

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, November 15th, 2016 at 7:30pm

Municipal Administration Centre

- 1) Call to Order – Chairman, Warden Russell Boucher
- 2) Approval of Agenda
- 3) Approval of Municipal Council Minutes of October 25th, 2016
- 4) Business Arising from Minutes
- 5) Presentations:
 - a) St. Martha’s Foundation
 - b) Sean Donovan – EDPC
 - Dangerous & Unsightly Premises, 1577 West Side Lochaber Road
- 6) Correspondence
 - a) RK Nursing Home Foundation
 - Lights of Love Campaign summary and Ceremony invitation
- 7) Committee Reports
 - a) Committee of the Whole – November 1st, 2016
 - b) Committee of the Whole – November 15th, 2016 (will be provided at meeting)
- 8) Motion(s)
 - a) To Adopt Winter Parking Regulations:

That Municipal Council approve the signing of the Order for Winter Parking Regulations for 2016/17 setting out the period from December 1, 2016 to April 15, 2017 between the hours of 12:01am and 7:00am as the time in which Winter Parking Regulations will be in effect on roads/streets under the jurisdiction of the County of Antigonish.
- 9) Report on Property Valuation Service Corporation (PVSC), Ongoing Initiatives
- 10) Fishing with Live Bait
- 11) CEDI Resolution
- 12) Miscellaneous Business
- 13) Adjournment

Present:

Councillors-Elect: Russell Boucher Owen McCarron
 Bill MacFarlane Rémi Deveau
 Mary MacLellan Hugh Stewart
 Donnie MacDonald Vaughan Chisholm
 Gary Mattie John Dunbar

Regrets: None

Also present: Glenn Horne, Municipal Clerk/Treasurer
 Beth Schumacher, Deputy Clerk
 Adam Rodgers, Solicitor- Boudrot Rodgers Law Firm

Media: Corey LeBlanc, Antigonish Casket
 Matt Draper, Port Hawkesbury Reporter
 Greg Morrow, 101.5 The Hawk
 Bill MacCuish, 98.9 XFM

Gallery: Tammy Feltmate
 Maya Feltmate
 Tracy Dunbar
 Roxanne Cullen
 Helen Mattie
 Heather Dunbar

The meeting was called to order at 7:32pm by the Chair, Glenn Horne. Mr. Horne noted that item 2) *Approval of the Agenda*, would be moved in the order of business to take place following the swearing-in of Council and elections of Warden and Deputy Warden.

REVIEW OF 2016 MUNICIPAL ELECTION RESULTS

Mr. Horne read aloud the official election results that were displayed at the front of the room. Those results are as follows:

District 1	Mary MacLellan	Elected
District 2	Donnie MacDonald	Elected
District 3	Hugh Stewart	Acclaimed
District 4	Vaughan Chisholm	Elected
District 5	Remi Deveau	Acclaimed
District 6	Owen McCarron	Acclaimed
District 7	John Dunbar	Elected
District 8	Gary Mattie	Elected
District 9	Russell Boucher	Acclaimed
District 10	Bill MacFarlane	Acclaimed

SWEARING IN OF MUNICIPAL COUNCIL MEMBERS

Mr. Rodgers requested that the Councillors-elect swear/affirm the following Oath of Allegiance and of Office:

I, (name), swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law;

And that I am duly qualified as required by law for the office of Councillor of the Municipality of the County of Antigonish;

And that I will truly, faithfully, and impartially execute the duties of the offices to which I have been elected to the best of my knowledge and ability;

And that I have not received, and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

The ten Councillors-elect repeated the oath and were deemed to be sworn in.

ELECTION OF THE WARDEN

Mr. Horne then called for nominations for the position of Warden. Councillor MacLellan nominated Councillor Boucher; Councillor Stewart seconded this motion. Councillor Boucher accepted the nomination. Mr. Horne then called for further nominations three times. No other nominations were received, and Councillor Boucher was deemed to be elected Warden by Council.

Mr. Horne then transferred the responsibility of chairing the meeting to Warden Boucher.

ELECTION OF THE DEPUTY WARDEN

Warden Boucher called for nominations for the position of Deputy Warden. Councillor Stewart nominated Councillor McCarron; Councillor Deveau seconded this motion. Councillor McCarron accepted the nomination. Warden Boucher then called for further nominations. No other nominations were received, and Councillor McCarron was deemed to be elected Deputy Warden by Council.

APPROVAL OF AGENDA

Warden Boucher called for any additions or deletions to the agenda.

Min #2016-129 (Approval of Agenda)

MOVED by Councillor MacDonald, SECONDED by Councillor Deveau that the agenda be approved. Motion carried.

APPROVAL OF MINUTES

Warden Boucher called for the approval of the Municipal Council Minutes of September 20th, 2016.

