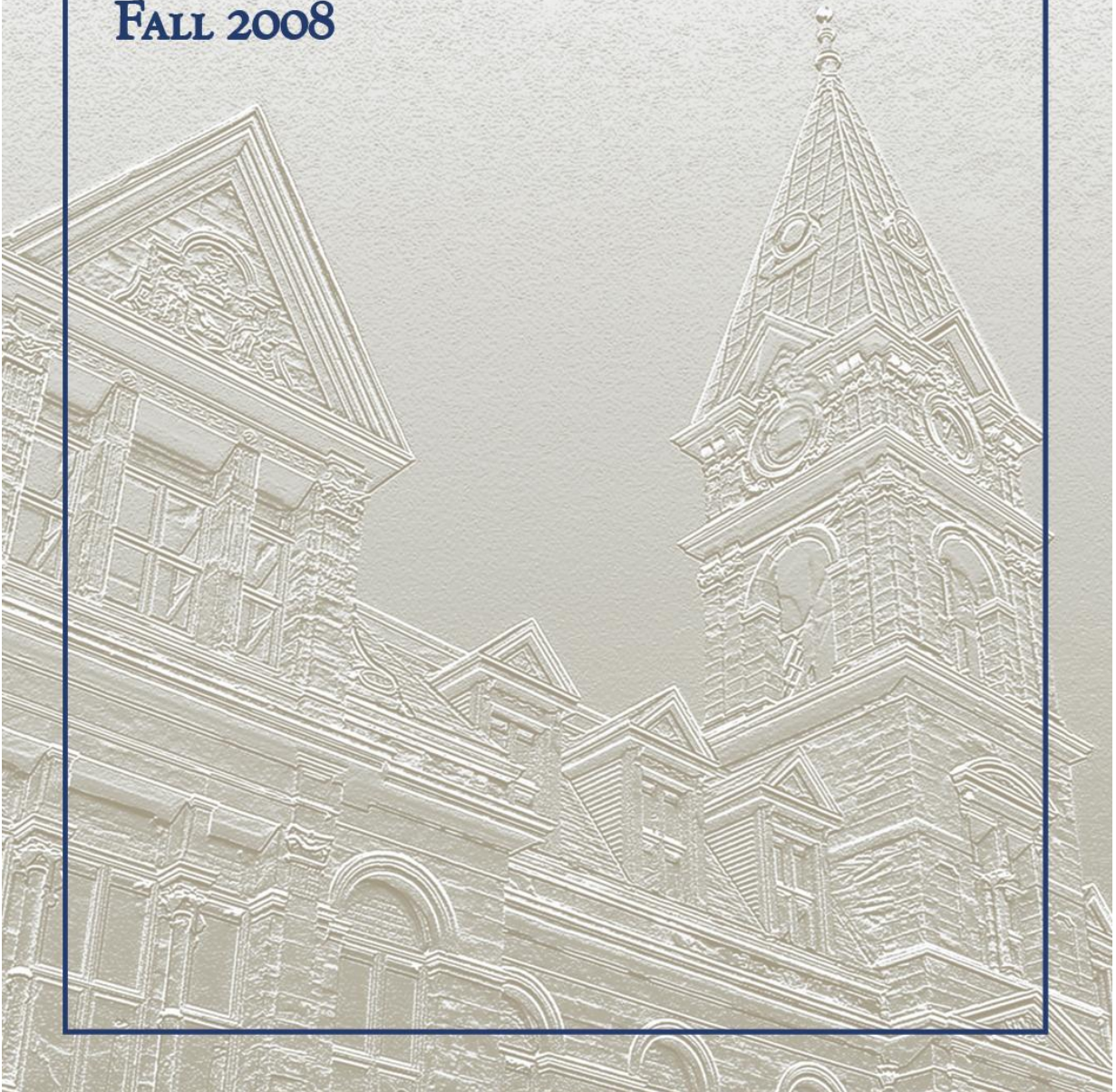


HALIFAX
REGIONAL MUNICIPALITY

HRM LEGISLATIVE REQUESTS

FALL 2008



Legislative Amendments Requested for Fall 2008

- 1) **HRMbyDesign** (Bill 181, 1st reading May 23, 2008)
 - a) Expand provisions of the Municipal Government Act related to site plan approval to include authority to regulate “matters related to exterior design including the external appearance of structures, the character of structures, the design features of structures, and the facade of structures.”
 - b) As part of the site plan review, enable the municipal development officer to refer applications to an external design review committee. The design review committee is being modeled after other advisory committees (Heritage, Planning) whereby applications can be referred to committee for expert advice and input. Accordingly, the composition of the design review committee will be established through a Bylaw of Council and may include representatives from Council and the professional design community.
 - c) Enable the relaxation of “matters related to exterior design” by variance (sec. 235) under the as-of-right abilities. This will enable a wider range of as-of-right development options with a threshold to be established for Site Plan Approval.
 - d) Reduce the scope of the appeal process for Site Plan Approval in terms of limiting who has the right of appeal and changing the area in which the appeal provisions apply.

- 2) **Heritage Property Act** (Bill 182, 1st reading May 23, 2008)
 - a) Strengthen municipal authority to control demolition, either by:
 - providing the same level of protection to individually registered heritage properties that is currently enabled for properties in heritage conservation districts, whereby a municipality may refuse demolition or approve demolition with conditions, both subject to the right of appeal; or
 - extending the current one-year demolition delay to two years;
 - b) Clarify and confirm municipal authority to provide financial assistance to registered heritage properties and properties in heritage districts in the form of grants, loans, and property tax relief (The Act is presently ambiguous about the range of incentives that may be provided);
 - c) Clarify and confirm that financial assistance may be conditional on an agreement respecting ongoing maintenance and protection from demolition;
 - d) Provide that registration could be overturned because of a matter of form or procedural irregularity;

- e) Provide that an application to quash a registration be made within three months of the registration; and
