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

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

**N.S. Reg. 171/2019 to N.S. Reg. 172/2019**

Made: October 24, 2019

Filed: October 31, 2019

Summary Offence Tickets Regulations—amendment

Order dated October 24, 2019

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, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, under Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) effective on and after the date of this Order, amend Schedule 9A to 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 ~~Sold~~ [Solid] *Waste-Resource Management Regulations* as summary offence ticket offences to reflect recent amendments to the regulations regarding the oil and glycol stewardship program, in the manner set forth in the attached Schedule “A”;
- (b) effective January 1, 2020, amend Schedule 9A to 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 ~~Sold~~ [Solid] *Waste-Resource Management Regulations* as summary offence ticket offences to reflect prohibitions in the regulations that come into force on that date, in the manner set forth in the attached Schedule “B”; and
- (c) 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 Schedules “A” and “B”, 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.

Dated and made October 24, 2019, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Mark Furey*

Honourable Mark Furey

Attorney General and Minister of Justice

**N.S. Reg. 171/2019**

## Summary Offence Tickets Regulations—amendment

**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***

- 1 Schedule 9A to 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, is amended under the heading “Solid Waste-Resource Management Regulations” by
- (a) renumbering items 54 to 94 as items 61 to 101; and
- (b) adding all of the following items immediately after item 53:
- |    |  |        |          |
|----|--|--------|----------|
| 54 | Operator of return collection facility charging fee for accepting used oil, used glycol, used oil filters or product containers (specify)  | 18T(3) | \$679.50 |
| 55 | Brand owner failing to submit proposal for oil, and glycol stewardship program for authorization by deadline   | 18U(1) | \$467.50 |
| 56 | Brand owner failing to operate an oil and glycol stewardship program in accordance with terms and conditions of authorization  | 18U(4) | \$697.50 |
| 57 | Brand owner failing to include information required by regulations (specify) in proposal for oil and glycol stewardship program  | 18V(1) | \$467.50 |
| 58 | Brand owner failing to provide additional information required by Minister for proposal for oil and glycol stewardship program   | 18V(2) | \$467.50 |
| 59 | Brand owner failing to provide annual report on or before May 30 detailing effectiveness of oil and glycol stewardship program that includes all information required by regulations (specify) | 18W(1) | \$467.50 |
| 60 | Brand owner failing to provide statement in writing of total amount of oil, glycol, oil filters and product containers sold during previous calendar year                                      | 18W(2) | \$467.50 |
- 2 Schedule 9A to the regulations is further amended by repealing items 83 and 84 and substituting the following items:
- |    |  |       |          |
|----|--|-------|----------|
| 83 | Destroying or disposing of designated material listed in Column 1 of Schedule “B” (specify material) in landfill or incinerator            | 30(1) | \$812.50 |
| 84 | Accepting designated material listed in Column 1 of Schedule “B” (specify material) for destruction or disposal in landfill or incinerator | 30(2) | \$812.50 |

**N.S. Reg. 172/2019**

Summary Offence Tickets Regulations—amendment

**Schedule “B”**

**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***

Schedule 9A to 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, is amended under the heading “Solid Waste-Resource Management Regulations” by

- (a) renumbering items 54 to 101 as items 56 to 103; and
- (b) adding all of the following items immediately after item 53:

54	Brand owner selling, offer[ing] or distributing oil, glycol, oil filters or product containers (specify) without oil and glycol stewardship program	18T(1)	\$697.50
55	Retailer selling, offer[ing] or distributing oil, glycol, oil filters or product containers (specify) without oil and glycol stewardship program	18T(2)	\$679.50

**N.S. Reg. 173/2019 to 177/2019**

Made: October 29, 2019

Filed: November 1, 2019

Community Hospices Regulations;  
Protection for Persons in Care Regulations—amendment;  
Personal Health Information Regulations—amendment;  
Homes for Special Care Regulations—amendment;  
Hospitals Regulations—amendment

Order in Council 2019-304 dated October 29, 2019  
Regulations and amendment to regulations made by the Governor in Council  
pursuant to Section 78 of the *Health Authorities Act*  
and pursuant to Section 18 of the *Protection for Persons in Care Act*  
and pursuant to Section 110 of the *Personal Health Information Act*  
and pursuant to Section 19 of the *Homes for Special Care Act*  
and pursuant to clause 3(c) of the *Hospitals Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 20, 2019, is pleased, effective on and after October 29, 2019, to

- (a) pursuant to Section 78 of Chapter 32 of the Acts of 2014, the *Health Authorities Act*, make new regulations respecting community hospices, to provide for the delivery of community hospice services by or under the supervision of the Nova Scotia Health Authority, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation;

- (b) pursuant to Section 18 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, amend the *Protection for Persons in Care Regulations*, N.S. Reg. 364/2007, made by the Governor in Council by Order in Council 2007-441 dated August 17, 2007, to designate community hospices as health facilities subject to the *Protection for Persons in Care Act*, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation;
- (c) pursuant to Section 110 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, amend the *Personal Health Information Regulations*, N.S. Reg. 217/2012, made by the Governor in Council by Order in Council 2012-371 dated December 4, 2012, to designate community hospice operators as custodians under the *Personal Health Information Act*, in the manner set forth in Schedule “C” attached to and forming part of the report and recommendation;
- (d) pursuant to Section 19 of Chapter 203 of the Revised Statutes of Nova Scotia, 1989, the *Homes for Special Care Act*, amend the *Homes for Special Care Regulations*, N.S. Reg. 127/77, made by the Governor in Council by Order in Council 77-1261 dated October 11, 1977, to exempt community hospices from the application of the *Homes for Special Care Act*, in the manner set forth in Schedule “D” attached to and forming part of the report and recommendation; and
- (e) pursuant to clause 3(c) of Chapter 208 of the Revised Statutes of Nova Scotia, 1989, the *Hospitals Act*, to amend the *Hospitals Regulations*, N.S. Reg. 53/2015, made by the Governor in Council by Order in Council 2015-77 dated March 24, 2015, to exempt community hospices from the provisions of the *Hospitals Act* in the manner set forth in Schedule “E” attached to and forming part of the report and recommendation.

