

Municipal Finance Corporation Dissolution Act

CHAPTER 38 OF THE ACTS OF 2022



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**An Act to Dissolve
the Municipal Finance Corporation**

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Short title

1 This Act may be cited as the *Municipal Finance Corporation Dissolution Act*. 2022, c. 38, s. 1.

Interpretation

2 In this Act,

(a) “Board” means the Board of Directors of the Corporation;

- (b) “Civil Service” has the same meaning as in the *Civil Service Act*;
- (c) “Corporation” means the Nova Scotia Municipal Finance Corporation, a body corporate, incorporated under the *Municipal Finance Corporation Act*;
- (d) “Crown” means the Crown in right of the Province;
- (e) “former Minister” means the Minister of Municipal Affairs and Housing;
- (f) “Minister” means the Minister of Finance and Treasury Board. 2022, c. 38, s. 2.

Corporation dissolved

3 (1) The Corporation is dissolved.

(2) All affairs and matters relating to providing financial assistance for municipalities, municipal enterprises and hospitals through a central borrowing authority are assigned to the Minister. 2022, c. 38, s. 3.

Board dissolved, CEO appointment and by-laws revoked

4 (1) The Board established by the *Municipal Finance Corporation Act* is dissolved.

(2) All appointments of persons as members of the Board are revoked.

(3) The appointment of the person as Chief Executive Officer is revoked.

(4) All contracts, agreements, orders and by-laws with respect to the remuneration, allowances or expenses to be paid to the members of the Board and the Chief Executive Officer are null and void.

(5) By-laws made by the Board under the *Municipal Finance Corporation Act* are revoked. 2022, c. 38, s. 4.

Actions of Corporation ratified, no action lies

5 (1) All actions taken by or on behalf of the Corporation or by the employees of the Province in the course of their duties related to the Corporation prior to the coming into force of this Act are ratified and affirmed.

(2) For greater certainty, no action, application or other proceeding lies or may be instituted against the Minister or the former Minister with respect to anything done or purported to be done in good faith, or with respect to anything omitted in good faith, under the *Municipal Finance Corporation Act*, by the Minister or the former Minister.

(3) Nothing in subsection (2) may be taken as providing any indication that any right, power, duty, function, responsibility or authority referred to in that subsection was not validly exercised by the Minister or the former Minister. 2022, c. 38, s. 5.

Assets and liabilities transferred to Crown

6 (1) All property of the Corporation, both real and personal, all assets of the Corporation and all interests or rights of the Corporation in or to any property are transferred and assigned to and vested in the Crown.

(2) For greater certainty, this Act is a legal and valid transfer and assignment to the Crown of all mortgages, charges, encumbrances or other documents and all other property of every description standing in the name of, or vested in, the Corporation.

(3) All liabilities, contracts, obligations, debts, causes of action, actions, appeals, applications or other proceedings of the Corporation, or in the name of the Corporation, are transferred to and assumed by the Crown.

(4) Except as otherwise provided in this Act, nothing in this Act affects the rights of any creditor of the Corporation or any person with a claim against the Corporation and all those rights may be asserted against the Crown. 2022, c. 38, s. 6.

Crown to indemnify former Board members

7 The Crown shall indemnify and hold harmless a person who was a member of the Board before the coming into force of this Act, and the heirs, executors, estate and effects of the person with respect to all costs, charges and expenses that the person incurs in relation to any action, application of other proceeding brought or prosecuted against the person in connection with the duties of the person as a member of the Board except costs, charges and expenses that are occasioned by the person's own wilful neglect or wilful default. 2022, c. 38, s. 7.

No action lies

8 No action, application or other proceeding lies or may be instituted against the Corporation, the Minister or the Crown before any court or administrative body in the Province as a result of

- (a) the dissolution of the Corporation; or
- (b) the revocation of the appointments of the Board and the Chief Executive Officer. 2022, c. 38, s. 8.

