



# **BILL NO. 24**

*Government Bill*

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*1st Session, 65th General Assembly  
Nova Scotia  
3 Charles III, 2025*

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**An Act Respecting  
Temporary Access to Adjacent Land,  
and to Amend Chapter 23  
of the Acts of 2021,  
the Joint Regional Transportation Agency Act**

CHAPTER 10  
ACTS OF 2025

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
MARCH 26, 2025**

The Honourable Fred Tilley  
*Minister of Public Works*

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

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**An Act Respecting  
Temporary Access to Adjacent Land,  
and to Amend Chapter 23  
of the Acts of 2021,  
the Joint Regional Transportation Agency Act**

Be it enacted by the Governor and Assembly as follows:

**1** The Schedule, the *Temporary Access to Land Act*, comes into force as provided in that Schedule.

**2** The title of Chapter 23 of the Acts of 2021, the *Joint Regional Transportation Agency Act*, is amended by striking out “a Joint Regional Transportation Agency” and substituting “Link Nova Scotia”.

**3** Section 1 of Chapter 23 is amended by striking out “*Joint Regional Transportation Agency*” and substituting “*Link Nova Scotia*”.

**4** Chapter 23 is further amended by adding immediately after Section 1 the following Section:

1A The purpose of this Act is to

(a) address transportation issues and opportunities in keeping with the Province’s population growth and regional development;

(b) ensure collaboration, including with partners and municipalities, in addressing transportation issues for the public good;

(c) provide the Minister with order-making authority with respect to transportation projects in municipalities; and

(d) establish Link Nova Scotia.

**5** Section 2 of Chapter 23 is repealed and the following Section substituted:

2 In this Act,

“Advisory Board” means the Advisory Board of the Agency;

“Agency” means Link Nova Scotia established under Section 4;

“Deputy Minister” means the Deputy Minister appointed by the Governor in Council for the purpose of this Act;

“Minister” means the Minister of Public Works;

“municipality” means a regional municipality, town or municipality of a county or district;

“Region” means the Halifax Regional Municipality and includes any additional areas or municipalities prescribed by the Minister;

“regional transportation plan” means the regional transportation plan required under Section 26;

“regional transportation system” means a system in the Region for the movement of people and goods by any means, and includes freeway, arterial and collector roadways and associated bridges, harbour crossings, rail corridors, frequent, rapid and regional transit service and regional active transportation links;

“transportation project” means any project that the Agency is authorized to undertake, including a highway, a roadway, a bridge, a transit facility, a transit service, an active transportation facility, traffic management or any other planning, infrastructure, program or policy project for transportation purposes.

**6 Subsection 4(1) of Chapter 23 is amended by striking out “a body corporate to be known as the Joint Regional Transportation Agency” and substituting “as a body corporate a transportation agency to be known as Link Nova Scotia”.**

**7 Section 5 of Chapter 23 is repealed and the following Sections substituted:**

5 The objects of the Agency are to

(a) conduct comprehensive reviews of all aspects of transportation associated with the Region including roads, bridges, highways, bike lanes, buses, ferries, rail, airports and ports for the purpose of creating a regional transportation plan to ensure

(i) a regional approach to transportation consistent with Government priorities and the Region’s growth and development, and

(ii) the safe, efficient and coordinated movement of people and goods;

(b) promote and facilitate coordinated decision-making in the Region across all levels of government respecting transportation planning, including policies, programs, projects and other initiatives;

(c) coordinate, plan, develop and implement, in co-operation with all levels of government, a regional transportation system for the movement of people and goods to support sustainable growth in the Region;

(d) promote and facilitate the identification, protection and preservation of transportation corridors; and

(e) conduct any other activities deemed necessary to fulfill the intent of this Act in accordance with the regulations.

5A Except as otherwise provided under this or any other Act, the Agency is not responsible for

(a) the construction, operation, maintenance or management of any municipal highway, provincial highway, public or private road or crossing, including any bridges thereon, except to the extent that the Agency has responsibility under the regional transportation plan to do so;

- (b) operating a public transportation service within a municipality; or
- (c) any other matter prescribed by the Governor in Council in the regulations.