**N.S. Reg. 173/2019**

## Community Hospices Regulations

**Schedule “A”**

**Regulations Respecting Community Hospices  
made by the Governor in Council under Section 78 of Chapter 32  
of the Acts of 2014, the *Health Authorities Act***

**Citation**

1 These regulations may be cited as the *Community Hospices Regulations*.

**Definitions**

2 In these regulations,

“appointed manager” means a person appointed under Section 5 to manage and administer, or assist in managing or administering, a community hospice;

“community hospice” means a facility to the extent that the facility provides community hospice services;

“community hospice agreement” means an agreement to establish and sustainably operate a community hospice;

“community hospice operator” means either of the following:

- (i) the provincial health authority,

- (ii) a person who has entered into a community hospice agreement between the person and the provincial health authority;

“community hospice services” means end-of-life care, as approved by the Minister, provided by a community hospice operator and delivered in a home-like setting in accordance with the community hospice standards;

“community hospice standards” means the Nova Scotia Community Hospice Residence Standards established by the provincial health authority.

### **Prescribed health services**

- 3** Community hospice services are prescribed as services to be included in the definition of “health services” in clause 2(1)(p) of the Act.

### **Provincial health authority’s responsibilities for community hospices**

- 4 (1)** Subject to subsection (2), the provincial health authority is responsible for all of the following with respect to community hospices:
- (a) establishing community hospices and delivering community hospice services;
  - (b) approving and supervising the establishment and construction of community hospices by others;
  - (c) entering into and carrying out community hospice agreements;
  - (d) in the manner and at such time or times that the provincial health authority determines to be appropriate, supervising the operation of community hospices and the delivery of community hospice services delivered by others, including all of the following:
    - (i) requiring reports in a form and including content acceptable to the provincial health authority,
    - (ii) inspecting, or appointing a person to inspect, community hospices and community hospice services,
    - (iii) auditing, or appointing a person to audit, the administration of a community hospice and the delivery of community hospice services;
  - (e) establishing and requiring adherence to standards and policies for the administration of community hospices and community hospice services;
  - (f) if the provincial health authority determines it to be appropriate, requiring the accreditation of a community hospice or community hospice operator;
  - (g) appointing temporary managers under Section 5.
- (2)** All of the following require the prior approval of the Minister:
- (a) establishing a community hospice under clause (1)(a);
  - (b) approving the establishment and construction of a community hospice under clause (1)(b);
  - (c) entering into a community hospice agreement under clause (1)(c).

**Appointing temporary manager**

- 5 (1) If the provincial health authority determines it to be necessary to ensure the sustainable operation of a community hospice or to provide community hospice services in accordance with these regulations, a community hospice agreement or the community hospice standards, the provincial health authority may appoint a person or persons, on a temporary basis, to manage and administer or assist in managing or administering a community hospice.
- (2) An appointment under this Section may be for such period or periods as the provincial health authority determines necessary and may be extended or renewed.
- (3) An appointment under this Section is subject to any terms and conditions established by the provincial health authority.

**Terms of appointment**

- 6 (1) The provincial health authority may fix the remuneration and reimbursement of expenses payable to an appointed manager upon appointment.
- (2) An appointed manager may be appointed without security.

**Notice of appointment**

- 7 (1) The provincial health authority must give written notice of the appointment of an appointed manager to all of the following:
- (a) the community hospice operator of the community hospices that the appointment applies to;
  - (b) the appointed manager.
- (2) A notice of appointment under subsection (1) must include all of the following:
- (a) the name of the appointed manager;
  - (b) the name of the community hospice operator of the community hospices that the appointment applies to;
  - (c) an identification of all of the community hospices that the appointment applies to;
  - (d) the date and time when the appointment becomes effective;
  - (e) the reasons for the appointment;
  - (f) any terms and conditions of the appointment, including those that end the appointment.

**Powers of appointed manager**

- 8 (1) Subject to the terms and conditions of their appointment, an appointed manager has all the powers and duties of the community hospice operator with respect to its community hospices, including all of the following:
- (a) occupying, managing and administering the community hospice;
  - (b) taking possession of and controlling all of the community hospice operator's assets and property that are necessary for, or are used in the operation of, the community hospice;

- (c) entering into any agreements, incurring and carrying out any obligations, including any obligations arising in the ordinary course of operations of the community hospice before and during the period of their appointment, ceasing to carry on all or any part of the operations of the community hospice and ceasing to perform any of the community hospice operator's contracts.
- (2) If the community hospice operator is an incorporated body, the appointed manager has, subject to the terms and conditions of their appointment, all of the powers and duties of the directors and officers of the incorporated body with respect to its community hospices.
- (3) While the powers and duties of a community hospice operator and any directors or officers are vested in an appointed manager, the community hospice operator and the directors or officers may not exercise those powers or carry out those duties.
- (4) An appointed manager must consider all of the following matters when exercising their powers and duties:
  - (a) compliance with any enactment that applies to the community hospice operator, its employees or the community hospice;
  - (b) compliance with the provincial health authority's policies, directives and standards that apply to the community hospice operator, its employees or the community hospice;
  - (c) that their actions must be incidental to the attainment of the objects for which the community hospice was established and must be in conformance with the governance requirements of the community hospice operator;
  - (d) that they must be able to maintain sufficient control over the community hospice operator's operations, including the care of residents in its community hospices, and its premises, accommodation, equipment and community hospices;
  - (e) any terms and conditions for their appointment established in accordance with Section 5.

#### **Liability of provincial health authority and appointed manager**

- 9** (1) No action or other proceeding for damages or otherwise may be instituted against the provincial health authority or an appointed manager or any director, officer, agent or employee of the provincial health authority or an appointed manager, as a result of any act done in good faith in the performance or intended performance of any duty under Section 8, or in the exercise or intended exercise of any power or duty under Section 8, or of any neglect or default in the performance or exercise in good faith of the power or duty.
- (2) Neither the provincial health authority nor an appointed manager is liable for any actions or omissions in connection with operating a community hospice during the time before or after the appointment or attributable to that period.
  - (3) The appointment of an appointed manager, the management and administration of a community hospice by an appointed manager or the ceasing of that management and administration is not
    - (a) a sale, lease or transfer of the community hospice operator's business or operations for the purpose of Section 31 of the *Trade Union Act*;
    - (b) a merger, amalgamation or transfer of jurisdiction for the purpose of Section 32 of the *Trade Union Act*.