Min #2016-130 (Approval of Minutes)

MOVED by Councillor Deveau, SECONDED by Deputy Warden McCarron, that the Municipal Council minutes of September 20th, 2016 be approved. Motion carried.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

CORRESPONDENCE

Correspondence has been received from the following:

- Strait Regional School Board
 - Notice of the initiation of a school review of the Dr. J.H. Gillis Regional High School feeder system.

MISCELLANEOUS BUSINESS

Mr. Horne noted that there was a UNSM Council Orientation taking place in Truro on November 9th & 10th, and asked whether any members of Council would be interested in attending. Councillor Dunbar and Councillor Mattie both indicated that they were interested. Mr. Horne noted that staff would follow-up with each Councillor to make arrangements.

Mr. Horne provided a brief background on the upcoming Business Ability Banquet, taking place on November 10th. The County has purchased a table of tickets (8), and Mr. Horne asked which Councillors would like to attend. Councillors MacDonald, Chisholm, Dunbar, MacFarlane, MacLellan and Warden Boucher all indicated that they would like / are able to attend. Staff will follow-up with further details about this event.

Mr. Horne noted that the UNSM Fall Convention is taking place from November 29th – December 2nd, and asked what members of Council would like to attend this year. Councillors Deveau and Chisholm, Warden Boucher and Deputy Warden McCarron indicated that they would like to attend. Councillor MacFarlane indicated that he is unable to attend this year. Councillor MacLellan will be receiving recognition for her long-service. Staff will follow-up with the remaining members of Council to determine if anyone else is interested in attending.

Warden Boucher asked to go around the table to see what each member heard while campaigning at the door. All Councillors were also asked to discuss any goals that they may have for this term.

Councillor MacDonald noted that he had the opportunity to hand-deliver 250 flyers, with another 250 being delivered in the mail. Overall, residents that he spoke with indicated that they were happy with the County. Water and Sewer services were a discussion topic, particularly in North Grant. In Lanark, there was discussion regarding water. Street lights, sidewalks, and internet access were also issues with concerns that were brought to his attention. Finally, concern was expressed with road maintenance issues that fall under the umbrella of TIR.

Councillor MacLellan relayed that she had good reception and compliments for the County, with particular good feedback regarding the grants program (availability and impact). New issues were brought to her attention regarding cell phone coverage, and she shared an experience concerning gravel and asphalt road treatments.

Councillor Chisholm shared feedback that he received regarding the desire for water services and chip-seal treatment on Somers Road, which is the last of the J-class roads in the Municipality's portfolio that has not been chip-sealed.

Councillor Dunbar noted that he heard that residents were generally pleased with relatively low tax levels and the support that the County provided to the community centre in Heatherton. He passed along a concern that was brought to his attention from a constituent regarding the County's support of Ground Search and Rescue and their facility in Monastery. Mr. Horne noted that the County had made a contribution to this group through former Councillor Pierre Boucher's special district grant funding earlier in the year.

Councillor MacFarlane commented that his goal for the term was the expansion of the water system, particularly in light of the water supply issues elsewhere in the province following such a dry summer.

Councillor Deveau echoed the concern with water availability, noting that he would like to see water and sewer services extended to the residents in South Side Harbour.

Deputy Warden McCarron expressed that he heard good things about the County's support of a variety of causes, both cultural and community-based, while keeping a reasonable tax rate. He heard complimentary things about the County's staff, and in particular the outside staff, specifically with respect to the efforts to install the water meters. He was looking forward to future Business Park Development projects, and commended Dexter Construction with the twinning project being completed and opened before the deadline.

Warden Boucher noted that he was working on finding a resolution to resident concerns regarding the brightness of the lights on the hydro tower crossing in Auld's Cove. Further, he was looking forward to ongoing opportunities for collaboration and cooperation with the Town.

Councillor Stewart was looking forward to exploring opportunities for the expansion of the water system in his District. He noted that there could be opportunities for future development if the water services were available.

Councillor Mattie expressed an interest in cleaning up areas in his district where there are cars on the lawn or other dangerous and unsightly concerns, as this was a concern raised by constituents at the door.

APPROVAL OF THE ANTIGONISH COUNTY COURTHOUSE LEASE

Mrs. Schumacher provided a brief background, noting that, with the sale of the former Correction Centre, the area of that building leased by Justice for the judges' chambers was now being leased to Justice directly from the new property owner. Due to this, an amendment to the existing lease between the County and Justice for the County Courthouse, dated 1996, required amendment to reflect the change in square footage being leased. A one-year extension/amendment was proposed, to allow staff and Justice to review the current lease in greater detail to ensure that both parties were satisfied with the terms.

