

March 23, 2021

Carl Purvis – Planning Applications Program Manager Planning and Development Halifax Regional Municipality PO Box 1749 Halifax, NS, B3J 3A5

Subject: Application for a Substantive Amendment to Development Agreement applying to PID 41431065 – 27 and 65 Dellridge Lane, Bedford

Dear Carl:

On behalf of our client, Rainbow Development Holdings Limited, please accept this application requesting a Substantive Amendment to the existing Development Agreement (DA) applying to the site noted above.

The site, zoned Bedford South Comprehensive Development District (BSCDD) under the Bedford Land Use By-Law (LUB), falls within the General Commercial Centre Designation of the Bedford South Secondary Planning Strategy (SPS), and is subject to a DA between HRM and Clayton Developments Limited signed on June 17, 2009. The DA was approved by North West Community Council on March 26, 2009 as Case 01159. The DA and Subdivision Agreement are included in the attached documents.

Site Context

Figure 1 below indicates the approximate site location within the DA Schedule B (Land Use Plan).

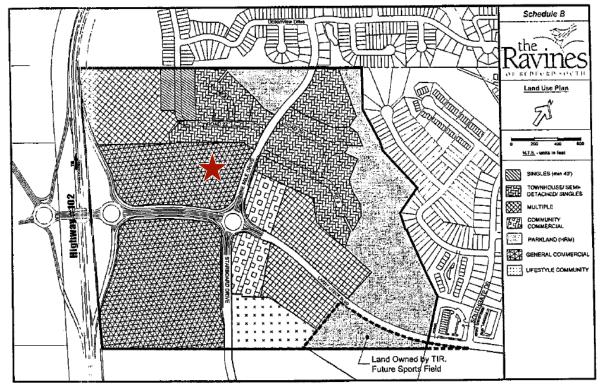


Figure 1: Development Agreement Schedule B (Land Use Plan), with approximate subject site location indicated within the General Commercial area.

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P +1 902 429 4100 **F** +1 902 423 3063

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Figure 2 below indicates the location of the subject site, with current property lines:

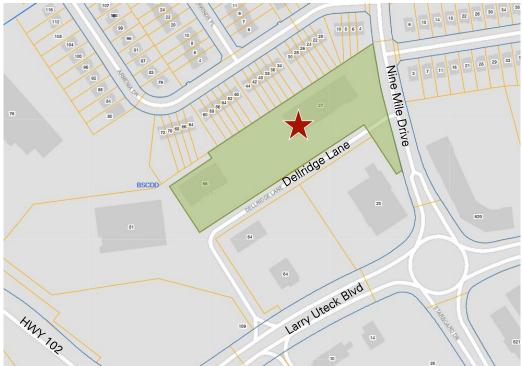


Figure 2: Subject site - PID 41431065, 27 and 65 Dellridge Lane (Source: Explore HRM)

The property contains two (2) commercial strip-centre buildings with a combined total of 33,384 sq ft. of commercial space. The site plan is provided in Figure 3, below.

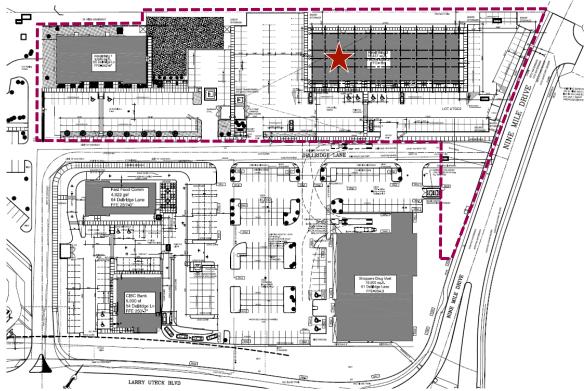


Figure 3: Site plan with property line indicated ((Source: Issued for Construction Drawings, Dated July 23, 2013) FOWLER BAULD & MITCHELL LTD.

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Proposal overview - Indoor Commercial Dog Care Facility

This application is to support a prospective tenant to locate at this site to operate an indoor dog care facility. While this business type was rare when the LUB and DA were originally drafted, market demands for such a service have increased since this time, as evidenced by a number of dog care facilities that have opened in the nearby area.

In the process of the prospective tenant's application for an occupancy permit at 27 Dellridge Lane in January 2020 (Development Permit Application 180068), it was determined by Development Officers that such use qualified as kennel, as defined by the Bedford LUB. Kennel is defined in the LUB as "a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care." Such a use is not listed as permitted in Schedule P of the DA and the permit application was thus rejected.

Whereas the proposed dog care facility does not intend to perform overnight boarding nor include an outdoor enclosure, it mitigates the nuisance traditionally associated with kennels.

In lieu of an appropriate definition within the LUB, this application proposes to amend the text of Schedule P of the DA to include a new permitted use. It is proposed that an *Indoor Commercial Dog Care Facility* use would comprise a building or part of a building for the temporary care of two (2) or more dogs, not inclusive of overnight boarding, and which does not include an outdoor enclosure.