- (4) For greater certainty, during the term of an appointed manager's appointment,
- (a) any collective agreement binding a community hospice operator continues to apply;
  - (b) the employees of the community hospice operator remain the employees of the community hospice operator; and
  - (c) neither the provincial health authority nor the appointed manager is liable for any of the community operator's employee-related liabilities.

**N.S. Reg. 174/2019**

Protection for Persons in Care Regulations—amendment

**Schedule “B”**

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

Section 4 of the *Protection for Persons in Care Regulations*, N.S. Reg. 364/2007, made by the Governor in Council by Order in Council 2007-441 dated August 17, 2007, is repealed and the following Section substituted:

**Designation of health facilities**

4 All of the following facilities are designated as health facilities under the Act:

- (a) a home that provides supervisory or personal care to 1 or more persons and is approved and funded either by the Department of Community Services as a small-option home or by the Department of Health and Wellness as a community-based option;
- (b) a community hospice as defined in the *Community Hospices Regulations* made under the *Health Authorities Act*.

**N.S. Reg. 175/2019**

Personal Health Information Regulations—amendment

**Schedule “C”**

**Amendment to the *Personal Health Information Regulations*  
made by the Governor in Council under Section 110  
of Chapter 41 of the Acts of 2010,  
the *Personal Health Information Act***

Section 3 of the *Personal Health Information Regulations*, N.S. Reg. 217/2012, made by the Governor in Council by Order in Council 2012-371 dated December 4, 2012, is amended by

- (a) striking out the period at the end of clause (d) and substituting a semicolon; and

- (b) adding the following clause immediately after clause (d):
- (e) a community hospice operator as defined in the *Community Hospices Regulations* made under the *Health Authorities Act*.

**N.S. Reg. 176/2019**

Homes for Special Care Regulations—amendment

**Schedule “D”**

**Amendment to the *Homes for Special Care Regulations*  
made by the Governor in Council under Section 19  
of Chapter 203 of the Revised Statutes of Nova Scotia, 1989,  
the *Homes for Special Care Act***

Section 4 of the *Homes for Special Care Regulations*, N.S. Reg. 127/1977, made by the Governor in Council by Order in Council 77-1261 dated October 11, 1977, is amended by adding the following subsection immediately after subsection (6):

- (7) A community hospice, as defined in the *Community Hospices Regulations* made under the *Health Authorities Act*, is not a residential care facility, a home for the disabled, a home for the aged or a nursing home.

**N.S. Reg. 177/2019**

Hospitals Regulations—amendment

**Schedule “E”**

**Amendment to the *Hospitals Regulations*  
made by the Governor in Council under clause 3(c)  
of Chapter 208 of the Revised Statutes of Nova Scotia, 1989,  
the *Hospitals Act***

The *Hospitals Regulations*, N.S. Reg. 53/2015, made by the Governor in Council by Order in Council 2015-77 dated March 24, 2015, is amended by adding the following Section immediately after Section 2:

**Exemption from application of Act**

- 2A** A community hospice, as defined in the *Community Hospices Regulations* made under the *Health Authorities Act*, is exempt from the application of the Act under clause 3(c) of the Act.

**N.S. Reg. 178/2019**

Made: October 31, 2019

Filed: November 1, 2019

Prescribed Petroleum Products Prices

Order dated October 31, 2019  
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****M09468****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 period ended October 30, 2019, are:

Grade 1 Regular gasoline	60.70¢ per litre
Ultra-low-sulfur diesel oil	67.83¢ per litre

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

Gasoline:	
Grade 1	60.70¢ per litre
Grade 2	63.70¢ per litre
Grade 3	66.70¢ per litre
Ultra-low-sulfur diesel oil	67.83¢ 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 0.30¢ per litre
Ultra-low-sulfur diesel oil:	nil ¢ per litre

**And whereas** a winter blending adjustment of plus 2.46¢ 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., November 1, 2019.

Dated at Halifax, Nova Scotia, this 31st day of October, 2019.

sgd. Doreen Friis  
Clerk of the Board

**Schedule "A"**

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on November 1, 2019**

<b>Nova Scotia Petroleum Price Schedule</b>								
<b>Petroleum Prices in Cents/Litre</b>					<b>Self-Service Pump Prices</b>		<b>Full-Service Pump Prices</b>	
					<b>(Pump Prices includes 15% HST)</b>			
	<b>Base Wholesale Price</b>	<b>Fed. Excise Tax</b>	<b>Prov. Tax</b>	<b>Wholesale Selling Price</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>
<b>Zone 1</b>								
Regular Unleaded	69.19	10.0	15.5	94.69	114.8	116.9	114.8	999.9
Mid-Grade Unleaded	72.19	10.0	15.5	97.69	118.2	120.4	118.2	999.9
Premium Unleaded	75.19	10.0	15.5	100.69	121.7	123.8	121.7	999.9
Ultra-Low-Sulfur Diesel	78.74	4.0	15.4	98.14	118.7	120.9	118.7	999.9
<b>Zone 2</b>								
Regular Unleaded	69.69	10.0	15.5	95.19	115.3	117.5	115.3	999.9
Mid-Grade Unleaded	72.69	10.0	15.5	98.19	118.8	121.0	118.8	999.9
Premium Unleaded	75.69	10.0	15.5	101.19	122.2	124.4	122.2	999.9
Ultra-Low-Sulfur Diesel	79.24	4.0	15.4	98.64	119.3	121.5	119.3	999.9
<b>Zone 3</b>								
Regular Unleaded	70.09	10.0	15.5	95.59	115.8	118.0	115.8	999.9
Mid-Grade Unleaded	73.09	10.0	15.5	98.59	119.2	121.4	119.2	999.9
Premium Unleaded	76.09	10.0	15.5	101.59	122.7	124.9	122.7	999.9
Ultra-Low-Sulfur Diesel	79.64	4.0	15.4	99.04	119.8	121.9	119.8	999.9
<b>Zone 4</b>								
Regular Unleaded	70.19	10.0	15.5	95.69	115.9	118.1	115.9	999.9
Mid-Grade Unleaded	73.19	10.0	15.5	98.69	119.4	121.5	119.4	999.9
Premium Unleaded	76.19	10.0	15.5	101.69	122.8	125.0	122.8	999.9
Ultra-Low-Sulfur Diesel	79.74	4.0	15.4	99.14	119.9	122.1	119.9	999.9
<b>Zone 5</b>								
Regular Unleaded	70.19	10.0	15.5	95.69	115.9	118.1	115.9	999.9
Mid-Grade Unleaded	73.19	10.0	15.5	98.69	119.4	121.5	119.4	999.9
Premium Unleaded	76.19	10.0	15.5	101.69	122.8	125.0	122.8	999.9
Ultra-Low-Sulfur Diesel	79.74	4.0	15.4	99.14	119.9	122.1	119.9	999.9
<b>Zone 6</b>								
Regular Unleaded	70.89	10.0	15.5	96.39	116.7	118.9	116.7	999.9
Mid-Grade Unleaded	73.89	10.0	15.5	99.39	120.2	122.3	120.2	999.9
Premium Unleaded	76.89	10.0	15.5	102.39	123.6	125.8	123.6	999.9
Ultra-Low-Sulfur Diesel	80.44	4.0	15.4	99.84	120.7	122.9	120.7	999.9

