\_\_

Respondent

**Review Application and Notice of Hearing**

TAKE NOTICE that \_\_\_\_\_ makes application to the Family Court for the Province of Nova Scotia for a review of the supervision or customary care order or temporary care and custody order made by the court on \_\_\_\_\_, 20\_\_.

AND TAKE NOTICE that the application will be heard at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.].

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the commencement of the review hearing.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.14A: Application Respecting Access Under an Order for Permanent Care and Custody and Notice of Hearing**

**Form 24.14A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

Respondent

**Application Respecting Access Under an Order for Permanent Care and Custody and Notice of Hearing**

TAKE NOTICE that \_\_\_\_\_ makes application to the Family Court for the Province of Nova Scotia for an order [*varying/terminating*] access to the [*child/children*], \_\_\_\_\_ [full name(s), birthdate(s)], ("the [*child/children*]") under an order for permanent care and custody, made on \_\_\_\_\_, 20\_\_.

AND TAKE NOTICE that the Applicant requests:

- (1) that the order for access made \_\_\_\_\_, 20\_\_, be varied in accordance with s. 48(7) of the *Children and Family Services Act*.

[OR]

- (2) that the order for access made \_\_\_\_\_, 20\_\_, be terminated.

AND TAKE NOTICE that the application will be heard at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [*a.m/p.m.*].

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the commencement of the hearing.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

\_\_\_\_\_  
**Form 24.14B: Application to Terminate Order for Permanent Care and Custody and Notice of Hearing**

**Form 24.14B**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

**Application to Terminate Order for Permanent Care and Custody and Notice of Hearing**

TAKE NOTICE THAT \_\_\_\_\_ makes application to the Family Court for the Province of Nova Scotia to terminate the order for permanent care and custody with respect to the child, \_\_\_\_\_ [full name, birthdate], made \_\_\_\_\_, 20\_\_.

AND TAKE NOTICE that no leave to make this application is required as the Applicant complies in all respects with the provisions of s. 48 of the *Children and Family Services Act*.

[OR]

AND TAKE NOTICE that leave has been obtained by order made \_\_\_\_\_, 20\_\_, as required by s. 48(6), clause \_\_\_\_\_ of the *Children and Family Services Act*.

AND TAKE NOTICE that the application will be heard at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.].

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the commencement of the hearing.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.14C: Supervision Order**

**Form 24.14C**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

**Supervision Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON reading the application to terminate the order for permanent care and custody respecting the [child/children], \_\_\_\_\_ [full name(s), birthdate(s)], and all other documents on file, including the agency’s plan of care for the [child/children], and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for the [child/children]’s care and the reasons for the decision on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. The [child/children]

Full Name

Birthdate

Sex



must remain in or be returned to the care and custody of \_\_\_\_\_, subject to the supervision of the Applicant agency, for a period of \_\_\_\_\_ months.

- 2. The terms and conditions of the [child/children]'s care and supervision are as follows:
  
- 3. Any representative of the supervising agency has the right to enter the residence of the [child/children] to provide guidance and assistance and to ascertain that the [child/children] [is/are] being properly cared for.
  
- 4. This supervision order will be reviewed by the court at a hearing to be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ [a.m/p.m.] or sooner on the application of any party to this proceeding on notice to the other parties.

DECISION RENDERED on \_\_\_\_\_, 20\_\_\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the \_\_\_\_\_

**Form 24.14D: Order Terminating an Order for Permanent Care and Custody**

**Form 24.14D**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

\_\_\_\_\_  
Applicant

and

\_\_\_\_\_  
Respondent

**Order Terminating an Order for Permanent Care and Custody**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON reading the application to terminate the order for permanent care and custody respecting the child, \_\_\_\_\_ [full name, birthdate, sex], and all other documents on file, including the agency's plan of care for the child, and having heard evidence on \_\_\_\_\_;

AND THE COURT having rendered its decision respecting disposition, including a statement of the plan for the child's care and the reasons for the decision on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant and \_\_\_\_\_ for the Respondent;

NOW UPON MOTION:

IT IS ORDERED THAT

1. The order of permanent care and custody respecting the child \_\_\_\_\_ [full name, birthdate, sex], issued \_\_\_\_\_, 20\_\_, is terminated.

DECISION RENDERED on \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

**Form 24.16A: Application for Consent to Treatment and Notice of Hearing**

**Form 24.16A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

Minister of Community Services

Applicant

and

\_\_\_\_\_  
Respondent

**Application for Consent to Treatment and Notice of Hearing**

TAKE NOTICE that the Minister of Community Services makes application for certain orders respecting consent to treatment respecting the child \_\_\_\_\_ [full name, birthdate, sex], under s. 61 of the *Children and Family Services Act*;

AND TAKE NOTICE that the application will be heard at the Family Court, located at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard for an order authorizing the provision of proper medical or other recognized remedial care or treatment that is considered essential for the preservation of life, limb or vital organs of the child and any ancillary orders

that are necessary, on any terms that the court considers necessary;

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s), the attached medical reports of two duly qualified medical practitioners and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel before the hearing;

AT THIS HEARING, the court may make an order authorizing the provision of proper medical or other recognized remedial care or treatment for the child and, should you fail to appear, an order may be made in your absence without further notice to you.

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL ENGAGED BY YOU and, should you be unable to afford a lawyer, a lawyer is available through the local legal aid office. If you wish to be represented by a lawyer, you should contact a lawyer AS SOON AS POSSIBLE.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

---

Counsel for the Minister of  
Community Services

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

---

**Form 24.17A: Application for a Finding for Purposes of Entry  
in the Child Abuse Register**

**Form 24.17A**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

Respondent

---

**Application for a Finding for Purposes of Entry in the Child Abuse Register**

TAKE NOTICE that [*Mi'kmaw Family and Children's Services of Nova Scotia/the Minister of Community Services*] makes application for a finding that the Respondent has abused the child, \_\_\_\_\_  
\_\_\_\_\_ [full name, birthdate], as described in the *Children and Family Services Act*, s. 62, clause [(a)/(b)/(c)].

AND TAKE NOTICE that in support of the application will be read the attached affidavit(s), providing further factual particulars of the alleged abuse;

AND TAKE NOTICE that you must complete and file the attached Notice of Objection within 30 days of the date of service of this application with the Family Court at \_\_\_\_\_, Nova Scotia. IF YOU DO NOT FILE THE NOTICE OF OBJECTION WITHIN 30 DAYS, THE COURT MAY MAKE A FINDING OF ABUSE FOR PURPOSES OF ENTRY IN THE CHILD ABUSE REGISTER WITHOUT FURTHER NOTICE TO YOU. ONCE YOUR NAME IS ENTERED IN THE CHILD ABUSE REGISTER, THE ENTRY WILL AFFECT YOUR ABILITY TO BECOME A FOSTER OR ADOPTIVE PARENT OR TO OBTAIN EMPLOYMENT OR WORK AS A VOLUNTEER CARING FOR OR WORKING WITH CHILDREN.

