

PART XVI

BOUNDARIES

Boundaries remain unless altered by Board

354 (1) The boundaries of the Cape Breton Regional Municipality are the boundaries of the County of Cape Breton, unless altered by the Board pursuant to this Act.

(2) The boundaries of the Halifax Regional Municipality are the boundaries of the County of Halifax, unless altered by the Board pursuant to this Act.

(3) The boundaries of the Region of Queens Municipality are the boundaries of the County of Queens, unless altered by the Board pursuant to this Act.

(4) The boundaries of a regional municipality incorporated pursuant to this Act are the boundaries set out in the order establishing the regional municipality, unless altered by the Board pursuant to this Act.

(5) The boundaries of a county or district municipality continue to be as they were on July 1, 1996, unless altered by the Board pursuant to this Act or a regional municipality is incorporated that includes the county or district municipality.

(6) The boundaries of a town continue as they were on July 1, 1996, or in a subsequent order incorporating the town, unless altered by the Board pursuant to this Act or a regional municipality is incorporated that includes the town.

(7) The boundaries, names and numbers of the polling districts in a municipality continue to be as they were on July 1, 1996, unless altered by the Board pursuant to this Act.

Structures within municipal boundaries

355 All docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of a municipality are within the boundaries of the municipality.

Determination of uncertain boundary line

356 (1) Upon application by a municipality, a village or the Minister, the Board may determine an uncertain boundary line, including a county boundary.

(2) An application shall

- (a) set out the nature and cause of the uncertainty;
- (b) include the proposed determination;
- (c) list the steps taken to obtain agreement from adjacent municipalities, and whether all affected municipalities have agreed to the proposed determination;
- (d) include the particulars of the evidence known respecting the existence and location of the boundary.

(3) The Board shall ensure that a copy of the application is provided to the Minister and to any municipality adjacent to the uncertain boundary line.

(4) An order of the Board determining an uncertain boundary line

- (a) may establish the boundary line by metes and bounds description, by map, or both;
- (b) is a regulation pursuant to the *Regulations Act*;
and
- (c) is binding on all municipalities notified of the application.

Change in or settlement of mutual boundary

357 Where two or more municipalities or a municipality and a village agree to a change in, or settlement of, a mutual boundary, the Board may confirm the change or settlement without a hearing if

- (a) the agreed change or settlement is advertised in a

newspaper circulating in the affected municipalities, as directed by the Board;

(b) the advertisement invites objectors to advise the Board of their objections;

(c) proof of the advertising has been provided to the Board; and

(d) no objections are received by the Board within thirty days after the first advertisement.

Amalgamation or annexation

358 Municipalities may be amalgamated or the whole or part of a municipality may be annexed to another upon application to the Board by

(a) the Minister;

(b) a municipality; or

(c) the greater of ten percent or one hundred of the electors in the area proposed to be amalgamated or annexed.

Application for preliminary order

359 (1) An applicant for amalgamation or annexation shall apply for a preliminary order.

(2) The application for a preliminary order shall include

(a) the boundaries of the area proposed to be amalgamated or annexed sufficient to identify the area;

(b) an estimate of the population of the area proposed to be amalgamated or annexed;

(c) the total assessed value of taxable property and occupancy assessments in the area proposed to be amalgamated or annexed;

(d) where the area is or contains a village, the audited financial statements of the village for the fiscal year immediately preceding the year in which the application is made;

(e) a brief statement of the reasons for the application; and

(f) such other matters as the applicant considers relevant to the application.

(3) The applicant shall serve a copy of the application for a preliminary order on the clerk of any municipality that would be affected by the annexation or amalgamation if granted, on the Minister, and on such others as the Board directs.

Hearing notifications

360 (1) Upon the Board setting the date for a hearing of the application for a preliminary order, the Board shall, at the expense of the applicant, advertise the hearing in a newspaper circulating in the area to be amalgamated or annexed, including the date by which any person wishing to be heard must notify the Board.

(2) Any interested person may appear and be heard at the hearing for a preliminary order by notifying the Board at least one week before the date fixed for the hearing.

Persons heard

361 At the hearing of the application for a preliminary order the Board shall hear

(a) the applicant;

(b) a representative of any municipality that would be affected by the amalgamation or annexation if granted;

(c) the Minister; and

(d) any person who has previously notified the Board.

Preliminary order

362 (1) After the application is heard, the Board may make a preliminary order, indicating

(a) suggested boundaries of the area proposed to be amalgamated or annexed;

(b) studies to be undertaken into the financial implications of amalgamation or annexation for the area, for the Province and for any municipality that would be affected;

(c) such other studies as may appear to the Board to be relevant to a decision on the necessity or expediency of the amalgamation or annexation; and

(d) any other evidence that the Board may direct be provided during the hearing of the application.

(2) Where the Board determines that there are no reasonable grounds for the application or there is no reasonable possibility that the application would be granted, the Board may dismiss the application.

