

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **SPECTACLE LAKE LAND HOLDING INC.** from a decision of the Development Officer of the Town of Bridgewater denying its application for subdivision approval respecting property at 182 and 186 North Street, Bridgewater, Nova Scotia (PIDs 60050317, 60050333, and 60394277)

BEFORE:



Julia E. Clark, LL.B., Vice Chair

DECISION AND ORDER

On December 27, 2024, Spectacle Lake Land Holdings Inc. filed a Notice of Appeal with the Board under the *Municipal Government Act*, SNS 1998, c. 18 (*Act*), appealing a decision of a Development Officer of the Town of Bridgewater refusing its application for approval of a tentative plan of subdivision on the grounds that the decision did not comply with the Subdivision By-law. The Town's refusal was dated December 19, 2024.

The Board held preliminary hearings to set hearing dates and address other preliminary matters on February 11, April 8, and June 18, 2025. The Board's formal hearing process was then suspended while the parties sought to resolve the matter.

Counsel for the Town informed the Board, by letter dated August 14, 2025, of the Town's position that the Appellant's Tentative Plan of Subdivision should be approved, subject to certain conditions in accordance with s. 283(b) of the *Act*. On August 19, 2025, the Appellant confirmed its position that the Board should approve the Tentative Plan of Subdivision with the formal conditions proposed by the Town. The Appellant did not agree that any additional commentary about the Town's wastewater system capacity and requirements for approval of the final plan of subdivision should be included in any order in this proceeding.

The Town's letter of August 14, 2025, indicated that the Development Officer "approved" the Tentative Plan of Subdivision on August 13, 2025. The Town asked the Board to recognize August 13, 2025, as the date of approval for the purpose of future limitation periods (i.e. the expiry of the Tentative Plan). However, the Board finds that the Development Officer had rendered a final written decision on the application under appeal

to the Board on December 19, 2024; therefore, the Development Officer is *functus officio* and was without jurisdiction to simply reverse that decision, absent a new application or Board order.

The parties agree that the Tentative Plan of Subdivision complies with the Subdivision By-law and should be approved, subject to the agreed conditions. Therefore, there is no remaining disagreement on the issue the Board must decide under s. 251(2) of the *Act*. The Board's jurisdiction is limited by the grounds of appeal and remedies allowed under the *Act*.