If you complete and file the attached Notice of Objection and mail it to the Family Court in the enclosed envelope, you will receive a Notice of Hearing at least 10 days before the date of hearing of the application;

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL ENGAGED BY YOU and, should you be unable to afford a lawyer, a lawyer is available to you through the local legal aid office.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

\_\_\_\_\_  
**Form 24.17B: Notice of Objection**

**Form 24.17B**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

\_\_\_\_\_  
Respondent

**Notice of Objection**

TAKE NOTICE that the Respondent objects to the application for a finding of abuse for purposes of entry in the Child Abuse Register, dated \_\_\_\_\_, 20\_\_;

AND TAKE NOTICE that my reasons for objecting are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AND TAKE NOTICE that my address for further service of a Notice of Hearing in this proceeding is:

\_\_\_\_\_  
[street] [apt. no.]  
\_\_\_\_\_  
[city, town or municipality] [postal code]

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Respondent

To: The Family Court for the Province of Nova Scotia  
\_\_\_\_\_

**Form 24.17C: Notice of Default**

**Form 24.17C**

No.

**Family Court for the Province of Nova Scotia**

BETWEEN:

*[Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services]*

Applicant

and

\_\_\_\_\_  
Respondent

**Notice of Default**

TAKE NOTICE that an application for a finding of abuse for purposes of entry in the Child Abuse Register was served on the Respondent on \_\_\_\_\_, 20\_\_ as appears from the Affidavit of Service on file;

AND TAKE NOTICE that more than 30 days has elapsed since the service of the application on the Respondent and no Notice of Objection has been returned to the Family Court;

AND THEREFORE TAKE NOTICE that the Applicant now requests that the Court make a finding of abuse without a hearing and without further notice to the Respondent as specified in the form of order on file.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Counsel for the

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

---

**Form 24.17D: Notice of Hearing**

**Form 24.17D**

No.

**Family Court for the Province of Nova Scotia**

Between:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

---

Respondent

**Notice of Hearing**

TAKE NOTICE that the hearing of the application for a finding that the Respondent has abused the child, \_\_\_\_\_ [full name, birthdate], will take place at the Family Court, located at \_\_\_\_\_, Nova Scotia on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard.

AND TAKE NOTICE that in support of the application will be read the affidavit previously served on you and any other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than 1 clear day before the hearing of the application.

AND TAKE NOTICE that in support of the application, the affidavit previously served on you will be read, together with any other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than 1 clear day before the hearing of the application.

IF YOU FAIL TO APPEAR AT THE ABOVE HEARING, YOU WILL BE CONSIDERED TO HAVE ADMITTED TO A FINDING OF ABUSE AS ALLEGED IN THE APPLICATION PREVIOUSLY SERVED ON YOU. THAT FINDING WILL RESULT IN YOUR NAME BEING ENTERED IN THE CHILD ABUSE REGISTER, WHICH WILL AFFECT YOUR ABILITY TO BECOME A FOSTER OR ADOPTIVE PARENT OR TO OBTAIN EMPLOYMENT OR WORK AS A VOLUNTEER CARING FOR OR WORKING WITH CHILDREN.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_\_\_.

---

Counsel for the

To: \_\_\_\_\_

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

---

**Form 24.17E: Order of Finding of Abuse**

Form 24.17E

No.

**Family Court for the Province of Nova Scotia**

Between:

[*Mi'kmaw Family and Children's Services of Nova Scotia/  
Minister of Community Services*]

Applicant

and

Respondent

---

**Order of Finding of Abuse**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING THE APPLICATION for a finding of abuse for purposes of entry in the Child Abuse Register, dated \_\_\_\_\_, 20\_\_;

AND UPON IT APPEARING that the Respondent has been served in accordance with the Family Court Rules and the *Children and Family Services Act*;

AND UPON NO NOTICE OF OBJECTION having been filed by the Respondent;

[OR]

AND UPON A NOTICE OF OBJECTION having been filed and a Notice of Hearing having been served on the Respondent and the Respondent having failed to appear at the hearing on \_\_\_\_\_, 20\_\_;

[OR]

AND UPON A NOTICE OF OBJECTION having been filed and the Respondent having appeared and evidence having been heard on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Applicant [*and \_\_\_\_\_ for the Respondent*];

NOW UPON MOTION:

IT IS ORDERED THAT the Respondent is found to have abused the child, \_\_\_\_\_  
[full name, birthdate], as described in the *Children and Family Services Act*, s. 62, clause [(a)/(b)/(c)].

DECISION RENDERED \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

**Form 24.17F: Application and Affidavit for Removal**

**Form 24.17F**

No.

**Family Court for the Province of Nova Scotia**

Between:

\_\_\_\_\_  
and  
\_\_\_\_\_

Applicant

Respondent

**Application and Affidavit for Removal**

I, \_\_\_\_\_ [full name], of \_\_\_\_\_ [city, town or municipality], in the County of \_\_\_\_\_ and Province of Nova Scotia, make application for removal of my name from the Child Abuse Register under s. 64(2) of the *Children and Family Services Act*;

AND I make oath and say that:

1. Attached hereto and marked Exhibit "A" to this my affidavit is a true copy of the written notice of registration received by me from the Child Abuse Register.

2. I do not now pose a risk to children, for the following reasons:

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

3. I therefore request an order that my name be removed from the Child Abuse Register.

4. My address for further service is:

\_\_\_\_\_  
[street]

[apt. no.]

\_\_\_\_\_  
[city, town or municipality]

[postal code]

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.



Respondent

To: The Minister of Community Services

Form 24.17G: Order of Removal

Form 24.17G

No.

Family Court for the Province of Nova Scotia

Between:

\_\_\_\_\_

Applicant

and

\_\_\_\_\_

Respondent

Order of Removal

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING THE APPLICATION for removal of the Respondent's name from the Child Abuse Register, dated \_\_\_\_\_, 20\_\_;

AND UPON IT APPEARING that the Minister of Community Services has been served in accordance with the Family Court Rules and the *Children and Family Services Act*;

AND UPON evidence having been heard and a decision having been rendered on \_\_\_\_\_, 20\_\_;

AND UPON HEARING \_\_\_\_\_ for the Respondent and \_\_\_\_\_ for the Minister of Community Services;

NOW UPON MOTION:

IT IS ORDERED THAT the name of the Respondent be removed from the Child Abuse Register.

DECISION RENDERED \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_

Counsel for the

**Form 24.20A: Notice to Parent**

**Form 24.20A**

**No.**

**Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services

Applicant

- and -

Respondent

**Notice to Parent or Guardian**

TAKE NOTICE that the Applicant will make an application to the Family Court for the Province of Nova Scotia for a secure-treatment order under s. 56(1) of the Children and Family Services Act, in respect of the child, \_\_\_\_\_ [full name, birthdate].

