

Land Acquisition Regulations

made under Section 34 of the
Pipeline Act
R.S.N.S. 1989, c. 345
O.I.C. 1998-453 (September 16, 1998), N.S. Reg. 67/98

Short Title

1 These regulations may be cited as the Land Acquisition Regulations.

Interpretation

2 In these regulations,

- (a) “Act” means the Pipeline Act;
- (b) “land” includes any estate, term, easement, right or interest in, to, over or affecting land;
- (c) “Minister” means the Minister designated by the Governor in Council to be Minister responsible for the Pipeline Act;
- (d) “owner” includes a mortgagee, tenant, registered judgment creditor, a person entitled to a limited estate or interest in land, a guardian or trustee of an incompetent person or of a person incapable of managing his affairs, a guardian, executor, administrator or trustee in whom land is vested;
- (e) “pipeline” means a pipeline for which a permit or licence has been issued.

Service

3 Any document required by these regulations to be served must be served personally or by registered mail addressed to the person to be served at the person’s last known address and, in the case of service by registered mail, service shall be deemed to be made on the 5th day after the date of mailing.

Notice to owner

4 (1) A permit or licence holder requiring land for the purpose of a pipeline shall serve a notice on all owners of land so far as they can be ascertained, accompanied by

- (a) a description of the lands that are required by the permit or licence holder for the pipeline;
- (b) details of the compensation, if any, offered by the permit or licence holder for the lands required;
- (c) a detailed statement made by the permit or licence holder of the value of the lands required in respect of which compensation is offered;
- (d) a description of the procedure for approval of the detailed route of the pipeline; and
- (e) a description of the procedure available in the event that the owner of the lands and the permit or licence holder are unable to agree on any matter respecting the compensation available.

Agreement with owner

5 If a permit or licence holder reaches an agreement with an owner for land for the purposes of a pipeline, that agreement shall include

(a) compensation for the market value of the lands acquired to be paid, at the option of the owner, by one lump sum payment or by annual or periodic payments of equal or different amounts over a period of time;

(b) compensation for all disturbance and injurious affliction suffered as a result of the operations of the permit or licence holder to be paid, at the option of the owner, by one lump sum payment or by annual or periodic payments of equal or different amounts over a period of time;

(c) indemnification of the owner from all liabilities, damages, claims, suits and actions arising from the operations of the permit or licence holder, other than liabilities, damages, claims, suits and actions arising from gross negligence or wilful misconduct of the owner of the lands;

(d) restricting the use of the lands to the line of the pipe or other facility for which the lands are, by the agreement, specified to be required, unless the owner of the lands consents to any proposed additional use at the time of the proposed additional use.

Known owner and vesting order

6 (1) Where a permit or licence holder requiring land for the purposes of a pipeline is unable to reach agreement with a known owner, applications to the Minister for vesting orders pursuant to clause 32(1)(b) of the Act shall include

(a) a copy of the notice served on the owner of the land pursuant to Section 4;

(b) proof of service of the notice on the owner; and

(c) the reason for the application, including a detailed summary of the efforts which have been made to reach an agreement with the owner.

(2) Where an application described in subsection (1) is received by the Minister, no vesting order shall be issued unless all of the requirements of subsection (1) have been met.

Unknown owner and vesting order

7 (1) Where a permit or licence holder requiring land for the purposes of a pipeline cannot, using reasonable efforts, ascertain the identity of any owner or determine an address for an owner, applications to the Minister for vesting orders pursuant to clause 32(1)(b) of the Act shall include

(a) a description of the lands of the owner that are required by the permit or licence holder;

(b) the reason for the application, including a detailed summary of the efforts which have been made to identify and locate the owner.

(2) Where an application described in subsection (1) is received by the Minister,

(a) the Minister may require the permit or licence holder to take such measures as the Minister considers reasonable to identify and locate the owner before issuing the vesting order;

(b) no vesting order shall be issued unless all of the requirements of subsection (1) have been met.

Provisions of the Expropriation Act

8 Where a permit or licence holder has made an application for a vesting order as described by subsection 6(1) or 7(1), and prior to the vesting order being filed pursuant to subsection 32(3) of the Act the permit or licence holder decides not to acquire all or part of the land for which the vesting order is sought, the Expropriation Act, and in particular, Section 20, shall apply mutatis mutandis.

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