5B (1) The Agency has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) The Agency may do such things necessary for or incidental to the effective attainment of its objects and exercise of its powers, including

- (a) acquiring, constructing and maintaining any assets, facilities and other real or personal property required for the regional transportation system;
- (b) owning, managing or operating transit services as required for the regional transportation system;
- (c) planning, designing, building, developing, buying, acquiring, holding, managing, improving, remediating, leasing, disposing of and otherwise dealing with any real or personal property or any interest therein in support of or to facilitate the development, construction or operation of the regional transportation system;
- (d) preparing and implementing strategic, service, capital and operational plans for the regional transportation system;
- (e) delivering, in whole or in part, any programs on behalf of the Minister as the Minister may direct, including the granting and receiving of funding for transportation initiatives, including community-based transportation programs;
- (f) negotiating agreements with all levels of government for funding of the capital and operating costs of maintaining, improving or expanding the regional transportation system;
- (g) paying the costs, charges and expenses preliminary and incidental to the formation and establishment of the Agency;
- (h) subject to this Act and the regulations, entering into agreements with any person or body, including governmental entities;
- (i) doing such other things as may be incidental or conducive to carrying into effect the purpose and intent of this Act or the regulations; and
- (j) pursuing such other activities as may be prescribed by the Governor in Council in the regulations.

5C With the approval of the Governor in Council, the Agency may plan, design, construct, maintain and operate a transportation project in the Region.

5D The Minister may request the Agency to investigate the present or future need of a transportation project in the Region, and the Agency shall

- (a) conduct such investigations and studies as it considers advisable respecting
  - (i) the need for or advisability of the transportation project,

- (ii) the proper location of the transportation project,
- (iii) the manner or method of financing and operating the transportation project,
- (iv) the probable cost of acquiring lands for the purpose of the transportation project and the cost of constructing the transportation project,
- (v) conformity with the regional transportation plan,
- (vi) conformity with land-use planning, housing and transit-supportive development, and
- (vii) any other matter related to the construction, operation, maintenance or financing of the transportation project that the Agency considers relevant;
- (b) for the purpose of conducting investigations and studies, engage expert or technical assistance;
- (c) defray the cost of its investigations and studies out of the ordinary revenue of the Agency; and
- (d) make reports and recommendations to the Minister.

**8 Section 6 of Chapter 23 is amended by striking out “a Board of Directors and the Board” and substituting “the Minister and the Minister”.**

**9 Sections 7 to 12 of Chapter 23 are repealed and the following Sections substituted:**

- 7 (1) The Minister may order a municipality to
  - (a) do anything required by this Act;
  - (b) build, change, reconfigure or remove transportation infrastructure within the municipality; and
  - (c) do anything necessary or desirable in the interest of the safe, efficient and coordinated movement of people and goods.
- (2) An order made under this Section must be consistent with the intent of this Act and in accordance with the regulations.
- (3) The Minister may require a municipality to comply with an order made under this Section within a reasonable time specified in the order.
- (4) The cost of any work undertaken under subsection (1) shall be apportioned between the municipality and the Crown in right of the Province in the manner agreed upon by them.
- (5) Where no agreement is reached under subsection (4) within a reasonable period of time, the Minister may determine the apportionment of the cost of any work undertaken under subsection (1).
- (6) Where the Minister orders a municipality to build, change, reconfigure or remove transportation infrastructure under subsection (1) and the municipal-

ity does not comply within the time specified in the order, the Minister, or any person acting by or under the Minister's authority, may build, change, reconfigure or remove the transportation infrastructure in such manner as the Minister deems expedient.

(7) The cost of any work completed under subsection (6) is a debt owed by the municipality to the Crown in right of the Province and may be recovered in any court of competent jurisdiction at the discretion of the Minister.

(8) Notwithstanding subsection (7), no municipality incurs any cost or owes any debt for any work undertaken under subsection (6) within the first 12 months of the coming into force of this Section.

8 Notwithstanding Section 519 of the *Municipal Government Act*, the Minister of Municipal Affairs is not required to notify the Nova Scotia Federation of Municipalities with respect to any ministerial action taken pursuant to this Act, but the Minister of Municipal Affairs shall make reasonable efforts to consult the Nova Scotia Federation of Municipalities and municipalities impacted by ministerial action taken pursuant to this Act.

9 A municipality's resolutions, regulations, by-laws and policies, and other acts or matters of a municipality, related to transportation must be reasonably consistent with the approved regional transportation plan.

10 (1) The Governor in Council shall appoint a Chief Executive Officer of the Agency.

(2) The Chief Executive Officer reports to the Deputy Minister.

(3) The Chief Executive Officer shall perform such duties as the Minister may determine.

11 The Agency has an Advisory Board that provides advice and recommendations to further the Agency's objects.

12 (1) The Advisory Board consists of not less than seven and not more than 15 members appointed by the Governor in Council.