[OR]

TAKE NOTICE that the Applicant will make an application to the Family Court for the Province of Nova Scotia for renewal of a secure-treatment order granted on \_\_\_\_\_, 20\_\_, under s. 56(4) of the *Children and Family Services Act*, in respect of the child, \_\_\_\_\_ [full name, birthdate].

[OR]

TAKE NOTICE that the [Applicant/Respondent, \_\_\_\_\_ [name]/Third Party, \_\_\_\_\_ [name]] will make an application to the Family Court for the Province of Nova Scotia for review of a secure-treatment order granted on \_\_\_\_\_, 20\_\_, under s. 57(1) of the *Children and Family Services Act*, in respect of the child, \_\_\_\_\_ [full name, birthdate].

AND TAKE NOTICE that the hearing will take place at the [*Family Court for the Province of Nova Scotia, located at 540 Prince Street, Truro, Nova Scotia*/[other designated court facility]] on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard.

AND TAKE NOTICE that you are being given notice of the hearing under s. [56(2A)/57(1B)] of the *Children and Family Services Act*, which provides as follows:

56(2A)      Where the child who is the subject of an application is not a child in permanent care and custody, the Minister shall notify the child's parent or guardian of the proceeding.

[OR]

57(1B)      Where the child who is the subject of an application for review is not a child in permanent care and custody, the applicant shall notify the child's parent or guardian of the proceeding if the parent or guardian is not already a party to the application for review.

AND TAKE NOTICE that you are have the right to apply to be added as a party to the proceeding, under s. [56(2B)/57(1C)] of the *Children and Family Services Act* which provides as follows:

56(2B) Where the child who is the subject of an application is not a child in permanent care and custody, the court may, upon application by the parent or guardian of the child, add the parent or guardian as a party to the proceeding.

[OR]

57(1C) Where the child who is the subject of an application for review is not a child in permanent care and custody, the court may, upon application by a parent or guardian of the child, add the parent or guardian as a party to the proceeding.

AND TAKE NOTICE that should you fail to appear, an order may be in made in your absence without further notice to you.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_.

Counsel for the Applicant,  
Minister of Community Services  
Nova Scotia Department of Justice  
80 Walker Street, Suite #3  
Truro, NS B2N 4A7

Tel: (902) 893-6263  
Fax: (902) 893-6507

To: The Family Court for the Province of Nova Scotia

And to: Parent or guardian of the child

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.20B: Application to be Added as a Party to a Secure-Treatment Proceeding**

**Form 24.20B**

**No.**

**Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services

Applicant

and

Respondent

### Application to be Added as a Party to a Secure-Treatment Proceeding

TAKE NOTICE that an application will be made on behalf of \_\_\_\_\_ [name of parent/guardian], parent or guardian of the child, \_\_\_\_\_ [full name, birthdate], to be added as a party to the secure-treatment proceeding, under s. [56(2A)/57(1C)] of the *Children and Family Services Act*.

AND TAKE NOTICE that the hearing will take place at the [Family Court for the Province of Nova Scotia, located at 540 Prince Street, Truro, Nova Scotia/[other designated court facility]] on \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20 \_\_.

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Counsel for Parent/Guardian

To: The Family Court for the Province of Nova Scotia—Truro  
 And to: Counsel for the Applicant, the Minister of Community Services  
 And to: Counsel for the Respondent

### Form 24.22A: Application for Secure-Treatment Order

**Form 24.22A**

**No.**

#### Family Court for the Province of Nova Scotia

Between:

Minister of Community Services

Applicant

and

---

Respondent

### Application for Secure-Treatment Order

TAKE NOTICE that the Applicant will make an application to the [Family Court for the Province of Nova Scotia, located at 540 Prince Street, Truro, Nova Scotia,/[other designated court facility]] on \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ [a.m/p.m.], or so soon thereafter as the application can be heard, for

1. A declaration under s. 56 of the *Children and Family Services Act* (the “Act”) that
  - (a) the child, \_\_\_\_\_ [full name, birthdate] (“the child”), is suffering from an emotional or behavioural disorder, and
  - (b) it is necessary to confine the child in order to remedy or alleviate the disorder; and
2. An order,

- (a) under s. 56 of the Act, that the Minister of Community Services is authorized to do the following with respect to the child:
  - (i) admit the child to a secure-treatment facility, in particular [*Wood Street Centre Secure Treatment, 225 Wood Street, Truro, Nova Scotia*/[name of other secure-treatment facility]] (“the secure-treatment facility”),
  - (ii) detain the child at the secure-treatment facility for the purpose of diagnostic and treatment services in accordance with the plan of care determined by the Minister of Community Services, and
  - (iii) discharge the child from the secure-treatment facility during the currency of this Order or on its expiration, in accordance with a discharge plan determined by the Minister of Community Services; and
- (b) under s. 59 of the Act, that a peace officer, representative or person designated by the Minister of Community Services in accordance with the regulations made under the Act is authorized to apprehend, detain, and convey the child to the secure-treatment facility.

AND TAKE NOTICE THAT, under s. 56 of the Act, the Order sought, if granted, will be for a period of no more than 45 days unless 1 of the following events occurs first:

- (a) the Order is varied or terminated on the hearing of an Application for Review under s. 57 of the Act;
- (b) the order is renewed on the hearing of an Application for Renewal under s. 56(4) of the Act; or
- (c) the child is discharged from the secure-treatment facility by the Minister of Community Services, in accordance with a discharge plan determined by the Minister of Community Services.

AND TAKE NOTICE that, as the child who is the subject of this Application, you have rights, including the following:

- (a) to be informed by means of the Affidavit of \_\_\_\_\_, sworn \_\_\_\_\_, of the reasons why you have been detained at a secure-treatment facility and may be detained further as a result of this Application;
- (b) to retain and instruct a lawyer without delay, and a lawyer will be made available to you through the office of the Nova Scotia Legal Aid Commission, located at 523 Prince Street, Suite 102, Truro, Nova Scotia, telephone: (902) 893-5920;
- (c) to have the validity of your detention decided at a hearing to be held before a judge of Family Court for the Province of Nova Scotia, at which evidence will be considered, including the above-noted Affidavit and any further Affidavit evidence that may be filed by you or your lawyer; and
- (d) to be released at the conclusion of the above-noted hearing before a judge of the Family Court if the judge determines that the detention is not lawful.

