



BILL NO. 169

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

An Act to Amend Chapter 156 of the Revised Statutes, 1989, the Expropriation Act

CHAPTER 29
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

The Honourable Mark Furey
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 156
of the Revised Statutes, 1989,
the Expropriation Act**

Be it enacted by the Governor and Assembly as follows:

1 Subsection 2(1) of Chapter 156 of the Revised Statutes, 1989, the *Expropriation Act*, is amended by adding “reasonably” immediately after “be” in the second line.

2 Subsection 3(1) of Chapter 156, as amended by Chapter 11 of the Acts of 1992, Chapter 19 of the Acts of 1995-96, Chapter 6 of the Acts of 2001, Chapter 16 of the Acts of 2006 and Chapter 4 of the Acts of 2017, is further amended by

(a) striking out “or “Supreme Court” means the Trial Division of the Supreme Court and includes a judge thereof whether sitting in court or in chambers” in the second to fourth lines of clause (b) and substituting “means the Supreme Court of Nova Scotia”; and

(b) adding immediately after clause (i) the following clause:

(ia) “occupation” means actual physical occupation;

3 Subsection 17(5) of Chapter 156 is amended by striking out “Appeal Division of the Supreme Court” in the second line and substituting “Nova Scotia Court of Appeal”.

4 Chapter 156 is further amended by adding immediately before Section 24 the following Section:

23A In this Part, “disturbance” means pecuniary losses actually incurred by an owner by reason of having to vacate the expropriated land.

5 (1) Subsection 36(1) of Chapter 156 is amended by striking out “Where” in the first line and substituting “Subject to Part VA, where”.

(2) Subsection 36(4) of Chapter 156 is amended by striking out “If” in the first line and substituting “Subject to Part VA, where”.

6 Subsection 47(1) of Chapter 156, as amended by Chapter 19 of the Acts of 1995-96, is further amended by striking out “The Board” in the first line and substituting “Subject to Part VA, the Board”.

7 Subsection 52(2) of Chapter 156, as enacted by Chapter 19 of the Acts of 1995-96, is amended by adding “, where part of the land of an owner has been acquired,” immediately after “affected” in the third line.

8 Subsection 53(1) of Chapter 156 is amended by adding “, but in no case is interest to be awarded for any period prior to the date the expropriation documents are deposited in the registry of deeds” immediately after “lands” in the seventh line.

9 Chapter 156 is further amended by adding immediately after Section 65 the following Part:

PART VA

SUPREME COURT OF NOVA SCOTIA

65A (1) Where an owner claims injurious affection within the meaning of subclause 3(1)(h)(ii) and the parties have not agreed on the amount of compensation,

(a) no claim may be brought before the Board to determine compensation;

(b) the statutory authority or the owner may initiate proceedings before the Court for an order determining compensation; and

(c) the Court has exclusive jurisdiction to determine all matters relating to the proceedings, including liability, compensation, interest on outstanding compensation and costs.

(2) Where a party initiates proceedings under subsection (1), the practice and procedure of the Court applies *mutatis mutandis* to the proceedings.

65B (1) Notwithstanding Section 65A, where proceedings before the Board for a determination of compensation for claims of injurious affection within the meaning of subclause 3(1)(h)(ii) have been commenced before June 1, 2019, but not completed, the Board shall determine compensation in accordance with Part V.

(2) For the purpose of subsection (1), proceedings before the Board are commenced when either party serves a notice of hearing upon the other of them or upon the Board to have the compensation determined by the Board.

10 Nothing in this Act affects proceedings before the Board that have been completed before this Act receives Royal Assent.

11 This Act has effect on and after June 1, 2019.