Review of Bedford South Secondary Planning Strategy (SPS)

Permitting such a business will help to support a complete community in Bedford, with commercial uses responding to evolving resident needs. Further, this is an appropriate location for such a use, with the SPS envisioning a range of general and highway-oriented commercial uses at this location, given its transportation connections to both the local residential community and the region. As per Schedule 1, the site is designated as General Commercial. The following policies are pertinent to the current application:

- Policy GC-1 notes that the General Commercial Designation shall support a wide range of goods, services and facilities, with the exception of adult entertainment uses, automobile sales and leasing or any other business requiring extensive outdoor display areas;
- Policy GC-2 and Schedule V indicate the subject site as within the Larry Uteck interchange node, with densities and land uses and densities allocated with consideration for the road network and impact on water and sewer infrastructure; and
- *Policy MS-2* provides a commercial density maximum of 50 persons per acre for General Commercial, with final determination of densities established by the DA (see below).

Review of Development Agreement (DA) Policies

A thorough review of DA policies has been conducted and the proposed change presents no apparent issues. With regard to Schedule Q (General Commercial Requirements), no issues are apparent given that this application proposes no associated changes in pedestrian access, parking, trees, building appearances, outdoor displays, fencing or outbuildings, With regard to

FOWLER BAULD & MITCHELL LTD.



Schedule T (Bedford South Full Build-out Estimated Density and Population Projections) no issues are apparent, given there is no change in density associated with this application when compared with other General Commercial uses.

Review of Easements and Restrictive Covenants

Easements and Restrictive Covenants have been reviewed and no issues are anticipated with regard to the current application. Copies of Easements and Restrictive Covenants are available upon request.

Attachments, Application and Fee Payment

To assist your assessment of this application, the following materials are enclosed:

- Completed application form
- Authorization to proceed from Rainbow Development Holdings Limited
- Property Online Land Registration report for PID 41431065
- Architectural Site Plan (July 2013)
- HRM Agreements (DA for PIDs 40288128 and 40834103 dated June 17, 2009; DA Amendments; and Subdivision Agreement)

Payment for the application fee and advertising deposit in the amount of \$6,500 will be submitted to you by Compass Commercial Realty LP.

Conclusion

Thank you for your review of these materials. Given the nature of the application, we trust the information supplied is sufficient and that your review confirms that this change will be an overall benefit to the local community. We look forward to supporting your assessment should further information be required, and we are committed to a fair and expedient process.

We understand that next steps will include a detailed review of the proposal and a public information meeting, prior to the staff report and consideration at Community Council.

Best Regards,

Original Signed

David Paterson Planner and Urban Designer

CC:

Paul Hiscock, Director – Portfolio Administration, Compass Commercial Realty LP Jonathan Hartlen, Manager, Leasing & Brokerage, Compass Commercial Realty LP

FOWLER BAULD & MITCHELL LTD.

TO: Fowler Bauld & Mitchell Ltd.

Subject: Development Agreement Amendment to Permit Dog Care Facility

To Whom It May Concern:

I, Benjamin Woschek, Vice President Rainbow Development Holding Ltd., hereby authorize Fowler Bauld & Mitchell Ltd. to apply for a development agreement amendment to permit a dog care facility on behalf of Rainbow Development Holding Ltd.