Min #2016-131 (Courthouse Lease Extension)

MOVED by Councillor Stewart, SECONDED by Deputy Warden McCarron, that the 2016-2017 lease extension for the County Courthouse be approved. Motion carried.

Acquisition, Sale, Lease and Security of Municipal Property

This subject matter falls within Section 22(2) of the Municipal Government Act as matters that a committee may discuss in a closed session. It is recommended a motion be made to initiate an in-camera session.

Min #2016-132 (Motion to Adjourn to In-Camera Session)

Moved by Councillor Deveau and seconded by Councillor MacLellan that the Committee of the Whole Meeting be adjourned to an In-Camera Session at 8:10pm to discuss the acquisition, sale, lease and security of municipal property. Motion carried.

Min #2016-133 (Motion to Resume)

Moved by Deputy Warden McCarron and seconded by Councillor MacFarlane that the In-Camera session be adjourned 8:29 pm. Motion carried.

MOTION TO ADJOURN

Min #2016-134 (Motion to Adjourn)

MOVED by Councillor Deveau, SECONDED by Councillor MacLellan that the Council meeting adjourns at 8:30pm. Motion carried.

Warden Russell Boucher

Glenn Horne, Municipal Clerk/Treasurer



August 26th, 16

Antigonish Municipal Office
285 Beech Hill Road
RR 6 Stn Main
Antigonish, Nova Scotia
B2G 0B4

Dear Warden Russell Boucher,

As a citizen living of your community, a staff member of St. Francis Xavier University and as a volunteer board member of the St. Martha's Regional Hospital Foundation, I am writing to you to advise you of the St. Martha's Regional Hospital Foundation, St. Martha's and You-The Time Is NOW... Campaign.

The Foundation is getting ready to embark on its largest fund raising campaign to date, and is looking to augment our current endowment to 20 million dollars by 2026. Endowment funds are hallmarks of great hospital foundations and essential to patient and family care. Endowment funds provide a substantial reliable revenue stream for health care priorities of the region.

We are sending this letter to initiate the required consultation, and would like to be put on your first meeting following the fall election. Please contact the Foundation Office at (902) 863-1131 if there is any potential conflict, the time and location of your next meeting and if you require any other information. We are very flexible and would be more than happy to discuss how we can best assist the municipality/county in making a gift to the Foundation. We can also assure you that your gift will be duly recognized at the Hospital for many years to come.

Thank you for your very generous \$100,000 gift to the Foundation's MRI campaign in the past and hope that we can count you as a supporter to this very important campaign.

St. Martha's could not do what it does without the generous support of a caring community. On behalf of the Board of Directors, the Campaign Team and those receiving care at St. Martha's Regional Hospital, we hope you give this campaign your most serious consideration.

The time is **NOW**, and our community deserves nothing less than our best.

Yours sincerely,

Mary Coyle
Municipal Division Chair
St. Martha's Regional Hospital Foundation

Stephen Smith
Campaign Chair
St. Martha's Regional Hospital Foundation





Eastern District Planning Commission

32 Paint Street, Port Hawkesbury, NS B9A 3J8
Tel: 902-625-5362
Fax: 902-625-1559
1-888-625-5361

Sean Donovan
Administrator,
Dangerous and Unsightly Premises
sdonovan@edpc.ca

Nov 1, 2016

Mr. Glenn Horne
Municipal Clerk
Municipality of the County of Antigonish
285 Beech Hill Road
Antigonish, Nova Scotia B2G 0B4

**Reference: Property of Donald Griffiths, 1577 West Side Lochaber Road,
West Lochaber, NS, PID 10096931, AAN 02862921.**

Dear Mr. Horne,

In response to a complaint received regarding the above referenced property, as Administrator of Dangerous and Unsightly Premises I visited the above referenced property on October 13th, 2016 (See enclosed Pictures). A single family dwelling is located on the property that falls under the following "dangerous and unsightly" conditions defined in the *Municipal Government Act*

- 1) The building is in a ruinous and dilapidated condition.
- 2) The building is in such a state of non-repair as to be no longer suitable for human habitation or business purposes.
- 3) The building is unsightly in relation to neighbouring properties due to the exterior finish of the building is not maintained.

In my opinion the building gives the appearance of being abandoned while meeting the *Municipal Government Act* definition of "dangerous and unsightly". EDPC's Qualified Building Official's assessment is that the building should be demolished. It is therefore our recommendation that the an "Order to Remedy Condition" be issued and that the Order be a fourteen (14) day Demolition Order issued from Council to the owners instructing that the structure be demolished and all debris be removed from the property within fourteen (14) days of the Demolition Order being issued or the Municipality will complete the same and recover the costs through property taxes.

If you have any questions regarding the above please do not hesitate to give me a call.