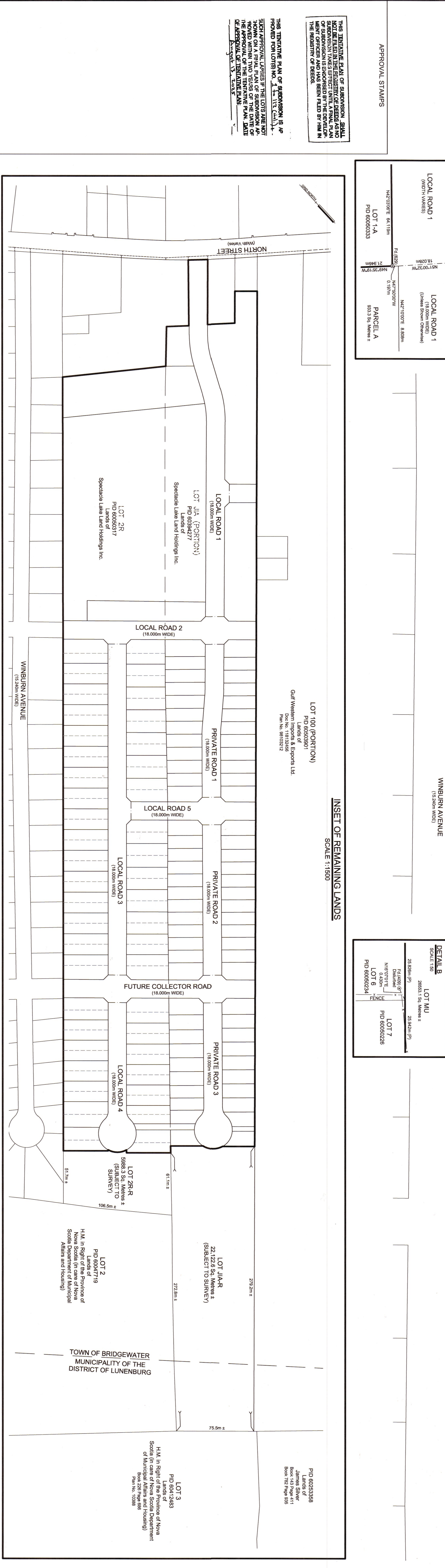
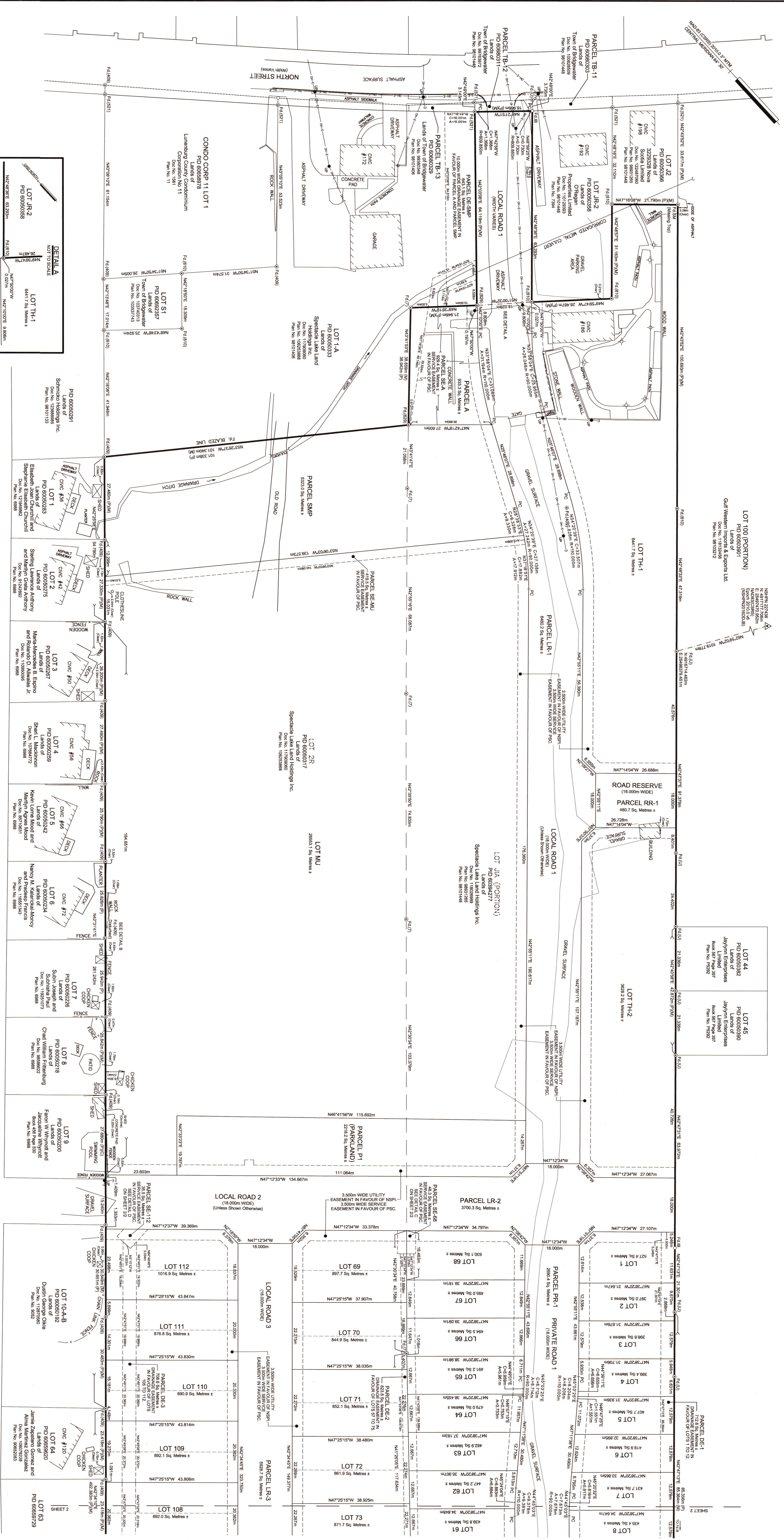
The Board orders that the appeal is allowed. The Tentative Plan of Subdivision for the Northpoint Community (PLAN#20-276-SV-L-1) for Lots 1 to 112, inclusive, attached to and forming part of this Order as Schedule A (Tentative Plan), is approved as of the date of this Order, subject to the following conditions:

- 1. Confirmation of the Parkland Dedication, per Section 14 of the Town of Bridgewater's Subdivision By-law. Prior to approval by the Development Officer of the Final Plan of Subdivision, the subdivider shall transfer to the Town, free of encumbrances, one of the following:**
 - for parks, playgrounds, and similar public purposes, an area of useable land within the area being subdivided equal to 5% of the area of the lots to be approved;
 - a sum of money equivalent to 5% of the market value of the lots to be approved; or
 - with the agreement of Town Council, a transfer of equivalent value, in any combination as determined by the Town.
- 2. Confirmation of the classification and intended ownership of the street parcels shown on the Tentative Plan. The Development Officer will accept a revised plan with labels illustrating street types as wholly public streets, or confirmation in writing to accompany the current plan, to resolve the same.**
- 3. For clarity, prior to final approval, the subdivider must meet any applicable requirements of the *Municipal Government Act*, including s. 283 and s. 328(2), including approval of the Town Engineer for connection to Town wastewater facilities.**

DATED at Halifax, Nova Scotia, this 22nd day of September 2025.



