

DECISION

**2026 NSRAB 15
M12400**

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF A SUPPLEMENTARY APPLICATION by the **MUNICIPALITY OF THE COUNTY OF ANNAPOLIS** to confirm the number of councillors and polling districts and to alter the boundaries of polling districts

BEFORE: Richard J. Melanson, LL.B., Member

APPLICANT: **MUNICIPALITY OF THE COUNTY OF ANNAPOLIS**

HEARING DATE: October 27, 2025

DECISION DATE: **January 22, 2026**

DECISION: **The application is approved as filed.**

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I SUMMARY

[1] In 2023, the Municipality of the County of Annapolis applied under the *Municipal Government Act* to alter the boundaries of polling districts and to confirm the number of councillors. The Nova Scotia Utility and Review Board (NSUARB) was concerned about the public consultation process and, more particularly, how to interpret the results of this process. The Municipality soon had to fulfill certain procedural elements for the 2024 municipal elections. Therefore, given the time constraints, the NSUARB approved the application based on the available information before it. However, the NSUARB directed the Municipality to conduct further public consultations on the issue of the number of councillors and polling district boundaries. The size of council and the polling district boundaries would be revisited after these further public consultations. The Municipality was directed to make another application to consider these issues before December 31, 2025.

[2] On April 1, 2025, on proclamation of the *Energy and Regulatory Boards Act*, SNS 2024, c 2, Sch A, the Nova Scotia Regulatory and Appeals Board (Board) succeeded the NSUARB for all matters under the *Municipal Government Act*. In accordance with the NSUARB's direction, the Municipality filed this application on July 21, 2025. The Municipality held extensive public consultations. A somewhat unusual feature of this application is that only those who attended the public consultations were asked to fill out surveys about the size of council and polling district boundaries. A majority of those surveyed indicated a preference to retain the current number of 11 councillors.

[3] The Board is satisfied with the Municipality's public consultation process. The Board accepts the reasons provided by the Municipality for retaining 11 councillors and for the proposed boundaries. Therefore, the Board approves the application, as filed.

II BACKGROUND

[4] The *Municipal Government Act*, SNS 1998, c. 18, requires every municipal council to conduct a study and apply to the Board every eight years to confirm or alter the number of councillors and the boundaries of the polling districts. Section 369 states:

369 (1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.

(2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

[5] In 2023, the Municipality applied to the NSUARB to confirm the then current number of councillors and polling districts at 11, and further, to alter the boundaries of the polling districts. The public consultation process included several proposed scenarios involving either a mayor or a warden system of government. In approving the 2023 application for the 2024 municipal elections, the NSUARB made the following comments:

[36] The foregoing analysis does not provide a clear consensus or a compelling basis for establishing new polling districts. It highlights why the Board recommends a two-step process of first consulting about, and then determining, the system of government and the number of councillors, before proceeding to obtain public input on polling boundaries. In this case, where the entire process is combined, while the Board has information that the engaged public favours a smaller Council, it does not have sufficient evidence to establish polling districts based on this preference, and indeed, if that preference would hold if only scenarios involving a warden were put to the public.

[37] This situation would ordinarily lead the Board to direct the Municipality to conduct further public consultation to determine what scenarios the electorate would favour if only a warden system is proposed. It would be helpful if the survey questions delved into why particular options are preferred. However, because there are aspects of the upcoming municipal elections that must be in place by March 2024, it is now too late to conduct additional meaningful consultation in time to complete that process. This process would require sufficient time to develop the survey questions and provide time for public input on the results. Council would need time to determine a course of action based on that consultation. The Board would need to hold a new hearing to consider the results.

[38] The Board is, therefore, prepared to confirm the existing number of councillors and the polling districts presented in this application. It does so on the basis that there is no clearly acceptable alternative before it.

...

[41] Given its findings on the requirement for more public consultation, and the results of the public survey, the Board does not believe the consultation should wait until the next required review of municipal boundaries under s. 369 of the *Act*. There was too

strong a public response favouring a reduction in the size of Council to not seek further input before two election cycles have gone by. There is a precedent in the *Clare* decision for requiring an earlier review in somewhat similar circumstances.

[42] The Board will therefore exercise its jurisdiction in this application under s. 368(3) to "... grant such further or other relief as the Board considers proper. The Board orders and directs the Municipality to conduct a new study into its polling districts and boundaries. The Municipality is to apply to the Board before December 31, 2025, outlining the results of the public consultation and whether the Municipality proposes to alter or confirm the number and boundaries of the polling districts.