Sincerely

Sean Donovan
Administrator

cc. Property Owners









RK NURSING HOME FOUNDATION

P.O. Box 1263
Antigonish, N.S.
B2G 2L6

October 31, 2016

Dear Friend of the R. K.:

Please join us in celebrating Christmas this year by helping the R. K. light its tree with bulbs dedicated to love. Through your generosity, the Lights of Love campaign has raised funds that have made tremendous improvements in the quality of life for the R. K.'s residents.

Last year, we supported the construction of an on-site facility to deliver dental care to R. K. residents. Dental health influences the general health and well being of all, especially the elderly. As dental health declines, so does our ability to eat and interact with others, negatively affecting one's overall quality of life.

This year, the Lights of Love campaign is supporting the construction of a dementia-friendly healing and sensory garden. Recent research has highlighted the powerful influence of nature in promoting both physical and mental health. The garden will provide all R. K. residents with access to a safe and secure outdoor space equipped with a variety of sensory-stimulating features.

Your generosity in previous years has done so much to improve the quality of life of the R. K.'s residents. Please support us in our mission to make their lives as rich and full as possible.

Best wishes for the Christmas season. Please join us for the Lights of Love Ceremony on Sunday, December 4 at 7 p.m. in the R. K. Chapel.

Yours Truly,

R. K. MacDonald Foundation Board Members

Paul Arsenault

Marg Duncan

Bruce MacDonald

Ralph J. Mattie

Matt Whitehead, Treasurer

John Brown

Winnifred Lane

Florence MacDonald

Gordon Morrison, Chair

Agnes Cogan

Betty MacDonald

Lloyd MacLellan, RK Board

Adrian van Berkel

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: November 1st, 2016

The Committee of the Whole was convened at 5:30pm on Tuesday, November 1st, 2016. The following Councillors were present:

Warden Russell Boucher
Deputy Warden McCarron
Councillor MacLellan
Councillor MacDonald
Councillor Stewart
Councillor Chisholm
Councillor Deveau
Councillor Dunbar
Councillor Mattie
Councillor MacFarlane

The following recommendations were made:

- The Committee recommends that Municipal Council approve the Fringe and Lower South River Water Utility Budgets as presented.
- The Committee recommends that Municipal Council approve the application to cost-share subdivision street improvements.
- The Committee recommends that Municipal Council approve the 2015/2016 Audited Financial Statements.
- The Committee recommends that Municipal Council approve the 2015/2016 Financial Information Return.
- The Committee recommends that Municipal Council approve the 2016/2017 Statement of Estimates.
- The Committee recommends that Municipal Council write-off the following outstanding taxes:

Roll #	Uncollectable balance	Explanation
00384925	\$151.13	PVSC Double Assessed
00536466	\$155.51	Trailer unfound

00748269	\$105.12	Land taken for Highway
02626217	\$828.65	PVSC Double Assessed
04537343	\$24.98	PVSC Double Assessed
06178154	\$201.52	Trailer gone since 2012
06300685	\$2,496.73	Trailer unfound
06301037	\$113.12	PVSC Double Assessed
07126506	\$107.70	Trailer unfound
07130139	\$58.74	Trailer unfound
07134088	\$501.06	Trailer unfound
07134169	\$136.64	Trailer unfound
07134177	\$158.20	Trailer unfound
07144210	\$442.73	Trailer unfound
07144660	\$107.50	Trailer unfound
07144806	\$689.71	Trailer unfound
07203810	\$477.35	Trailer unfound
07205066	\$350.66	Trailer unfound
07205732	\$221.94	Trailer unfound
09102302	\$17.87	PVSC Double Assessed
09690573	\$17.19	PVSC Double Assessed
10299081	\$2.53	Trailer moved, interest on account
10524921	\$3.95	PVSC Double Assessed
Total	\$7,370.53	

- The Committee recommends that Municipal Council write off \$1,405.80 in taxes for AAN 10030625, due to damage from a fire.
- The Committee recommends that Municipal Council approves the issuance of the Corporate Plan Request for Proposal (RFP).
- The Committee recommends that Municipal Council approve the purchase of a bus shelter for Pleasant Valley Road, if a suitable one cannot be found and relocated from elsewhere in the County.

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

TOPIC: Winter Parking Regulations

BACKGROUND:

Section 139 of the Motor Vehicle Act (MVA) for the Province of Nova Scotia prohibits vehicles from obstructing snow removal or any other winter maintenance that may be necessary. The Act also allows for such vehicles to be removed at the owner's expense.

Each year Council approves Winter Parking Regulations and the Municipal Traffic Authority with the RCMP signs the Order setting out the details as prescribed in the MVA.

We have confirmed with the Town of Antigonish that once again this year their Winter Parking Regulations will be in effect from December 1, 2016 to April 15, 2017 between the hours of 12:01 a.m. and 7:00 a.m. Each year, to avoid confusion, the Town and County follow the same dates and times for Winter Parking Regulations.