- f) Provide that all heritage properties listed on the Provincial Registry of Heritage Property or on a municipal registry of heritage properties as of the date of the amendments are, and are deemed to be, registered heritage properties to preserve registration status quo while awaiting the task force report.

3) HRM Charter (Bill 179, 1st reading May 23, 2008)

The *Charter* is modelled on the existing *MGA* and HRM has not been granted any additional powers, with one exception:

- a) In relation to variances, Council requested the authority to increase the notification distance beyond the legislated thirty meters. A greater notification distance protects the provincial interest that every assessed owner within thirty meters is notified of the variance while providing Council the flexibility to provide greater notice to assessed owners whose property is beyond the thirty meter legislated requirement. This change is only administrative in nature and, if passed, will allow Council to provide greater, not lesser, notice of a variance.

The remainder of the changes in the legislation are minor, reflecting the current legislative drafting style and were completed by the Legislative Counsel Office. The Legislative Counsel Office also undertook some necessary reorganization to incorporate the HRM only sections of the *MGA* into the main body of the *Charter*. In addition, an amendment requested under the Charter was made to the *MGA* in the Spring 2008 session, namely the clarification that the general grants of power are not limited by the specific powers.

4) Public Utilities Act – in Support of Geo-Thermal Projects

An amendment to the Public Utilities Act regarding geothermal systems:

- a) In order to facilitate the development and growth of geothermal projects, HRM is asking that UARB oversight be limited to geothermal or energy services being provided to more than ten customers, or at least ten megawatts in size.

5) Dartmouth Common Transit Terminal

To support construction of a larger transit facility and Dartmouth Sportsplex fieldhouse, HRM is requesting an *MGA/Charter* amendment:

- a) The Municipality may build, expand or improve structures, for municipal purposes, including transit facilities and Sportsplex facilities, on that portion of the Dartmouth Common beginning at the point of intersection of Wyse Road and Thistle Street; thence proceeding northwesterly along Wyse Road until Wyse

Road intersects with Nantucket Avenue; thence proceeding northwesterly along Nantucket Avenue until Nantucket Avenue intersects with Green Road; and thence easterly across the Dartmouth Common parallel to Wyse Road until it reaches Thistle Street; and thence southerly along Thistle Street to the place of beginning.

