



BILL NO. 149

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

An Act Respecting Certain Financial Measures

CHAPTER 4
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 2022**

The Honourable Allan MacMaster
Minister of Finance and Treasury Board

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

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An Act Respecting Certain Financial Measures

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Financial Measures (2022) Act*.

PART I

CANADIAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

2 Subsection 9(1) of Chapter 23 of the Acts of 2018, the *Canadian Free Trade Agreement Implementation Act*, is repealed and the following subsection substituted:

(1) The Governor in Council may appoint any person to a dispute resolution panel roster established under the Agreement.

PART II

INCOME TAX ACT

3 Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, is amended by adding immediately after Section 38B the following heading and Section:

Subdivision kc - Children's Sports and Arts Tax Credit

38C (1) In this Section,

(a) "artistic, cultural, recreational or developmental activity" means a supervised activity, other than a physical activity, that is suitable for children and

(i) is intended to contribute to a child's ability to develop creative skills or expertise, acquire and apply knowledge, or improve dexterity or coordination, in an artistic or cultural discipline including

- (A) literary arts,
- (B) visual arts,
- (C) performing arts,
- (D) music,
- (E) media,
- (F) languages,
- (G) customs, and
- (H) heritage,

- (ii) provides a substantial focus on wilderness and the natural environment,
 - (iii) assists with the development and use of intellectual skills, or
 - (iv) includes structured interaction among children where supervisors teach or assist children to develop interpersonal skills;
- (b) “eligible expense” in respect of a qualifying child of an individual for a taxation year means the amount of a fee paid to a qualifying entity, other than an amount paid to a person who is, at the time the amount is paid, the individual’s spouse or common-law partner or another individual who is under the age of 18 years, to the extent that the fee is attributable to the cost of registration or membership of the qualifying child in an eligible program or membership in an eligible organization and, for this purpose, that cost
- (i) includes the cost to the qualifying entity of the program in respect of its administration, instruction, rental of required facilities, and uniforms and equipment that are not available to be acquired by a participant in the program for an amount less than their fair market value at the time, if any, they are so acquired, and
 - (ii) does not include
 - (A) the cost of accommodation, travel, food or beverages,
 - (B) any amount deductible in computing any person’s income for any taxation year, or
 - (C) any amount included in computing a deduction from any person’s tax payable under any Part of this Act, for any taxation year;
- (c) “eligible program” means a program of artistic, cultural, recreational or developmental activity or physical activity that is any of the following:
- (i) a weekly program of a duration of six or more consecutive weeks in which all or substantially all of the activities include a significant amount of artistic, cultural, recreational or developmental activity or physical activity,
 - (ii) a program of a duration of five or more consecutive days in which more than 50% of the daily activities include a significant amount of artistic, cultural, recreational or developmental activity or physical activity,
 - (iii) a program of a duration of eight or more consecutive weeks offered to children by an organization in circumstances where a participant may select from a variety of activities offered as part of the program, and

(A) more than 50% of the activities offered to children include a significant amount of artistic, cultural, recreational or developmental activity or physical activity, or

(B) more than 50% of the time scheduled for the activities offered to children is for activities that include a significant amount of artistic, cultural, recreational or developmental activity or physical activity;

(d) “organization” means a club, association or similar organization;

(e) “physical activity” means a supervised activity suitable for children, other than an activity where a child rides on or in a motorized vehicle as an essential component of that activity, that

(i) in the case of a qualifying child in respect of whom an amount is deductible under section 118.3 of the Federal Act in computing any individual’s income for the taxation year, results in movement and in an observable expenditure of energy in a recreational context, and

(ii) in the case of any other qualifying child, contributes to cardio-respiratory endurance and to one or more of the following:

(A) muscular strength,

(B) muscular endurance,

(C) flexibility,

(D) balance;

(f) “qualifying child” in respect of an individual for a taxation year means a child of the individual who is under 19 years of age at the end of the taxation year;

(g) “qualifying entity” means a person or partnership that offers one or more eligible programs of artistic, cultural, recreational or developmental activity or physical activity.

(2) An individual who

(a) is resident in the Province at the end of the taxation year;

(b) files a return of income for a taxation year; and

(c) makes a claim under this Section,

is considered to have paid, at the end of the year, on account of tax payable under this Section for the year, an amount equal to the amount determined by the formula

$$A \times B$$

where

A is the appropriate percentage for the year;

B is the total of all amounts each of which is, in respect of an individual for the year, the lesser of \$500 and the amount determined by the formula

$$C - D$$

where

C is the total of all amounts each of which is an amount paid in the taxation year by the individual, or by the individual's spouse or common-law partner, that is an eligible expense for an artistic, cultural, recreational or developmental activity or a physical activity in respect of the qualifying child of the individual; and

D is the total of all amounts that any individual is or was entitled to receive, each of which relates to an amount included in computing the value of C in respect of the qualifying child, that is the amount of a reimbursement, allowance or any other form of assistance, other than an amount that is included in computing the income for any taxation year of that individual and that is not deductible in computing the taxable income of that individual.