RECOMMENDATION:

Municipal Council approve the signing of the Order for Winter Parking Regulations for 2016/17 setting out the period from December 1, 2016 to April 15, 2017 between the hours of 12:01 a.m. and 7:00 a.m. as the time in which Winter Parking Regulations will be in effect on roads/streets under the jurisdiction of the County of Antigonish.

Roads/streets under the jurisdiction of the County of Antigonish:

- Appleseed Drive
- Arbor Drive Extension/Trotters Lane
- Beaton Court
- Celtic Drive - *Ceilidh Ridge Subdivision*
- Townsend Street, Crockett Court, Brierly Way and Brookside Way - *Crockett Country Subdivision*
- Florence Circle and Alex Terrace - *Hamlet Court Subdivision*
- Keating Court - *Lochaber Road Estates*
- Market Street
- Mount Cameron Circle (to Town line), Harbour View Drive, Harbour View Court, Parkway Circle - *Mount Cameron Estates*
- Old Highway 245 at Sylvan Valley
- Elliott Lane, MacInnis Way - *Parkhurst Subdivision*
- Pine Ridge Road, Lorraine Lane, Coady Court, David Street - *Pine Ridge Subdivision*
- Road D-38 (Off Beech Hill Road to Eastern Auto)
- Shieling Court
- Silver Birch Drive (portion), Linden Drive, Red Maple Drive - *Silver Birch Estates*
- Vincent's Way, Annie's Bluff, Bens Brea - *Thorne Ridge Subdivision*
- Triton Brook Road
- Village Lane

Christopher Kent
Program Manager

October 12, 2016

VIA EMAIL: DTHOMPSON@ANTIGONISHCOUNTY.NS.CA/2 PAGES

Ms. Darlene Thompson
Tax Revenue Clerk
Municipality of the County of Antigonish
Antigonish Municipal Office
285 Beech Hill Road
RR 6 Stn Main
Antigonish, NS B2G 0B4

Dear Ms. Thompson:

Re: Change in Use Tax

Thank you for forwarding questions from Glenn Horne, Municipal Clerk Treasurer of the Municipality of the County of Antigonish (Antigonish) regarding farm and forest property review work conducted by Property Valuation Services Corporation (PVSC). Once you and Mr. Horne have had an opportunity to review this correspondence, please don't hesitate to contact me if you have any further questions or concerns.

Question 1: *Is this a new initiative or has this been an ongoing effort by PVSC?*

PVSC reviews exempt status of farm and forest lands in the ordinary course of business when conducting annual re-assessment activities. In 2014, PVSC reviewed its processes in regard to exempt status of farm and forest properties and enhancements were made to provide greater clarity regarding the classification of exempt lands and the accounts effected by the Change in Use tax. PVSC also conducts selective additional reviews of farm and forest properties in specific areas, in some cases based on requests from specific municipalities. The copy of correspondence forwarded to you recently via email by our Service Centre was only sent to municipalities in which these additional reviews were taking place. I don't anticipate your municipality would have received this letter because review of farm and forest properties in Antigonish County during the last several years has been pursuant to the ordinary course of business.

Question 2: *What are the specific goals or outcomes associated with this initiative?*

The goal of all reviews of exempt status of property is to ensure that lands are correctly classified, for tax purposes, as either exempt or taxable. Over time, some land that has been used for forestry or farm purposes may have ceased to be used for an exempt purpose, but notification not provided to PVSC.

Typical outcomes that result from a review include:

1. Satisfaction that an exempt use remains ongoing and exemption remains in place;
2. Reason for the exemption no longer applies, which may trigger a Change in Use notification and tax; or

3. Investigation resulting in a determination that the land was improperly classified, in which case classification will be changed to taxable for the next annual assessment notice.

A Change in Use notice may be applicable when an exempt forest, farm or conservation use ceases. Typical transactions which require diligent inquiry regarding the possible application of a Change in Use notice are as follows:

- Subdivision of a property or part of a property which has an exempt forest, farm or conservation status;
- Sale of a property which has an exempt forest, farm or conservation status; or
- Notification from property owner/agent or other sources.

Question 3: *How many of these letter have been distributed in Antigonish County?*

There have been no Farm/Forest Statement of Use letters sent in Antigonish County as part of a specific area based review. During the normal course of business, primarily resulting from sub-divisions, sales and other transfers of land, 198 Statement of Use inquiry letters and packages have been sent by PVSC respecting property in Antigonish County since 2014.

