

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

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

BEFORE: Jennifer L. Nicholson, CPA, CA, Panel Chair
Bruce H. Fisher, MPA, CPA, Member

APPLICANT: **MUNICIPALITY OF THE COUNTY OF ANTIGONISH**
Beth Schumacher, Municipal Clerk

HEARING DATE: June 3, 2026

DECISION DATE: **July 15, 2026**

DECISION: **Application is approved.**

1.0 SUMMARY

[1] The *Municipal Government Act* requires every municipal council to conduct a study every eight years and apply to the Nova Scotia Regulatory and Appeals Board to confirm or alter the number of councillors and the boundaries of the polling districts. The last study was to be conducted by the end of 2022.

[2] In 2021, the Municipality of the County of Antigonish asked the Nova Scotia Utility and Review Board (NSUARB) to defer its scheduled eight-year study due by the end of 2022 because the Municipality was assessing a possible consolidation of the Municipality and the Town of Antigonish. When it was ultimately decided in early 2024 not to proceed with the consolidation, the Municipality applied to the NSUARB to maintain the status quo relating to the number of councillors and polling district boundaries for the October 2024 municipal election and to defer the boundary review study until after that election. The Municipality undertook to file its study and a new application by December 31, 2025. In a decision dated June 21, 2024 (2024 NSUARB 110), the NSUARB granted the request and approved the status quo of 10 councillors elected from the existing polling districts, subject to conducting a study and filing a new application by December 31, 2025.

[3] 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 municipal boundary reviews under the *Municipal Government Act*.

[4] On December 16, 2025, the Municipality applied to the Board to confirm the number of councillors and to alter the boundaries of the polling districts. The Board approves the application and sets the number of councillors and polling districts at 10 and also approves the revised polling district boundaries.

2.0 BACKGROUND

[5] The *Municipal Government Act*, SNS 1998, c 18, requires every municipal council to conduct a study and apply to the Board 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.

[6] The Municipality applied to the Board on December 16, 2025, to confirm the present number of councillors and polling districts at 10, and further, to alter the existing boundaries of the polling districts.

[7] The Notice of Public Hearing was advertised in *The Casket* on February 18, 2026, and in the *Guysborough Journal* and the *Reporter* on February 11, 2026, and April 29, 2026. The Board posted the Notice on its website and social media and directed the Municipality to post the Notice on their website and social media channels. The Notice stated that members of the public could register to speak at the hearing or provide written comments. Parties could also request formal standing at the hearing. The Board did not receive any requests by the public to participate at the hearing, or any objections to the application.

[8] The public hearing was held in the Municipal Council Chambers in Beech Hill, Nova Scotia, on June 3, 2026. Municipal Clerk Beth Schumacher, MCIP LPP, presented the application for the Municipality. No members of the public attended the hearing.

[9] The background leading to the current application included an investigation by the Municipality and the Town of Antigonish to consolidate into one municipal unit. The

Municipality's municipal boundary review and application was originally required to be filed with the NSUARB by December 31, 2022, as required for all municipal units in the province under the *Municipal Government Act*. However, the Municipality wrote to the NSUARB on December 10, 2021, requesting an extension to file its municipal boundary review to at least June 30, 2023. The request was made to allow it to consider a consolidation of the Town of Antigonish and the Municipality, in conjunction with the then Department of Municipal Affairs and Housing. The NSUARB granted the request for an extension until June 30, 2023.

[10] The potential consolidation discussions between the Municipality, the Town and the Province continued over the course of the period 2022 to 2024 and generated significant interest among the residents of the Municipality and the Town. Those proceedings are explained in detail in the NSUARB's 2024 decision.

[11] It was decided in early 2024 that the municipal consolidation would not proceed. Given that there was not enough time before the October 2024 municipal election for the Municipality to conduct a full public consultation about the number and boundaries of its polling districts, the NSUARB approved the Municipality's request to maintain the status quo of 10 councillors elected from the existing polling districts, subject to conducting a study and filing a new application by December 31, 2025. The application was filed December 16, 2025.

[12] There are presently 10 councillors elected from 10 polling districts. The population of the Municipality according to the 2022 Census was 15,855, about 500 more than in the 2011 Census.