**N.S. Reg. 179/2019**

Made: November 6, 2019

Filed: November 7, 2019

Nova Scotia Building Code Regulations—amendment

Order dated November 6, 2019

Amendment to regulations made by the Minister of Municipal Affairs and Housing pursuant to Section 4 of the *Building Code Act***In the matter of Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*****- and -****In the matter of amendments of the *Nova Scotia Building Code Regulations*****Order**

I, Chuck Porter, Minister of Municipal Affairs and Housing for the Province of Nova Scotia, pursuant to Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*, hereby amend the *Nova Scotia Building Code Regulations*, N.S. Reg. 26/2017, made by Order of the Minister of Municipal Affairs dated February 28, 2017, to add tiny home provisions, update definitions, and clarify the scope of work for buildings under Part 9 in the manner set forth in the attached Schedule “A”, effective January 1, 2020.

Dated and made at Halifax, Province of Nova Scotia, November 6, 2019.

sgd. *Chuck Porter*  
Honourable Chuck Porter  
Minister of Municipal Affairs and Housing

**Schedule “A”****Amendment to the *Nova Scotia Building Code Regulations*  
made by the [Minister of] Municipal Affairs and Housing under Section 4 of  
Chapter 46 of the Revised Statutes of Nova Scotia, 1989,  
the *Building Code Act***

- 1 Part 1 of the regulation[s] is amended by repealing Sentence 1.1.2.1.(1) and Sentence 1.1.2.1.(2) and replacing it with the following Sentences:
- (1) **1.1.2.1.(1)** These regulations adopt the *National Building Code of Canada*, 2015, including all revisions, errata and corrections to the errata made by that body on or before March 1, 2019, which together with these regulations shall be known as the “Nova Scotia Building Code” and may be referred to as the “Code”.
  - (2) **1.1.2.1.(2)** These regulations adopt the *National Energy Code of Canada for Buildings*, 2017, including all revisions, errata and corrections to the errata made by that body on or before March 1, 2019, and shall be known as part of the “Nova Scotia Building Code” and may be referred to as part of the “Code”.

- 2 Part 1 of the regulation[s] is amended by repealing Clause (b) of Sentence 1.2.1.2.(2) and replacing it with the following Clause:

**1.2.1.2.(2)**

- (b) for *buildings* under the scope of Part 9 (Part 9, Division B, NBC), interior and exterior non-structural material *alterations* and material repairs for any or all of the following:
- (i) removing and replacing roofing with similar materials,
  - (ii) removing and replacing cladding with similar materials,
  - (iii) replacement or repair of drywall or other interior finish,
  - (iv) installation of additional insulation or replacement of insulation,
  - (v) replacement of a furnace or boiler,
  - (vi) installation or replacement of an air-conditioning unit or heat pump,
  - (vii) replacement of windows or doors provided there is no change in location or size of the window or door and the structural support for the opening is not affected,
  - (viii) installation or replacement of cabinets, shelving, millwork or flooring,
  - (ix) waterproofing or damp proofing of foundation walls or repair/replacement of foundation drainage,

(See Appendix note A-1.2.1.2.(2))

- 3 Part 1 of the regulation[s] is amended by adding immediately after clause (b) of Sentence 1.2.1.2.(2) the following clause:

- (ba) for *buildings* under the scope of Part 3 (Part 3, Division B, NBC), interior and exterior non-structural material repairs or maintenance with a monetary value of \$10,000.00 or less,

- 4 Part 1 of the regulation[s] is amended by adding the following definitions to Sentence 1.3.1.3.(1):

“*Alternating tread device*” means a device that has a series of steps between 50 and 70 degrees from the horizontal, usually attached to a centre support rail in an alternating manner so the user does not have both feet on the same level at the same time.

“*Egress roof access window*” means a skylight or roof window.

“*Landing platform*” means a landing provided as the top step of a stairway accessing a *loft*.

“*Loft*” means a floor level located directly above and accessed from a floor level with direct access to an exit door and open to the floor level below on at least one side.

“*Tiny house*” means a dwelling unit which is 37 m<sup>2</sup> or less in *building area*.

- 5 Sentence 1.3.1.3.(1) of Part 1 of the regulation[s] is amended by

- (a) striking out “October 31, 2016” in the definition of “*National Building Code of Canada*” and substituting “March 1, 2019”;
- (b) repealing the definition of “*National Energy Code of Canada for Buildings*” and replacing it with the following definition:

“*National Energy Code of Canada for Buildings*” means the National Energy Code of Canada for Buildings, 2017, as issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, NRCC No. 56215, including all revisions, errata and corrections to errata made by that body on or before March 1, 2019.

- (c) striking out “October 31, 2016” in the definition of “*National Farm Building of Canada*” and substituting “March 1, 2019”; [and]
- (d) striking out “October 31, 2016” in the definition of “*National Plumbing Code of Canada*” and substituting “March 1, 2019”.