(3) Where more than one individual is entitled to a deduction under subsection (2) in respect of the same qualifying child,

(a) the total of all amounts so deductible for the year shall not exceed the maximum amount that would be so deductible for the year by any one of those individuals for that qualifying child if that individual were the only individual entitled to deduct an amount for the year because of that subsection for the qualifying child; and

(b) where the individuals cannot agree as to what portion of the amount each can so deduct, the Minister may fix the portions.

(4) An individual who becomes bankrupt in a calendar year is entitled to claim, for each taxation year that ends in the calendar year, only the amounts that the individual is entitled to claim for the taxation year, except that the sum of all amounts that may be claimed under this Section for all taxation years of the individual ending in the calendar year shall not exceed the total amount that the individual would have been entitled to claim in respect of the calendar year if the individual had not become bankrupt.

(5) An individual who is resident in Canada for only part of a taxation year is entitled to claim for the year only the amount the individual would be entitled to claim for the year under this Section that can reasonably be considered wholly applicable to any period in the year throughout which the individual was resident in Canada, computed as though that period were the whole taxation year, except that the amount that may be claimed under this Section shall not exceed the amount that the individual would have been entitled to claim under this Section if the individual had been resident in Canada throughout the year.

(6) For the purpose of the definition of "physical activity", horseback riding is considered to be an activity that contributes to cardio-respiratory endurance and to one or more of muscular strength, muscular endurance, flexibility and balance.

- (7) The Governor in Council may make regulations
- (a) establishing criteria to define eligible programs and qualified entities;
 - (b) defining, expanding or restricting the meaning of any word or expression used but not defined in this Section;
 - (c) respecting any other matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Section.
- (8) A regulation made pursuant to this Section may be made retroactive to a day not earlier than January 1, 2022.

4 (1) Subsection 80(1) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 3 of the Acts of 2010, is further amended by adding immediately after clause (a) the following clauses:

- (aa) establishing a refund of tax for individuals in prescribed skilled occupations;
- (ab) prescribing the eligibility criteria and payment amounts for the refund established under clause (aa);

(2) Section 80 of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 3 of the Acts of 2010, is further amended by adding immediately after subsection (3) the following subsection:

- (3A) A regulation made pursuant to clause (1)(aa) or (ab) may be made retroactive to a day not earlier than January 1, 2022.

PART III

MEMBERS' RETIRING ALLOWANCES ACT

5 Section 2 of Chapter 282 of the Revised Statutes, 1989, the *Members' Retiring Allowances Act*, as amended by Chapter 29 of the Acts of 1993, Chapter 39 of the Acts of 2011 and Chapter 34 of the Acts of 2014, is further amended by

(a) adding immediately after clause (f) the following clause:

- (fa) "designated beneficiary" means the person or organization a member has designated as a beneficiary with the administrator of the Registered Plan;

and

(b) relettering clause (ja) as clause (jaa) and adding immediately before that clause the following clause:

- (ja) "personal representative" has the same meaning as in the *Probate Act*;

6 (1) Clause 14(1)(f) of Chapter 282 is repealed and the following clause substituted:

(f) a refund of the contributions paid by the member, at the option of the member or, if deceased, the member's spouse or, where there is no spouse, the member's designated beneficiary or, where there is no designated beneficiary, the member's personal representative, in accordance with Section 16.

(2) Clause 14(3)(f) of Chapter 282, as enacted by Chapter 36 of the Acts of 2014, is amended by adding “, the person's designated beneficiary or, where there is no designated beneficiary” immediately after “spouse” in the third line.

7 Chapter 282 is further amended by adding immediately after Section 15 the following Section:

15A Notwithstanding Section 15 and recommendation MRA R 89-4 of the report dated the twenty-fourth day of November, 1989, made by the Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials, a member who was born in the month of December and is otherwise entitled to an allowance pursuant to this Act must be paid such allowance or allowances no later than the last day of the year in which the member turns seventy-one years of age.

8 (1) Clause 16(1)(b) of Chapter 282 is repealed and the following clause substituted:

(b) be paid to the person's designated beneficiary or, where there is no designated beneficiary, the person's personal representative if the person dies before serving ten years or where having served ten years and upwards the person is not survived by a spouse, child or dependant to whom an allowance is payable under Section 13;

(2) Clause 16(3)(b) of Chapter 282 is amended by

(a) adding “, the designated beneficiary of the member or, where there is no designated beneficiary” immediately after “spouse” in the second line; and

(b) adding “, designated beneficiary” immediately after “spouse” in the fourth line.

