

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-100**

RESPECTING LICENSE AND PERMIT APPEALS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 49(2) of the Municipal Government Act as follows:

SHORT TITLE

1. This Bylaw shall be known as Bylaw Number A-100 and may be cited as the "Appeals Committee Bylaw"

INTERPRETATION

2. In this By-law:
 - (a) **"Appeal Committee"** means the Committee established pursuant to this By-law;
 - (b) **"Council"** means the Halifax Regional Municipality Regional Council.
 - (c) **"Inspector"** means the Inspector of Licences appointed by Council by Administrative Order from time to time and unless the context indicates the contrary, includes any deputy or assistant or assistants to the Inspector duly authorized by the Council to perform the duties of the Inspector;;
3.
 - (1) The Council hereby establishes the Appeals Committee.
 - (2) The Committee shall consist of five Councillors who shall be appointed by Council
 - (3) The members of the Committee shall be appointed for such term as Council may direct and shall hold office at the pleasure of Council.
 - (4) A member of the Committee shall be eligible for re-appointment.
 - (5) If any of the members of the Committee ceases to be a Councillor during the member's term on the Committee, the member's appointment shall be vacated.
 - (6) Should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, the Council shall within 30 days of notification thereof, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member to whose place he or she was appointed.
 - (7) The Committee shall, at its first meeting each year, elect from its members a Chairman and a Vice-Chairman who shall act in the absence of the Chair for the coming year.

- (8) Any person whose application for a licence under any By-law in effect in the Regional Municipality is refused by the Inspector, or any person whose licence or permit under any such By-law is suspended or revoked by the Inspector, may appeal from such refusal, suspension or revocation to the Appeal Committee.
 - (9) No appeal shall be taken from any decision of the Inspector except upon written notice of appeal being served upon the Inspector, within 15 days from the decision appealed from.
 - (10) Any decision of the Inspector appealed from shall not be stayed by an appeal.
 - (11) On receipt of the Notice of Appeal, the Inspector shall notify the Chairman who shall forthwith select of panel made up of three members of the Appeal Committee to hear the appeal.
 - (12) The panel selected pursuant to subsection (1) shall hear the Appellant and may:
 - (a) confirm or vary the decision of the Inspector;
 - (b) order that a licence be revoked and surrendered; or
 - (c) order that a licence be granted or reinstated, with or without conditions.
 - (13) The panel may order that a licence be granted or reinstated subject to the appellant passing any tests provided for in the applicable By-law or proving that he or she meets any qualifications or requirements of the applicable By-law.
 - (14) The Appeal Committee or any panel thereof shall not make any decision that the Inspector could not have made pursuant to the applicable By-law.
4. This By-law shall stand in the place and stead of any appeal provisions explicitly set forth in any Licensing By-law in force in the Regional Municipality and any such appeal provisions are hereby appealed and replaced by this By-law.

Done and passed in Council this 28th day of March, 2,000.

Walter R. Fitzgerald
MAYOR

Vi Carmichael
MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on March 28, 2000.

Vi Carmichael

BY-LAW A-100

Notice of Motion:	February 22, 2000
First Reading:	March 7, 2000
“Notice of Intent” Publication:	March 11, 2000
Second Reading:	March 28, 2000
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 1, 2000

Amendment # 1 (A-101)

Amendment to Section 3 Subsection (2)

Notice of Motion:	September 6, 2005
First Reading:	September 14, 2005
Notice of Public Hearing Publication:	September 24, 2005
Seconding Reading:	October 11, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 15, 2005