6 Part 3 of the regulation[s] is amended by adding immediately after Article 3.1.1.26A. the following article:

**3.1.1.26B. Section 9.39. (Part 9, Division B) added.**

(Part 9, Division B) of the *National Building Code of Canada* is amended by adding immediately after Section 9.38. the following section:

**Section 9.39. Tiny Houses**

**9.39.1. Scope**

**9.39.1.1. Application**

- (1) This Section applies to a *tiny house* used as a single *dwelling unit*.

**9.39.1.2. Construction Requirements**

- (1) A *tiny house* shall comply to the requirements in Part 9, Division B of the *National Building Code of Canada* and in Part 3 of the Regulation except as provided in this Section.
- (2) A *tiny house* is exempt from the adaptability requirements of subsection 3.8.4. (NSBCR)

**9.39.2. General Requirements**

**9.39.2.1. Ceiling Heights of Rooms or Spaces**

- (1) The ceiling height of rooms or spaces in a *tiny house* shall conform to Table 9.39.2.1.

**Table 9.39.2.1.  
Forming part of Sentence 9.39.2.1.(1)**

Room or Space	Minimum Ceiling Heights
Bathrooms, toilet rooms and kitchens	1930 mm
All other living space except <i>lofts</i>	2030 mm
<i>Lofts</i>	As per Article 9.39.2.2.

**9.39.2.2. Lofts**

- (1) A *loft* with a ceiling height of less than 2030 mm and used as a sleeping or living space shall meet the minimum area and dimension requirements of this Article.
- (2) A *loft* shall have a floor area of not less than 3.25 m<sup>2</sup>.
- (3) A *loft* shall be not less than 1525 mm in any horizontal dimension.
- (4) Except as provided in Sentence (5), portions of a *loft* with a sloping ceiling measuring less than 915 mm from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.
- (5) Under finished sloped ceilings with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 405 mm from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.
- (6) The access to and primary egress from a *loft* shall be
  - (a) of any type described in Articles 9.39.2.3., 9.39.2.4., 9.39.2.5., or 9.39.2.6.,
  - (b) securely attached to the *loft*, and
  - (c) the required handrails shall extend to the height of the *loft guard*.
- (7) A *loft* that meets the requirements of this Article and does not exceed 2/3 of the *building area* of the *tiny home* is not considered a *storey*.
- (8) Where a *loft* is used as a sleeping room, *smoke alarms* required by Subsection 9.10.19. (Part 9, Division B, NBC) are not required in the *loft* provided a *smoke alarm* is located within 1.5 m from the edge of the open side of the *loft*.

**9.39.2.3. Stairways**

- (1) A stairway accessing a *loft* shall comply with
  - (a) Section 9.8 (Part 9, Division B, NBC), or
  - (b) ~~with~~ this Article.
- (2) A stairway accessing a *loft* shall not be less than 430 mm in clear width at all points at or above the permitted handrail height.
- (3) The minimum width below the handrail shall not be less than 505 mm.
- (4) Except as provided in Sentence (5), the headroom in a stairway accessing a *loft* shall not be less than 1880 mm when measured in accordance with Sentence 9.8.2.2.(1). (Part 9, Division B, NBC).
- (5) The headroom for a *landing platform* shall not be less than 1370 mm.
- (6) A riser for a stair in a stairway accessing a *loft* shall be uniform and a minimum of 180 mm and a maximum of 305 mm calculated using the following formulas:



Run = 510 mm minus  $\frac{4}{3}$  riser height

OR

Riser height = 380 mm minus  $\frac{3}{4}$  run

(See Appendix note A-9.39.2.3.(6))

- (7) A *landing platform* on a stairway accessing a *loft* shall measure two treads deep and two risers tall.
- (8) A handrail shall comply with Subsection 9.8.7. (Part 9, Division B, NBC).
- (9) A *guard* at open sides of stairs shall comply with Subsection 9.8.8. (Part 9, Division B, NBC).

#### 9.39.2.4. Ladders for Lofts

- (1) A ladder accessing a *loft* shall have 305 mm minimum rung width and 255 mm to 355 mm spacing between rungs.
- (2) The rung spacing shall be uniform within 9.5 mm.
- (3) A ladder accessing a *loft* shall be capable of supporting 1000 N load on any rung.
- (4) A ladder accessing a *loft* shall be installed at 70 to 80 degrees from horizontal.

#### 9.39.2.5. Alternating Tread Devices (See Appendix A 9.39.2.5. NSBCR)

- (1) An *alternating tread device* accessing a *loft* shall comply with this Article.
- (2) The clear width at and below the handrails shall not be less than 510 mm.
- (3) An *alternating tread device* shall have
  - (a) a tread depth of not less than 125 mm,
  - (b) a projected tread depth of not less than 215 mm,
  - (c) a tread width of not less than 180 mm, and
  - (d) a uniform riser height of not more than 240 mm.
- (4) The tread depth shall be measured horizontally between the vertical planes of the foremost projections of adjacent treads.
- (5) The riser height and tread depth provided shall result in an angle of ascent from the horizontal of between 50 and 70 degrees.
- (6) The initial tread of the *alternating tread device* shall begin at the same elevation as the platform, landing or floor surface.
- (7) A handrail shall be provided on both sides of an *alternating tread device* and shall comply with Articles 9.8.7.2. (Continuity of Handrails), and 9.8.7.5. (Ergonomic Design) (Part 9, Division B, NBC).
- (8) The height of a handrail shall be not less than 765 mm and not more than 865 mm high

measured in accordance with Sentence 9.8.7.4.(1) (Part 9, Division B, NBC).

#### 9.39.2.6. Ships ladders

- (1) A ships ladder accessing a *loft* shall comply with this Article.
- (2) A handrail shall be provided on both sides of a ships ladder and shall comply with Articles 9.8.7.2. (Continuity of Handrails), and 9.8.7.5. (Ergonomic Design) (Part 9, Division B, NBC).
- (3) The height of the handrail shall be not less than 765 mm and not more than 865 mm high measured in accordance with Sentence 9.8.7.4.(1) (Part 9, Division B, NBC).
- (4) The clear width at and below the handrail of a ships ladder shall not be less than 510 mm.
- (5) The tread on a ships ladder shall have a depth of not less than 125 mm.
- (6) The tread shall be projected such that the total of the tread depth plus the nosing projection is not less than 215 mm.
- (7) The riser height shall be uniform and not more than 240 mm.