(3) Clause 16(3)(c) of Chapter 282 is repealed and the following clause substituted:

(c) be paid to the person's designated beneficiary or, where there is no designated beneficiary, the person's personal representative if the person dies and is not survived by a spouse, child or dependant to whom an allowance is payable pursuant to Section 13 or 14; or

9 Section 17 of Chapter 282, as enacted by Chapter 29 of the Acts of 1993, is amended by adding “to the designated beneficiary of the member or, where there is no designated beneficiary,” immediately after “paid” in the eleventh line.

PART IV

NON-RESIDENT DEED TRANSFER AND PROPERTY TAXES ACT

10 The Schedule, the *Non-resident Deed Transfer and Property Taxes Act*, comes into force as provided in the Schedule.

SCHEDULE

**An Act to Provide for a Deed Transfer Tax
and a Property Tax
Respecting Non-residents of Nova Scotia**

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Non-resident Deed Transfer and Property Taxes Act*.
- 2** In this Act,
- (a) “Administrator” means a person appointed under Section 21 by the Minister to administer this Act;
 - (b) “assessed owner” means the owner of a residential property according to the records of the Property Valuation Services Corporation;
 - (c) “assessed value” means the assessed value of a residential property pursuant to the assessment roll under the *Assessment Act*;
 - (d) “corporation” includes
 - (i) a corporation limited by shares,
 - (ii) a non-profit society or corporation,
 - (iii) a co-operative association or other incorporated co-operative,
 - (iv) a registered charity that is incorporated or otherwise considered a legal person capable of owning real property, and
 - (v) any other body corporate that is prescribed as a corporation by the regulations or that meets the criteria prescribed in the regulations;
 - (e) “Court” means the Supreme Court of Nova Scotia;
 - (f) “deed transfer tax” means the tax levied under Section 4;
 - (g) “dwelling unit” means a dwelling unit as defined in the *Municipal Government Act*;
 - (h) “Minister” means the Minister of Finance and Treasury Board;
 - (i) “non-resident” means an individual or corporation that is not a resident of the Province;
 - (j) “notice of assessment” means a notice of assessment of tax made under this Act and includes a tax bill issued under Section 10;
 - (k) “owner’s declaration form” means the form referred to in Section 12;
 - (l) “ownership interest” means an owner’s interest in a residential property determined under Section 3;
 - (m) “prescribed” means prescribed by the regulations;
 - (n) “Property Valuation Services Corporation” means the Property Valuation Services Corporation established by the *Property Valuation Services Corporation Act*;

- (o) “proof of Nova Scotia residence” means
 - (i) a Nova Scotia health card,
 - (ii) a Nova Scotia driver’s license, or
 - (iii) proof of residence acceptable to the Administrator;
- (p) “property tax” means the tax levied under Section 8;
- (q) “registered charity” means a charitable organization that is registered as such with the Canada Revenue Agency;
- (r) “residence status” means a person’s status as a non-resident or resident of the Province;
- (s) “resident of the Province” means
 - (i) an individual who is a resident of the Province for income tax purposes, or
 - (ii) a corporation that has
 - (A) its central management and control in the Province,
 - (B) 50% or more of its directors who are individuals falling under subclause (i),
 and
 - (C) fulfils one of the following criteria:
 - (I) if the corporation is limited by shares, 50% or more of its issued and outstanding shares, determined by number of votes or as a percentage of fair market value, are owned by persons falling under subclause (i), whether such ownership is direct, indirect or beneficial,
 - (II) if the corporation consists of members, 50% or more of the members are persons falling under subclause (i), or
 - (III) if the corporation has neither shares nor members, the corporation meets the prescribed requirements, if any;
- (t) “residential property” means property that is
 - (i) classified as residential property under the *Assessment Act* and has no more than three dwelling units, or
 - (ii) of such other classification as may be prescribed;
- (u) “sale price” means the sale price as defined in the *Municipal Government Act*;
- (v) “taxable property” has the meaning set out in Section 7;
- (w) “taxation year” means April 1st to March 31st;
- (x) “taxes” means the deed transfer tax and the property tax.

3 (1) A person’s ownership interest in residential property must be determined in accordance with this Section.

- (2) Where two or more owners each hold an interest in a residential property,
 - (a) owners who are joint tenants are considered to have equal interests; and
 - (b) owners who are tenants in common are considered to have one of the following, as applicable:
 - (i) the interest specified on the parcel register where the residential property is registered under the *Land Registration Act* or on the title instrument; or
 - (ii) where no interest is specified under subclause (i), equal interests.

(3) Where a residential property is held in a trust, the beneficiaries are considered to have an ownership interest in the residential property in proportion to their beneficial interest in the trust unless

- (a) the trustee or settlor, or a person related to either of them, has the power to revoke the trust; or

(b) the trustee or settlor, or a person related to either of them, has the power to add or change the beneficiaries of the trust.

(4) Where clause (3)(a) or (b) applies, the Administrator may consider an ownership interest to be held by a person who has the power to revoke the trust or add or change the beneficiaries of the trust, and may determine the amount of the ownership interest held by that person.