Chief Clerk of the Board



LEGEND:

UNITS: 1:1 WITH THIS PLAN

SCALE: 1:1000 (NORTH)

DATE: April 30, 2024

PLOT SIZE: 841.00m X 1180.00m

NOTES:

1. LOT IDENTIFIERS TO 12, 28, 34, 40, 46, 52, 58, 64, 70, 76, 82, 88, 94, 100, 106, 112, 118, 124, 130, 136, 142, 148, 154, 160, 166, 172, 178, 184, 190, 196, 202, 208, 214, 220, 226, 232, 238, 244, 250, 256, 262, 268, 274, 280, 286, 292, 298, 304, 310, 316, 322, 328, 334, 340, 346, 352, 358, 364, 370, 376, 382, 388, 394, 400, 406, 412, 418, 424, 430, 436, 442, 448, 454, 460, 466, 472, 478, 484, 490, 496, 502, 508, 514, 520, 526, 532, 538, 544, 550, 556, 562, 568, 574, 580, 586, 592, 598, 604, 610, 616, 622, 628, 634, 640, 646, 652, 658, 664, 670, 676, 682, 688, 694, 700, 706, 712, 718, 724, 730, 736, 742, 748, 754, 760, 766, 772, 778, 784, 790, 796, 802, 808, 814, 820, 826, 832, 838, 844, 850, 856, 862, 868, 874, 880, 886, 892, 898, 904, 910, 916, 922, 928, 934, 940, 946, 952, 958, 964, 970, 976, 982, 988, 994, 1000.

2. LANDS UNDER SURVEY ARE SUBJECT TO ANY RIGHTS BY HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF NOVA SCOTIA, IN RESPECT OF THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996.

3. TENTATIVE APPROVAL IS REQUESTED FOR LOTS 1 TO 12, 28, 34, 40, 46, 52, 58, 64, 70, 76, 82, 88, 94, 100, 106, 112, 118, 124, 130, 136, 142, 148, 154, 160, 166, 172, 178, 184, 190, 196, 202, 208, 214, 220, 226, 232, 238, 244, 250, 256, 262, 268, 274, 280, 286, 292, 298, 304, 310, 316, 322, 328, 334, 340, 346, 352, 358, 364, 370, 376, 382, 388, 394, 400, 406, 412, 418, 424, 430, 436, 442, 448, 454, 460, 466, 472, 478, 484, 490, 496, 502, 508, 514, 520, 526, 532, 538, 544, 550, 556, 562, 568, 574, 580, 586, 592, 598, 604, 610, 616, 622, 628, 634, 640, 646, 652, 658, 664, 670, 676, 682, 688, 694, 700, 706, 712, 718, 724, 730, 736, 742, 748, 754, 760, 766, 772, 778, 784, 790, 796, 802, 808, 814, 820, 826, 832, 838, 844, 850, 856, 862, 868, 874, 880, 886, 892, 898, 904, 910, 916, 922, 928, 934, 940, 946, 952, 958, 964, 970, 976, 982, 988, 994, 1000.

4. THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996, IS A CONDITION OF THE APPROVAL OF THIS SUBDIVISION.

5. THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996, IS A CONDITION OF THE APPROVAL OF THIS SUBDIVISION.

6. THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996, IS A CONDITION OF THE APPROVAL OF THIS SUBDIVISION.

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10. THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996, IS A CONDITION OF THE APPROVAL OF THIS SUBDIVISION.

SURVEYORS CERTIFICATE

I, JENNIFER BROWN, A SURVEYOR, HEREBY CERTIFY THAT THE SUBDIVISION OF LANDS IN THE PROVINCE OF NOVA SCOTIA, 1994-1996, IS A CONDITION OF THE APPROVAL OF THIS SUBDIVISION.

DATED THIS TWENTY-FOURTH DAY OF APRIL, 2024.

JENNIFER BROWN, S.S.

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS

No. 690

DESIGNPOINT

engineering • surveying • solutions

TENTATIVE PLAN OF SUBDIVISION

Plan of Survey of

LOTS 1 TO 12, MU, TH-1, TH-2, PARCELS A, FCR, LR-1 to LR-5, P-1, PR-1 to PR-3, RR-1, SMP, WW-1 and WW-2

being a subdivision of

LOT J1A and LOT 2R

Lands of

SPECTACLE LAKE LAND HOLDINGS INC.

NORTH STREET, WINNIBURN AVENUE

COUNTY OF LUNenburg

PROVINCE OF NOVA SCOTIA