#### 9.39.2.7. Loft guards

- (1) A *loft guard* shall be located along the open side of *loft* which is located more than 600 mm above the floor.
- (2) A *loft guard* shall be the lesser of
  - (a) 915 mm in height, or
  - (b) one half the clear height to the ceiling.
- (3) A *loft guard* is permitted a maximum opening of 610 mm to allow for access to the *loft*.

#### 9.39.3.1. Egress Openings

- (1) An *egress roof access window* in a *tiny house* shall meet the requirements for an egress opening from a bedroom contained in Article 9.9.10.1. (Part 9, Division B, NBC).
- (2) An *egress roof access window* in a *loft* which is used as a sleeping room shall be installed with the bottom of the window opening not more than 1120 mm above the *loft* floor.

[7 Part 3 of the regulations is amended by adding immediately after Article 3.1.1.28A. the following article:

#### 3.1.1.28B. Table 9.37.1.1. (Part 9, Division B) is amended.]

Table 9.37.1.1. (Part 9, Division B) of the *National Building Code of Canada* is amended by adding immediately after the functional statements and objectives for Article 9.38.2.2., the following functional statements and objectives.

<b>Functional Statements and Objectives</b>
<b>9.39. Tiny Homes</b>
<b>9.39.2.1. Ceiling heights of Rooms or Spaces</b>

(1)	[F30-OS3.1] [F10-OS3.7]
<b>9.39.2.2. Lofts</b>	
(2)	[F10-OS3.7]
(3)	[F10-OS3.7]
<b>9.39.2.3. Stairways</b>	
(2)	[F30-OS3.1]
(3)	[F30-OS3.1]
(4)	[F30-OS3.1] [F10-OS3.7]
(5)	[F30-OS3.1] [F10-OS3.7]
(6)	[F30-OS3.1]
(7)	[F30-OS3.1]
<b>9.39.2.4. Ladders for Lofts</b>	
(1)	[F30-OS3.1]
(2)	[F30-OS3.1]
(3)	[F20-OS2.1]
(4)	[F30-OS3.1]
<b>9.39.2.5. Alternating Tread Devices</b>	
(2)	[F30-OS3.1]
(3)	[F30-OS3.1]
(5)	[F30-OS3.1]
(6)	[F30-OS3.1]
(7)	[F30-OS3.1]
(8)	[F30-OS3.1]
<b>9.39.2.6. Ships Ladders</b>	
(1)	[F30-OS3.1]
(2)	[F30-OS3.1]
(3)	[F30-OS3.1]
(4)	[F30-OS3.1]
(5)	[F30-OS3.1]

(6)	[F30-OS3.1]
(7)	[F30-OS3.1]
<b>9.39.2.7. Loft Guards</b>	
(1)	[F30-OS3.1] [F10-OS3.7]
(2)	[F30-OS3.1] [F30-OS3.7]
(3)	[F30-OS3.1] [F10-OS3.7]
<b>9.39.3.1. Egress Openings</b>	
(2)	[F10-OS3.7]

**N.S. Reg. 180/2019**

Made: November 7, 2019

Filed: November 8, 2019

Prescribed Petroleum Products Prices

Order dated November 7, 2019  
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****M09473****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:** Richard J. Melanson, LL.B., 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 period ended November 6, 2019, are:

Grade 1 Regular gasoline	60.43¢ per litre
Ultra-low-sulfur diesel oil	67.25¢ per litre

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

Gasoline:	
Grade 1	60.43¢ per litre
Grade 2	63.43¢ per litre
Grade 3	66.43¢ per litre
Ultra-low-sulfur diesel oil	67.25¢ 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 0.57¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.03¢ per litre

**And whereas** a winter blending adjustment of plus 2.96¢ 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., November 8, 2019.

**Dated** at Halifax, Nova Scotia, this 7th day of November, 2019.

sgd. *Doreen Friis*  
Clerk of the Board

### Schedule “A”

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on November 8, 2019**

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	69.19	10.0	15.5	94.69	114.8	116.9	114.8	999.9
Mid-Grade Unleaded	72.19	10.0	15.5	97.69	118.2	120.4	118.2	999.9
Premium Unleaded	75.19	10.0	15.5	100.69	121.7	123.8	121.7	999.9
Ultra-Low-Sulfur Diesel	78.69	4.0	15.4	98.09	118.7	120.9	118.7	999.9
<b>Zone 2</b>								
Regular Unleaded	69.69	10.0	15.5	95.19	115.3	117.5	115.3	999.9
Mid-Grade Unleaded	72.69	10.0	15.5	98.19	118.8	121.0	118.8	999.9
Premium Unleaded	75.69	10.0	15.5	101.19	122.2	124.4	122.2	999.9
Ultra-Low-Sulfur Diesel	79.19	4.0	15.4	98.59	119.2	121.4	119.2	999.9

<b>Zone 3</b>								
Regular Unleaded	70.09	10.0	15.5	95.59	115.8	118.0	115.8	999.9
Mid-Grade Unleaded	73.09	10.0	15.5	98.59	119.2	121.4	119.2	999.9
Premium Unleaded	76.09	10.0	15.5	101.59	122.7	124.9	122.7	999.9
Ultra-Low-Sulfur Diesel	79.59	4.0	15.4	98.99	119.7	121.9	119.7	999.9
<b>Zone 4</b>								
Regular Unleaded	70.19	10.0	15.5	95.69	115.9	118.1	115.9	999.9
Mid-Grade Unleaded	73.19	10.0	15.5	98.69	119.4	121.5	119.4	999.9
Premium Unleaded	76.19	10.0	15.5	101.69	122.8	125.0	122.8	999.9
Ultra-Low-Sulfur Diesel	79.69	4.0	15.4	99.09	119.8	122.0	119.8	999.9
<b>Zone 5</b>								
Regular Unleaded	70.19	10.0	15.5	95.69	115.9	118.1	115.9	999.9
Mid-Grade Unleaded	73.19	10.0	15.5	98.69	119.4	121.5	119.4	999.9
Premium Unleaded	76.19	10.0	15.5	101.69	122.8	125.0	122.8	999.9
Ultra-Low-Sulfur Diesel	79.69	4.0	15.4	99.09	119.8	122.0	119.8	999.9
<b>Zone 6</b>								
Regular Unleaded	70.89	10.0	15.5	96.39	116.7	118.9	116.7	999.9
Mid-Grade Unleaded	73.89	10.0	15.5	99.39	120.2	122.3	120.2	999.9
Premium Unleaded	76.89	10.0	15.5	102.39	123.6	125.8	123.6	999.9
Ultra-Low-Sulfur Diesel	80.39	4.0	15.4	99.79	120.6	122.8	120.6	999.9