(5) Subject to subsection (6), where a residential property is held in a trust, the Administrator may consider the ownership interest to be held by the trustee, beneficiary or settlor and may determine the percentage amount of the ownership interest, depending on

(a) whether the residential property was acquired in or transferred to a trust in order to avoid taxation under this Act; and

(b) any other circumstances the Administrator considers relevant.

(6) The total of the percentage of ownership interests owned in a residential property for the purpose of this Act may not exceed 100%.

DEED TRANSFER TAX

4 Every person who on or after April 1, 2022, tenders for registration in the Province a deed in respect of residential property that grants an ownership interest of greater than 50% to one or more non-residents shall, before the deed is registered, pay to the Minister a deed transfer tax of five per cent of the greater of

(a) the sale price; and

(b) the assessed value of the residential property.

5 (1) The deed transfer tax does not apply if a deed or instrument transfers residential property

(a) between spouses or common law partners;

(b) between former spouses or common law partners, if the transfer is for the purpose of division of marital or jointly held assets;

(c) under an agreement of purchase and sale entered into before April 1, 2022;

(d) to a foreclosing mortgagee;

(e) from an executor to a beneficiary under a will, where the beneficiary is a spouse, common-law spouse, child, grandchild, parent or sibling of the testator or a child or grandchild of the testator's spouse or common-law spouse;

(f) from an administrator of an estate to a person entitled to the estate under the *Intestate Succession Act* or the intestacy laws of another jurisdiction; or

(g) to a grantee who is a non-resident individual who intends to become a resident of the Province within six months of the date the property is transferred and files an affidavit to that effect.

(2) The deed transfer tax does not apply if

(a) the deed merely confirms, corrects, modifies or supplements a deed previously given;

(b) there is no consideration beyond one dollar; and

(c) the deed does not include more residential property than the deed previously given.

- (3) Where the grantee is a registered charity, the deed transfer tax does not apply if
- (a) the residential property is not to be used for any commercial, industrial or other business purpose and if an officer of the grantee makes and files a declaration to that effect; and
 - (b) any other prescribed conditions are met.

(4) The deed transfer tax does not apply in such other circumstances as may be prescribed.

(5) A grantee who claims an exemption from the deed transfer tax under clause (1)(g) must provide proof of Nova Scotia residence to the Administrator within six months of the date the residential property was transferred to the grantee.

(6) Where proof is not provided under subsection (5) within the time required by that subsection, the Administrator shall assess the grantee for the deed transfer tax and interest calculated at the prescribed rate from the date of transfer and may assess a penalty as prescribed.

(7) Where a grantee claimed an exemption from the deed transfer tax under clause (1)(g) and the grantee will no longer become a resident of the Province within the time required under that clause, the grantee

- (a) shall notify the Administrator by filing the required form; and
- (b) may request an extension of the time period for the tax exemption set out in clause (1)(g), based on extenuating circumstances that have occurred since the time of the transfer.

(8) Where a grantee makes a request pursuant to clause (7)(b), the Administrator may, in the Administrator's sole discretion, grant an extension of the time period in clause (1)(g), taking into account any extenuating circumstances outlined in the grantee's request.

(9) Where the Administrator has reason to believe an ownership interest in residential property of greater than 50% was granted to one or more non-residents, and none of the exemptions under subsections (1) to (4) are applicable, the Administrator may assess the grantee for

- (a) the deed transfer tax;
- (b) interest at the prescribed rate; and
- (c) a penalty determined in accordance with the regulations, which may not exceed 100% of the tax,

and these amounts become due and payable by the grantee.

(10) Where the Administrator makes an assessment under subsection (6) or (9), the Administrator shall send a notice of the assessment to the grantee and the grantee shall pay the assessed amounts by the due date shown on the notice of assessment.

(11) Where there is more than one grantee, the grantees are jointly and severally liable for the deed transfer tax, the interest and any penalty.

6 (1) Every person who tenders a deed in respect of real property shall, prior to registering the deed, provide the information required by the Administrator to determine whether the deed transfer tax applies to the transfer.

(2) Notwithstanding the *Registry Act*, a registrar of deeds may not accept a deed for registration unless the deed contains all the information required by the Administrator.

(3) Every person who tenders a deed in respect of residential property shall file a form and, where required, an affidavit made by the grantee or by someone having full knowledge of the facts setting out

- (a) the name and address of each grantee;

- (b) where there is more than one grantee, the percentage ownership interest of each grantee;
- (c) where a grantee is an individual,
 - (i) the grantee's social insurance number, if any,
 - (ii) whether the individual is a resident of the Province for income tax purposes, or whether the individual intends to become a resident of the Province within the next six months, and
 - (iii) any other prescribed information required to determine the grantee's residency status;
- (d) where the grantee is a corporation,
 - (i) the corporation's business number, if any, and
 - (ii) any prescribed information required to determine the corporation's residency status;
- (e) where the grantee is acting as a trustee who will be holding the property in trust for one or more others, any prescribed information required to determine the residency status of the trustees, the beneficiaries and the settlor of the trust;
- (f) where the grantee claims exemption from the deed transfer tax, the basis for the exemption;
- (g) any other information required by the Administrator or the Minister; and
- (h) any other prescribed information.

