



**Nova Scotia Energy and Regulatory Boards Tribunal
Annual Accountability Report
For the Fiscal Year Ended March 31, 2026**

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Accountability Statement

The Accountability Report of the Nova Scotia Energy and Regulatory Boards Tribunal for the year ended March 31, 2026, is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the Tribunal's Business Plan for the fiscal year 2025-2026 including those of its operating divisions – the Nova Scotia Energy Board and the Nova Scotia Regulatory and Appeals Board. The reporting of the Tribunal's outcomes necessarily includes estimates, judgments, and opinions by management.

We acknowledge that this Accountability Report is the responsibility of the Tribunal's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Tribunal's 2025-2026 Business Plan.

//Original Signed By//

Stephen T. McGrath, K.C., Chair

//Original Signed By//

David MacNeil, Executive Director

Introduction

This Accountability Report reflects progress achieving the outcomes in the Tribunal's 2025-2026 Business Plan and should be read with that Business Plan.

Measuring Our Performance

The Tribunal's core mandate is to resolve matters fairly and independently in an efficient and effective manner. It does that through its quasi-judicial operating divisions – the Nova Scotia Energy Board and the Nova Scotia Regulatory and Appeals Board.

This is the first year of measuring performance as the Tribunal with separate operating divisions. Performance to March 31, 2025, was reported as the Nova Scotia Utility and Review Board.

Performance measurement in a quasi-judicial context must reflect the unique nature of many applications and appeals. For example, some hearings require a board to review a substantial volume of evidence, involve many parties, and can take many months to schedule and complete. Other matters require a board to consider less evidence and, after scheduling, need only a few days to complete. Activity and speed measures do not equate to quality of decision making or due legal process. Regardless of the type of hearing, the primary emphasis must always be on producing unbiased, timely, fair, and well-reasoned decisions that are justified by the relevant legal and factual considerations.

Desired outcome:	Independently and fairly resolve matters in a timely fashion.
Measures:	Percentage of hearing decisions issued within target or legislated number of days from receipt of final information.
Targets:	95% or more of hearing decisions released within target number of writing days from receipt of final information.
What do these measures tell us?	These measures show how timely a board is at resolving matters.
Where are we now?	As can be seen in Schedule 1, the Tribunal had a combined success rate of 99.2% for releasing decisions within the target writing time (2024-2025: 99.6%). This exceeds the target of 95% or more. Writing times have been set as follows: • The target writing time is 90 days unless a shorter time is set. • Planning matters have a legislated writing time of 60 days.

- Targets for some types of automobile insurance decisions have been reduced based on the type of application. They are variously 60, 30, 20, 15, and 10 days. Details can be found on the Board's website at: [Summary of Application Filing Requirements](#)¹
- Weekly gasoline and diesel oil price settings and interruptions must be heard and decided on the same day.

Graph 1 below shows a comparison of the number of matters by writing time over the last five years to provide some context for changes in activity levels.

Graph 2 shows the success rates by writing time for the last five years to provide context and demonstrate ongoing success in meeting the writing time targets.

Schedule 2 shows a breakdown of writing time results for each operating division – the Nova Scotia Energy Board and the Nova Scotia Regulatory and Appeals Board.

Schedule 3 shows the total number of decisions and average decision writing times by mandate. Annual variation in average times is expected. Larger, more complex hearings may take more time to decide and increase the average. Conversely, larger numbers of single-issue hearings take less time and cause the average number of days to decide to decrease. Efforts are made to minimize the time it takes to issue decisions for matters where there is a significant public interest or financial impact.

Where do we want to be?

The Board measures success against the target writing times. We want our success rate as high as possible while respecting a primary emphasis on producing unbiased, timely, fair, and well-reasoned decisions that are justified by the relevant legal and factual considerations. The Board will continue to monitor this information to keep average writing times as low as possible.