**N.S. Reg. 181/2019**

Made: November 7, 2019

Filed: November 12, 2019

Notice of Appeal Form Regulations—repeal

Order dated November 7, 2019

Repeal of regulations made by the Minister of Agriculture  
pursuant to Section 39 of the *Animal Protection Act*

**Order**

**In the matter of Chapter 33 of the Acts of 2008,  
the *Animal Protection Act***

and

**In the matter of the repeal of the *Notice of Appeal Form Regulations*  
made pursuant to Section 39 of the *Animal Protection Act*  
by the Minister of Agriculture**

I, Keith Colwell, Minister of Agriculture for the Province of Nova Scotia, pursuant to Section 37 of Chapter 33 of the Acts of 2008, the *Animal Protection Act*, hereby repeal the *Notice of Appeal Form Regulations*, N.S. Reg. 37/2015, effective on and after the date that Chapter 21 of the Acts of 2018, the *Animal Protection Act*, comes into force.

Dated and made at Halifax Regional Municipality, Halifax County, Province of Nova Scotia on November 7, 2019.

sgd. *Keith Colwell*  
Honourable Keith Colwell, E.C.N.S.  
Minister of Agriculture

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**N.S. Reg. 182/2019**

Made: November 7, 2019

Filed: November 12, 2019

Standards of Care for Cats and Dogs Regulations—replacement

Order dated November 7, 2019

Repeal of regulations and regulations made by the Minister of Agriculture  
pursuant to Section 46 of the *Animal Protection Act*

**Order**

**In the matter of Section 46 of Chapter 21 of the Acts of 2018,  
the *Animal Protection Act***

**and**

**In the matter of Regulations Respecting Standards of Care for Cats and Dogs  
made by the Minister of Agriculture**

I, Keith Colwell, Minister of Agriculture for the Province of Nova Scotia, pursuant to Section 46 of Chapter 21 of the Acts of 2018, the *Animal Protection Act*, hereby

- (a) repeal the *Standards of Care for Cats and Dogs Regulations*, N.S. Reg. 182/2014, made by the Minister responsible for administration of Chapter 33 of the Acts of 2008, the *Animal Protection Act*, by order dated November 27, 2014; and
- (b) make new regulations respecting standards of care for cats and dogs in the form attached as Schedule “A”, effective on and after the date that Chapter 21 of the Acts of 2018, the *Animal Protection Act*, comes into force by proclamation.

Dated and made at Halifax Regional Municipality, Halifax County, Province of Nova Scotia on November 7, 2019.

sgd. *Keith Colwell*  
Honourable Keith Colwell  
Minister of Agriculture

**Schedule “A”****Regulations Respecting Standards of Care for Cats and Dogs  
made by the Minister of Agriculture under Section 46 of Chapter 21 of the Acts of 2018,  
the *Animal Protection Act*****Citation**

1 These regulations may be cited as the *Standards of Care for Cats and Dogs Regulations*.

**Application of these regulations**

2 (1) Except as provided in subsection (2), these regulations apply to

- (a) only animals that are cats and dogs; and
- (b) every custodian of a cat or dog.

(2) These regulations do not apply with respect to a cat or dog that is being cared for at a veterinarian facility in any of the categories set out in Section 70 of the *Veterinary Medical Regulations* made under the *Veterinary Medical Act*.

**Definitions**

3 In these regulations,

“Act” means the *Animal Protection Act*;

“pen” means an outdoor enclosure used to confine an animal by means of a fence, wall or natural structure in order to prevent the animal from leaving a property;

“shelter” means a structure, such as a dog house, shed, hangar, barn or garage, or part of such a structure, to which an animal has access;

“tether” means a rope or similar material that is attached on one end to the neck, head or body of an animal for restraint or control and is affixed at the other end to a stationary object.

**General standards of care**

4 (1) For the purposes of clause 2(2)(a) of the Act,

(a) water is adequate if it meets all of the following criteria:

- (i) it is clean, fresh, potable, unfrozen water of a drinkable temperature,
- (ii) it is accessible by an animal in sufficient volume, taking into account the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of the animal, or in a volume prescribed by a veterinarian;

(b) food is adequate if it meets all of the following criteria:

- (i) it is accessible to an animal in sufficient quantities and nutritive value to enable the animal to maintain healthy growth and a healthy body weight for the age, breed, condition and size of the animal, or in quantities or nutritive value prescribed by a veterinarian,



- (ii) it is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, or at intervals prescribed by a veterinarian.
- (2) An animal's custodian must ensure that a receptacle or container that is intended for providing food or water to the animal is usable and designed and placed in a manner that prevents spillage, injury and contamination.
- (3) An animal's custodian must ensure that the animal receives regular grooming and claw care.
- (4) An animal's custodian must ensure that a collar or restraining device that is used on the animal meets all of the following criteria:
  - (a) it is well-fitted;
  - (b) it is appropriate to the age and size of the animal;
  - (c) it does not hamper the animal's ability to breathe;
  - (d) it does not cause trauma or injury to the animal.

**Standards of care for animals outdoors**

- 5 An animal's custodian must ensure that an area in which the animal is being kept outdoors meets all of the following criteria:
- (a) the area provides protection from inclement weather to which the animal could otherwise be exposed and that could cause the animal to be in distress, as determined in accordance with Section 7;
  - (b) shade is accessible to the animal at all times within the area;
  - (c) the area is clean and free from excess excrement.