[13] Table 1 sets out the number of eligible electors in the existing polling districts, based on the last municipal election held on October 19, 2024:

Table 1			
Polling Districts			
Polling District	Number of Electors	Variation from Avg. Number of Electors	
		#	%
1	1,138	-179	-13.56%
2	1,833	517	39.23%
3	1,283	-34	-2.54%
4	1,548	232	17.58%
5	1,307	-10	-0.72%
6	1,401	85	6.42%
7	1,180	-137	-10.37%
8	1,042	-275	-20.85%
9	1,047	-270	-20.47%
10	1,386	70	5.28%

Total number of electors: 13,165
Number of councillors: 10
Average number of electors per councillor: 1,317

[14] Prior to the last application in 2024, the Municipality engaged Stantec Consulting (Stantec) to conduct a study into the number of polling districts and their district boundaries. Stantec found the public strongly favoured 10 Council members and recommended consulting on two boundary scenarios: an 8 and 10 member boundary option that they developed. In December 2023, Municipal Council approved the 10-district approach but not the specific boundaries. In early 2025, the newly elected Municipal Council examined the boundary review exercise and, on March 11, 2025, approved proceeding with 10 districts for the second phase of the review. Council directed staff to internally develop proposed boundaries for the public consultations.

[15] The more recent public consultation process to review the polling district boundaries (i.e., leading to the present application) was directed by Municipal Council to be conducted internally by staff. Municipal staff held 10 public sessions across the Municipality to receive comments from members of the public about the proposed polling district boundaries. All sessions were also available for the public to attend virtually. Overall, 146 individuals attended either in person or virtually.

[16] The public sessions were advertised through various means. Notices and information were posted on the municipal website, on the municipal social media page (Facebook), in radio advertisements, in church bulletins across the County, and on posters distributed throughout the community and at the municipal office. There was also general information about the review process included in the County Connect publication directing residents to the municipal website. The Warden filmed an information clip that was shared online to let residents know about the upcoming sessions and the opportunity to participate. The mayor also appeared on a local podcast to speak about the boundary review process.

[17] A staff report dated November 25, 2025, was prepared by Ms. Schumacher for the Committee of the Whole outlining the review process that was undertaken by staff and based on the consultations, revisions to the proposed district boundaries. Municipal Council considered the matter at its meeting on December 9, 2025, and, with one minor boundary adjustment, approved the application which was filed with the Board one week later.

[18] In its application, the Municipality described the proposed revisions to its polling districts:

Where numbers were low in districts to the east of the county, and very high in the districts that abut the Town of Antigonish, changes reflect the impact to trying to increase numbers in the east while maintaining the central hubs in each district as much as possible. Public feedback during the consultation phase resulted in further changes to keep certain areas within certain districts due to a feeling of close association with the hubs of those districts, or to group together communities with similar associations (e.g. coastal communities vs. ex-urban communities on services). Specific instances where this feedback impacted district boundaries were noted in the proposed district descriptions above.

One district (District 5) was identified as a **community of interest** due to its Acadian community centred around Pomquet. There are clear physical geographic boundaries bordering this district (Antigonish Harbour to the west, Pomquet Harbour to the east, St. George's Bay to the north, and Highway 104 to the south).

Challenges with trying to expand districts to its east to increase numbers of electors lead to a situation where District 5 would either need to be split and divided between adjacent

districts, or adjacent districts would need to take population from the hubs communities of a neighbouring district, which was not supported by the populations of those communities unless District 5 gave up the 300+ electors in the mini-home park on the opposite side of the twinned Highway 104.

...

In this proposed distribution of electors amongst the ten (10) districts, all of the proposed districts, with the exception of District 5, meet the +/-10% from the average target. We are looking for approval of this district with a number outside of this range for the following reasons:

- **History/Language and Ethnic Origin:** The community in District 5 is primarily focussed on the hub of Pomquet, which is culturally unique due to its strong Acadian roots and French-speaking population. Pomquet is recognized as the core of the Pomquet Member Region of the Federation acadienne de la Nouvelle-Ecosse. The CSAP school is located in Pomquet, along with the Societe Acadienne Sainte Croix Community Centre. In this community, street signs are in both French and English, and community festivals, such as Carnaval, celebrate the French-speaking heritage of the community.
- The 300 electors that have resulted in this lower figure were taken from District 5 and put into District 7 from the Glen Aire Estates mini-home park in Lower South River. This mini-home park is located between Trunk 4 (formerly Highway 104) and the new twinned Highway 104.
 - o These electors were needed to bring the number of electors in District 7 into an acceptable range of distribution from the average. The only alternative options to bring the number of electors up in District 7 by a comparable number of electors would have required either all the rest of Lower South River, or the communities east of and including St. Andrews, to be moved into District 7 instead. We heard very clearly from residents in District 6 that this would not be considered acceptable.