[2023 NSUARB 189 (CanLII)]

[6] The Municipality made this application in response to the foregoing directions. This application seeks to confirm the number of councillors and polling districts at 11 and to alter some of the polling district boundaries approved in 2023. Chris MacNeil, the Municipality's current Chief Administrative Officer, presented the application. Several staff members and municipal councillors, including warden Diane LeBlanc, attended the hearing in this matter. There were also several members of the public in attendance.

[7] The Municipality undertook a consultation process to seek public input regarding the size and style of municipal government as well as the boundaries of polling districts. The Municipality held a series of 22 public meetings in May and June of 2025. Two meetings were held in each polling district to provide a better opportunity for residents to attend. There was a mailout to 9,413 households in the Municipality on or about April 17, 2025, advising of the process, the meeting dates and the meeting locations. The public consultation meetings were advertised in the Bridgetown Reader, the Lawrencetown Buzz (a community email newsletter), and on the Municipality's website and Facebook page, and the Bluesky social media platform.

[8] Mr. MacNeil facilitated the public meetings with the assistance of municipal staff. Councillors were asked not to attend so residents could feel free to express their opinions. That said, when some did attend, they generally were asked about their workloads and views on the number of councillors needed to deal with the workload. The

first topic of discussion was the number of councillors and polling districts. Information was delivered through a slide presentation with commentary from Mr. MacNeil and staff. The information included the overall responsibility of council and the roles, responsibilities, and workload, of individual councillors. The annual salaries and expenses of the warden, deputy warden, and councillors were discussed. To provide context, the council's role in overseeing the Municipality's operating budget (\$23 to \$24 million in 2025), large capital budgets, and setting tax rates was addressed. Public participants were also provided with information about the number of voters in each polling district and a comparison with other municipalities. There was an opportunity for questions and discussion. Those in attendance were then asked to think about whether they would favour a council with 9,10 or 11 members, including a warden and deputy warden. The second portion of the public consultation meetings was focused on electoral maps. The presentation discussed the parameters related to voter parity, allowable deviations, and communities of interest considerations. Maps showing potential boundaries for 9, 10, and 11 electoral districts were presented. There was an opportunity for questions and discussion. At the end of the meeting, those in attendance were provided with a survey to complete. They were allowed to bring it home with them if they wanted to contemplate their views.

[9] There were 162 people who attended the public engagement meetings. Ninety-six people responded to the survey. Of these respondents, 62.5% favoured the 11-councillor option, 22.9% supported the 9-councillor option and 5.2% were in favour of the 10-councillor option.

[10] At its June 17, 2025, meeting, council determined the number of polling districts and councillors should be maintained at 11, with some modifications to the polling

district boundaries. Council made some adjustments to the draft polling district maps that had been presented during the public consultation. The information about the polling districts recommended by council is set out in the table below:

Polling District	Number of Electors	% of Total Electors	Variation from the Average Number of Voters	
			#	%
1	1505	9.07%	-4	-0.27%
2	1458	8.79%	-51	-3.38%
3	1689	10.18%	-180	+11.93%
4	1260	7.59%	-249	-16.50%
5	1555	9.37%	+46	+3.05%
6	1392	8.39%	-117	-7.75%
7	1442	8.69%	-67	-4.44%
8	1709	10.30%	+200	+13.25%
9	1593	9.60%	+84	+5.57%
10	1400	8.44%	-109	-7.22%
11	1591	9.59%	+82	+5.43%

[Exhibit A-6, p. 16, para. 6]

III ANALYSIS AND FINDINGS

[11] Section 368(4) of the *Municipal Government Act* sets out the criteria for the

Board:

368 (4) In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.

[12] In 2004, the Board determined that the target variance for relative parity of voting power shall be $\pm 10\%$ from the average number of electors per polling district. Any variance more than $\pm 10\%$ must be justified in writing. The larger the proposed variance, the greater the burden on the municipal unit to justify the higher variance from the average number of electors.

[13] While the Board will permit variances up to $\pm 25\%$, the outer limits of this range should only apply in exceptional cases, where the affected municipality provides detailed written reasons showing that population density, community of interest, geographic size, or other factors, clearly justify the necessity of an increased variance within a polling district. In most cases, however, the Board expects municipalities to meet a target variance of the number of electors in each polling district which is within a $\pm 10\%$ range of the average.

[14] The Board received one letter of comment opposing the application. Bill Smith raised issues about a preference for a mayoral system of government as opposed to the current warden system. That is not an issue that the Board can consider under the *Municipal Government Act*, and it was not part of the public consultation. The letter also addressed issues that the Board can consider. Mr. Smith was concerned with the process, the lack of a meeting agenda, and the lack of a solicitation for written comments, except as captured at the meetings themselves. Mr. Smith disagreed with the proposition that a larger council gave residents more access to councillors. He suggested larger districts with a similar community of interests would provide councillors with a stronger mandate. Mr. Smith said the boundary changes were confusing and had not been properly considered, especially since council had just proposed different ones two years ago. As well, in his view, the reasons for changing the boundaries from what was

presented during the public meetings at the June 17, 2025, council meeting were not apparent from the meeting minutes.