(2) Advisory Board members hold office for such period of time as determined by the Governor in Council.

(3) The Deputy Minister or a person designated in writing by the Deputy Minister and the Chief Executive Officer may attend meetings of the Advisory Board, but the Deputy Minister or the Deputy Minister's designate and the Chief Executive Officer are not members of the Advisory Board and may not vote at meetings of the Advisory Board.

12A The Governor in Council shall appoint a Chair and Vice-chair of the Advisory Board, who hold office for such period of time as determined by the Governor in Council.

12B The Agency may retain consultants, who report to the Chief Executive Officer, as it deems necessary to carry out its objectives.

# **10 Section 13 of Chapter 23 is amended by**

**(a) striking out "Board" and substituting "Minister"; and**

**(b) striking out "its" the first time it appears and substituting "the Agency's".**

**11 Chapter 23 is further amended by adding “Advisory” immediately before “Board” wherever it appears in Sections 14 to 18.**

**12 Subsection 16(2) of Chapter 23 is amended by striking out “Sections 8 and 9” and substituting “Section 12”.**

**13 Section 19 of Chapter 23 is repealed and the following Sections substituted:**

19 (1) The Advisory Board may appoint a Technical Advisory Committee, consisting of internal and external partners, that reports to the Advisory Board on any considerations the Committee deems necessary to meet the objects of the Agency.

(2) The Technical Advisory Committee appointed under subsection (1) may include representatives from

- (a) the Halifax Regional Municipality;
- (b) other municipalities;
- (c) the Halifax Port Authority;
- (d) the Halifax International Airport Authority;
- (e) Halifax Harbour Bridges;
- (f) the Atlantic Canada Opportunities Agency;
- (g) the Department of Public Works; and
- (h) any other entity the Advisory Board deems necessary.

19A (1) Subject to the approval of the Deputy Minister, the Advisory Board may appoint other advisory committees that report to the Advisory Board on any considerations deemed necessary to meet the objects of the Agency.

(2) Advisory committees may make recommendations to the Advisory Board but the Advisory Board and the Minister are not bound by any recommendation of an advisory committee.

**14 Chapter 23 is further amended by adding immediately after Section 20 the following Sections:**

20A Section 44A of the *Civil Service Act* applies with necessary changes to the Agency and the Advisory Board.

20B The *Civil Service Act* and the regulations made under that Act and the *Civil Service Collective Bargaining Act* do not apply to employees of the Agency.

20C (1) The *Proceedings against the Crown Act* applies to actions and proceedings against the Agency.

(2) For the purpose of this Section, a reference in the *Proceedings against the Crown Act* to

- (a) the Crown is to be construed as a reference to the Agency;
- and



(b) the General Revenue Fund of the Province is to be construed as a reference to the funds of the Agency.

(3) In proceedings under this Section, an action must be brought against the Agency in the name of the Agency.

(4) Where a document or notice is to be served upon or given to the Agency pursuant to this Section or the *Proceedings against the Crown Act*, it may be served by delivering a copy to the office of the Attorney General or the Deputy Attorney General or any other lawyer employed in the Department of the Attorney General or by delivering a copy to a lawyer designated for that purpose by the Attorney General and such service is deemed to be service on the Agency.

**15 Sections 21 and 22 of Chapter 23 are repealed and the following Sections substituted:**

21 Each Advisory Board and advisory committee member shall, when exercising the powers or performing the duties of the member's position,

(a) act honestly and in good faith with a view to the best interests of the Agency;

(b) exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances; and

(c) act in accordance with this Act and the regulations.

22 The Agency, its property and its assets are not subject to taxation.

**16 Section 25 of Chapter 23 is amended by adding "(1)" immediately after the Section number and adding the following subsection:**

(2) The business plan must contain such information as required by the Minister.

**17 Chapter 23 is further amended by adding immediately after Section 25 the following Section:**

25A When required by the Minister, the Agency shall submit to the Minister for approval a multi-year strategic plan for the operation of the Agency.

**18 Section 26 of Chapter 23 is repealed and the following Section substituted:**

26 (1) As required by the Minister, the Agency shall submit to the Minister for approval a regional transportation plan to improve the flow of people and goods in and out of the Region, factoring in all aspects of transportation.

(2) The Minister shall submit the regional transportation plan required by subsection (1) to the Governor in Council for approval.

(3) The Agency shall review the regional transportation plan on an ongoing basis and update the regional transportation plan as required by the Minister.