AND TAKE NOTICE that, if the Order sought by the Minister of Community Services is granted, you then have the following additional rights:

- (a) to hear the reasons for the decision of the judge, in accordance with s. 58(1) of the Act;

- (b) to appeal the decision to the Nova Scotia Court of Appeal within 25 days of the Order, in accordance with s. 49 of the Act;
- (c) to make application on 1 occasion during the time period of the Order, or more often with leave of the court, for a review of the Order, to confirm, vary or terminate the Order in accordance with s. 57 of the Act; and
- (d) to request in writing that, under s. 60 of the Act, the person in charge of the secure-treatment facility grant you a leave of absence from the secure-treatment facility to attend legal proceedings or for medical, humanitarian or rehabilitative reasons, on any terms and conditions the person in charge considers necessary.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

---

Counsel for the Applicant,  
Minister of Community Services  
Nova Scotia Department of Justice  
80 Walker Street, Suite #3  
Truro, NS B2N 4A7

Tel: (902) 893-6263  
Fax: (902) 893-6507

To: The Family Court for the Province of Nova Scotia

And to: The Respondent, \_\_\_\_\_

And to: Nova Scotia Legal Aid  
523 Prince Street, Suite 102  
Truro, Nova Scotia

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

**Form 24.23A: Application for Renewal of Secure-Treatment Order****Form 24.23A****No.****Family Court for the Province of Nova Scotia**

BETWEEN:

Minister of Community Services

Applicant

and

Respondent

**Application for Renewal of Secure-Treatment Order**

TAKE NOTICE that the secure-treatment order granted on \_\_\_\_\_, 20\_\_, with respect to the child, \_\_\_\_\_ [full name, birthdate] (“the child”), will expire on \_\_\_\_\_, 20\_\_, unless renewed.

AND TAKE NOTICE that the Applicant will make an application to the [*Family Court for the Province of Nova Scotia, located at 540 Prince Street, Truro, Nova Scotia,/[other designated court facility]*] on \_\_\_\_\_, 20\_\_, at \_\_\_\_ [a.m/p.m.] or so soon thereafter as the application can be heard, for a renewal of the secure treatment order and, more particularly, for

1. A declaration under s. 56 of the *Children and Family Services Act* (the “Act”) that
  - (a) the child is suffering from an emotional or behavioural disorder,
  - (b) it is necessary to confine the child in order to remedy or alleviate the disorder, and
  - (c) there is an appropriate plan of treatment for the child; and
2. An order,
  - (a) under s. 56 of the Act, that the Minister of Community Services is authorized to do the following with respect to the child:
    - (i) detain the child at [*Wood Street Centre Secure Treatment, 225 Wood Street, Truro, Nova Scotia/[name of other secure-treatment facility]*] (“the secure-treatment facility”), for the purpose of diagnostic and treatment services in accordance with the plan of care determined by the Minister of Community Services, and
    - (ii) discharge the child from the secure-treatment facility during the currency of this Order or on its expiration, in accordance with a discharge plan determined by the Minister of Community Services; and
  - (b) under s. 59 of the Act, that a peace officer, representative or person designated by the Minister of Community Services in accordance with the regulations made under the Act is authorized to apprehend, detain, and convey the child to the secure-treatment facility.

AND TAKE NOTICE that, under s. 56 of the Act, the Order sought, if granted, will be for a period of no more 90 days unless 1 of the following events occurs first:

- (a) the Order is varied or terminated on the hearing of an Application for Review under s. 57 of the Act;
- (b) the Order is renewed on the hearing of an Application for Renewal under s. 56(4) of the Act; or
- (c) the child is discharged from the secure-treatment facility by the Minister of Community Services, in accordance with a discharge plan determined by the Minister of Community Services.

AND TAKE NOTICE that, as the child who is the subject of this Application, you have rights, including the following:

- (a) to be informed by means of the Affidavit of \_\_\_\_\_, sworn \_\_\_\_\_, of the reasons why you have been detained at a secure-treatment facility and may be detained further as a result of this Application;
- (b) to retain and instruct a lawyer without delay, and a lawyer will be made available to you through the office of the Nova Scotia Legal Aid Commission, located at 523 Prince Street, Suite 102, Truro, Nova Scotia, telephone: (902) 893-5920;
- (c) to have the validity of your detention decided at a hearing to be held before a judge of Family Court for the Province of Nova Scotia, at which evidence will be considered, including the above-noted Affidavit and any further Affidavit evidence that may be filed by you or your lawyer; and
- (d) to be released at the conclusion of the above-noted hearing before a judge of the Family Court if the judge determines that the detention is not lawful.

AND TAKE NOTICE that, if the Order sought by the Minister of Community Services is granted, you then have the following additional rights:

- (a) to hear the reasons for the decision of the judge, in accordance with s. 58(1) of the Act;
- (b) to appeal the decision to the Nova Scotia Court of Appeal within 25 days of the Order, in accordance with s. 49 of the Act;
- (c) to make application on 1 occasion during the time period of the Order, or more often with leave of the court, for a review of the Order, to confirm, vary or terminate the Order in accordance with s. 57 of the Act; and
- (d) to request in writing that, under s. 60 of the Act, the person in charge of the secure-treatment facility grant you a leave of absence from the secure-treatment facility to attend legal proceedings or for medical, humanitarian or rehabilitative reasons, on any terms and conditions the person in charge considers necessary.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

---

Counsel for the Applicant,  
Minister of Community Services  
Nova Scotia Department of Justice  
80 Walker Street, Suite #3  
Truro, NS B2N 4A7



Tel: (902) 893-6263

Fax: (902) 893-6507

To: The Family Court for the Province of Nova Scotia

And to: The Respondent, \_\_\_\_\_

And to: Nova Scotia Legal Aid  
523 Prince Street, Suite 102  
Truro, Nova Scotia

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the Internet, including through social media such as Facebook, Snapchat or Instagram, is an offence under s. 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.**

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**Form 24.24A: Application for Review of Secure-Treatment Order**

**Form 24.24A****No.****Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services

Applicant

and

Respondent

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**Application for Review of Secure-Treatment Order**

TAKE NOTICE that the secure-treatment order granted \_\_\_\_\_, 20 \_\_, will expire on \_\_\_\_\_, 20 \_\_, unless earlier terminated;

AND TAKE NOTICE that an application will be made on behalf of the [*Applicant/Respondent*] for review of the secure-treatment order under s. 57(1) of the *Children and Family Services Act* and, more particularly, for an order that the secure-treatment order be terminated;

[OR]

AND TAKE NOTICE that an application will be made on behalf of the [*Applicant/Respondent*] for review of the secure-treatment order under s. 57(1) of the *Children and Family Services Act* and, more particularly, for an order that the secure-treatment order be varied by [insert variation requested];

AND TAKE NOTICE that the hearing will take place at the [*Family Court for the Province of Nova Scotia, located at 540 Prince Street, Truro, Nova Scotia,/[other designated court facility]*] on \_\_\_\_\_, 20 \_\_, at \_\_\_\_ [*a.m/p.m.*], or so soon thereafter as the application can be heard.

[if applicable] AND TAKE NOTICE that in support of the application will be read the attached affidavit(s) and such other material as counsel may advise, a true copy of which will be delivered to you or your counsel not later than two clear days before the hearing of the application.