Reference to Nova Scotia Municipal Finance Corporation

9 A reference to the Nova Scotia Municipal Finance Corporation in any Act, other than this Act, regulation, rule, order, by-law, agreement or other instrument or document is to be read as, unless the context otherwise requires, the Department of Finance and Treasury Board. 2022, c. 38, s. 9.

Financial agreements valid

10 (1) A financial instrument or agreement entered into by the Corporation under Section 8 of the *Municipal Finance Corporation Act* continues to be valid and effective.

(2) All payments due and payable as a result of a financial instrument or agreement entered into by the Corporation under Section 8 of the *Municipal*

Finance Corporation Act must be made to the Department of Finance and Treasury Board. 2022, c. 38, s. 10.

Books, records and documents

11 (1) The books, records, documents and files of the Corporation are the books, records, documents and files of the Crown. 2022, c. 38, s. 11.

Deemed Provincial employee

12 (1) Every employee of the Corporation is deemed to be an employee of the Province in accordance with the *Civil Service Act*, and any enactment applicable to the employees of the Civil Service applies to such employees.

(2) Section (1) operates notwithstanding any provisions of the *Civil Service Act* with respect to appointments to and promotions and vacancies within the Civil Service.

(3) For greater certainty, the operation of subsection (1) is deemed not to

(a) constitute a termination, constructive dismissal or lay off of any employee;

(b) constitute a breach, termination, repudiation or frustration of any contract;

(c) constitute an event of default or *force majeure* under any contract;

(d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right, or to any right to terminate or repudiate a contract, licence, permit or other right, or to any estoppel.

(4) For any question involving the determination of service or seniority of an employee to whom subsection (1) applies, the period of employment with the Corporation prior to this Act coming into force is deemed to be employment with the Province and is deemed to be continuous with the period of employment with the Province commencing on the date this Act comes into force.

(5) Notwithstanding anything to the contrary in any enactment applicable to the Civil Service, every employee to whom subsection (1) applies is employed by the Province on the same or equal terms and conditions of employment as applied to the employee immediately prior to this Act coming into force, until such time as any terms and conditions are changed in accordance with any enactment applicable to the Civil Service.

(6) Where an employee to whom subsection (1) applies would have been eligible for a public service award under the *General Civil Service Regulations* made under the *Civil Service Act* if the person had remained as an employee of the Corporation until retirement, the Crown shall pay to the person upon retirement an amount equivalent to the amount of the public service award that it would have paid to the person for the person's years of employment as an employee of the Corporation. 2022, c. 38, s. 12.

Powers of Crown

13 On the coming into force of this Act, the Crown may bring or maintain in its name any action, application or other proceeding, or exercise any power, right or remedy that the Corporation was, could have been or could have become entitled to bring, maintain or exercise on or before the coming into force of this Section. 2022, c. 38, s. 13.

Transfers and assignments valid

14 (1) No prohibition of any transfer or assignment, or absence of any consent or approval required for any transfer or assignment, voids or affects the validity of a transfer or assignment under this Act.

(2) Any transfer or assignment under this Act is deemed not to be a breach or default under any lease, contract or instrument. 2022, c. 38, s. 14.

FINANCE ACT

Act amended

15 and 16 *amendments*

HALIFAX REGIONAL MUNICIPALITY CHARTER

Act amended

17 to 23 *amendments*

MUNICIPAL GOVERNMENT ACT

Act amended

24 to 30 *amendments*

PROPERTY VALUATION SERVICES CORPORATION ACT

Act amended

31 *amendment*

GENERAL

Act prevails

32 Where there is a conflict between this Act and any other Act or enactment, this Act prevails. 2022, c. 38, s. 32.

Municipal Finance Corporation Act repealed

33 Chapter 301 of the Revised Statutes, 1989, the *Municipal Finance Corporation Act*, is repealed. 2022, c. 38, s. 33.

Effective date

34 This Act has effect on and after December 1, 2022. 2022, c. 38, s. 34.