(4) A form or affidavit required under subsection (3) must be filed in a form and manner acceptable to the Administrator.

(5) Where the Administrator has reason to believe that any of the information on the affidavit is not accurate or missing, the Administrator may require the grantee to submit further information.

PROPERTY TAX

7 A residential property is a taxable property if the aggregate of ownership interests held by one or more non-resident persons is greater than 50%.

8 (1) Commencing April 1, 2022, a property tax is payable to the Minister in each taxation year on all taxable property in accordance with the following formula:

$$TR \times AV - E$$

where

TR is the prescribed property tax rate for the residential property class in which the taxable is classified;

AV is the assessed value of the taxable property; and

E is the amount of any exemption determined under Section 9.

(2) Where residential property is only taxable property for a portion of the year, the property tax is pro-rated accordingly.

9 (1) A residential property that would otherwise be considered a taxable property is exempt from the property tax if

- (a) the property is leased for a continuous period of not less than 12 months to a tenant who is an individual;

- (b) the tenant pays an amount of rent pursuant to a lease that is reasonable in the opinion of the Administrator or as prescribed; and

- (c) the property is where the tenant habitually resides.
- (2) Where the exemption in subsection (1) applies, the owner shall provide to the Administrator
- (a) a copy of the lease; and
 - (b) any other information or records, including bank records, required by the Administrator.
- (3) Where a residential property has more than one dwelling unit and not all the units are leased, the exemption is pro-rated as prescribed.
- (4) Where a person is entitled to an exemption from the deed transfer tax under clause 5(1)(g), and complies with subsection 5(5), the property tax does not apply for the six-month period referred to in clause 5(1)(g).
- (5) The property tax does not apply in such other circumstances as may be prescribed.

- 10** (1) The Administrator shall annually send by mail or electronic mail to the assessed owner of taxable property a tax bill in such form as is approved by the Administrator and specifying
- (a) the residential property to which it applies;
 - (b) the amount of property tax payable for the billing period;
 - (c) the date on which the property tax is due and payable; and
 - (d) the amount of any unpaid property taxes, interest and penalties for any previous billing period.
- (2) Where there is more than one assessed owner and the Administrator is notified in writing that one of them is designated to receive tax bills for the taxable property, the Administrator shall send the tax bills to
- (a) the designated owner; or
 - (b) where no owner is designated, to the owner determined by the Administrator.
- (3) Where a residential property becomes or ceases to be a taxable property partway through a taxation year as a result of a transfer of ownership or a change in the owner's residency status, the Administrator may send a revised bill or issue a refund, as required.

- 11** (1) An assessed owner shall pay the property tax for which the owner is billed when due and as prescribed.
- (2) Notwithstanding subsection (1), the Administrator may at any time extend the due date specified in a tax bill.
- (3) Every person who has an ownership interest in a taxable property is jointly and severally liable for the property tax, the interest and any penalty.

- 12** (1) The Administrator may require owners of residential property to submit information, and declare the truth of the information in the form determined by the Administrator, for the purpose of determining
- (a) whether a property is a taxable property;
 - (b) the residence status of the owners; and
 - (c) whether the owners are entitled to an exemption from the property tax.
- (2) The Administrator may require the owner's declaration form to include
- (a) proof of Nova Scotia residence;

- (b) the owner's social insurance number;
- (b) where the owner claims the exemption in Section 9, the information required under that Section or the regulations; and
- (c) other information to support any exemption claimed by the owner.

(3) Where requested by the Minister, the Property Valuation Services Corporation shall send owner's declaration forms to owners of residential property.

(4) Every owner of residential property who receives an owner's declaration form shall complete and submit the form along with required supporting documentation by the date indicated on the form.

(5) The Administrator shall, based on the owner's declaration form and supporting documentation, determine whether

- (a) the property is a taxable property;
- (b) the owner is a resident of the Province or a non-resident; and
- (c) an exemption from the property tax applies.

(6) Where a person does not submit the owner's declaration form within the required time, the Administrator may presume the person is a non-resident.

13 (1) Where a person receives municipal property tax bills at an address outside the Province, the person is presumed to be a non-resident unless the person provides proof of Nova Scotia residence.

(2) Where an affidavit has been filed pursuant to subsection 6(2) stating that a person is a non-resident, the person is presumed to continue to be a non-resident unless the person provides proof of Nova Scotia residence.

(3) In the absence of evidence to the contrary, the Administrator may presume that a person's residency status for a taxation year has not changed since December 31st of the immediately preceding taxation year.

14 (1) A resident of the Province who becomes a non-resident and continues to own, alone or with other non-residents, an ownership interest of greater than 50% in a residential property shall notify the Administrator of

- (a) the change in the person's residence status; and
- (b) whether an exemption is claimed for the property tax,

within 90 days of the date of the change in residence status by submitting a form approved by the Administrator and any proof to support the exemption claimed as required by the Administrator.