(3) The cost of any studies required by the Board shall be borne by the parties as directed by the Board.

(4) Where any required studies are not completed within the time provided in the preliminary order, the Board may

(a) extend the time for completing the studies;

(b) proceed with the application without the studies;

(c) have the studies carried out or completed at the expense of the party responsible for them; or

(d) dismiss the application.

~~**(5)** The preliminary order shall set a date for the hearing of the application.~~ *Repealed November 22, 2001*

Order for amalgamation or annexation

363 (1) After the application has been heard, the Board may, if satisfied that the order is in the best interests of the inhabitants of the area, taking into account the financial and social implications of the order applied for, order an amalgamation or annexation upon such terms as it considers advisable.

(2) The order of the Board for an amalgamation or an annexation shall

(a) fix the effective date of the amalgamation or annexation;

(b) make provision for any necessary revision of polling districts;

(c) make provision for any election that the Board considers necessary including setting the dates for nomination day and ordinary polling day for the election and providing for returning officers and the conduct of the election;

(d) direct the Director of Assessment to make any necessary adjustment in the assessment roll applicable to the area;

(e) provide for any other matter that is necessary or desirable to effect the amalgamation or annexation; and

(f) from time to time make such determinations, issue such orders and directions and do, or cause to be done, all such other matters and things as, in the opinion of the Board, are necessary or incidental to the annexation or amalgamation.

(3) An order of the Board may

(a) adjust assets and liabilities among those affected by the order as the Board considers fair;

(b) annex, amalgamate, continue or dissolve boards, commissions, villages and service commissions and

allocate their assets as the Board considers fair; and

(c) require compensating grants for a period of not more than five years from a benefiting municipality to a municipality that loses assessment as a result of an order.

(4) The Board may make an interim order and reserve further directions.

(5) The Board may make an order granting the whole or part of an application, and may grant such further or other relief as the Board considers proper.

(6) Where the Board considers that, as a result of an annexation it is desirable to annex the whole or part of the municipality remaining after the order to some other municipality, the Board after such notice and hearing as it considers desirable may order the annexation.

(7) A copy of an order for an amalgamation or an annexation shall be published in the Royal Gazette as a regulation, and shall be filed and advertised as directed by the Board.

Councillor continues to hold office

364 Unless the Board otherwise orders, where an area is annexed to another municipality, any councillor holding office at the time of the annexation continues to hold office until the next regular municipal election, notwithstanding that the councillor's polling district has ceased to be part of the municipality.

Village or service commission dissolved

365 Unless the Board otherwise orders, when an area is annexed to a town, any village or service commission having authority in the area annexed to the town is dissolved and its assets and liabilities are vested in the town.

Policies and by-laws continue in force

366 (1) When municipalities are amalgamated, the policies and by-laws in effect in each continue in force in the area of each former municipality until repealed by the council.

(2) When an area is annexed to another municipality, the policies and by-laws in the annexing municipality apply to the area except for the municipal planning strategy and land-use and subdivision by-laws, which remain in force in the annexed area until repealed by the council of the annexing municipality.

Effect of annexation or amalgamation

367 (1) Unless the Board otherwise orders

(a) the real property of a municipality situate in an area annexed to another municipality is vested in the annexing municipality;

(b) taxes imposed with respect to the ownership or occupation of property in an area annexed to another municipality and unpaid at the date of an annexation belong to the annexing municipality and may be collected as if they had been imposed by the annexing municipality;

(c) where the whole of a municipality is annexed to a municipality or municipalities are amalgamated, all of the assets and liabilities of the annexed or former municipalities are vested in the annexing or amalgamated municipality, and the annexing or amalgamated municipality stands in the place and stead of the annexed or former municipalities.

(2) The annexing or amalgamated municipality has the same rights with respect to the collection of taxes imposed by the annexed or former municipalities as if the taxes had been imposed by the annexing or amalgamated municipality.

Powers of Board

368 (1) Upon application, the Board may, by order

- (a) divide or redivide a municipality into polling districts;
- (b) amend the boundaries of any polling district;
- (c) dissolve polling districts;
- (d) determine that a town be divided into polling districts or cease to be divided into polling districts;
- (e) determine the number of councillors for a municipality; and
- (f) determine the date upon which the order takes effect.

(2) An application may be made by

- (a) the Minister;
- (b) a municipality; or
- (c) at least fifty electors of a municipality.

(3) The Board may make an order granting the whole or part of an application, and may grant such further or other relief as the Board considers proper.

(4) In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.

(5) In determining the number of councillors for a town, the Board shall consider the population and geographic size of the town.

Study of polling districts required

369 (1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

Councillor continues to hold office

370 Unless the Board otherwise orders, where boundaries of polling districts are revised, any councillor holding office at the time of the revision continues to hold office until the next regular municipal election.