DATED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Applicant/Respondent]

To: The Family Court for the Province of Nova Scotia  
And to: Counsel for the Applicant, the Minister of Community Services  
And to: Counsel for the Respondent

**Form 24.25A: Secure-Treatment Order**

**Form 24.25A**

**No.**

**Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services  
and

Applicant

Respondent

**Secure-Treatment Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING the Secure-Treatment Certificate, the [*Application for Secure-Treatment Order/Application for Renewal of Secure-Treatment Order*], the Affidavit of \_\_\_\_\_, and all other documents on file in the matter;

AND UPON IT APPEARING that the proper persons have received notice of the Application in accordance with the Family Court Rules and the *Children and Family Services Act*;

AND UPON HEARING \_\_\_\_\_, counsel for the Applicant, the Minister of Community Services;

AND UPON HEARING \_\_\_\_\_, counsel for the Respondent child, \_\_\_\_\_  
\_\_\_\_\_ [full name, birthdate];

AND UPON the Court being satisfied that the requirements of s[s]. 55(1) and 56(3) of the *Children and Family Services Act* have been met;

AND UPON the Court giving reasons for its decision on \_\_\_\_\_, 20\_\_;

NOW UPON MOTION:

## IT IS DECLARED:

1. Under s. 56 of the *Children and Family Services Act*, that
  - (a) the child, \_\_\_\_\_ [full name, birthdate], is suffering from an emotional or behavioural disorder, and
  - (b) it is necessary to confine the child in order to remedy or alleviate the disorder.

## IT IS ORDERED:

2. Under s. 56 of the *Children and Family Services Act*, that the Minister of Community Services is authorized to do the following with respect to the child, \_\_\_\_\_: [full name, birthdate]
  - (a) admit the child to a secure-treatment facility, in particular [*Wood Street Centre Secure Treatment, 225 Wood Street, Truro, Nova Scotia*/[name and address of other secure-treatment facility]],
  - (b) detain the child at [*Wood Street Centre Secure Treatment*/[name of other secure-treatment facility]] for the purpose of diagnostic and treatment services in accordance with the plan of care determined by the Minister of Community Services, and
  - (c) discharge the child from [*Wood Street Centre Secure Treatment*/[name of other secure-treatment facility]] during the currency of this Order or on its expiration, in accordance with a discharge plan determined by the Minister of Community Services;
3. Under s. 59 of the *Children and Family Services Act*, this Order is sufficient authority for a peace officer, representative or person designated by the Minister of Community Services in accordance with the regulations to apprehend, detain, and convey the child, \_\_\_\_\_ [full name, birthdate], to [*Wood Street Centre Secure Treatment, 225 Wood Street, Truro, Nova Scotia*/[name and address of other secure-treatment facility]] and, under s. 91 of the *Children and Family Services Act*, it is the duty of all peace officers to assist any representative in carrying out the provisions of the Act and this Order;
4. Under s. 56 of the *Children and Family Services Act*, this Order remains in effect until \_\_\_\_\_, 20\_\_, at 11:59 p.m., unless 1 of the following events occurs first:
  - (a) the Order is varied or terminated on the hearing of an Application for Review under s. 57 of the *Children and Family Services Act*,
  - (b) the Order is renewed on the hearing of an Application for Renewal under s. 56(4) of the *Children and Family Services Act*, or
  - (c) the child is discharged from [*Wood Street Centre Secure Treatment*/[name of other secure-treatment facility]] by the Minister of Community Services, in accordance with a discharge plan determined by the Minister of Community Services.

DECISION RENDERED \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

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 Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the

**Form 24.25B: Order Dismissing a Secure-Treatment Application**

**Form 24.25A**

**No.**

**Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services

Applicant

and

\_\_\_\_\_  
Respondent

**Dismissal Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING the Secure-Treatment Certificate, the [*Application for Secure-Treatment Order/Application for Renewal of Secure-Treatment Order*], the Affidavit of \_\_\_\_\_, and all other documents on file in the matter;

AND UPON IT APPEARING that the proper persons have received notice of the Application in accordance with the Family Court Rules and the *Children and Family Services Act*;

AND UPON HEARING \_\_\_\_\_, counsel for the Applicant, the Minister of Community Services;

AND UPON HEARING \_\_\_\_\_, counsel for the Respondent child, \_\_\_\_\_; [full name, birthdate]

AND UPON the Court being satisfied that the requirements of s. 55(1) of the *Children and Family Services Act* have been met;

AND UPON the Court giving reasons for its decision on \_\_\_\_\_, 20\_\_;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. The Application for a [*Secure-Treatment Order/Renewal of a Secure-Treatment Order*] is dismissed.

DECISION RENDERED \_\_\_\_\_, 20\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Family Court Officer

CONSENTING AS TO FORM:

\_\_\_\_\_  
Counsel for the  
\_\_\_\_\_

**Form 24.25C: Order Terminating a Secure-Treatment Order**

**Form 24.25C**

**No.**

**Family Court for the Province of Nova Scotia**

Between:

Minister of Community Services

Applicant

and

\_\_\_\_\_  
Respondent

**Termination Order**

BEFORE THE HONOURABLE JUDGE \_\_\_\_\_

UPON READING the Application for Review of Secure-Treatment Order, the Affidavit of \_\_\_\_\_, and all other documents on file in the matter;

AND UPON IT APPEARING that the proper persons have received notice of the Application in accordance with the Family Court Rules and the *Children and Family Services Act*;

AND UPON HEARING \_\_\_\_\_, counsel for the Applicant, the Minister of Community Services;

AND UPON HEARING \_\_\_\_\_, counsel for the Respondent child, \_\_\_\_\_; [full name, birthdate]

AND UPON the Court being satisfied that the requirements of s. 55(1) of the *Children and Family Services Act* have been met;

AND UPON the Court giving reasons for its decision on \_\_\_\_\_, 20\_\_;

NOW UPON MOTION:

IT IS ORDERED THAT:

1. Under s. 57(3) of the *Children and Family Services Act*, the Secure-Treatment Order issued \_\_\_\_\_, 20\_\_\_, is terminated.

DECISION RENDERED \_\_\_\_\_, 20\_\_\_.

ISSUED at \_\_\_\_\_, Nova Scotia, \_\_\_\_\_, 20\_\_\_.

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Family Court Officer

CONSENTING AS TO FORM:

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Counsel for the

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**N.S. Reg. 82/2017 to 87/2017**

Made: April 27, 2017

Filed: April 28, 2017

Administrative Recalculation of Child Maintenance Regulations–amendment;  
 Child Maintenance Guidelines–amendment;  
 Family Maintenance Regulations–amendment;  
 Family Orders Information Release Regulations–amendment;  
 Regulations under the Costs and Fees Act–amendment;  
 Interjurisdictional Support Orders Regulations–amendment

Order in Council 2017-143 dated April 27, 2017  
 Amendment to regulations made by the Governor in Council  
 pursuant to Section 55 of the *Parenting and Support Act*  
 and pursuant to Section 7 of the *Family Orders Information Release Act*  
 and pursuant to subsection 2(1) of the *Costs and Fees Act*  
 and pursuant to Section 55 of the *Interjurisdictional Support Orders Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated April 21, 2017, is pleased, effective on and after May 26, 2017, to