(2) Where a person becomes a non-resident and continues to own, alone or with others, an ownership interest of greater than 50% in residential property, the property tax does not apply if

- (a) the property is listed for sale within 90 days of the person becoming a non-resident; and
- (b) the property is sold to a resident of Nova Scotia within six months of the person becoming a non-resident.

(3) Where it comes to the Administrator's attention that a person described in subsection (1) has become a non-resident and has not submitted the required form, the Administrator may request such further information as the Administrator requires, and the person shall submit the information.

(4) Where

(a) the information requested under subsection (3) is not provided or the information provided is insufficient; and

(b) the Administrator is of the opinion that the person has become a non-resident of the Province,

the property becomes a taxable property on the date the Administrator determines that the person has become a non-resident of the Province.

(5) Where the Administrator has reason to believe an ownership interest in residential property of greater than 50% has vested in one or more non-residents, and none of the exemptions under subsection (2) or 9(1) are applicable, the Administrator may assess the owners for

(a) the property tax;

(b) interest as prescribed; and

(c) a penalty as prescribed, which may not exceed 100% of the tax,

and these amounts become due and payable by the owners.

15 Where a person who is a non-resident becomes a resident of the Province and as a result, residential property held by the person is no longer considered taxable property, the person shall notify the Administrator of the change in the person's residence status by submitting a form approved by the Administrator and providing proof of Nova Scotia residence.

GENERAL

16 (1) All taxes levied by the Minister under this Act are overdue if unpaid, either in whole or in part, on the due date shown on the notice of assessment.

(2) Where taxes are not paid in full by the due date,

(a) interest must be paid on such taxes as prescribed; and

(b) a penalty may be charged as prescribed.

(3) Subject to subsection (4), the tax collectable by the Administrator under this Act includes all interest and penalties charged against the taxes.

(4) Interest ceases to accrue on taxes as of the date the person liable to pay the tax files an assignment in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada).

17 An amount owing under this Act is a debt due to the Province and may be recovered in any court of competent jurisdiction.

18 (1) Where a person fails to pay an amount owing to the Province under this Act, the Administrator may issue a certificate specifying the amount owed and the name of the person who owes it.

(2) The Administrator may file a certificate issued under subsection (1) with the Court.

(3) A certificate filed under subsection (2) has the same force and effect, and all proceedings may be taken under the certificate, as if it were a judgment of the Court in favour of the Province for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

(4) Where the amount specified in a certificate is different from the actual amount owing to the Province under this Act, the Administrator may issue a new certificate specifying the certificate it replaces, the amount owed and the name of the person who owes it.

(5) The Administrator may file a certificate issued under subsection (4) with the Court.

- (6) A certificate filed under subsection (5)
- (a) replaces the certificate filed under subsection (2);
 - (b) is deemed to be filed at the same time as the certificate it replaces; and
 - (c) has the same force and effect, and all proceedings may be taken under the certificate, as if it were a judgment of the Court in favour of the Province for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.

19 (1) Remedies available to the Province for the recovery of an amount owing to the Province under this Act may be exercised separately, concurrently or cumulatively.

(2) The liability of a person for an amount owing to the Province under this Act is not affected by a penalty imposed on or paid by the person for contravention of this Act.

20 (1) Where a person is required to pay an amount to the Province under this Act in respect of a residential property and the person does not pay the amount, the Administrator may register a lien against the residential property or any other real property owned by the person in the Province by registering a certificate of lien in the prescribed form in the appropriate land registration office under the *Land Registration Act* or the *Registry Act*.

(2) The lien referred to in subsection (1) is not a charge against the land until a certificate of lien is registered under the *Land Registration Act* or the *Registry Act*.

21 (1) The Minister shall appoint a person or persons in the public service to be the Administrator to administer this Act.

(2) The Administrator may, in writing, delegate any of the Administrator's powers or duties under this Act to a person or to a class of persons.

22 (1) The Property Valuation Services Corporation shall provide to the Administrator access to all information required by the Administrator in relation to the administration of this Act.

(2) The Minister may enter into an information-sharing agreement for the purpose of the administration of this Act with

- (a) the Minister of Service Nova Scotia and Internal Services;
- (b) the Minister of Municipal Affairs and Housing;
- (c) the Government of Canada or a department or agency of that government;
- (d) a public body as defined in the *Freedom of Information and Protection of Privacy Act*; or
- (e) the Property Valuation Services Corporation.

- 23 (1)** Subject to this Section, an appeal to the Minister lies from any decision made under
- (a) subsections 3(3), 5(8) and (9), 12(5) and (6) and 14(4) and (5) and Section 26;
 - (b) any other provision of this Act that the regulations provide may be appealed to the Minister; and
 - (c) any provision of the regulations that the regulations provide may be appealed to the Minister.

