

MEMORANDUM

TO: Mayor Kogon and Members of Council

FROM: Gregory D. Herrett, CPA, CA
Chief Administrative Officer

DATE: November 26, 2018

SUBJECT: Legal Opinion – Residency Status

At its October 22, 2018 regular meeting Council directed me to ***“to provide a report and seek a legal opinion on whether Councillor Jason Blanch continues to be ordinarily resident within the Town of Amherst and what options exist for Councillor Blanch and for Council should it be determined that he is not.”***

I can report that I retained Kevin Latimer, Q.C. of Cox & Palmer to provide an opinion on the issue. Specifically, counsel was asked to provide a professional opinion on whether Councillor Blanch meets the residency requirements set out in the *Municipal Elections Act* to continue as a Town Councillor. Counsel was also asked to provide commentary on recourse under the Act should a challenge be made to the Councillor’s qualifications to serve.

In an opinion letter received November 16, 2018, counsel ultimately opined based on the circumstances existing today that ***“The Councillor is ordinarily resident in Amherst within the meaning of the Act. He is therefore qualified to continue as a Town Councillor”***. Further, counsel advised that ***“should a challenge be made, by any party, to Councillor Blanch’s qualification to serve it would be required to be in the form of an application to the Supreme Court of Nova Scotia”*** under Section 166 of the *Municipal Elections Act*.

I reported to Council as directed at an in-camera meeting on November 19th. Council accepted that no further action was required at this time.