Question 4: *Can you also provide me with an overview of the Change of Use Tax and how it may be applied by a Municipality.*

Change in Use tax provisions for exempt forest, farm and conservation lands are legislated by the Provincial Government and contained in the *Municipal Government Act, 1998, c. 18, s.1.* (MGA). PVSC is responsible for making determinations whether a property qualifies for exemption or whether an exempt use has ceased. Relevant provisions in the MGA are as follows (excerpts enclosed with this correspondence):

- Section 76A (1-4)
- Section 77 (1-7)
- Section 78 (1-6)

In cases where a review of a property is completed and it is determined that an exempt use has ceased, and the person who is responsible for the cessation has been identified, both the municipality and the property owner will be notified by PVSC. The notification letter indicates the assessed value to which a Change in Use tax may apply. A decision by PVSC (The Director of Assessment) that an exempt use of land has ceased may be appealed in the same manner as a regular assessment notice. After a notice has been issued, the municipality may use the value on the notice to calculate the Change in Use tax based on the provisions in the MGA and issue a tax bill.

Again, I would be happy to discuss this matter further with you. My direct number is 902-720-7817. Thank you.

Yours truly,



Christopher Kent
Program Manager
encl.

C: Kathy Gillis, Director of Assessment/CEO (via internal delivery)
Trudy Leblanc, Senior Advisor, Municipal Client Relations (via internal delivery)

Municipal Government Act

CHAPTER 18 OF THE ACTS OF 1998

as amended by

2000, c. 9, ss. 32-37, 39, 41-60; 2000, c. 28, s. 85;
2001, c. 6, s. 119(1), (2), (4)-(8); 2001, c. 14, ss. 2, 3;
2001, c. 35, ss. 2-28; 2002, c. 6, s. 56; 2002, c. 10, s. 22;
2002, c. 36, ss. 1-3; 2003, c. 9, ss. 49-95; 2004, c. 4, s. 116;
2004, c. 7, ss. 2-20; 2004, c. 38, s. 26; 2004, c. 44; 2005, c. 9, ss. 6-15;
2005, cc. 22, 55; 2006, cc. 38, 39, 40; 2007, c. 9, ss. 31, 32;
2007, c. 47; 2008, c. 25 (except s. 9); 2008, c. 26;
2008, c. 36, ss. 4, 5; 2008, c. 39, ss. 387-389; 2010, c. 22;
2010, c. 64, ss. 1, 2; 2011, c. 4, ss. 6-9; 2011, c. 17, ss. 2, 3;
2011, c. 41, s. 142; 2011, c. 68, s. 29; 2012, cc. 27, 28;
2012, c. 63, ss. 1-4; 2014, c. 16, ss. 12, 13; 2014, c. 21; 2015, c. 23;
2015, c. 24, ss. 1-3; 2016, c. 12, s. 1; 2016, c. 13, ss. 1, 2



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Halifax

in the area.

(5) Charges pursuant to subsection (4) are first liens on the real property and may be collected in the same manner as taxes.

(6) A council may expend money within an area for any lawful purpose and may raise all, or part of it, by a general rate on the whole municipality.

(7) The area rate referred to in this Section may be different on commercial property and business occupancy assessments than on residential and resource property. 1998, c. 18, s. 75; 2005, c. 9, s. 10.

Recreational property tax

76 (1) An owner of land to which Section 29 of the *Assessment Act* applies shall annually pay to the municipality in which the land is situate a tax, to be known as a recreational property tax, equal to five dollars per acre, or part of an acre, for all of the land assessed as recreational property.

(2) The recreational property tax applies for the municipal taxation year 1977, and the amount of the tax per acre is increased by five per cent per year for each subsequent municipal taxation year, unless altered pursuant to subsection (3).

(3) The Governor in Council may, by regulation, determine the amount of the tax per acre for the recreational property tax.

(4) In the event that any land, or any part thereof, to which this Section applies ceases to be land used directly and solely for the purposes of a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization or institution a change in use tax equal to fifty per cent of the value, determined by the assessor pursuant to the *Assessment Act*, of the land or part thereof to which this Section ceased to apply, is due and payable to the municipality in which the land is situate by the person determined by the assessor to be responsible for the change in use, unless the land becomes farm property, in which case no change in use tax is payable. 1998, c. 18, s. 76.

Grant respecting conservation property

76A (1) The Minister of Environment shall in each year pay to the municipality in which conservation property exempt from taxation is situate a grant equal to the amount that would have been due and payable to the municipality had each conservation property in the municipality continued to be classified as it was immediately before becoming conservation property.

(2) Notwithstanding anything in this Act or any other Act of the Legislature authorizing a tax on the assessed value of property, no change in use tax is payable by reason of a property becoming conservation property.

(3) Where any land, or part thereof, to which this Section applies, ceases to be conservation property, a change in use tax, determined by the assessor pursuant to the *Assessment Act*, equal to twenty per cent of the value of the land, or part thereof, that ceased to be conservation property is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use.

