



**Municipal Affairs
Office of the Minister**

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December 22, 2025

Your Worship Andy Fillmore
Mayor, Halifax Regional Municipality (HRM)
Via Email: mayor@halifax.ca

Dear Mayor Fillmore:

Thank you for providing the legal opinion dated November 28, 2025 (the Opinion), in response to the Minister's conditions respecting the Dartmouth Cove Special Area amendments. We appreciate the effort and detail in HRM's submission.

After reviewing the Opinion and supporting materials, we acknowledge that HRM has addressed the Province's concern regarding HRM's authority to regulate the act of infilling. However, regarding the other two concerns identified, further clarification is needed to satisfactorily address the conditions specified in the Minister's amendments.

1. Municipal Boundary and PID Coverage

The Opinion asserts that all nine PIDs in the Dartmouth Cove Special Area lie within HRM's municipal boundaries. While the historical and legislative context provided is helpful, there is uncertainty on two key points:

- Can HRM provide explicit legal authority, such as statutory language or other documentation, confirming that the lands within the 1962 Dartmouth City Charter boundaries were incorporated into HRM as part of amalgamation?
- Of the nine PIDs, six are registered in the Halifax Land Registration District. Please clarify the basis for HRM's assertion that the remaining three PIDs also fall within HRM's municipal boundaries.

2. Justice Canada Opinion

The third condition requested confirmation from Justice Canada that none of the measures set out in the amendments infringe on the jurisdiction of the federal government. While the Opinion provides assurances from HRM's solicitor regarding navigation and shipping, we had specifically requested confirmation from Justice Canada. As the Ministry responsible for overseeing all matters relating to the administration of justice within the federal domain, Justice Canada is best situated to comment on the potential for any conflict with federal jurisdiction, including under legislation such as the *Canadian Environmental Assessment Act* or the *Fisheries Act* which were not considered in the Opinion.

Your Worship Andy Fillmore
Page 2

- Can HRM confirm whether a formal request was made to Justice Canada for this review and, if so, what response was received? If no request was made, is HRM prepared to seek such confirmation now? This clarification will help ensure that the Province's review addresses the full scope of potential federal jurisdiction.

We appreciate HRM's cooperation and commitment to resolving these matters and look forward to hearing further from you.

Yours truly,

A handwritten signature in black ink, reading "John A. MacDonald". The signature is written in a cursive, flowing style.

Honourable John A. MacDonald
Minister of Municipal Affairs

c: Brad Anguish, CAO, Halifax Regional Municipality

PNS-62382/ek



ANDY FILLMORE

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December 23, 2025

Honourable John A. MacDonald
Minister of Municipal Affairs
Department of Municipal Affairs
14th Floor North, Maritime Centre
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P.O. Box 216
Halifax, NS
B3J 2M4

Dear Mr. MacDonald:

Thank you for your letter of December 22, 2025.

I am happy to provide the further clarification you requested which is as follows:

1. Municipal boundary and PID coverage

- a. The Town of Dartmouth was incorporated post Confederation in 1873 under an *Act to Incorporate the Town of Dartmouth, Chapter 17 SNS, 1873*. Section 1 provides that the boundary of the town extended 300 feet into the Harbour along the Dartmouth waterfront. The boundaries of the City of Dartmouth are as surveyed and set out in Part I of schedule to the Dartmouth City Charter, SNS 1962, C.67 and entirely located within the County of Halifax.

The Statutory language confirming that that these lands were incorporated into HRM is set out in an *Act to Incorporate the Halifax Regional Municipality*, Bill 3 of the Statutes of 1995 at Section 20(1) which establishes the boundaries of the Regional Municipality as the boundaries of the "County of Halifax".

- b. HRM's assertion that the remaining 3 PIDs fall within HRM's municipal boundary is based on their location within Dartmouth in the old County of Halifax. Registration of Parcels is now required under the *Land Registration Act* when an interest in land is conveyed within Nova Scotia, otherwise, registration is generally voluntary.

2. Justice Canada's Opinion:

In response to your question, I confirm that no formal request was made to Justice Canada. This is the case because when HRM's legal counsel met with legal counsel for the Federal Department of Transportation and Infrastructure Services on January 14, 2022 they were advised at that time that Federal Justice had been retained by their department to represent the Federal Government on the issue. Further, in response to correspondence sent January 24, 2022, Mr. Traves was advised by legal counsel with Justice Canada that Transport Canada would be engaging Justice Canada's constitutional law group to review and advise Transport Canada on HRM's position regarding its jurisdiction with respect to planning matters within HRM. Neither the NS Department of Justice nor Justice Canada has shared their legal advice or opinions on this matter with HRM.

Despite this, the Federal Minister of Transport Canada wrote the Municipality on April 3, 2023 indicating:

“...there is also an opportunity for the Municipality, as provisional counterpart, to examine what gaps in regulating such issues beyond navigation and how best to address them within Municipal and Provincial authorities. *Should the Municipality decide to pursue regulation on infilling beyond matters relating to navigation, the Municipality can expect full cooperation from Transport Canada in any effort to avoid jurisdictional concerns.*” (emphasis added)

Mr. Traves and Ms. Martino from HRM met with Federal Justice on August 28, 2023 and provided draft in-filling regulations for the Northwest Arm (Dartmouth Cove regulations are essentially identical). During the meeting they were advised by Justice Canada that the federal government was willing to acknowledge Municipal planning regulation in Transport Canada's federal permit.

The fact that HRM has never received details of Justice Canada's review and advice to its client departments or for that matter raised any concerns with the By-laws as passed was conveyed to your staff in February of 2024 prior to Provincial approval of the Northwest Arm amendments on February 8, 2024. There have been no concerns raised by the Federal government with respect to any alleged intrusion into Federal jurisdiction (in *pith and substance* or otherwise) subsequently.

Where Justice Canada represents and advises the federal government not HRM, the Municipality has no reasonable expectation that we will receive any formal confirmation from Justice Canada on what is essentially a constitutional question. If, in light of the above, you feel such confirmation is required, I would suggest that it is best obtained either by the Provincial Deputy Minister of Justice, through the Federal/Provincial Territorial Justice Committee, or alternatively, directly between the respective Ministers of Justice.

As I expect the Deputy Minister has advised you one of the property owners has stated their intention of starting work on one of the water lots on January 5, 2026. While I hope the above has satisfied your concerns, Regional Council has directed that HRM seek Judicial Review of the amendments in order to protect the Municipality's position if this uncertainty around them is not resolved within the limitation period. Having said this, I remain hopeful that the matter can be resolved without further delay in any event.

Yours Truly,



Mayor Andy Fillmore
Halifax Regional Municipality

Cc:
Halifax Regional Council
Brad Anguish A/CAO
John Traves, KC