
From: Phil Pacey [REDACTED]
Sent: Wednesday, December 02, 2015 8:36 AM
To: Justice Minister; Office of the Legislative Counsel
Cc: Phil Pacey
Subject: Comments on Bill 118, LAC agenda today

Hon Diana C. Whalen, Chair and

Members of the law Amendments Committee

Dear Chair and Committee Members:

Response to the Changes to Bill 118 recommended by the Department:

1. PAGE 1, Clause 1: Good change.
2. PAGE 2, subclause 3(1): Net positive change compared to Bill 118, but negative compared to the present Act. It would allow unspecified extra reasons for provincial deregistration, if the reasons are approved by a future cabinet.
3. PAGE 3, Clause 7: Good change.
4. PAGE 4, Clause 8: Net positive change compared to Bill 118, but negative compared to the present Act. It would allow unspecified extra reasons for municipal deregistration, if the reasons are approved by a future cabinet.
5. PAGE 4, Clause 9: Positive change compared to Bill 118, neutral compared to the present Act. This retains Subsection 19B(1)(b) in the present Act, which allows municipalities to permanently protect municipal heritage properties in conservation districts.
6. PAGE 8, Clause 14: Not a good change. This change would enable a future cabinet to make regulations in matters, including provincial and municipal deregistration, that are now controlled by the Legislature. This is not desirable for the following reasons:

1. An Act has a higher status than regulations.
2. The Act can only be changed by the Legislature, with notice, with the opportunity to be heard and after open debate, whereas regulations can be changed in private.
3. A property owner might find out that a future cabinet had changed the regulations without notice, affecting what the property owner could do with his or her property. A municipality might find out that a future cabinet had changed the regulations without notice, affecting the powers of the municipality.
4. Regulations are more likely to be challenged in court.

Yours sincerely,

Phil Pacey

For Heritage Trust of Nova Scotia

December 2, 2015