¹ Full link text: https://nserbt.ca/sites/default/files/AInsurance-Summary_of_Application_Filing_Requirements_%282020%29_REVISED_NSRAB_2025.pdf

Consolidated Success by Writing Time

Summary results for compliance with policy on decision production times are as follows (see Note 1 on page 7):

Schedule 1 – Consolidated Success Rate by Writing Time

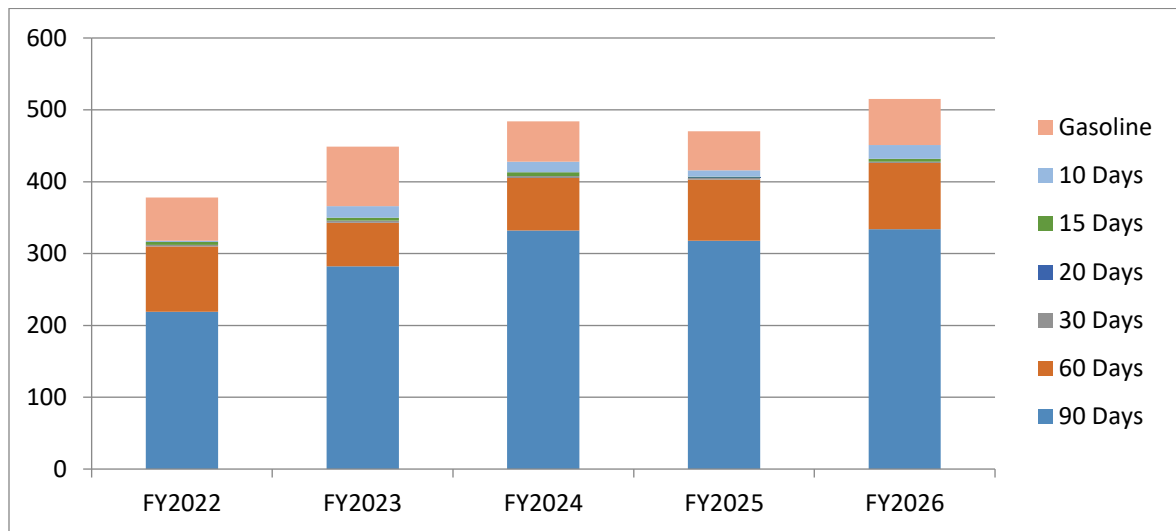
Decision writing targets ²	2025-2026			2024-2025		
	Number of Matters Decided	Matters Within Standard	Success Rate	Number of Matters Decided	Matters Within Standard	Success Rate
90 days	334	331	99.1%	318	317	99.7%
60 days	92	91	98.9%	85	84	98.8%
30 days	2	2	100.0%	2	2	100.0%
20 days	-	-	-	1	1	100.0%
15 days	4	4	100.0%	1	1	100.0%
10 days	19	19	100.0%	9	9	100.0%
Gasoline and diesel oil price setting ³	64	64	100.0%	54	54	100.0%
Combined	515	511	99.2%	470	468	99.6%

