



Towns and Local Service Districts Act

MNL Symposium, 2024

What is happening?

- *Towns and Local Services Districts Act (“**Towns Act**”)* received royal assent in November, 2023
- Not yet in force
- Will entirely repeal the *Municipalities Act*
- Likely to be in force early 2025?
- No relevant changes to the *Urban and Rural Planning Act*

Towns Act

- Essentially covers the same key topics as the Municipalities Act, including powers, corporate structure, taxes, regulations, enforcement, and services
- We want to highlight the key changes and also the noteworthy things that have not changed

Part I Purposes and Powers

- **BROAD** description of the Town purposes and Town Powers
- s. 3 – Town purposes
 - (a) to provide good government;
 - (b) to provide services, facilities or other things necessary or desirable for all or part of the town;
 - (c) to develop and maintain a healthy, safe and viable town; and
 - (d) to foster the economic, social and environmental well-being of the town

Part I Purposes and Powers

s. 4 – Town has the powers of a natural person in respect of town purposes

s. 4 – Powers of a town “*shall be exercised by its town council*”

Part I Purposes and Powers

On top of the broad description of powers, section 6 confirms that those powers “*shall be interpreted broadly*”

6. Recognizing that a town is a responsible and accountable level of government, the powers of a town under this or any other Act shall be interpreted broadly in order to provide broad authority to the town council to enable it to govern the affairs of the town as it considers appropriate and to enhance the town council’s ability to respond to issues in the town.

Part I By-Laws (not called “regulations”)

s. 7(1) – Town **SHALL** adopt by-laws for...

- Rules of procedure at town council meetings (NEW)
- Arrears sales (NEW)

s. 8(1) – Town **MAY** adopt by-laws for ...

- “safety, health and well being of people and the protection of people and property”

Part III Town Council

s. 33 – Expressly defines obligations of councillors (including confidentiality obligations)

s. 35 – Defines what Council can delegate to committees, town manager, clerk, by-law enforcement officer (delegation to be done by by-law or resolution)

Part II Town Council

s. 41 - Closed (privileged) meetings – Express limitations on what can be dealt with in privileged meetings

s. 38 – Act or decision of council is not valid unless authorized or adopted by a by-law or resolution

Part V Staff

- 59 – sets out the duties of town manager
- 63-65 – clarification around expenditures
- 73-74 – discipline and dismissal of town manager, town clerk or department head
- 76 – authority of town manager over employees

Part VII Taxes and Fees

s. 117 – Real property tax is mandatory (previously discretionary)

s. 125 – Business tax is discretionary (previously mandatory)

s. 129 – May impose “tourist accommodation tax” (NEW)

s. 135 – 139 – Procedure for local improvement fees (including notice and consultation)

Part VII Taxes and Fees (Tax Sales)

Tax sales (no prohibition regarding if occupied for full-time residential purposes)

s. 151 - Right of appeal to the town of a person who receives notice of a tax sale

Part VII Services

s. 162 – Town SHALL provide the following services

- waste collection and removal;
- fire protection;
- maintenance of local roadways; and
- snow clearing of local roadways

Part XIII Enforcement

s. 280-282 – Warrant from provincial court required for inspector to access dwelling house in absence of owner's consent

s. 285 – More general powers to issue orders (“*an action or measure necessary to remedy the contravention ...*”)

s. 285 – Removal or demolition orders need a supporting report from architect, engineer, building inspector or fire marshall

s. 285 – Town costs of carrying out remediation or demolition order are a lien



Questions?



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