(2) Written notice of the appeal must be given to the Minister within 180 days after the date of the notice of assessment or the determination, as the case may be.

(3) The notice of appeal must contain a statement of all material facts and the reasons in support of the appeal.

- (4) On receiving the notice of appeal, the Minister shall
- (a) consider the matter;
 - (b) affirm, amend or change the assessment or determination, as the case may be;
- and
- (c) promptly give the appellant written notice of the Minister's decision.

(5) The Minister may, in writing, delegate any of the Minister's powers or duties under this Section to a person or class of persons.

24 A decision of the Minister under Section 23 may be appealed to the Court within 30 days of the Minister's decision.

25 (1) A notice of assessment or other document that, under this Act, is required or permitted to be given or sent to a person by the Administrator, the Minister or the Property Valuation Services Corporation may be sent

- (a) by mail to the person's most recent address in the records of the Minister, the Administrator, the Property Valuation Services Corporation, or a register under the *Land Registration Act*, and the person is deemed, in the absence of evidence to the contrary, to have received it not later than the fifth day after mailing; or

- (b) by electronic mail, if the person has provided an address for electronic mail to the Administrator, and the person is deemed, in the absence of evidence to the contrary, to have received it on the day it was sent.

(2) Where there is more than one owner of a residential property, a notice or other document that, under this Act, is given or sent to one of the owners is deemed to have been given or sent to all of them.

(3) Where the Administrator cannot ascertain the address of a person in whose name a tax has been assessed pursuant to this Act, the assessment may be delivered or posted as prescribed.

26 (1) In this Section,

- (a) "avoidance transaction" means a transaction

- (i) that, but for this Section, would result, directly or indirectly, in a tax benefit, or

- (ii) that is part of a series of transactions, which series, but for this Section, would result, directly or indirectly, in a tax benefit,

but does not include a transaction that may reasonably be considered to have been undertaken or arranged primarily for bona fide purposes other than for the purpose of obtaining a tax benefit;

- (b) "tax benefit" means

- (i) a reduction, avoidance or deferral of tax, or of another amount, payable under this Act, or

- (ii) an increase in a refund of tax, or of another amount, under this Act;

- (c) "tax consequences", in relation to a person, means any amount of tax or another amount that is payable or refundable to the person under this Act or that is relevant for the purposes of calculating that amount;

- (d) "transaction" includes an arrangement or event.

(2) In this Section, a series of transactions is deemed to include any related transactions completed in contemplation of the series.

(3) Where a transaction is an avoidance transaction, the Administrator may, by assessment, determine the tax consequences to a person who is an owner of a residential property in a manner that is reasonable in the circumstances in order to deny a tax benefit that, but for this Section, would result, directly or indirectly, from that transaction or from a series of transactions that includes that transaction.

- 27 (1) The Minister may make regulations
- (a) prescribing forms for the purpose of this Act;
 - (b) providing for the extension of any deadline referred to in this Act.
- (2) The Governor in Council may make regulations
- (a) governing the application of this Act;
 - (b) prescribing those matters that are required or permitted to be prescribed;
 - (c) respecting the procedures and forms to be used by the Administrator in the billing and collection of taxes;
 - (d) respecting audit powers and procedures;
 - (e) providing for the Minister to enter into agreements with agents related to the billing and collecting of the taxes;
 - (f) setting property tax rates;
 - (g) determining different classifications of residential properties;
 - (h) respecting refunds of taxes;
 - (i) respecting proration of taxes;
 - (j) respecting appeals;
 - (k) exempting from the deed transfer tax any class of person, instrument or transaction;
 - (l) respecting prepayment and instalment payment of taxes;
 - (m) respecting the collection and payment of taxes by a mortgagee, judgment creditor or other person having a lien, charge or encumbrance on the taxable property;
 - (n) respecting due dates for taxes under this Act;
 - (o) providing for procedures for adjustments and repayments of taxes;
 - (p) respecting affidavits required to be filed under this Act;
 - (q) prescribing a rate of interest to be applied to unpaid taxes;
 - (r) respecting the amount and application of any penalties that may be charged pursuant to this Act, and the waiver of any such amounts;
 - (s) prescribing forms for the better carrying out of the intent and purpose of this Act;
 - (t) defining any word or expression used but not defined in the Act;
 - (u) respecting any matter or thing that the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) A regulation made pursuant to this Act may be made retroactive to a date not earlier than the coming into force of this Act.

(3) The exercise by the Minister or the Governor in Council of the authority contained in this Section is a regulation within the meaning of the *Regulations Act*.

CONSEQUENTIAL AMENDMENTS

28 Section 4 of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, is amended by adding “provincial and” immediately after “which” in the third line.

29 Subsection 62(2) of Chapter 23 is amended by adding “, the Administer appointed under the *Non-resident Deed Transfer and Property Taxes Act*” immediately after “ratepayer” in the first line.