(4) Notwithstanding subsection (3), no change in use tax is payable by reason of the ownership of conservation property being transferred to Her Majesty in right of the Province or Canada or to a municipality. 2008, c. 36, s. 5.

Farm property

77 (1) The Minister shall in each year pay to the municipality in which farm property exempt from taxation is situate a grant equal to \$2.10 per acre in respect of the land.

(2) For the fiscal year ending March 31, 2001, and for each subsequent fiscal year, the Minister shall pay to the municipality in which the land is situate a grant per acre equal to the grant paid for the immediately preceding fiscal year varied by the same percentage as the variation in the cost of living over the immediately preceding calendar year as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada.

(3) Where any land, or part thereof, to which this Section applies ceases to be farm property, a change in use tax, determined by the assessor pursuant to the *Assessment Act*, equal to twenty per cent of the value of the land, or part thereof, that ceased to be farm property is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use, unless the land, or part thereof, becomes forest property *bona fide* used or intended to be used for forestry purposes, in which case no change in use tax is payable.

(4) Subject to subsections (5), (6) and (7), an owner of farm property may

(a) transfer to each of the owner's father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse; or

(b) convey, reserve to or set aside for the owner,

one lot suitable for the erection of a single family dwelling and the

(c) lot shall not exceed one acre or the minimum size required by any applicable law, whichever is larger; and

(d) change in use tax is not payable if the land ceases to be used for agricultural purposes.

(5) For the purpose of subsections (6) and (7), "transfer" includes conveyance, reservation to and setting aside for.

(6) The change in use tax is payable by the transferor of land referred to in subsection (4) in accordance with this Section if, within seven years of the date of the transfer, the owner of the lot, grantee of the lot or person for whom the lot is reserved or set aside transfers the lot to any person other than a father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse of the owner or to the owner, then the change in use tax is payable by the transferor in accordance with this Section.

(7) Subsections (4) to (6) do not apply to a transfer of land unless the grantor or person reserving or setting aside the land files, in the registry, a statutory declaration that the grantee of the land or person for whom the land is reserved or set aside, as the case may be, is a person named in subsection (4). 1998, c. 18, s. 77; 2000, c. 9, s. 37.

Forest property tax

78 (1) In lieu of all rates and taxes of the municipality, an owner of forest property *bona fide* used or intended to be used for forestry purposes shall annually pay a tax, to be known as a forest property tax, equal to

- (a) twenty-five cents per acre, if the forest property is classified as resource property; and
- (b) forty cents per acre, if the forest property is classified as commercial property,

and, where an area, village or commission rate is levied for fire protection, the owner is liable to pay an additional annual tax not exceeding one cent per acre, as the authority levying the area, village or commission rate determines.

(2) Where any land, or part thereof, to which this Section applies, ceases to be land used for forestry purposes, a change in use tax, determined by the assessor pursuant to the *Assessment Act*, equal to twenty per cent of the value of the land, or part thereof, that ceased to be used for forestry purposes is due and payable to the municipality in which the land is situate by the person determined by the assessor to have been responsible for the change in use, unless the land, or part thereof, is used for agricultural purposes, in which case no change in use tax is payable.

(3) Subject to subsections (4), (5) and (6), an owner of forest land may transfer to each father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse or may convey or reserve to or set aside for the owner one lot suitable for the erection of a single family dwelling, and the change in use tax is not payable if the land ceases to be used for forestry purposes.

(4) A lot referred to in subsection (3) shall not exceed one acre or the minimum size required by any applicable law, whichever is larger.

(5) If, within seven years of the date of the transfer, conveyance or reservation to or setting aside for the owner of a lot referred to in subsection (3), the grantee of the lot or person for whom the lot is reserved or set aside transfers the

lot to any person other than a father, mother, brother, sister, son, daughter, grandson, granddaughter or spouse of the owner referred to in subsection (3) or to the owner, then the change in use tax is payable by the transferor in accordance with this Section.

(6) Subsections (3) to (5) do not apply to any transfer, conveyance, reservation or setting aside of lands unless the grantor or person reserving or setting aside the land files, in the registry, a statutory declaration that the grantee of the land or person for whom the land is reserved or set aside, as the case may be, is a person named in subsection (3). 1998, c. 18, s. 78.

Commercial rent increase where tax increase

78A (1) Notwithstanding any provision in a lease, licence or permit for commercial property that is in existence at the time of the coming into force of this Section, where that lease, licence or permit does not include a provision enabling the owner of the property to increase the rent or require an annual deposit in relation to any increase in property tax payable by the owner, that lease, licence or permit is deemed to include such a clause.

(2) Where a deposit is required or the rent is increased under subsection (1), the owner shall give the tenant notice in writing not later than ninety days before the deposit is required or the rent is increased.

