

AMALGAMATIONS, ANNEXATIONS and DISSOLUTIONS

**Nova Scotia
Utility and Review Board**



OVERVIEW OF PROCESS

- 1) Hearing for a Preliminary Order
- 2) Studies
- 3) Hearing on the Merits
- 4) Board Decision and Order





Overview of the process (9-10 months):

- Application
- Hearing for a Preliminary Order is held
- Prepare studies/reports required in Preliminary Order
- Hearing on the Merits is held
- Issuance of Board's Decision (within 60 days)
- Board's Final Order is issued – dismisses the application or sets the effective date for amalgamation/dissolution



PUBLIC CONSULTATION

Important to engage, inform and consult
the public

Engage the local media

All filings are available on the NSUARB
website

(except a few confidential filings)



Hearing for a Preliminary Order

The Board must hear:

- (a) the applicant*;
- (b) representatives of affected municipal units;
- (c) the Minister of Municipal Affairs; and
- (d) any person who has previously notified the Board (formal intervenors/members of the public).

*Note: An applicant may include the greater of 10% or 100 of the electors in the area proposed to be amalgamated or annexed



Test under s. 363(1) of the MGA for amalgamation or annexation

The Board must determine if amalgamation or annexation is “in the best interests of the inhabitants of the area, taking into account the financial and social implications”



Procedural points covered at Preliminary Hearing

- who will be allowed to participate as Formal Intervenors?
- studies or evidence to be provided
- who will pay for the studies?
- timeline for the filing of the studies and evidence by all parties
- date for the Hearing on the Merits



STUDIES



STUDIES

- Which studies is determined at the Hearing for a Preliminary Order
- Studies may include reports, documents, financial projections, status letters, lists, or any other evidence on an issue
- “any other evidence that the Board may direct” – *Municipal Government Act*

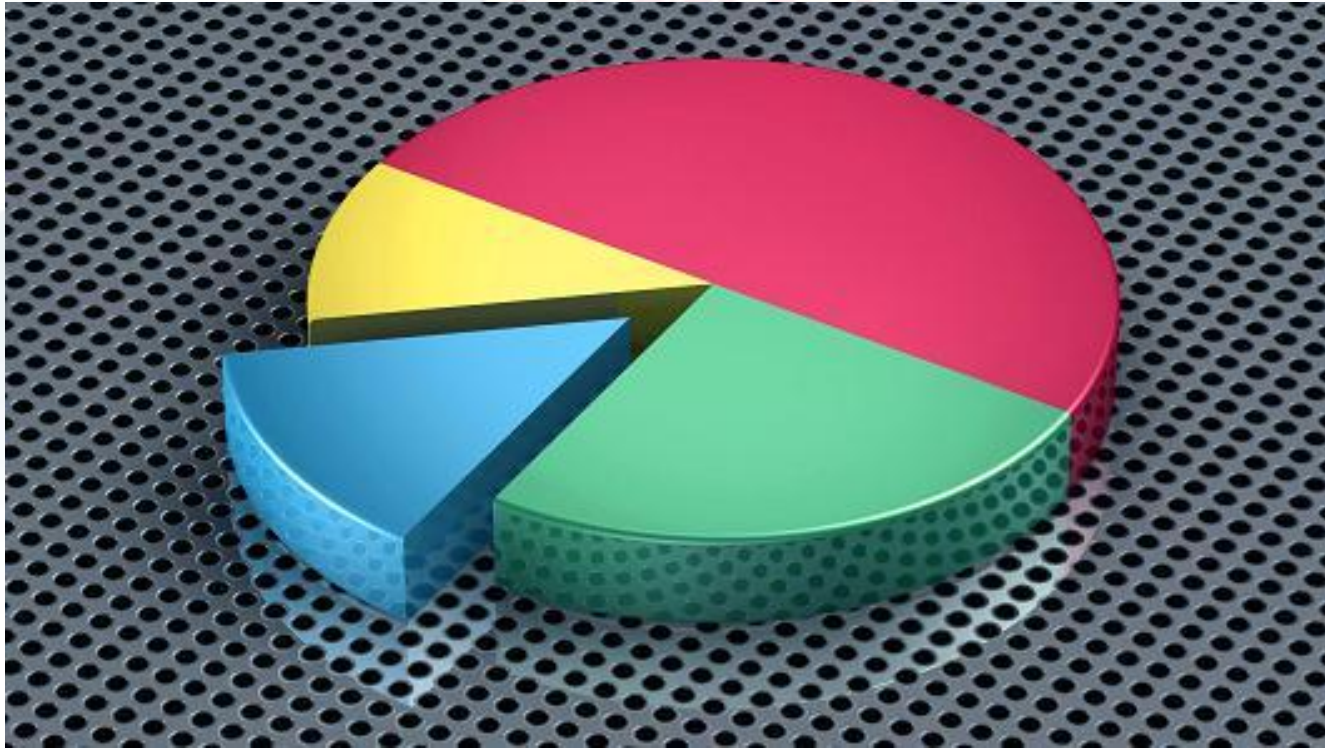


Issues include:

- Financial implications on the affected municipal units and on the Province
- Cost/service delivery for services such as fire services, solid waste, streetlighting
- Policing
- Roads and streets
- Equalization
- Water and electric utilities
- Recreation and community organizations



Financial implications – 5 year projections



Infrastructure studies



Policing

Policing – under the Police Act ss. 5 and 6, the Minister of Justice reviews policing services in a municipality



Roads and Streets

- Roads and Streets – under MGA s. 401, the Minister of TIR or Cabinet may issue directives (Dissolution)
- Bridges – ownership and maintenance



Polling Districts and Councillors

- Board powers under MGA s. 368 and s. 369 to determine the number and boundaries of polling districts and the number of councillors
- Mayor or Warden?



Polling District Boundaries

- Communities of interest
- Relative parity of voting power
- Board expects variances (from the average number of electors) between polling districts to be within $\pm 10\%$
- Variances up to $\pm 25\%$ may be permitted in extraordinary circumstances where the Municipality provides an explanation for the necessity of an increased variance



Planning policies and by-laws

Policies and by-laws in effect continue in force until repealed by the new municipal council

MGA s. 400(4) – town dissolution

MGA s. 366(1) – amalgamation

BUT there should be a plan on the composition of the Planning and Heritage Advisory Committees and the delivery of planning services by the new municipality



Hearing on the Merits



Hearing on the Merits

- Matters scheduled over several days or a week
- Applicant(s) will present its case first, with its witnesses explaining the reasons for the application and highlighting the important points in the studies or in the evidence
- Formal Intervenors
- Minister of Municipal Affairs
- Board counsel's consultant, if any
- All parties will be subject to cross-examination
- Evening session for members of the public
- Plebiscite – “any other evidence” (non-binding)



After the Hearing

If Board Orders amalgamation or dissolution:

- effective date of amalgamation or dissolution
- Council size, polling districts and boundaries
- whether a town will continue as a village
- amalgamate or dissolve boards and commissions
- transfer of assets and liabilities
- transitional issues based on fiscal year
- other matters necessary or incidental
- Board may reserve further directions



Annexation applications

- annexation applications are typically not as comprehensive as amalgamation or dissolution matters (often by consent)
- most annexation applications relate only to annexing a small part or area of land of an adjoining municipality

Examples:

- annexing an area comprising a subdivision in an adjacent municipality to facilitate service delivery
- annexing an area of institutional or commercial lands required for development by the applicant municipal unit



QUESTIONS