**19 Subsection 27(1) of Chapter 23 is amended by**

(a) striking out “December 31st” and substituting “such date as directed by the Minister”; and

(b) striking out “on implementing the five-year master transportation plan required by subsection 26(1)” and substituting “and work with respect to its mandate”.

**20 Section 28 of Chapter 23 is repealed and the following Sections substituted:**

28 (1) The Minister may make regulations prescribing additional areas or municipalities to be included in the Region.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

28A (1) The Governor in Council may make regulations

- (a) respecting the governance of the Agency;
- (b) changing the name of the Agency;
- (c) respecting the regional transportation system, including any transit service;
- (d) respecting the powers of the Agency to acquire, sell or otherwise dispose of assets, including real and personal property and infrastructure;
- (e) respecting reporting requirements;
- (f) respecting traffic by-laws, including with respect to electronic enforcement and traffic calming;
- (g) prescribing matters the Agency is not responsible for under Section 5A;
- (h) setting criteria and factors to be considered by the Minister when issuing orders under Section 7;
- (i) prescribing matters to be included in the annual plans and reports required by Sections 25 and 27;
- (j) respecting any matter authorized by this Act to be done by regulation;
- (k) defining any word or expression used but not defined in this Act;
- (l) 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) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

**21** Sections 2 to 20 come into force on such day as the Governor in Council orders and declares by proclamation.

## SCHEDULE

### An Act Respecting Temporary Access to Adjacent Land

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Temporary Access to Land Act*.
- 2 In this Act,
  - “application” means an application to the Board for a temporary land-access order;
  - “Board” means the Nova Scotia Regulatory and Appeals Board established under the *Energy and Regulatory Boards Act*;
  - “land” includes a stratum of air above or a stratum of soil below the surface of the earth;
  - “Minister” means the member of the Executive Council assigned responsibility for this Act;
  - “order” means a temporary land-access order.
- 3 The following are eligible work for the purpose of this Act:
  - (a) construction, maintenance or repair of, or development for, a building or structure, other than a single-family residence, a duplex or a type of building or structure prescribed by the regulations; and
  - (b) any work that is necessary for, or incidental to, work referred to in clause (a).
- 4 (1) A person who
  - (a) for the purpose of carrying out eligible work on land owned by the person, requires temporary access to adjacent land owned by another person; and
  - (b) is unable to obtain the consent of the owner of the adjacent land for such access,
 may make an application to the Board for a temporary land-access order.
  - (2) An application may only be made in the manner prescribed by the regulations and must include any information prescribed by the regulations.
  - (3) An application must be accompanied by an application fee in the amount prescribed by the regulations.
- 5 (1) An applicant for an order shall, in the form and manner prescribed by the regulations and within the time prescribed by the regulations, provide notice of the application to the owner of the adjacent land.
  - (2) Notwithstanding subsection (1), where the owner of the adjacent land is unknown or cannot be located, the applicant for an order shall provide notice in the form and manner prescribed by the regulations.
- 6 (1) On hearing an application, the Board shall issue an order if the Board is satisfied that
  - (a) access to the adjacent land is required for the purpose of carrying out eligible work on the applicant’s land and there is no reasonable alternative means of carrying out the eligible work without such access;
  - (b) the applicant has, in good faith, made reasonable attempts to obtain the consent of the owner of the adjacent land for access to the land;
  - (c) the completion of the eligible work aligns with prescribed Provincial priorities; and
  - (d) any additional requirement prescribed by the regulations has been met.
  - (2) The Board shall not make an order unless the Board is satisfied that the applicant has given notice of the application in accordance with Section 5.

7 Except to the extent that they conflict with the regulations, the *Energy and Regulatory Boards Act* and the rules respecting practice and procedure made by the Board under the *Energy and Regulatory Boards Act* apply in respect of a hearing under this Act.

8 An order must specify

- (a) the portion of the adjacent land to which it permits access;
- (b) the date on or from which access is permitted and the date when access ceases to be permitted and, where appropriate, the times during which access is permitted; and
- (c) the amount of compensation that must be paid by the applicant to the owner of the adjacent land prior to the commencement of access.

9 (1) An order may not authorize access to an adjacent property for a period exceeding one year from the date on which the order is issued.

(2) Notwithstanding subsection (1), the Board may renew an order for successive periods not exceeding one year from the date of renewal if the Board is satisfied that

- (a) the applicant has commenced the eligible work in respect of which the temporary access order was issued;
- (b) access continues to be required for the purpose of the eligible work; and
- (c) any additional requirement prescribed by the regulations has been met.

