NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **JONATHAN MACKENZIE** from the decision of Council of the Municipality of the County of Antigonish approving amendments to the Land Use By-laws to update the setback requirements for utility-scale wind turbines in accordance with provincial regulations

BEFORE: Stephen T. McGrath, K.C., Chair

DECISION AND ORDER

On November 18, 2025, the Council of the Municipality of the County of Antigonish approved amendments to the Land Use By-law to update the setback requirements for utility-scale wind turbines and clarify the definition of “public road”. Notice of these amendments was published in *The Reporter* on December 3, 2025.

On December 15, 2025, Jonathan MacKenzie appealed from Council’s decision to the Nova Scotia Regulatory and Appeals Board under the *Municipal Government Act*, SNS 1998, c 18.

On February 17, 2026, the Board received a letter from counsel for the Municipality, advising that the Municipality intended to review the amendments it had made to s. 7.4.2(f) of its Land Use By-law regarding minimum setbacks from public highways, which in its view, could render the appeal moot.

On February 20, 2026, after receiving submissions from the parties, the Board granted a request by the Municipality to adjourn this matter, pending Council’s reconsideration of its previous amendments, on the basis that depending on the result of the reconsideration, aspects of the appeal could be rendered moot.

On May 29, 2026, counsel for the Municipality advised that, on May 26, 2026, Council ratified amendments to the Municipal Planning Strategy and Land Use By-law and the concurrent amendments were being forwarded to the Provincial Director of Planning for review under s. 208(1) of the *Municipal Government Act*.

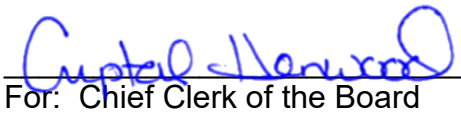
On July 14, 2026, counsel for the Municipality advised the Board that, on July 9, 2026, Council unanimously passed a motion to withdraw its previous motion on November 18, 2025, thereby withdrawing the November amendments to its Land Use By-law. Counsel requested that the Board dismiss this appeal as the amendments that were the subject of the appeal were withdrawn.

On July 21, 2026, counsel for Mr. MacKenzie advised that he would not be making submissions on the request to dismiss.

On August 28, 2026, the Board was provided with correspondence from the Nova Scotia Department of Municipal Affairs advising that the Minister had approved, with amendments, the Municipal Planning Strategy and Land Use By-law amendments approved by Council on May 26, 2026.

The Board finds that this appeal has been rendered moot, as the proposed amendments to the Land Use By-law that are the subject of this appeal have been withdrawn; therefore, this appeal is dismissed.

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



For: Chief Clerk of the Board