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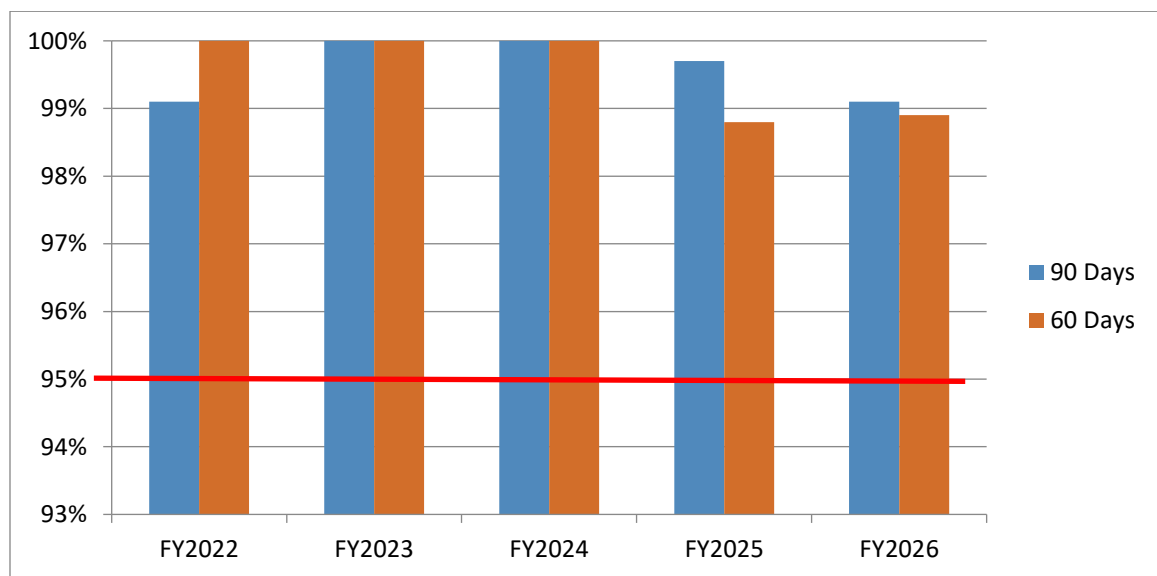
² Decision writing times are measured from the date of receipt of final information to the date of issuance of the Decision. 10-day matters are measured in working days. All others are calendar days.

³ Gasoline and diesel oil pricing decisions for weekly pricing and interruptions are issued on the same day as the evidence is considered.

Graph 1 – Consolidated Number of Matters by Writing Time⁴ - Last 5 Years



Graph 2 – Consolidated Success Rate – 60- and 90-day Target Writing Times⁵



Note:

1. A board may receive several applications or appeals and, for simplicity and efficiency, choose to group them together into one proceeding. Ordinarily only one decision is issued for grouped matters. It is felt that the most useful reporting is to count grouped matters as a single matter.

⁴ See note on next page.

⁵ All other target writing time categories had a 100% success rate during the periods reported and are not shown on this graph.

Divisional Results

The following schedule shows current year performance results for the Nova Scotia Energy Board and the Nova Scotia Regulatory and Appeals Board.

Schedule 2 – Divisional Success Rate by Writing Time

Decision writing targets ⁶	Energy Board			Regulatory and Appeals Board		
	Number of Matters Decided	Matters Within Standard	Success Rate	Number of Matters Decided	Matters Within Standard	Success Rate
90 days	167	166	99.4%	167	164	98.2%
60 days				92	91	98.9%
30 days				2	2	100.0%
20 days				-	-	-
15 days				4	4	100.0%
10 days	-	-	-	19	19	100.0%
Gasoline and diesel oil price setting ⁷	64	64	100.0%			
Combined	231	230	99.6%	284	281	98.6%

Supplemental Information

Average Writing Time by Matter Type

The following schedule shows the number of matters decided by type and the average time from receipt of final information from the parties to release of a decision. Figures include all types of matters and do not separate applications or appeals that can be decided without an oral hearing from larger cases requiring one.

Average decision production times by mandate are as follows (continued on following page):

⁶ Decision writing times are measured from the date of receipt of final information to the date of issuance of the decision. 10-day matters are measured in working days. All others are calendar days.

⁷ Gasoline and diesel oil pricing decisions for weekly pricing and interruptions are issued on the same day as the evidence is considered.