6) Halifax Common QEII Expansion

To support expansion of the QEII Health Sciences Centre, HRM is requesting that sub-section 529(A) be added following section 529 of the Municipal Government Act as follows:

- a) 529(A) The Halifax Regional Municipality may, upon such terms and conditions as the Council may determine, sell and convey, or lease to Her Majesty the Queen in Right of the Province of Nova Scotia, for a hospital to which the *Hospitals Act* applies, certain lands owned by the Halifax Regional Municipality, and outlined in red as per Attachment –A of this report, more particularly referred to as Parcels H-1, H-2, and QEH-1; and Council may by resolution determine what portion thereof shall be conveyed and also what sum, if any, shall be paid therefor. The lands to be conveyed under the provisions hereof shall, after such conveyance, be used solely for the purpose of a hospital to which the *Hospitals Act* applies, and shall not be sold, let or otherwise disposed of by Her Majesty in Right of the Province, and upon breach of any of the provisions hereof the same shall revert to the Municipality.

7) Noise

- a) Address excessive noise and make the owner responsible for the noise of an occupier after a first correction of the tenant.
- b) Empower peace officer to demand from the owner, within 48 hours, the name and the address of the person occupying the premises or a copy of the lease.
- c) Provide landlord redress for noisy tenants

8) Obstructions on Streets

- a) Clarify that the owner is required to pay for the costs of remedying an obstruction on a street. For example, private fencing obstructing a public street.

9) Active Transportation

- a) Seek power to impose active transportation capital cost charges at the development and subdivision stages.

10) Enforcement Remedies

- a) Amend *MGA* to allow a charge of contempt of court rather than failure to comply with a court order.

11) Notice of Claim

- a) Add a 21 day limitation period in the *MGA* for transit and snow and ice claims to allow gathering and preservation of the necessary evidence.

12) Accident Benefits and Unidentified Motorist Payments on Metro Transit Buses

- a) Priority for payment be sought requiring an occupant of a bus, who is insured under his or her own automobile insurance to claim, in the first instance, section B and section D benefits against his or her own policy rather than against HRM. This still allows recovery from HRM if the occupant does not have his or her own insurance.

13) Maximum and Minimum Bylaw Provisions

- a) Remove the words “minimums” and “maximums” from the LUB provisions found in s. 220(4) to improve flexibility. For example, to permit the regulation of both minimum and maximum frontage rather than only minimum frontage.

14) Increasing Building Construction Standards near Nuisances

- a) To facilitate greater proximity of residential uses to commercial and industrial developments, allow HRM to impose more stringent construction standards for residential development near nuisances than are contained in the N.S. *Building Code Act*.

15) Senior Citizen Housing

- a) There is a demand for seniors’ housing. It is recommend the Province of Nova Scotia remove barriers to senior housing in the *MGA* and *Human Rights Act*.

16) Spending Power for Special Events

- a) Clarify HRM may spend money for events on the Commons.

17) Acceptance of Public Streets

- a) Clarify that a street does not become a public street until accepted by Council or as part of an approved subdivision.

18) In-Camera Discussions of Intergovernmental Matters

- a) Facilitate In-Camera discussions of government initiatives prior to public announcement.

19) Local Improvement Charges Relating to Nova Scotia Power

- a) Clarify they may be charged against NSPI.

20) Limitation Period for Land Use By-law Prosecutions

- a) Increase from 6 months to 2 years to mirror *Building Code Act*.

21) Amounts Owed

- a) Amend MGA to make fines:
 - (1) relating to specific properties first liens against real property and collectable in the same manner as taxes,
 - (2) relating to two or more convictions for noise violations first liens against the property from where the noisy activity originates.
- b) Amend Summary Proceedings Act so a fine imposed by a court is deemed a judgment of the NSSC.

22) Community Council and Minor Variances

- a) Delete the word “minor” as a housekeeping change for clarification purposes.

23) Charge for Future Benefit

- a) Allow Council to impose charges against persons who will benefit, in the future, from a service (i.e., water & sewer)

24) Summary Offence Tickets

- a) Grant Regional Council the authority to designate wording to make an offence SOTable.

25) Fences Obstructing Safe Traffic Flow

- a) Permit Engineer to order fences removed that obstruct visibility of a driver.

26) Search Warrants

- a) Allow a Justice of the Peace to issue a search warrant under the MGA.