



**Nova Scotia Utility and Review Board
Business Plan
2021-2022**

TABLE OF CONTENTS

A. BOARD MANDATE 3
B. PRIORITIES 3
C. BUDGET CONTEXT 7
D. PERFORMANCE MEASURE 8
Appendix A: List of Statutes Containing Board Mandate..... 10

A. BOARD MANDATE

Mandate

The Board has a broad quasi-judicial mandate set by legislation. The mandate can be broken down in two ways:

1. Regulatory – having to do with:
 - a. Approving requests from regulated commercial entities such as public utilities (e.g., water, wastewater, electricity, natural gas), motor carriers, railways, the Halifax-Dartmouth Bridge Commission, payday loan companies, and automobile insurers for things such as rates, capital expenditures, operating permits, and discontinuing or abandoning service;
 - b. Setting the price for gasoline and diesel sold to the public; and,
 - c. Resolving complaints against utilities and motor carriers.
2. Adjudicative – having to do with:
 - a. Appeals from the decisions of others relating to such things as property value, fire safety, municipal planning, liquor licensing, movie classifications, and gaming at casinos;
 - b. Setting the value of expropriated land when it cannot be agreed on by the parties involved; and,
 - c. Approving requests pertaining to municipalities and the CSAP such as changing electoral boundaries, dissolution, amalgamation and annexations.

The specific powers and duties of the Board vary by statute. A complete list of statutes is included as Appendix A.

B. PRIORITIES

Strategic

The Board's main priority, as noted above, is carrying out the mandates assigned to it by the Legislature. Periodically, the Board will consult with its stakeholders to consider how we can more efficiently and effectively deliver our services. Such discussions informed our 2016 Strategic Plan which has been substantially completed. The direction set out in that Plan, particularly as it relates to vision and values, continues to be relevant and is the basis for this Business Plan.

Efforts will continue throughout fiscal 2021-2022 on the following strategic priorities:

1. Continued implementation of the strategic communications and outreach plan with a view to better meeting the needs of users of our services.

2. Heightening the efficiency and effectiveness of the Board by:
 - a. Maintaining a culture of continuous improvement.
 - b. Assessing staff roles and internal processes to promote service effectiveness and efficiencies.
3. Fostering a positive and healthy workplace culture that strives to achieve excellence by:
 - a. Maintaining effective internal communication.
 - b. Promoting cross-organizational relationship building at all levels to achieve greater teamwork and collaboration.
4. Strengthening the Board's capacity to innovate and adapt to the future by:
 - a. Continually advancing our knowledge about best practices; local, national and international trends and events; and how they impact matters and sectors within the Board's jurisdiction.
 - b. Providing training, education and professional development to all members and employees to ensure they have the required skills, knowledge, and understanding to effectively respond to changing regulatory and adjudicative environments.

In fiscal 2020-2021 the Board began training staff in Lean Sigma techniques. About 25% of staff have completed training to date. These skills are intended to enhance fact-based decision making strengthening our culture of operational and service excellence in keeping with the Board's strategic vision. In 2021-2022 we anticipate continuing and completing of our first project – a review of how motor carrier licenses are processed. Further training will be offered to interested staff in the year.

In fiscal 2020-2021 the Board continued to work on improving external communications. That included:

- Offering information sessions to the public and interested groups. The information sessions so far have focused on the Board and how it operates, the motor carrier licensing mandate, and planning appeals.
- Improving usability of our website by adding the ability to file complaints online, creating short information videos, and applying plain language principles to some mandate pages.

In fiscal 2021-2022 we intend to:

- Continue offering information sessions on request in a virtual format.

- Expanding the number of information videos on the website.
- Continue plain language work.

A copy of the 2016 Strategic Plan, including specific objectives relating to the priorities above, can be found on the Board's website at: <https://nsuarb.novascotia.ca/about/plans-reports>

Operational Sustainment

Some years ago, the Board decided to improve service levels and efficiency by shifting away from paper and towards electronic records. A robust case management system was developed. This electronic records system included free public access through an easy to use website. Later, work on our Business Continuity Plan triggered a deliberate move from desktops to notebook computers for Members and staff. When restrictions were imposed in 2020 relating to the COVID-19 pandemic the Board was able to shift operations quickly and easily to a virtual model. This included a rapid and seamless transition to holding hearings by videoconference. The impact on service users was minimal and proceedings were able to continue virtually with only minor delays. A total of 23 videoconference hearing sessions have been successfully held as of December 9, 2020.

We are continuing to examine the lessons learned during this time with a view to making further improvements in service and continuing to harden operations against future disruptions. Holding hearings, or parts of hearings, by videoconference is expected to become part of normal business operations as it has also been shown to be cost effective and convenient for participants.