Schedule 3 – Average Writing Time by Matter Type

Jurisdiction / Mandate ⁸	2025-2026		2024-2025	
	Number of Decisions (all types)	Average Time to Decision (days) ⁹	Number of Decisions (all types)	Average Time to Decision (days)
Nova Scotia Energy Board				
District Energy System ¹⁰	-	-	2	64
Electricity	145	39	128	30
Petroleum Product Pricing – weekly pricing and interruptions	64	0	54	0
Petroleum Product Pricing – other	1	90	1	64
Nova Scotia Regulatory and Appeals Board				
Apprenticeship	1	1	-	-
Assessment	31	29	25	22
Automobile Insurance	85	26	80	25
Expropriation Compensation	1	85	-	-
Fire Safety	1	87	2	87
Liquor	2	97	3	30
Motor Carrier – Public Passenger	63	10	57	14
Municipal & School Board Boundaries	2	59	2	27
Natural Gas	21	22	23	22
Payday Loans	-	-	1	14
Planning	16	42	12	27
Tax Appeals	1	2	-	-
Water ¹¹	78	26	54	18
Wastewater	3	15	26	26
Total	515		470	

⁸ Mandates without activity in the current and prior year are not shown in this table.

⁹ Where the average writing time is “0” all decisions were issued on the same day as the final information was received.

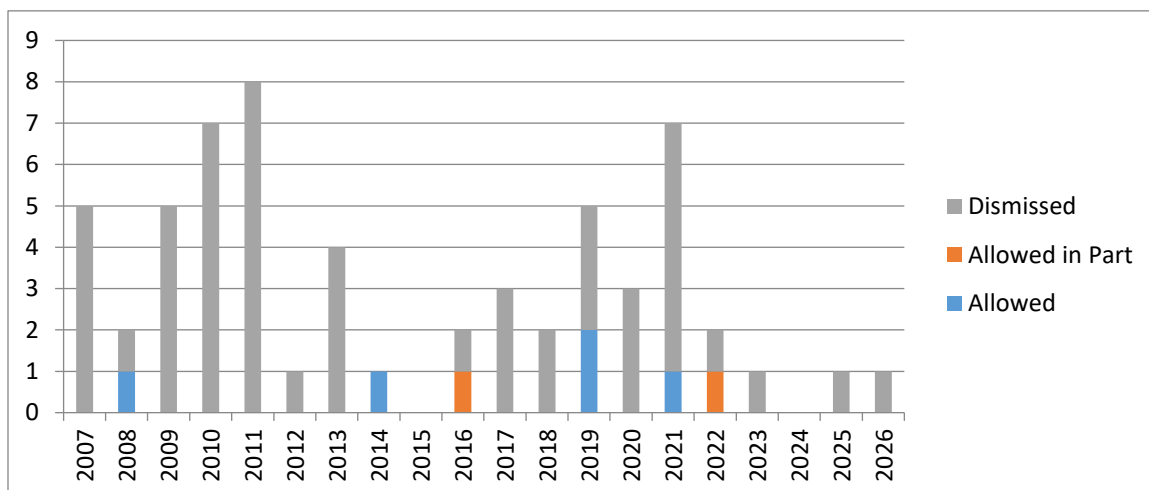
¹⁰ The District Energy System is part of the Halifax Regional Water Commission.

¹¹ Comparative figures for fiscal 2024-2025 have been restated as District Energy System matters and are now being reported separately due to the creation of separate boards.

Appeals of Board Orders

Board orders can be appealed to the Nova Scotia Court of Appeal when a party feels the Board has incorrectly applied the law or its authority. Some types of procedural or jurisdictional reviews may also be directed to the Supreme Court of Nova Scotia. The following chart shows the number of appeals from Board proceedings decided by courts in the last 20 years and the outcome.¹²

Graph 3 – Appeals Decided by Fiscal Year to March 31, 2026



Key:

“Dismissed” means the Court upheld the Board’s decision.

“Allowed in Part” means the Court upheld parts of the Board’s decision but overturned others.

“Allowed” means the Court overturned the entire Board decision.

Comments on Strategic Items from the 2025-2026 Business Plan

During the year, the Tribunal continued implementation of its 2023 Strategic Plan. A copy of that plan is available on the Tribunal’s [website](#)¹³.