- (a) pursuant to Section 55 of Chapter 160 of the Revised Statutes of Nova Scotia, 1989, the *Parenting and Support Act*,
- (i) amend the *Administrative Recalculation of Child Maintenance Regulations*, N.S. Reg. 161/2014, made by the Governor in Council by Order in Council 2014-439 dated October 21, 2014, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation,
- (ii) amend the *Child Maintenance Guidelines*, N.S. Reg. 53/98, made by the Governor in Council by Order in Council 1998-386 dated August 5, 1998, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation,
- (iii) amend the *Family Maintenance Regulations*, N.S. Reg. 181/80, made by the Governor in Council by Order in Council 80-1574 dated November 25, 1980, in the manner set forth in Schedule “C”

attached to and forming part of the report and recommendation;

- (b) pursuant to Section 7 of Chapter 161 of the Revised Statutes of Nova Scotia, 1989, the *Family Orders Information Release Act*, amend the *Family Orders Information Release Regulations*, N.S. Reg. 104/87, made by the Governor in Council by Order in Council 87-605 dated May 20, 1987, in the manner set forth in Schedule “D” attached to and forming part of the report and recommendation;
- (c) pursuant to subsection 2(1) of Chapter 104 of the Revised Statutes of Nova Scotia, 1989, the *Costs and Fees Act* (the Act), amend the schedule of fees and allowances under Part I of the Act, incorporated into regulations in accordance with Section 15 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, in the manner set forth in Schedule “E” attached to and forming part of the report and recommendation; and
- (d) pursuant to Section 55 of Chapter 9 of the Acts of 2002, the *Interjurisdictional Support Orders Act*, to amend the *Interjurisdictional Support Orders Regulations*, N.S. Reg 73/2003, made by the Governor in Council by Order in Council 2003-133 dated March 28, 2003, in the manner set forth in Schedule “F” attached to and forming part of the report and recommendation.

#### **N.S. Reg. 82/2017**

Administrative Recalculation of Child Maintenance Regulations—amendment

#### **Schedule “A”**

**Amendment to the *Administrative Recalculation of Child Maintenance Regulations*  
made by the Governor in Council under Section 55  
of Chapter 160 of the Revised Statutes of Nova Scotia, 1989,  
the *Parenting and Support Act***

- 1 Section 2 of the *Administrative Recalculation of Child Maintenance Regulations*, N.S. Reg. 161/2014, made by the Governor in Council by Order in Council 2014-439 dated October 21, 2014, is amended by
  - (a) striking out “*Maintenance and Custody Act*” in the definition of “Act” and substituting “*Parenting and Support Act*”;
  - (b) repealing subclause (i) of the definition of “applicable federal or provincial guidelines” and substituting the following:
    - (i) for an order respecting support for a child made under the Act, or an agreement that is registered with the court in accordance with the Act, the *Provincial Child Support Guidelines* made under the Act, or
  - (c) adding “*Federal*” immediately before “*Child Support Guidelines*” in subclause (ii) of the definition of “applicable federal or provincial guidelines”.
- 2 The regulations are further amended by striking out “maintenance” wherever it appears, other than in the definition of “former regulations” and Section 20, and substituting “support”.

**N.S. Reg. 83/2017**

## Child Maintenance Guidelines—amendment

**Schedule “B”**

**Amendment to the *Child Maintenance Guidelines*  
made by the Governor in Council under Section 55  
of Chapter 160 of the Revised Statutes of Nova Scotia, 1989,  
the *Parenting and Support Act***

- 1 The *Child Maintenance Guidelines*, N.S. Reg. 53/98, made by the Governor in Council by Order in Council 1998-386 dated August 5, 1998, are amended by striking out “*Child Maintenance Guidelines*” in the Citation and substituting “*Provincial Child Support Guidelines*”.
- 2 (1) Subsection 2(1) of the regulations is amended by striking out the clause letter before each definition.  
(2) Subsection 2(1) of the regulations is further amended by
  - (a) striking out “*Family Maintenance Act*” in the definition of “Act” and substituting “*Parenting and Support Act*”;
  - (b) striking out “and includes a child of unmarried parents” in the definition of “child”;
  - (c) striking out “, possible father and single woman” in the definition of “parent” and substituting “and possible father”.
- 3 Section 8 of the regulations is repealed and the following Section substituted:  
**8** If at least one child to whom the order relates primarily resides with one parent and at least one child to whom the order relates primarily resides with the other parent, the amount of a child support order is the difference between the amount that each parent would otherwise pay to the other if a child support order were sought against each of the parents.
- 4 Section 9 of the regulations is amended by striking out “a right of access to, or has physical custody of,” and substituting “parenting time with”.
- 5 Clause 10(2)(b) of the regulations is amended by striking out “access to a child” and substituting “parenting time or interaction with a child”.
- 6 Section 26 of the regulations is repealed.
- 7 Schedule I of the regulations is amended by repealing clause 2(c) and clause 2(d).
- 8 Schedule II of the regulations is amended by repealing clause 2(c) and clause 2(d).
- 9 Schedule III of the regulations is amended by repealing clause 2(c) and clause 2(d).
- 10 The regulations are further amended by striking out “maintenance” and “maintain” wherever they appear, other than in clauses 10(2)(a) and 14(c), and substituting “support”.



**N.S. Reg. 84/2017**

## Family Maintenance Regulations—amendment

**Schedule “C”****Amendment to the Regulations Respecting Family Maintenance  
made by the Governor in Council under Section 55  
of Chapter 160 of the Revised Statutes of Nova Scotia, 1989,  
the *Parenting and Support Act***

1 The regulations respecting family maintenance, N.S. Reg. 181/80, made by the Governor in Council by Order in Council 80-1574 dated November 25, 1980, are amended by repealing Section 1 and substituting the following Section:

1 These regulations may be cited as the *Family Support Regulations*.

2 Section 1A of the regulations is amended by adding “or her” immediately after “his” in subsections (1) and (3).

3 Clause 2(c) of the regulations is amended by striking out “family benefits” and substituting “assistance”.

4 Subsection 3(2) of the regulations is amended by striking out “*Family Maintenance Act*” wherever it appears and substituting “*Parenting and Support Act*”;

5 (1) Clause 7(a) of the regulations is amended by striking out “family benefits” wherever it appears and substituting “assistance”.

(2) Clause 7(b) of the regulations is repealed and the following clause substituted:

(b) upon request of the Court, proof of the fact that a person is in receipt of assistance or municipal assistance shall be provided by the Director of Employment Support and Income Assistance in a form and manner designated by the Director.

(3) Clause 7(c) of the regulations is repealed.

6 Section 8 of the regulations is repealed.

7 Section 9 of the regulations is repealed.

8 Section 10 of the regulations is amended by

(a) adding “and Treasury Board” after “Minister of Finance”; and

(b) adding “and Treasury Board” after “Department of Finance”.