In the 2020-2021 fiscal year we hope to have completed a transition of the telephone system to unified communications. This will enhance our workforce mobility and reliability. In 2021-2022 we are undertaking a project which may result in our document databases moving from hardware in our office to secure data centers. If successful, this could improve data security and help protect against business interruptions.

Municipal Boundaries Review

Municipalities are required to conduct a study every eight years of the number and boundaries of polling districts, their fairness and reasonableness, and the number of councillors. After the study is completed, and before the end of the year in which the study was conducted, the council must apply to the Board to confirm or alter the number and boundaries of polling districts, and the number of councillors¹.

The next reviews are due in 2022. The Board will be sending a notice to the municipalities in the autumn of 2021 and some responses may be received during the 2021-2022 fiscal year. This will be a focus of considerable effort, including hearings, to be successfully

¹ *Municipal Government Act*, S.N.S. 1998, c.18 at section 369.

concluded in time for the next municipal elections.

Duty to Consult

In July 2017, the Supreme Court of Canada released two important decisions relating to an administrative tribunal's jurisdiction and function with respect to Crown consultation in the context of aboriginal and treaty rights². These decisions clarify the Board's role where its decisions may impact on aboriginal rights, including asserted treaty rights and aboriginal title issues. The Board may be called upon to determine whether sufficient Crown consultation has occurred. A recent Nova Scotia Court of Appeal decision further confirmed the Board's legal obligation³. The Board continues to monitor ongoing case law across Canada.

In the 2020-2021 fiscal year the Board adopted a protocol for carrying out its obligation to ensure that adequate consultation has occurred. The Board has begun to consult interested parties about its protocol.

One of the Board's objectives will continue to be the implementation of the protocol setting out the process to be followed in such instances. This will continue consultation with various stakeholders with the aim of ensuring the Board's jurisdiction and function is properly discharged and an effective and efficient hearing process is maintained.

Members and staff at the Board have also participated in training and educational sessions respecting indigenous issues, including a Kairos blanket exercise. Further training is planned for the 2021–2022 fiscal year in cooperation with the Office of Aboriginal Affairs.

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² See: *Chippewas of Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41 (CanLII); *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 (CanLII)

³ See: *Nova Scotia (Attorney General) v. Nova Scotia Utility and Review Board*, 2019 NSCA 66

C. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2020 – 2021 Estimate	2020 – 2021 Forecast ⁴	2021- 2022 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	6,316	5,917	6,329
Quasi-judicial - unbudgeted operations ⁵	0	2,904	0
Total expenses	6,316	8,821	6,329
Revenues:			
Grant from Province of Nova Scotia	2,116	2,116	2,123
Recoveries from utilities and others	4,200	3,962	4,206
Recoveries - unbudgeted operations ⁶	0	2,906	0
Total revenues	6,316	8,984	6,329
Net income (loss)	0	163	0
Restricted and unrestricted surplus ⁷ - beginning of year	2,132	2,132	2,288
Restricted and unrestricted surplus - end of year	2,132	2,295	2,288

⁴ Figures provided are forecasts. Actual results may differ materially.

⁵ Unbudgeted operations expenses arise from hearing activities that cannot reasonably be forecast in advance. Most of these expenses are recovered from the applicant or appellant, or party requesting the service.

⁶ Unbudgeted revenues arise from hearing activities that cannot reasonably be forecast in advance. These are the recoveries of the unbudgeted expenses.

⁷ Surpluses may be restricted for things such as capital assets in use, working capital requirements, and incomplete projects for which revenues have been received.

D. PERFORMANCE MEASURE

Quasi-judicial Function					
Outcome	Measure	Data Base Year	Trends	Target 2021-2022	Strategies to Achieve Target
Independently and fairly resolve matters in a timely fashion ⁸ .	Percentage of hearing decisions issued within target number ⁹ of writing days from receipt of final submissions.	Base Year 2006-07 94.0%	Trends: See chart on next page	Maintain 95% or more of decisions released within target number of writing days from receipt of final submissions.	<ul style="list-style-type: none"> - Use of electronic filing, information repository and case management programs to aid in processing. - Continue monitoring of member and staff performance through monthly Board meetings. - Periodic consultation with external parties to seek ways to improve services.