Two priority areas were identified in the current year’s Business Plan:

- External communications relating to public understanding of the two new Boards; and,
- Internal training and knowledge management to heighten efficiency and effectiveness, and to continue to develop a culture of excellence.

¹² There were no appeals from Board proceedings decided in the years 2015 and 2024.

¹³ Full link text: <https://nserbt.ca/sites/default/files/Strategic%20Plan%202023.pdf>

The following activities were undertaken relating to those priorities:

- External Communications – The Communications Committee updated its terms of reference. In conjunction with the Communications Officer the committee:
 - Reworked the communications plan to reflect the new priorities in the Strategic Plan.
 - Reviewed and reworked website content to reflect the new organization structure.
 - Developed and implemented additional social media policy and content. This included establishing social media offerings for each Board to include BlueSky, Facebook, and LinkedIn. New initiatives included:
 - More information on mandates and processes for each Board.
 - Publishing timely information on proceedings before the Boards.
 - Updates on the NS Power cybersecurity breach and related filings.
 - Infographics on gas price breakdowns.
 - Piloting short overviews of major decisions called “Decision in a Nutshell” for the Halifax Water and Nova Scotia Power general rate applications. These summaries received very favourable comments from recipients and media.

Expanded communications efforts also included representatives from the Tribunal speaking about the transition to separate Boards and their respective mandates at the Canadian Bar Association Nova Scotia Branch (CBA-NS) 2025 annual general meeting and a CBA-NS Section meeting.

- Internal Training – A Training Committee was formed and provided with new terms of reference. It undertook the following initiatives during the year:
 - Planned and conducted professional development sessions on procedural fairness and due process for members and staff.
 - Updated policies and conducted education sessions on respectful workplace policy and fraud awareness.
 - Surveyed members and staff on what training and education activities are needed or would be most relevant to their work. The survey results will inform future planning.
- Knowledge Management – A new Knowledge Management Committee was formed and terms of reference developed. The committee is tasked with considering how to develop or capture internal and external information important to the various mandates and what tools will be available to access it. This includes considering how artificial intelligence may be used for searching and summarizing information.

Other 2025-2026 Business Plan Priorities

Operational Sustainment:

As planned, the Tribunal successfully began operations under the new organization structure effective April 1, 2025. The *Energy Reform (2024) Act* splits responsibility for the various mandates between the two operating divisions.

Two additional full-time Board members began their 10-year appointments on April 1, 2025.

As expected, applications to the Energy Board began to include environment and sustainability factors set out in Section 6 of the *More Access to Energy Act*, most notably an application by EfficiencyOne relating to demand side management (M12282). Applications have also been received from the new Nova Scotia Independent Energy System Operator (IESO Nova Scotia). To date, the Board has been able to accommodate the additional workload while continuing to achieve performance targets.

The Business Plan anticipated that there would be 450 to 550 matters requiring decisions in the fiscal year with the last five-year average being 437 decisions per year. There were 515 decisions issued in fiscal 2025-2026¹⁴ as compared to 470 in fiscal 2024-2025. This is about 18% higher than the previous five-year average.

Significant Applications:

The following significant matters were anticipated in the Business Plan and completed in the year:

Nova Scotia Energy Board:

- M11533 – An audit of Nova Scotia Power Incorporated’s (NS Power’s) Fuel Adjustment Mechanism (FAM) for the 2022 and 2023 calendar years. A hearing was held in March 2025 with final submissions due in August 2025. A decision was issued on October 16, 2025.
- M11978 – A joint application to increase the wholesale margin included in the pump price for retail gasoline and diesel. A decision was issued on November 25, 2025, denying the increase but amending the method of calculating the Clean Fuel Adjustor (CFA). Changes related to the CFA were directed to come into effect on January 9, 2026.
- M12217 – On November 20, 2025, the Energy Board approved an application by Wasoqonatl Transmission Incorporated approving a capital project for the construction of a 160-kilometre 345 kV transmission intertie between Nova Scotia and New Brunswick at a forecast cost of \$684.7 million.