[15] Two public speakers presented before the Board during the hearing. Maria Hagen said that council did not proceed with the two-step process recommended by the Board. Instead, she said council picked the number of councillor scenarios and electoral maps and put them to the public. Ms. Hagen said that if you attended multiple meetings, you could get more than one survey. She complained that inaccurate statistics were provided about the size of the Municipality's population (18,564 in 2024 when Statistics Canada indicated a population of 18,834). She stressed the number of municipal representatives in the neighbouring Municipality of the County of Kings, with a much larger population, and a council consisting of 9 councillors and one mayor. Her basic premise was that council decided what option it wanted before the consultation began and then proceeded to achieve that result.

[16] Brad Redden also spoke during the Board's hearing. Mr. Redden is a former municipal councillor and Deputy Warden. He had concerns about the process and outcomes of the public consultation process. While praising Mr. MacNeil's presentation at the public hearings, he felt the discussion about potential tie votes with a 10-member council, and the difficulty of establishing electoral boundaries that did not split communities with a 9-member council, may have introduced a level of bias towards the solution council had expressed a clear preference for; namely, an 11-member council. He was of the view that this clear expression of the desired outcome may have consciously or unconsciously biased the entire process.

[17] Mr. Redden was particularly concerned about the concept of only providing the survey to those who attended the public participation meetings. He said this was

contrary to the modern trend in municipal governance to provide as much access for public input as possible. He recognized the importance of a well-informed public. However, he said that a threshold level of education or knowledge before being able to express an opinion was a dangerous concept, asking who determines what level is required. He said that there is no such prerequisite associated with the right to vote.

[18] The Board is satisfied with the way in which the opportunity for public participation was communicated and advertised. There was ample opportunity for the public to become aware of the public meeting process, dates and locations. A combination of direct mailouts, targeted newsletter-type papers and social media was a reasonable approach. The fact is that, with 22 meetings, the turnout of 162 people, while not representing a large proportion of the residents, is a significant number when compared to other in-person public meeting processes the Board is familiar with, having recently conducted many municipal boundary reviews.

[19] The Municipality did not follow a pure two-step process that the Board recommends. Because of the cost involved, some smaller municipalities do not. The process the Municipality followed provided information about the many considerations in play when addressing council size and electoral boundaries. The Board is satisfied that with the issue of the mayor/warden system of government off the table, with a smaller number of scenarios, the discussion at the public meetings and the survey results provide a clearer picture of the rationales and preferences of those who ended up expressing their opinions.

[20] The Board has concerns about the Municipality only providing surveys to those who participated in the public meetings. This process was challenged by the public speakers and in the public meetings. Council was concerned about ensuring that the

views expressed in the surveys were the result of a well-informed public. Council was also concerned about the possibility of manipulating the results of online surveys because it was difficult to trace exactly who had responded, where they were located, and how many times they responded. As Mr. Redden pointed out, there is no underlying prerequisite for constituents to be well-informed in order to have the right to vote in a municipal election. However, as discussed in the Board's last decision, public engagement, unless in the form of a plebiscite, is not an electoral process. Although they have been used in municipal amalgamation matters, plebiscites would be unusual in a municipal boundary review. Online surveys, while sometimes generating more participation, may not achieve the same level of public awareness as in-person meetings with at least the opportunity for back-and-forth discussion. That said, municipalities often include a public information process with online surveys. As it is often difficult to generate public participation about municipal boundaries, many municipalities prefer to use the option that promotes the most public input. However, there is no hard and fast rule applicable to all situations. Having given the matter considerable thought, despite potential control and participation issues in both online surveys and offering paper surveys to meeting participants, the Board is satisfied that the process used in this case provided a meaningful opportunity for the Municipality's residents to provide input. There were 22 public meetings that were well advertised and held across the Municipality. Those who participated, and filled the survey, showed a clear preference for an 11-member council. The Board would caution that if the level of participation in the public meetings had been lower, there could be a different decision about the overall reasonableness of the process.

[21] The Municipality's reasons for maintaining the current number of councillors are essentially the same as in the last application in 2023. They include a growing population and the extensive responsibilities of individual councillors, some of whom represent large geographic areas. The size of the council is like comparable municipalities. As well, there would be relatively minor savings associated with a reduction in the size of council. Council believes that 11 councillors are required so municipal councillors can offer adequate representation to their residents while fulfilling their many municipal roles. These rationales appear supported by those who chose the 11-member council option. Mr. MacNeil pointed out that some people had changed their minds and endorsed the 11-member council proposal after having participated in the public meetings.

