



BILL NO. 256

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act

CHAPTER 55
ACTS OF 2005

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 8, 2005**

The Honourable Barry Barnet
Minister of Service Nova Scotia and Municipal Relations

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act**

Be it enacted by the Governor and Assembly as follows:

1 Clause 66(4)(da) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is repealed and the following clause substituted:

(da) to demolish a building or structure that is owned by the municipality;

2 (1) Subsection 101(1) of Chapter 18 is amended by

(a) striking out “receive” in the second line and substituting “accept”;

(b) striking out “bears” in the third line of clause (a) and substituting “is accompanied by the affidavit required pursuant to this Part and”; and

(c) striking out “signed” in the fourth line of clause (a) and substituting “issued”.

(2) Section 101 of Chapter 18 is further amended by adding immediately after subsection (10) the following subsections:

(11) Notwithstanding subsection (2), the treasurer may require that the affidavit be filed electronically.

(12) Notwithstanding subsection (2), the registrar may require that the affidavit or the affidavit and certificate, as the case may be, be filed electronically.

(13) An affidavit, including all signatures and the certificate of execution that is filed electronically, is deemed to be the original affidavit for all purposes.

(14) Where there is a difference between a copy of an affidavit that is filed electronically and one that is filed in writing, the copy that is filed electronically is deemed to be the original, even if the written copy contains an original signature of a party or witness.

(15) An affidavit or certificate filed electronically has the same legal effect as an affidavit or certificate filed in writing.

(16) An affidavit or certificate filed electronically that is certified as a true copy by the treasurer or registrar is admissible in court in the same manner as the original.

(17) Every person who makes an affidavit that contains a false statement is guilty of an offence.

3 Subsection 105(1) of Chapter 18 is amended by striking out “endorse the deed” in the fourth line and substituting “issue the certificate”.

4 Section 106 of Chapter 18 is amended by striking out “endorse the deed with” in the second line and substituting “issue in writing , or electronically,”.

5 Chapter 18 is further amended by adding immediately after Section 121 the following Section:

121A Articles that are exempt from seizure under Section 45 of the *Judicature Act* are exempt from seizure under a warrant issued under Section 121.

6 Clause 269(2)(b) of Chapter 18 is amended by

(a) adding “or all” immediately after “part” in the second line; and

(b) adding “if any” immediately after “area” in the third line.

7 Section 474 of Chapter 18 is amended by adding immediately after subsection (3) the following subsection:

(4) Nothing in this Section requires the disclosure of information that the responsible officer may refuse to disclose under Section 473.

8 Subsection 493(2) of Chapter 18 is repealed and the following subsection substituted:

(2) The responsible officer shall give notice, in writing, to the persons who were sent a copy of the report and the decision of the responsible officer, of their right to appeal the decision of the responsible officer to the Supreme Court of Nova Scotia within thirty days of the date of making the decision.

9 Subsection 494(1) of Chapter 18 is amended by striking out “that does not follow the recommendation of the review officer” in the second and third lines.

10 Section 505 of Chapter 18 is amended by adding immediately after subsection (3) the following subsections:

(4) In addition to a fine imposed for contravening a provision of this Act, a regulation or a by-law of a municipality made pursuant to this Act, a judge may order the person to comply with the provision, order, regulation or by-law under which the person was convicted, within the time specified in the order.

(5) Any person who fails to comply with an order under subsection (4) is guilty of an offence.

11 Chapter 18 is further amended by adding immediately after Section 536B the following Section:

536C (1) In this Section, “vacant building” does not include a seasonal dwelling.

(2) The Council of the Halifax Regional Municipality may acquire a property that contains a vacant building if the building is boarded up for a period of

time that exceeds the length of time that it may be boarded up under a by-law made pursuant to subclause 172(1)(ja)(iii).

(3) Before deciding to acquire a property under subsection (2), the Council shall provide seven days' notice in writing to the owner, setting out the date, time and place of the meeting at which the decision to acquire the property will be discussed, and the owner must be given an opportunity to appear and be heard before any order is made.

(4) Notice under subsection (3) must be provided by service upon the owner or by posting the notice in a conspicuous place upon the property.

(5) Where the owner refuses to sell the property, the Council may exercise the power of expropriation under Section 52 to acquire the property.

(6) The Council may spend money under Section 65 to acquire the property and improve it.

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