¹⁴ On average slightly more than two decisions are issued each working day.

The following significant matters are still in progress as of March 31, 2026:

- M11150 – An appeal by NS Power of a \$10 million penalty imposed by the Minister of Natural Resources and Renewables¹⁵ for failing to meet renewable energy targets. The timeline was previously extended at the request of the parties. A hearing was held in June 2025 with final submissions due in August 2025. A decision is pending.
- M12012 – The NS Power 2025 Annual Capital Expenditure Plan was approved on August 19, 2025. The 2026 Annual Capital Expenditure Plan was filed on December 12, 2025. The new matter is ongoing as of year end (M12619).
- M12184 – The Energy Board approved an extension of the Port Hawkesbury Paper LP (PHP) Extra Large Industrial Active Demand Control Tariff (ELIADC) until December 31, 2026. The decision directed NS Power to apply for a successor tariff during 2025 to be available to PHP in 2026, prior to the PHP Goose Harbour Wind Farm being commissioned. That application was received on December 29, 2025. The matter is ongoing as of year end (M12661).
- M12394 – On July 18, 2025, NSP Maritime Link Inc. filed an application to approve a cost recovery of \$198.7 million as an assessment against NS Power to be included in rates. The utility also requested continuance of a 9% return on equity on an equity ratio of 30% for ratemaking purposes relating to original project costs and 40% for sustaining capital projects. In a related matter filed on February 3, 2026 (M12666) the utility also requested relief from a \$4 million monthly holdback in place to ensure expected benefits from the project are realized. These matters were ongoing as of year end.
- M12412 – On August 5, 2025, IESO Nova Scotia filed an application for approval of its expenditure and revenue requirements for the test year¹⁶ ending March 31, 2026. A decision approving the application was issued on February 25, 2026. The application for the 2027 fiscal year was filed on January 20, 2026, and is ongoing as of year end.
- M12780 – EfficiencyOne’s demand side management plan application. Filing of the application was delayed until March 31, 2026, to allow for consideration of the new environmental and sustainability factors and a new cost-benefit test for use with its first five-year benefit plan. The matter is ongoing as of year end with a hearing scheduled to begin on August 4, 2026 (See also related matters M12249 and M12780).

Nova Scotia Regulatory and Appeals Board:

- M12257 – On May 5, 2025, Halifax Regional Water Commission filed a general rate application. On December 16, 2025, the Board issued a decision approving the

¹⁵ Now the Minister of Energy due to department reorganizations.

¹⁶ A “test year” is a 12-month period used to estimate a utility’s costs and revenues for the purpose of setting rates.

application but directed several disallowances and adjustments. A supplementary Compliance Filing was received on December 23, 2025. The Board approved changes to rates effective January 13, 2026, and directed the utility to undertake a number of activities. A new rate application is anticipated in September 2026.

- M12230 – On April 17, 2025, Halifax Regional Water Commission filed an update on the status of its five-year review of regional development charges. Filing of an application had been delayed due to statutory amendments prohibiting increases in charges until November 9, 2026. On September 10, 2025, the Board issued direction to the utility for future filings and confirmed in a letter dated February 18, 2026, that an application should be made no later than July 10, 2026.
- M11645 – During the fiscal year, the Board issued two decisions relating to alleged violations of the *Liquor Licensing Regulations* by licensee Route 19 Brewing Inc. in the operation of a restaurant and lounge in Inverness, NS and circumstances leading to the death of an employee. On May 20, 2025, the Board issued its decision concluding that the licensee violated the *Regulations* by permitting activity detrimental to the orderly control and operation of the licensed premises. On October 23, 2025, the Board issued its decision suspending the licensee for 16 days and imposing conditions on the licensee.