9 Forms 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and Forms A, B, C and D of the regulations are repealed.

10 The regulations are further amended by striking out “maintenance” wherever it appears and substituting “support”.

**N.S. Reg. 85/2017**

## Family Orders Information Release Regulations—amendment

**Schedule “D”**

**Amendment to the Regulations under the *Family Orders Information Release Act*  
made by the Governor in Council under Section 7  
of Chapter 161 of the Revised Statutes of Nova Scotia, 1989,  
the *Family Orders Information Release Act***

- 1 Section 1 of the regulations under the *Family Orders Information Release Act*, N.S. Reg. 104/87, made by the Governor in Council by Order in Council 87-605 dated May 20, 1987, is renumbered as Section 1A and the following Section added immediately before Section 1A:
- 1 These regulations may be cited as the *Family Orders Information Release Regulations*.
- 2 (1) The definition of “authorized official” in Section 1A of the regulations is repealed and the following definition substituted:
- “authorized official” means
- (i) with respect to records of the Department of Community Services, a person designated by the Deputy Minister of Community Services for that purpose,
- (ii) with respect to records of the Registry of Motor Vehicles, the Registrar of Motor Vehicles or, in the Registrar’s absence, another person designated by the Deputy Minister of Transportation and Infrastructure Renewal for that purpose,
- (iii) with respect to records of the Medical Services Insurance Registration file, a person designated by the Minister of Health and Wellness for that purpose;
- (2) The definition of “designated recipient” in Section 1A of the regulations is amended by striking out “Social Services” in subclause (ii) and substituting “Community Services”.
- 3 Subsection 2(1) of the regulations is amended by striking out “maintenance” and substituting “support”.
- 4 Section 3 of the regulations is amended by striking out “Social Services” and substituting “Community Services”.
- 5 Section 5 of the regulations is amended by striking out “maintenance” and substituting “support”.
- 6 Section 8 of the regulations is repealed.
- 7 Section 9 of the regulations is repealed.

**N.S. Reg. 86/2017**

Regulations under the Costs and Fees Act—amendment

**Schedule “E”**

**Amendment to the Schedule of Fees Under Part I of the *Costs and Fees Act*  
made by the Governor in Council under subsection 2(1)  
of Chapter 104 of the Revised Statutes of Nova Scotia, 1989,  
the *Costs and Fees Act***

The schedule of fees and allowances under Part I of the *Costs and Fees Act*, incorporated into regulations in accordance with Section 15 of Chapter 3 of the Acts of 2004, the *Financial Measures (2004) Act*, is amended under the heading “Court Fees” in Part 2, Supreme Court and Court of Appeal, by

- (a) striking out “*Maintenance and Custody Act*” in item 1(d) and substituting “*Parenting and Support Act*”; and
- (b) in Form 1: Waiver of Fees Application, under the heading “GROSS MONTHLY INCOME”,
  - (i) striking out “Maintenance received” and substituting “Support received”, and
  - (ii) striking out “Less maintenance” and substituting “Less support”.

**N.S. Reg. 87/2017**

Interjurisdictional Support Orders Regulations—amendment

**Schedule “F”**

**Amendment to the *Interjurisdictional Support Orders Regulations*  
made by the Governor in Council under Section 55  
of Chapter 9 of the Acts of 2002,  
the *Interjurisdictional Support Orders Act***

Subsection 9(2) of the *Interjurisdictional Support Orders Regulations*, N.S. Reg. 73/2003, made by the Governor in Council by Order in Council 2003-133 dated March 28, 2003, is amended by

- (a) striking out “*Child Maintenance Guidelines*” and substituting “*Provincial Child Support Guidelines*”; and
- (b) striking out “*Maintenance and Custody Act*” and replacing it with “*Parenting and Support Act*”.

**N.S. Reg. 88/2017**

Made: April 27, 2017

Filed: April 28, 2017

Down Payment Assistance Program Regulations

Order in Council 2017-155 dated April 27, 2017  
Regulations made by the Governor in Council  
pursuant to Section 26 of the *Housing Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated March 30, 2017, and pursuant to Section 26 of Chapter 211 of the Revised Statutes of Nova Scotia, 1989, the *Housing Act*, is pleased, effective April 27, 2017, to make regulations respecting the Down Payment Assistance Program in the manner [form] set forth in Schedule “A” attached to and forming part of the report and recommendation.

**Schedule “A”**

**Regulations Respecting the Down Payment Assistance Program  
made by the Governor in Council under Section 26 of  
Chapter 211 of the Revised Statutes of Nova Scotia, 1989,  
the *Housing Act***

**Citation**

1 These regulations may be cited as the *Down Payment Assistance Program Regulations*.

**Definitions**

2 In these regulations,

“applicant” means an individual who applies to the Program, and includes the individual’s spouse;

“common-law partner” means an individual who is living with another individual in a relationship of interdependence functioning as an economic and domestic unit, and 1 of the following applies to the 2 persons in the relationship:

- (i) they have lived together for at least 12 continuous months,
- (ii) they lived together previously in a relationship of interdependence functioning as an economic and domestic unit for at least 12 continuous months, including any period of time the 2 persons were separated for less than 90 days, and have resumed living together in such a relationship;

“first-time home buyer” means an individual who has never acquired ownership of a single-family dwelling in Canada by way of purchase, inheritance or gift;

“mobile home” means a prefabricated building, including a mini home, that has all of the following characteristics:

- (i) it is composed of 1 main modular part that is designed to be used as a single detached dwelling on a separate lot and permanently affixed to leased or owned real property,
- (ii) it has an average width greater than 2.6 m (8.5 ft.) and less than 6.1 m (20 ft.) and a length that is at least 3 times the width;

“participant” means an applicant whose application has been approved by the Minister;

“Program” means the Down Payment Assistance Program established by these regulations to help a participant make a down payment for the purchase or construction of a property;

“property”, unless the context otherwise requires, means a single-family dwelling, and except for a mobile home located on leased real property, includes the land purchased with the dwelling;

“recognized financial institution” means an approved lender as defined in the *National Housing Act* (Canada);

“single-family dwelling” means any of the following types of homes that is used solely for residential purposes:

- (i) detached house,
- (ii) semi-detached house,
- (iii) row house,
- (iv) mobile home,
- (v) condominium unit;

“spouse” of an individual means another individual who is cohabitating with the individual in a conjugal relationship as a married spouse, registered domestic partner or common-law partner.

### **Down Payment Assistance Program**

- 3** (1) The Minister may provide financial assistance in an amount of up to 5% of the purchase price of a property, to a maximum dollar amount determined by the Minister, for the purpose of helping a first-time home buyer make a down payment for the purchase of the property.
- (2) Financial assistance provided under the Program may be used only for a down payment for the purchase of a property, and must not be used for financing, closing or any other costs.
- (3) A participant must provide security for the financial assistance they receive under the Program in the form of a second mortgage on the property in favour of Housing Nova Scotia.
- (4) A second mortgage referred to in subsection (3) must meet the following requirements:
- (a) it must be interest-free as long for as the participant is not in default under it;
  - (b) it must include the condition that the participant’s failure to continue to use the property as their principal residence during its term would constitute a breach of the mortgage.