[22] Those who favoured fewer municipal councillors in the public meetings focussed on smaller councils meaning lower costs; smaller councils, as in some other jurisdictions, being potentially more efficient if properly staffed; a general philosophical belief in less government; there being no need for councillors to be involved in many community activities; and, that communications and meetings need not be in person. There was also a belief expressed that with fewer councillors, the quality of candidates would be elevated. As well, some of the participants who favoured a smaller council did not accept the proposition that a smaller council meant a bigger workload. The Board notes that some participants wanted options with fewer councillors than the options that were presented at the meetings. There were some personal comments which rose to the level of personal attacks when discussing councillor self-interest in maintaining the *status quo*.

[23] The role of a municipal councillor is a difficult one. In the modern world, constituents communicate in many ways. Electronic communications have become prevalent, yet some residents expect direct contact with their municipal representatives. Municipal councillors take on many responsibilities. Overseeing a multi-million-dollar budget is no small task. The workload is considerable and the pay scale is not exorbitant. Except for the more personal attacks, the participants in the public process and the process before the Board made good points. In the end, they expressed real philosophical differences from those expressed by council about municipal governance and the role of councillors. Both sides make valid points. The Board was not satisfied that the survey results from the last process showed a consensus that council size should be reduced when only the warden system of governance was considered. Those who participated in the Municipality's public participation processes this year, and filled the survey, showed a preference for the current number of councillors when only a warden system is considered. Combined with the compelling rationales provided by council, the Board is, therefore, satisfied that the current number of councillors should be maintained.

[24] The Municipality said the original draft boundary maps were created by staff with no council involvement. These drafts, as presented in the public meetings, would have created only one district with a voter parity variance greater than 10%. This would have been like the district boundaries approved in the last application. At the June 17, 2025, council meeting, alterations were made and the proposal before the Board has three districts outside the 10% variance favoured by the Board. That said, the voter parity variances for District 3 (+11.93%) and District 8 (+13.25%) are not far from the target variance. District 4 is the outlier with a -16.50% variance. Mr. MacNeil explained that District 4 has large unpopulated areas in the south. However, the communities along

Highway 201 and the North Mountain are more densely populated, having similar intertwined communities of interest with the communities along Highway 8 and west of this highway. These include close community volunteering and agricultural ties. District 3 is small and very compact. It has a significant subdivision population with a similar community of interest. Council believes it can be effectively served by a councillor even if representing more residents. For District 8, council again placed more emphasis on communities of interest than the staff recommendation. This was particularly focussed on the swapping of Moschelle and Lequille so that each community would more closely align with a similar community of interest. The result is that Lequille is now in the same community of interest as others along Highway 8 and Moschelle is now aligned with communities along Highway 201.

[25] Voter parity considerations are not just related to the workload of councillors in representing a different number of constituents. It primarily relates to the relative equality of voting power for each elector. That said, caselaw the Board follows has long recognized that voter parity is not an absolute concept. It is tempered by community of interest considerations. The fear of disenfranchising sparsely populated rural areas expressed in some of the public meetings is real. Severing traditional communities of interest, such as in the Lequille/Moschelle example, need not occur to maintain the target voter parity ratios, provided the variances are reasonable. The Board finds that where the voter parity variances are not of an extraordinary magnitude, council's rationales for the voter parity variances, and the placement of the municipal boundaries, are compelling. The Board approves council's electoral boundary proposal.

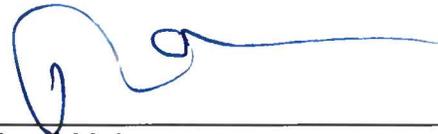
IV CONCLUSION

[26] The Board approves the application. The number of polling districts is set at 11, each electing one councillor. The Board also approves the proposed changes to the polling district boundaries.

[27] The Municipality has filed digital maps of the proposed polling district boundaries. In recent years, some municipalities and towns have requested to provide the descriptions of their polling districts or wards using digital GIS technology. While the Board is mindful of the benefits of digital mapping over text descriptions, both in terms of cost and efficiency, the important factor to be considered is the subsequent use of any polling district or ward descriptions during the conduct of municipal elections. Regardless of the format adopted by a municipality or town, the description must be able to address any inquiry made by electors or municipal election staff during the conduct of municipal elections. Accordingly, it is necessary that the scale of any digital mapping descriptions be capable of being adjusted to respond to any inquiry. In addition to filing a large hard copy map showing all polling districts, the Board also requires the separate filing of individual digital mapping for each polling district or ward. The Board approves the filing of the digital polling district maps by the Municipality.

[28] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 22nd day of January 2026.



Richard Melanson