**Standards of care for shelters**

- 6 (1) An animal's custodian must ensure that the animal has continuous access to a shelter if the animal is kept outdoors
- (a) for more than 12 hours at a time; or
  - (b) in any weather conditions that could cause the animal to be in distress, as determined in accordance with Section 7.
- (2) An animal's custodian must ensure that a shelter required by this Section meets all of the following:
- (a) it does not present a risk to the health or safety of the animal;
  - (b) it is accessible to the animal;
  - (c) it provides protection from inclement weather;
  - (d) it is sufficiently ventilated to prevent the accumulation of moisture and odours;
  - (e) it has flooring and bedding that is clean and dry and sufficient to provide adequate insulation from inclement weather;

- (f) for a dog shelter, its ceiling height is at least 5 cm greater than the height of the dog in a sitting position measured from the top of the dog's head to the ground;
- (g) its sleeping area allows for the animal to easily turn around and lie down.

#### **Animal's ability to adapt to weather conditions**

7 In deciding whether protection from inclement weather is required under clause 5(a) or whether weather conditions require an animal to have continuous access to a shelter under clause 6(b), an animal's custodian must consider all of the following to determine the animal's ability to adapt to weather conditions:

- (a) the animal's age;
- (b) the animal's health;
- (c) the animal's breed;
- (d) the animal's ability to adapt to the heat or cold;
- (e) the animal's coat;
- (f) the outdoor temperature;
- (g) the inclement weather that the animal could be exposed to.

#### **Standards of care for pens**

8 (1) An animal's custodian must ensure that a pen used for the animal meets all of the following:

- (a) it is designed and located to prevent injury or distress to the animal;
  - (b) it has a clean and dry place that is free from excessive excrement where the animal can lie down;
  - (c) it is kept in good repair.
- (2) If more than 1 animal is kept in a pen, the animals' custodian must ensure that the pen has an area large enough to provide the animals with adequate space for all of the following:
- (a) feeding, resting, urinating and defecating;
  - (b) engaging in species-typical behaviours and maintaining adequate social distances.
- (3) An animal's custodian must ensure that the animal is not left in a pen unsupervised for more than 12 consecutive hours.
- (4) If an animal is kept in a pen for longer than 12 consecutive hours in any 24-hour period, the animal's custodian must ensure that the animal has time out of the pen during that same 24-hour period to allow for exercise, socialization and protection from inclement weather.

#### **Standards of care for tethering**

9 (1) An animal's custodian may tether the animal for a maximum of 12 hours in any 24-hour period.

- (2) If an animal has been tethered for 12 consecutive hours, the custodian of the animal must untether the animal for 12 consecutive hours before tethering the animal again.
- (3) An animal's custodian must ensure that the minimum length of a tether used on the animal is the greater of
  - (a) 5 m; and
  - (b) 5 times the length of the animal, as measured from the tip of its nose to the base of its tail.
- (4) In addition to the length requirement of subsection (3), an animal's custodian must ensure that a tether used on the animal meets all of the following:
  - (a) it allows the animal to reach its food and water and a clean, dry, place to lie down in a shaded area or shelter, if required by these regulations;
  - (b) it allows the animal to move in a manner that is safe and, except by the length of the tether, is unrestricted;
  - (c) it is configured to prevent the animal from doing any of the following:
    - (i) becoming entangled with other objects or animals,
    - (ii) moving over an edge, such as the edge of a wall or stairway, in a manner that could result in strangulation or injury of the animal;
  - (d) it does not cause discomfort for the animal because of its type or weight.

#### **Standards of care for transporting animals**

- 10** (1) Except as provided in subsection (2), a person must not transport an animal in the trunk of a motor vehicle.
- (2) Subsection (1) does not apply to a motor vehicle that does not have a closed area as its main storage compartment, such as a station wagon, passenger van, sport-utility vehicle or hatchback model.
  - (3) A person must not transport an animal in a motor vehicle outside the passenger compartment unless the animal is confined or secured
    - (a) in a container that meets the requirements of subsection (4); and
    - (b) in a manner that prevents the animal from
      - (i) experiencing injury or distress,
      - (ii) falling off the vehicle or otherwise injuring itself, and
      - (iii) causing a hazard to other vehicles.
  - (4) A container that is used to transport an animal in a motor vehicle outside the passenger compartment must meet all of the following requirements:
    - (a) it must be constructed to prevent an animal from escaping;

- (b) it must be constructed to allow the animal to have good footing, protection from inclement weather and adequate ventilation;
  - (c) it must be durable and kept in good repair;
  - (d) it must be large enough to enable the animal to turn around normally, to stand and sit erect and to lie in a natural position;
  - (e) it must be secured to the motor vehicle.
- (5) A person must not leave or confine an animal in any unattended motor vehicle or enclosed container under any conditions that could endanger the health or well-being of the animal or any circumstances that could reasonably be expected to cause distress or death to the animal, including any of the following:
- (a) heat;
  - (b) cold;
  - (c) lack of adequate ventilation;
  - (d) lack of food or water.

#### **Inspector or peace officer removing animal from motor vehicle**

- 11** (1) An inspector or peace officer may remove an animal from a motor vehicle or other enclosed container if the animal's safety appears to be in immediate danger from any of the conditions or circumstances referred to in subsection 10(5).
- (2) An inspector or peace officer who removes an animal from a motor vehicle must take it to an animal shelter or other place of safekeeping or, if the inspector or peace officer considers it necessary, to a veterinary hospital for treatment.
- (3) After a reasonable effort to locate the owner or other person responsible has been made, an inspector or peace officer is authorized to take all steps that are reasonably necessary to remove an animal from a motor vehicle or other enclosed container, including breaking into the motor vehicle.
- (4) An inspector or peace officer who removes an animal from a motor vehicle must leave a written notice that states all of the following in a secure and conspicuous location on or within the motor vehicle:
- (a) their name and title;
  - (b) the address of the location where the animal can be claimed.
- (5) Subject to the Act, an animal that has been removed from a motor vehicle or enclosed container by an inspector or peace officer may be claimed by the owner only after payment of any expenses that have accrued for maintaining, caring for, medically treating or impounding the animal.
- (6) This Section does not affect in any way existing liabilities or immunities under the Act, or create any new immunities or liabilities.

#### **Certificate of health on sale of animal**

- 12** (1) In this Section, "certificate of health" means the veterinarian's certificate of health required by

subsection 26(6) of the Act on the sale of an animal.

- (2) A certificate of health is valid for only 1 animal.
- (3) A certificate of health is valid for 6 months from the date it is issued and is valid for only 1 sale.
- (4) A certificate of health must be in the form posted on the Department of Agriculture website.