### **Program eligibility**

- 4** (1) For an applicant to be eligible for the Program, all of the following criteria must be met:
- (a) the property is located in the Province;
  - (b) the applicant is a first-time home buyer;
  - (c) if the dwelling on the property is a mobile home, it is no more than 10 years old;

- (d) the applicant has been pre-approved for a first mortgage by a recognized financial institution;
  - (e) the applicant has a satisfactory credit rating, as determined by the Minister;
  - (f) the applicant has reviewed any educational material for first-time home buyers provided by the Minister;
  - (g) the applicant's total household income is within the dollar limit set by the Minister under Section 5;
  - (h) the Minister is satisfied that the applicant would not have the financial ability to pay 5% of the purchase price as a down payment for the property without the assistance of the Program.
- (2) For applicants who are spouses of one another, clauses (1)(e) and (f) apply individually to each spouse.

**Household income limit**

- 5 (1) The Minister must determine the total household income limit for the purpose of the application criterion in clause 4(1)(g).
- (2) In subsection (1), "total household income" means the total income of the applicant, including all of the following:
- (a) gross salaries, wages, overtime payments, commissions, bonuses, tips, and gratuities;
  - (b) if the applicant is self-employed in a business, the greater of
    - (i) the net income from the business, and
    - (ii) the total withdrawals from the business as personal salary or other benefits;
  - (c) the gross amount of unemployment insurance benefits;
  - (d) the gross amount of workers' compensation payments or other industrial accident insurance payments made because of illness or disability;
  - (e) the gross amount of any old age security, federal guaranteed income supplement and spouse's allowance payments;
  - (f) the gross amount of any kind of pension, allowance, benefit or annuity payments provided by the government of Canada, a province, a municipality or any level of government of any other country or state;
  - (g) the gross amount of alimony, separation, maintenance or support payments;
  - (h) the gross amount of gains from investments, including interest on dividends, stocks, shares and other securities.

**Applying for assistance under Program**

- 6 (1) An application for assistance under the Program must be submitted to the Minister together with all of the following documentation or information:

- (a) all of the following for each applicant or, for applicants who are spouses of one another, individually for each spouse:
    - (i) proof of age,
    - (ii) proof of residency,
    - (iii) proof of liquid financial assets,
    - (iv) social insurance number,
    - (v) a list of assets and liabilities,
    - (vi) a copy of 1 of the following from the previous year:
      - (A) income tax return,
      - (B) Notice of Assessment with tax information slips from the Canada Revenue Agency,
      - (C) Notice of Reassessment with tax information slips from the Canada Revenue Agency,
    - (vii) any documents that are reasonably requested by the Minister;
  - (b) for applicants who are spouses of one another, proof of cohabitation or marital status;
  - (c) a copy of a financing pre-approval letter or commitment letter from a recognized financial institution for the first mortgage on the property.
- (2) In addition to the information and documents required by subsection (1), an application must include a written authorization by the applicant that does the following:
- (a) authorizes the release of any information to the Minister about the applicant that is relevant to the application, including the information and documents required under subsection (1); and
  - (b) authorizes the Minister to obtain or verify any information about the applicant that is relevant to the application, including the information and documents required under subsection (1).
- (3) For applicants who are spouses of one another, the written authorization in subsection (2) is required from each spouse.
- (4) If an applicant refuses to provide the information or documents required by subsection (1) or the authorization required by subsection (2), the application must be rejected.

**N.S. Reg. 89/2017**

Made: April 28, 2017

Filed: May 1, 2017

Water and Wastewater Facilities and Public Drinking Water Supplies Regulations—amendment

Order in Council 2017-159 dated April 28, 2017

Amendment to regulations made by the Governor in Council  
pursuant to Section 110 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated April 26, 2017, and pursuant to Section 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*, N.S. Reg. 186/2005, made by the Governor in Council by Order in Council 2005-426 dated September 30, 2005, in the manner set forth in Schedule “A”, attached to and forming part of the report and recommendation, effective on and after April 28, 2017.

**Schedule “A”****Amendment to the *Water and Wastewater Facilities and  
Public Drinking Water Supplies Regulations*  
made by the Governor in Council under Section 110  
of Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 Clause 31(e) of the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*, N.S. Reg. 186/2005, made by the Governor in Council by Order in Council 2005-426 dated September 30, 2005, is amended by
  - (a) striking out “that is intended to provide the public with potable, piped water” and substituting “that provides water used for human consumption”;
  - (b) repealing paragraph (iii)(B) and substituting the following paragraph:
    - (B) a food establishment that requires an eating establishment permit or seasonal eating establishment permit under the *Food Safety Regulations* made under the *Health Protection Act*,
- 2 Section 31 of the regulations is further amended by striking out the period at the end of clause (f) and substituting a semicolon, and adding the following clause immediately after clause (f):
  - (g) “water used for human consumption” includes water used for drinking, bathing, showering, oral hygiene, cooking, food preparation or dishwashing.



**N.S. Reg. 90/2017**

Made: April 30, 2017

Filed: May 1, 2017

Proclamation, dissolution of General Assembly and fixing dates for  
Writs of Election and ordinary polling day

Order in Council 2017-160 dated April 30, 2017

Proclamation made by the Governor in Council  
pursuant to Section 29 of the *Elections Act*

The Governor in Council on the report and recommendation of the President of the Executive Council dated April 27, 2017, and pursuant to Section 29 of Chapter 5 of the Acts of 2011, the *Elections Act*, is pleased to order that the General Assembly of Nova Scotia be dissolved and that an election be instituted in all of the Electoral Districts of Nova Scotia, and is further pleased to fix the date of the writs of election as Sunday, April 30, 2017, to fix the date of election day as Tuesday, May 30, 2017, and to order that a Proclamation be issued accordingly.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

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 we have thought fit by and with the advice of Our Executive Council for Nova Scotia to dissolve this present General Assembly, We do for that end publish this Our Royal Proclamation and do hereby dissolve the said General Assembly accordingly, and the Members of the House of Assembly are discharged from their meeting and attendance;

AND WE, being desirous and resolved as soon as may be to meet Our People of Our Province of Nova Scotia, and to have their advice in General Assembly, do hereby make known Our Royal Will and Pleasure to call a General Assembly, and do hereby further declare that by and with the advice of Our said Executive Council, We have this day given orders for the issuing of Our Writs in due form for the election of Members to serve in the House of Assembly for several Electoral Districts of the Province, which Writs are to bear date the 30th day of April 2017, and the date of election day to be Tuesday, the 30th day of May, 2017.

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 His Honour  
Brigadier-General, the Honourable J. J. Grant  
(Retired), Lieutenant Governor of the Province of  
Nova Scotia.

AT Halifax in the Halifax Regional  
Municipality, This 30th day of April in the year of Our  
Lord two thousand and seventeen and in the sixty-  
sixth year of Our Reign.

BY COMMAND:

**sgd: Diana C. Whalen**  
Provincial Secretary  
Attorney General and Minister of Justice