

Community of Sackville Landfill Compensation Act

CHAPTER 71 OF THE ACTS OF 1993

as amended by

1994-95, c. 32; 2015, c. 38



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CHAPTER 71 OF THE ACTS OF 1993
amended 1994-95, c. 32; 2015, c. 38

**An Act Respecting Compensation to
the Community of Sackville for Hosting
the Landfill Site of the Metropolitan Authority**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Community of Sackville Landfill Compensation Act*. 1993, c. 71, s. 1.

Interpretation

2 In this Act,

(a) “Authority” means the Metropolitan Authority continued as a body corporate by the *Metropolitan Authority Act*;

(aa) “bursary” means a monetary award granted to a student of a post-secondary educational institution;

(b) “Community Council” means the community council established by the *Halifax County Charter* for the Community of Sackville;

(c) “Community of Sackville” means the area comprising District 14 (Middle/Upper Sackville–Beaver Bank–Lucasville) and District 15 (Lower Sackville) of the Municipality or that area as modified from time to time by the Nova Scotia Utility and Review Board[:];

(d) “Fund” means the Community of Sackville Landfill Compensation Fund established by this Act;

(e) “Landfill Site” means the landfill site located in the Community of Sackville and operated by the Authority;

(3) Each of the participating bodies shall pay to the Authority that proportion of the amount required to retire the indebtedness arising from the borrowing required by subsection (1) that is the same as that proportion of the expenditure of the Authority that the participating body is required to pay to the Authority pursuant to the *Metropolitan Authority Act* in respect of the management of solid waste. 1993, c. 71, s. 4.

Product determination

5 (1) Immediately after the thirtieth day of June, 1994, the Authority and the Community Council shall determine the product of ten dollars and the number of tonnes of solid waste deposited at the Landfill Site from the first day of July, 1992, until the thirtieth day of June, 1994, inclusive.

(2) If the product determined pursuant to subsection (1) is less than five million dollars, the difference may be retained by the Fund to be extended in accordance with Section 3.

(3) If the product determined pursuant to subsection (1) is more than five million dollars, the Authority shall pay the difference to the Municipality which shall deposit the payment to the credit of the Fund, and subsection (3) of Section 4 applies *mutatis mutandis*.

(4) The Authority shall pay to the Municipality the product of ten dollars and the number of tonnes of solid waste deposited on or after the first day of July, 1994, in cells at the Landfill Site that were constructed and in operation before the first day of July, 1994.

(5) The payments required by subsection (4) shall be made in quarterly instalments.

(6) The Municipality shall deposit to the credit of the Fund all amounts paid to it pursuant to subsection (4). 1993, c. 71, s. 5; 1994-95, c. 32, s. 1.

Arbitration

6 (1) Any dispute arising concerning the amount of the payment by any of the participating bodies pursuant to subsection (3) of Section 4 or concerning the determination of the product pursuant to subsection (1) of Section 5 shall be referred to binding arbitration pursuant to the *Arbitration Act*.

(2) For greater certainty, an arbitration award made pursuant to subsection (1) is binding on the parties thereto. 1993, c. 71, s. 6.

Discharge of liability

7 The payment by the Authority of the amounts required by this Act to the Municipality for deposit to the Fund operates as a complete discharge of any liability of the Authority to the Municipality, the Community Council or the Community of Sackville on account of damages arising out of the operation of the Landfill

Site but, for greater certainty, nothing in this Section prejudices any rights that an individual resident may have at law. 1993, c. 71, s. 7.

Claims

8 (1) Upon receipt of a claim documented to its satisfaction, the Authority may pay an amount to a person who is or was a resident of the Community of Sackville or an owner or occupier of real or personal property located in the Community of Sackville on account of damages suffered by that person arising out of the operation of the Landfill Site.

(1A) For greater certainty, a payment pursuant to subsection (1) may be in consideration of the purchase of real property, or a part thereof, referred to in subsection (1).

(2) If the Authority pays any amount to a person pursuant to subsection (1), the Authority shall obtain from that person a complete release of the Authority from all liability for such damages.

(3) Any claim pursuant to this Section shall be made to the Authority within six months after this subsection comes into force. 1993, c. 71, s. 8; 1994-95, c. 32, s. 2.