30 Section 3 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, as amended by Chapters 16 and 64 of the Acts of 2010, Chapter 4 of the Acts of 2011, Chapter 63 of the Acts of 2012, Chapter 13 of the Acts of 2017, Schedule A of Chapter 1 of the Acts of 2018 and Chapters 9 and 17 of the Acts of 2018, is further amended by adding immediately after clause (ay) the following clause:

(aya) “provincial property taxes” means property taxes and associated interest and penalties assessed under the *Non-resident Deed Transfer and Property Taxes Act*;

31 Subsection 149(6) of Chapter 39 is amended by striking out subclause (e)(ii) and substituting the following subclause:

(ii) the person pays the taxes, interest and allowance for expenses paid by the Minister of Natural Resources and Renewables and any provincial property taxes.

32 Section 151 of Chapter 39 is amended by adding immediately after subsection (2) the following subsection:

(3) The tax sale list must be provided to the Minister of Finance and Treasury Board.

33 Subsection 158(2) of Chapter 39 is repealed and the following subsections substituted:

(2) Where no bid is received for land sufficient to satisfy the full amount of the taxes, interest and expenses and the amount of provincial property taxes due in respect of the land, the Treasurer may bid the amount of the taxes, interest and expenses and provincial property taxes and purchase the land for the Municipality.

(2A) Where the Treasurer’s bid price includes unpaid provincial property taxes, the Municipality shall remit the unpaid provincial property taxes to the Minister of Finance and Treasury Board.

34 Subsection 161(1) of Chapter 39 is amended by

(a) striking out “and” immediately after clause (a);

(a) adding immediately after clause (a) the following clause:

(aa) secondly, to the Minister of Finance and Treasury Board to payment of any provincial property taxes owing with respect to the land;

and

(b) striking out “secondly” in the first line of clause (b) and substituting “thirdly”.

35 Subsection 170(1) of Chapter 39 is amended by adding “any unpaid provincial property taxes and” immediately after “of” in the second line.

36 Section 3 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as amended by Chapter 9 of the Acts of 2000, Chapters 6 and 35 of the Acts of 2001, Chapter 9 of the Acts of 2003, Chapter 40 of the Acts of 2006, Chapter 36 of the Acts of 2008, Chapter 64 of the Acts of 2010, Chapter 4 of the Acts of 2011, Chapter 63 of the Acts of 2012, Chapter 21 of the Acts of 2014, Chapter 13 of the Acts of 2017, Schedule A of Chapter 1 of the Acts of 2018, and Chapters 17 and 26 of the Acts of 2018, is further amended by adding immediately after clause (bb) the following clause:

(bba) “provincial property taxes” means property taxes and associated interest and penalties assessed under the *Non-resident Deed Transfer and Property Taxes Act*;

37 (1) Subsection 135(6) of Chapter 18 is amended by striking out subclause (e)(ii) and substituting the following subclause:

(ii) the person pays the taxes, interest and allowance for expenses paid by the Minister of Natural Resources and Renewables and any provincial property taxes.

(2) Subsection 135(8) of Chapter 18 is amended by adding “and any provincial property taxes” immediately after “land” the first time it appears in the ninth line.

38 Section 137 of Chapter 18 is amended by adding immediately after subsection (2) the following subsection:

(3) The tax sale list must be provided to the Minister of Finance and Treasury Board.

39 Subsection 143(2) of Chapter 18 is repealed and the following subsections substituted:

(2) Where no bid is received for land sufficient to satisfy the full amount of the taxes, interest and expenses and the amount of provincial property taxes due in respect of the land, the treasurer may bid the amount of the taxes, interest and expenses and provincial property taxes and purchase the land for the municipality.

(2A) Where the treasurer’s bid price includes unpaid provincial property taxes, the municipality shall remit the unpaid provincial property taxes to the Minister of Finance and Treasury Board.

40 Subsection 146(1) of Chapter 18 is amended by

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

(ba) thirdly, to the Minister of Finance and Treasury Board to payment of any provincial property taxes owing with respect to the land;

and

(b) striking out “thirdly” in the first line of clause (d) and substituting “fourthly”.

41 Subsection 155(1) of Chapter 18 is amended by adding “any unpaid provincial property taxes and” immediately after “of” in the second line.

42 (1) Subsection 42(1) of Chapter 19 of the Acts of 2006, the *Property Valuation Services Corporation Act*, is amended by adding “, the *Provincial Non-resident Deed Transfer and Property Taxes Act*” after “*Act*” in the third line.

(2) Section 42 of Chapter 19 is further amended by adding immediately after subsection (2) the following subsection:

(2A) Notwithstanding subsection (2), where the Corporation provides information to the Minister of Finance and Treasury Board to ensure compliance with the *Provincial Non-resident Deed Transfer and Property Taxes Act*, the Minister of Finance and Treasury board does not require the permission of the Corporation to disclose that information.

43 This Act has effect on and after April 1, 2022.