(3) Notice under subsection (2) may be provided by

- (a) giving it to the tenant personally;
- (b) giving it to an agent or employee of a tenant on the premises;
- (c) posting it in a conspicuous place in some part of the premises; or
- (d) sending it to the tenant by registered mail, in which case notice is deemed to have been given on the third day after the date of mailing. 2005, c. 9, s. 11.

User charges

79 Subject to the approval of the Board for those services that are subject to the *Public Utilities Act*, the council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law. 1998, c. 18, s. 79.

Fire protection rate

80 (1) The council may levy a rate on the value of all assessable property and business occupancy assessment in the area served by a water system in the municipality, as defined by the council by policy, in order to recover that part of the cost of the water system that is attributable to fire protection.

[Owner name]
[Mailing Address]
AAN:
PIN:

October 18, 2016

Dear Property Owner,

As the not-for-profit organization responsible for assessing all property in Nova Scotia, we are committed to informing property owners about the assessment process and being approachable and accessible to answer questions throughout the year.

Each fall, we publish preliminary assessment information to the public on our website. Today, we are providing you with the 2017 preliminary assessment for your property, as of October 17, 2016:

The property assessment as stated on your 2016 assessment notice was: [enter field]
Your 2017 preliminary property assessment is: [enter field]

We encourage you to use the AAN and PIN number provided on this letter to access your **'My Property Report'** available at www.pvsc.ca to review the detailed data specific to your property. Your 2017 assessment is reflective of the market as of January 1, 2016.

If you have questions, would like to provide additional property information or wish to further discuss your property, please contact us at 1-800-380-7775.

At this time, we continue to review property assessments and complete property inspections. Preliminary assessments are subject to change. An official property assessment notice will be sent in January 2017.

PVSC prepares assessments in accordance with the Nova Scotia Assessment Act and is certified in best practice and quality standards set by the International Association of Assessing Officers (IAAO).

Thank you,
[Area Manager]

**Get your Property Assessment
Notice online with epost™**

**Sign up today
at epost.ca**

You could win **\$1000** in
their monthly draw.*



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[Area Manager]

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You could win \$1000 in their monthly draw.*



MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

Council resolution to join Paqtnkek, Cando and the FCM (Federation of Canadian Municipalities) in First Nations – Municipal Community Economic Development Initiative (CEDI)

WHEREAS relationships between First Nations and municipalities based on mutual respect and understanding bring shared benefits to all;

BE IT RESOLVED that **The Municipality of the County of Antigonish** enter into a community-to-community relationship with **Paqtnkek Mi'kmaw Nation** in the spirit of lasting friendship and collaboration, economic prosperity and building community.

BE IT FURTHER RESOLVED that in order to realize shared benefits, **Warden Russell Boucher & Chief Paul James Prosper** have been named as the two joint CEDI champions and the following resources are committed to the relationship:

1. Council Commitment

- Municipal council agrees to the participation of their community in the First Nations – Municipal Community Economic Development Initiative (CEDI) from November 15 to March 31, 2019.

2. Expectations of Participation

The Municipality agrees to the following time commitment:

- Two-to-three two-day workshops with neighboring community between November 2016 and March 2019, facilitated by CEDI staff. These will be a combination of relationship-building and strategic planning workshops depending on the needs and interests of the community and determined specifically with CEDI staff.
- Participation in four-to-six one- or two-day ongoing/follow-up support visits with CEDI staff between November 2016 and March 2019.
- The municipality also agrees to commit itself to the following:
 - For ongoing community engagement and keeping the community informed about CEDI (may include agenda items at meetings, reports in local media, community announcements, etc.)
 - Identifying community champions for CEDI & joint economic development planning. Regular participation in the CEDI community of practice by the identified community champions (specific methods of participation still to be decided).

- The community agrees to actively participate in the peer-mentoring component of CEDI. This includes maintaining regular communication with the assigned peer mentor, hosting the mentor in the community during visits (likely 1-2 throughout the duration of CEDI) and communicating any concerns with CEDI staff. The primary responsibility of liaison with the peer mentor falls to the community champions but they should be supported in their roles by the entire community.
- The community champion agrees to maintain communication with CEDI staff and to assist with coordinating the logistics of community visits and workshops, as appropriate.

BE IT FURTHER RESOLVED that the Municipality of the County of Antigonish appoints the following:

- a) Warden Russell Boucher, Elected Official tel: 902 863 1117 &
- b) Glenn Horne, Municipal Clerk Treasurer tel: 902 863 1117

as community champions from the Municipality of the County of Antigonish.

Facilitation of the program will be with the Director of Sustainable Communities, Tammy Feltmate, 902 863 1117.

Signature of the Warden: _____ Date: _____

Signature of Municipal Clerk Treasurer: _____ Date: _____

