



BILL NO. 75

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

CHAPTER 24
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2015**

The Honourable Mark Furey
Minister of Municipal Affairs

*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,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 268(3) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is repealed and the following subsection substituted:

(3) In order to create a subdivision based on an exemption from the requirement for approval set out in any of the clauses in subsection (2), except clause (b), a document that

(a) specifies the intent to create the subdivision, the exemption on which the subdivision is based and the facts that entitle the subdivision to the exemption; and

(b) provides proof of the consent of the person entitled to create the subdivision,

must be registered or recorded in the registry.

2 Subsection 268A(1) of Chapter 18, as enacted by Chapter 9 of the Acts of 2003, is amended by

(a) **adding** “are contiguous, are parcels registered pursuant to the *Land Registration Act* and” **immediately after “that” in the first line;**

(b) **striking out “appropriate registry of deeds or records a statutory declaration in the land registration office” in the fourth and fifth lines and substituting “parcel registers for the lots”; and**

(c) **striking out “, the present description of the lots including any property identifiers assigned by Service Nova Scotia and Municipal Relations and the description of the consolidated single lot” in the last four lines.**

3 Chapter 18 is further amended by adding immediately after Section 268A the following Sections:

268B (1) Notwithstanding Section 103 of the *Environment Act*, a watercourse does not subdivide a lot unless the watercourse creates a natural boundary, considering the nature and use of both the watercourse and the land through which it flows.

(2) Subsection (1) does not apply to subdivide a lot that

(a) has received subdivision approval; or

(b) is a parcel registered pursuant to the *Land Registration Act*.

268C The Registrar General appointed pursuant to the *Land Registration Act* may validate a subdivision that is not in compliance with the subdivision approval or

exemption requirements of this Part, if the affected lots are parcels registered pursuant to the *Land Registration Act* and it would not be practicable to rectify, repeal or nullify the subdivision.

4 Subsection 278(3) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is repealed and the following subsection substituted:

(3) In order to create a subdivision based on an exemption from the requirement for approval set out in any of the clauses in subsection (2), except clause (b), a document that

(a) specifies the intent to create the subdivision, the exemption on which the subdivision is based and the facts that entitle the subdivision to the exemption; and

(b) provides proof of the consent of the person entitled to create the subdivision,

must be registered or recorded in the registry.

5 Subsection 279(1) of Chapter 39 is amended by

(a) **adding** “are contiguous, are parcels registered pursuant to the *Land Registration Act* and” **immediately after “that” in the first line;**

(b) **striking out “appropriate registry of deeds or records a statutory declaration in the land registration office” in the fourth and fifth lines and substituting “parcel registers for the lots”;** and

(c) **striking out “, the present description of the lots including any property identifiers assigned by Service Nova Scotia and Municipal Relations and the description of the consolidated single lot” in the last three lines.**

6 Chapter 39 is further amended by adding immediately after Section 279 the following Section:

279A The Registrar General appointed pursuant to the *Land Registration Act* may validate a subdivision that is not in compliance with the subdivision approval or exemption requirements of this Part, if the affected lots are parcels registered pursuant to the *Land Registration Act* and it would not be practicable to rectify, repeal or nullify the subdivision.