There are clear physical geographic boundaries bordering this district (Antigonish Harbour to the west, Pomquet Harbour to the east, St. George's Bay to the north, and Highway 104 to the south).

- There was no clear way to divide District 5 and deposit those electors into adjacent districts without causing significant disruption to the community of interest.

While the proposed variance of -29.97% is higher than the maximum variance of +/-25% typically considered, we ask for the Board's leniency for this exceptional circumstance for the reasons noted above, particularly where we were also able to balance the distribution of electors amongst the remaining districts to be within the acceptable range. [Emphasis in original]

[Exhibit A-1, pp. 7-9]

[19] As a result of the above proposed polling district changes, the Municipality provided the following table reflecting its estimate of the elector statistics in the proposed districts:

Polling District	Number of Electors	Percentage of Total Electors	Variation from the Average Number of Electors (13165/10=1317)	
			Number	Percentage
1	1383	10.50%	+66	+5.05%
2	1410	10.71%	+93	+7.10%
3	1347	10.23%	+30	+2.32%
4	1438	10.92%	+121	+9.23%
5	922	7.00%	-395	-29.97%
6	1437	10.91%	+120	+9.15%
7	1383	10.50%	+66	+5.05%
8	1250	9.49%	-67	-5.05%
9	1198	9.10%	-119	-9.00%
10	1398	10.62%	+81	+6.19%

[Exhibit A-1, p. 8]

3.0 FINDINGS

[20] 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.

[21] 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.

[22] 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.

[23] There were no objections to the application. Maintaining the current 10-member Municipal Council preserves the status quo for the number of polling districts. The Municipality's witnesses indicated that this Council size has functioned well. This was also Stantec's recommendation after its public consultation about the number of districts. The Board finds 10 polling districts is appropriate.

[24] The variances for all but one of the polling districts fall within the $\pm 10\%$ guideline applied by the Board, except District 5 at -29.97%. In the Board's 2015 decision about the Municipality's application (2015 NSUARB 93, para. 4), the variances for all the polling districts were within $\pm 10\%$. However, 5 of the 10 polling districts exceeded the $\pm 10\%$ variance by the 2024 municipal election. Clearly, there have been significant changes in the distribution of the electors among the polling districts since 2015. The Board recognizes this presented a challenge to the Municipality in preparing this application. The Municipality explained that the population has increased in the areas adjacent to the Town, resulting in the relative number of electors decreasing in the Municipality's polling districts located in the eastern part of the County.

[25] As noted above, District 5 at -29.97% exceeds the $\pm 10\%$ variance normally applied by the Board and the $\pm 25\%$ permitted by the Board. The Municipality described this polling district as being mainly comprised of the hub of Pomquet, a community which it stated was "culturally unique due to its strong Acadian roots and French-speaking population." It added that Pomquet has a school in the Conseil scolaire acadien provincial (CSAP) system, along with the Société Acadienne Sainte Croix Community Centre. The community has signs in both French and English and celebrates its French-speaking

heritage. Due to these factors, the Municipality explained that the Pomquet area has a strong community of interest. It was also noted that there are well-defined physical and geographic boundaries delineating this district (i.e., Antigonish Harbour to the west, Pomquet Harbour to the east, St. George's Bay to the north, and Highway 104 to the south).

[26] The Board accepts the Municipality's evidence that attempts to address this large variance may require the proposed District 5 to be divided between adjacent districts or taking parts of adjacent communities and dividing them to be added to District 5. Such exercises would cause significant disruption to the community of interest in proposed District 5 or divide those adjacent communities that share no community of interest with Pomquet. Having reviewed the evidence, the Board accepts the Municipality's submission that the Pomquet area has a strong community of interest and that this presents exceptional circumstances warranting that this community comprise its unique polling district. The Board would note, however, that as population shifts in the Municipality are expected to continue, the next round of boundary adjustments in 2030 may provide even greater challenges for the Municipality.

[27] The Board notes as well that the Municipality was able to balance the distribution of electors among the remaining districts within the target range. The Board finds that all the proposed polling district boundaries are reasonable and appropriate.

[28] The Board approves the application. The number of polling districts is set at 10, each electing one councillor. The Board also approves the proposed polling district boundaries.

[29] 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 its polling districts or wards using digital geographic information system 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. The digital maps were filed in the application.

[30] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 15th day of July 2026.



Jennifer L. Nicholson



Bruce H. Fisher