10 (1) The Board may specify such conditions in an order as the Board considers advisable in the circumstances.

(2) Without limiting the generality of subsection (1), an order may include conditions

- (a) for the purpose of avoiding or minimizing loss, damage or injury to the owner of the land to which access is granted or to any other person or to any other land or property;
- (b) for the purpose of avoiding or minimizing inconvenience or loss of privacy caused to the owner of the land to which access is granted or to any other person;
- (c) specifying precautions and safeguards to be put in place by the applicant;
- (d) in accordance with the regulations, requiring the taking out of insurance coverage by the applicant, in such amount as may be specified in the order; and
- (e) in accordance with the regulations, requiring that the applicant provide a damage deposit, bond or other security prior to the commencement of access.

11 It is a condition of every temporary access order that, following the period of permitted access, the applicant restore the land accessed to the same condition as it was before the access, so far as is reasonably practicable.

12 (1) An order authorizes, for the purpose of carrying out the eligible work in respect of which the order is issued, an applicant to have access to adjacent land in accordance with the order.

(2) Unless otherwise specified in an order, the order authorizes

- (a) the access to and remaining on the land concerned of such persons authorized by the applicant as are reasonably necessary to carry out the eligible work;
- (b) the applicant to bring on, leave on and remove from the land such materials, plant and equipment as are reasonably necessary for carrying out the work; and
- (c) the applicant to remove from the land any waste that may arise from carrying out the work.

(3) An order does not confer on any party to the order any interest in the land to which access is granted and is not capable of being recorded pursuant to the *Land Registration Act* or registered pursuant to the *Registry Act*.

**13** The Board may, in accordance with the regulations, vary or revoke an order.

**14** (1) An order ceases to have effect on the date specified in the order or on revocation under Section 13.

(2) The cessation or revocation of an order does not affect the previous operation of the order.

(3) The cessation or revocation of an order does not prevent the enforcement by the owner of the land to which access is granted of any conditions of the order or obligations of the applicant imposed by this Act.

**15** An applicant authorized to have access to adjacent land under an order is solely liable for any damages or injuries resulting from the applicant's access to the adjacent land.

**16** No action or other proceeding lies or may be instituted against the Board, the Minister or the Crown in right of the Province as a direct or indirect result of access to land authorized under an order or as a direct or indirect result of a refusal to issue or renew an order.

**17** For greater certainty, this Act does not bind the Crown in right of the Province and no application may be made under this Act respecting access to land owned by the Province, an agency of the Province or a Crown corporation.

**18** (1) The Minister may make regulations

- (a) designating a region of the Province in which this Act does not apply;
- (b) prescribing a type of building or structure for the purpose of clause 3(a);
- (c) respecting an application, including prescribing the manner in which an application must be made and the information that must be included in an application;
- (d) respecting the provision of notice of an application;
- (e) respecting the conduct of hearings;
- (f) respecting criteria for determining whether an applicant has, in good faith, made reasonable efforts to obtain the consent of the adjacent property owner for access to the owner's property;
- (g) prescribing Provincial priorities for the purpose of this Act;
- (h) respecting the requirement for and calculation of compensation;
- (i) respecting insurance coverage to be obtained by an applicant and proof of such insurance;
- (j) respecting the requirement for and calculation of a damage deposit, a bond or other security;
- (k) respecting the contents of an order, including prescribing additional conditions applicable to all orders or to a class of orders;
- (l) respecting forms and documents to be used in the administration of this Act;
- (m) respecting the variance or revocation of an order, including establishing a process to apply for variance or revocation of an order and prescribing requirements that must be satisfied before an order is varied or revoked;
- (n) respecting the renewal of an order, including respecting the process to apply for renewal of an order and prescribing requirements that must be satisfied before a renewal is granted;
- (o) imposing and prescribing fees for the purpose of this Act;
- (p) defining any term used but not defined in this Act;
- (q) further defining any term defined in this Act;
- (r) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the purpose of this Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

**19** (1) Sections 4 to 6 cease to have effect on the third anniversary of their coming into force unless, before that anniversary, the Minister orders that Section 4 to 6 cease to have effect on a later date.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(3) The cessation of effect of Sections 4 to 6 does not affect an order in force on the date that those Sections cease to have effect.

(4) The cessation of effect of Sections 4 to 6 does not prevent the enforcement by the owner of the land to which access is granted under an order of any conditions of the order or any obligations of the applicant imposed by this Act.

**20** This Act comes into force on such day, not before April 1, 2025, as the Governor in Council orders and declares by proclamation.

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