Tribunal Mandates

The *Energy and Regulatory Boards Act* sets out each Board's general powers, such as creating rules of practice and procedure. Specific powers and duties come from approximately 40 statutes and regulations. Complete lists of statutes for the Boards can be found at:

- Energy Board: <https://nserbt.ca/nseb/statutes-rules-regulations>; and
- Regulatory and Appeals Board: <https://nserbt.ca/nsrab/statutes-rules-regulations>.

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Financial Results

Nova Scotia Energy and Regulatory Boards Tribunal Estimated Budget Expenditures				
	Budget 2025- 2026	Actual 2025- 2026	Variance	See Notes
	000's	000's	000's	
Revenues (non-capital):				
Operating Grant from Province of Nova Scotia	2,334	2,423	89	
Recoveries from utilities and others	5,941	5,984	43	
Unbudgeted operations	0	4,765	4,765	1
Total revenues	8,275	13,172	4,897	
Expenditures (non-capital):				
Budgeted	8,275	8,364	89	
Unbudgeted operations	0	4,875	4,875	1
Total expenditures	8,275	13,239	4,964	
Net surplus or (deficit)	0	(67)	(67)	
Restricted & unrestricted surplus, beginning of year	2,425	2,425	0	
Restricted & unrestricted surplus, end of year	2,425	2,358	(67)	2
Funded Members and staff (FTE's)	48	47	(1)	

Notes:

1. The Tribunal engages consultants for advice about matters such as utility and natural gas operations and for expert testimony during hearings. Consulting fees for specific hearings are generally recovered from the entities involved. Expenses and recoveries for large hearings cannot be reasonably predicted or estimated in advance, so no provision is made for these activities in the budget. The Tribunal also recovers certain transcription, copying and other direct expenses from various sources.
2. The Tribunal's complete audited financial statements are published annually in Part II of

the Public Accounts for the Province of Nova Scotia. Starting in fiscal 2025-2026 the audited financial statements include divisional revenue and expenditure information for each of the Nova Scotia Energy Board and the Nova Scotia Regulatory and Appeals Board.

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Annual Report under Section 18 of the Public Interest Disclosure of Wrongdoing Act

Information Required under Section 18 of the Act	Fiscal Year 2025-26
The number of disclosures received	4
The number of findings of wrongdoing	0
Details of each wrongdoing	Not applicable
Recommendation and action taken on each wrongdoing	Not applicable

Section 18 of the *Public Interest Disclosure of Wrongdoing Act* provides:

18 Each deputy head shall prepare an annual report of disclosures, including any findings of wrongdoing, recommendations and actions taken and shall make this report available to the public.

Under Section 18 of the *Act*, I report that four disclosures were received by the Nova Scotia Energy and Regulatory Boards Tribunal during the year ended March 31, 2026.

The Tribunal's designated officer determined that two separate disclosures received on May 31 and August 17, 2025, did not constitute a wrongdoing, as defined under the *Act*. They did not involve public funds or assets, nor did they involve an employee of the Tribunal.

The Tribunal's designated officer determined that two other disclosures related to another government body. Section 5(2) of the *Regulations* under the *Act* provides that if the "designated officer determines that the disclosure relates to another government body, the designated officer must refer the matter to the designated officer of the government body". Accordingly, the two other disclosures were referred as follows:

- A disclosure received on March 7, 2026, while not considered to be a wrongdoing under the *Act*, was determined to be an enforcement matter under the jurisdiction of the Department of Service Nova Scotia and was referred to the appropriate division of that department on March 9, 2026.
- The fourth disclosure, received on March 19, 2026, was referred to the designated officer of the Halifax Regional Centre for Education on March 26, 2026.

The Nova Scotia Energy and Regulatory Boards Tribunal received no other disclosures during the year ended March 31, 2026.

The procedures for handling disclosures set out in the *Act* and *Regulations* have been communicated to the employees and members of the Tribunal. Further, an internal Tribunal policy, which is consistent with the *Act* and *Regulations*, has been adopted.