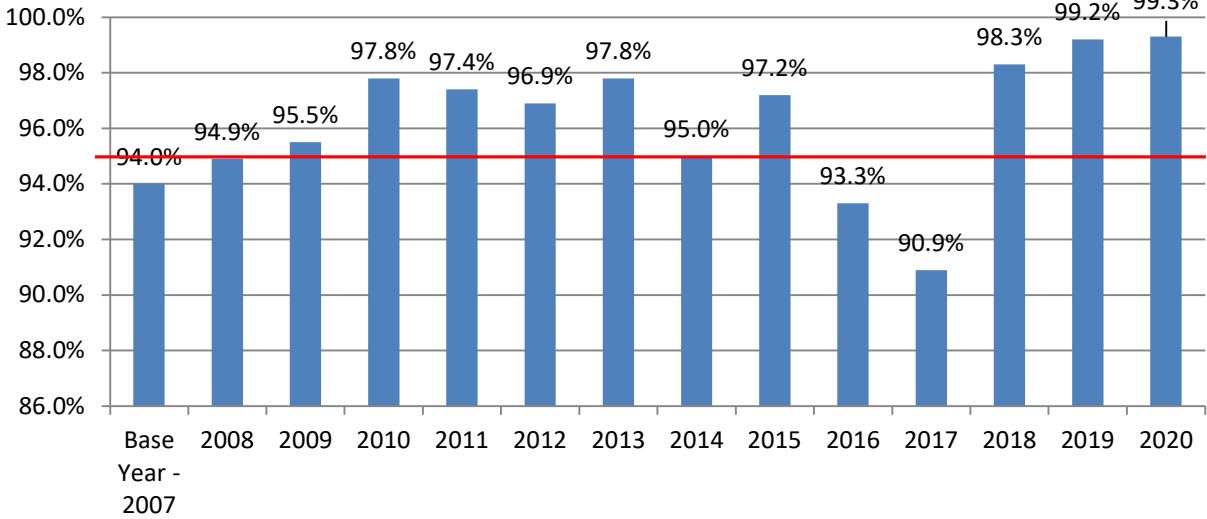
The following chart shows the Board's actual performance in meeting its target of having 95% or more of decisions released within the target writing time.

⁸ While timely production of decisions is important the primary emphasis must always be to fairly resolve matters based on the specific facts of each case and relevant law.

⁹ Target writing times vary by mandate and type of file. Ordinary matters have a target of 90 days. Planning matters have a statutory limit of 60 days unless extended by the Board at the conclusion of the hearing or necessary for the interests of justice. Some insurance matters have statutory limits of 10, 15, 20, or 60 days. At the Board's discretion timelines for some insurance matters can be extended. Routine procedural matters have a target of 10 working days. Note that these timelines are measured from the date of receipt of final submissions.

Decisions Within Target Writing Time

Results by Fiscal Year



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Appendix A: List of Statutes Containing Board Mandate

1. Assessment Act, RSNS 1989, c.23 as amended
2. Apprenticeship and Trades Qualification Act, SNS 2003, c.1 as amended
3. Consumer Protection Act, RSNS 1989, c.92 as amended
4. Education (CSAP) Act, SNS 1995-96, c.1 as amended
[Loi sur l'éducation (CSAP) 1995-96, ch.1 modifié]
5. Efficiency Nova Scotia Corporation Act, SNS 2009, c.3 as amended
6. Electrical Installation & Inspection Act, RSNS1989, c. 141 as amended
7. Electricity Act, SNS 2004, c. 25 as amended
8. Electricity Efficiency and Conservation Restructuring (2014) Act, SNS 2014, c.5
9. Electricity Plan Implementation (2015) Act, SNS 2015, c.31 as amended
10. Endangered Species Act, SNS 1998, c.11 as amended
11. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
12. Expropriation Act, RSNS 1989, c.156 as amended
13. Fire Safety Act, SNS 2002, c. 6
14. Gaming Control Act, SNS 1994-95, c.4 as amended
15. Gas Distribution Act, SNS 1997, c. 4 as amended
16. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
17. Halifax Regional Municipality Charter, SNS 2008, c.39 as amended
18. Halifax Regional Water Commission Act, Acts of 2007, c. 55 as amended
19. Heritage Property Act, RSNS 1989, c.199 as amended
20. Insurance Act, RSNS 1989, c. 231 as amended
21. Liquor Control Act, RSNS 1989, c. 260 as amended
22. Marine Renewable-energy Act, SNS 2015, c. 32 as amended
23. Maritime Link Act, SNS 2012, c. 9 as amended
24. Mineral Resources Act, SNS 2016, c. 3 as amended
25. Motor Carrier Act, RSNS 1989, c.292 as amended
26. Motor Vehicle Transport Act of Canada, 1987 as amended (Federal)
27. Municipal Government Act, SNS 1998, c.18 as amended
28. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
29. Nova Scotia Power Privatization Act, SNS 1992, c.8
30. Petroleum Products Pricing Act, SNS 2005, c. 11
31. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
32. Pipeline Act, SNS 1980, c. 13 as amended
33. Public Utilities Act, RSNS 1989, c.380 as amended
34. Railways Act, SNS 1993, c.11 as amended
35. Revenue Act, SNS 1995-96, c.17 as amended
36. Technical Safety Act, SNS 2008, c. 10¹⁰
37. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
38. Underground Hydrocarbons Storage Act, SNS 2001, c.37
39. Utility and Review Board Act, SNS 1992 as amended
40. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

¹⁰ Partially proclaimed in force as of the date of writing of this plan.