Original Signed

Benjamin Woschek Vice President

Property Online - Property - Land Registration View

Online PROPERT NOVA SCOTIA Help



Provincial Map Bulletin Board Search

Land Registration View

* Indicates interests inherited on subdivision or re-configuration of parcel

Area 3.1	431065 ACRE(S) TUTGC4 - B	Pa	arcel Type arcel Access reated	STANDARD I PUBLIC Sep 28, 201		M	Stat Man		Jnit	ACTIVE MU0824	
PDCA Status APP	PROVED ND REGISTRATION	M		Sep 28, 201 HALIFAX RE Sep 28, 201	GIONAL MUN	NICIPALITY	Man	ner o	of Tenure	NOT APPLICAB	LE
Location DELLRIDGE LANE BEDFORD		County HALIFAX (COUNTY		Primary Lo Yes	cation			ource ssigned by Mu	unicipality	
27 DELLRIDGE LANE BEDFORD		HALIFAX (COUNTY		No			As	signed by Mu	unicipality	
65 DELLRIDGE LANE BEDFORD		HALIFAX (COUNTY		No			As	signed by Mu	unicipality	
Comments											
Assessment Acco 10432944	unt	Value \$8,996.000) (2021 COMME	ERCIAL TAXABL	E)		Tax 160	Distr	rict	Tax Ward	Tax Sub
		<i>\$6,556,666</i>	. (2021 00			to Results	Details V	'iew	Parcel	Archive View	Map View
							2				
Registered Intere		Interest Hold	lor							Pagistration	NS Non
(Qualifier)		Type	IVIAII	ing Address		Type Year			ok/Page/Pla	n Registration Date	NS Non- Res?
RAINBOW DEVELOPMEN	T HOLDINGS LIMITED	EE SIMPLE	290 C/O C REALT	MOUTH NS CA		DEED 2014	105535737			Aug 01, 2014	No
Farm Loan Board	d - Occupants & Interest Holde	-	ddresses				Mailing Ad	dres	S		
				No	Records Fou	nd	5				
Benefits to the R	egistered Intere	sts									B 14 0
Benefit Details		Interest Hol	der Type		Туре			Year	Doc #	Book/Page/Plar	Registration Date
41352360		SERVIENT TENE	EMENT PID		ADDITION/REM BURDEN	IOVAL OF BENE	FIT OR	2012	102060168		Nov 30, 2012
41358367		SERVIENT TENE	EMENT PID		ADDITION/REM BURDEN	IOVAL OF BENE	FIT OR	2012	102060168	1	Nov 30, 2012
TOGETHER WITH AN EAS WAY	SEMENT RIGHT OF	EASEMENT / RI (BENEFIT)	GHT OF WAY HO		ADDITION/REM BURDEN	IOVAL OF BENE	FIT OR	2012	102060168		Nov 30, 2012
TOGETHER WITH AN EAS WAY	SEMENT/RIGHT OF	EASEMENT / RI (BENEFIT)	GHT OF WAY HO	PLDER ,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	105100813		May 22, 2014
41352360		SERVIENT TENE	EMENT PID	,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	105100813		May 22, 2014
41358367		SERVIENT TENE	EMENT PID	,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	105100813		May 22, 2014
TOGETHER WITH AN EAS WAY	SEMENT/RIGHT OF	EASEMENT / RI (BENEFIT)	GHT OF WAY HO	DLDER I	EASEMENT/RIG	HT OF WAY		2014	105192570)	Jun 06, 2014
41352360		SERVIENT TENE	EMENT PID	ł	EASEMENT/RIG	HT OF WAY		2014	105192570)	Jun 06, 2014
TOGETHER WITH AN EAS WAY	SEMENT/RIGHT OF	EASEMENT / RI (BENEFIT)	GHT OF WAY HO	DLDER ,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	104564738	1	Feb 05, 2014
41352360		SERVIENT TENE	EMENT PID	,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	104564738		Feb 05, 2014
41358367		SERVIENT TENE	EMENT PID	,	AMENDMENT (I	NOT CONDOMIN	IIUM)	2014	104564738	ł	Feb 05, 2014
TOGETHER WITH AN EAS WAY	SEMENT/RIGHT OF	EASEMENT / RI (BENEFIT)	GHT OF WAY HO	DLDER /	AMENDMENT (I	NOT CONDOMIN	IIUM)	2017	111592136	i	Oct 18, 2017

Property Online - Property - Land Registration View

41352360	SERVIENT TENEMENT PID	AMENDMENT (NOT CONDOMINIUM)	2017 111592136	Oct 18, 2017
			View Doc	

Burdens on the Reg	gistered interests						
Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Туре	Yea	r Doc #	Book/Page/Plan	Registration Date
HALIFAX REGIONAL WATER COMMISSION	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	450 COWIE HILL ROAD POST OFFICE BOX 8388 RPO CSC HALIFAX NS CA B3K 5M1	EASEMENT/RIGHT OF WAY	2011	97891700		Mar 07, 2011
NOVA SCOTIA POWER INC.	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	NOTICE OF REGISTRARS CORRECTION OF REGISTRARS ERROR	2011	97795505		Feb 18, 2011
SUBJECT TO RESTRICTIVE COVENANTS	COVENANT HOLDER (BURDEN)	UNKNOWN	DEED	2011	97844576 View Form View Doc		Feb 25, 2011
NOVA SCOTIA POWER INC.	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	EASEMENT/RIGHT OF WAY	2010	95270121		Feb 08, 2010
SDLP BEDFORD SOUTH LIMITED	COVENANT HOLDER (BURDEN)	115 KING STREET STELLARTON NS CA B0K 1S0	POSTPONEMENT AGREEMENT (NOT FOR JUDGMENT)	2011	98853717		Aug 05, 2011
41311143	COVENANT HOLDER (BURDEN)	115 KING STREET STELLARTON NS CA B0K 1S0	RELEASE (NOT FOR MORTGAGE)	2011	98817290		Jul 29, 2011
NOVA SCOTIA POWER INC.	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	EASEMENT/RIGHT OF WAY	2012	101377712		Aug 21, 2012
41352360	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	ADDITION/REMOVAL OF BENEFIT OR BURDEN	2012	102060168		Nov 30, 2012
41358367	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	ADDITION/REMOVAL OF BENEFIT OR BURDEN	2012	102060168		Nov 30, 2012
HERITAGE GAS LIMITED	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	EASEMENT/RIGHT OF WAY	2012	102143584		Dec 13, 2012
41358367	COVENANT HOLDER (BURDEN)	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	ADDITION/REMOVAL OF BENEFIT OR BURDEN	2013	104382834		Dec 23, 2013
41358367	COVENANT HOLDER (BURDEN)	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	AMENDMENT (NOT CONDOMINIUM)	2014	105100649		May 22, 2014
41352360	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	AMENDMENT (NOT CONDOMINIUM)	2014	105100813		May 22, 2014
41358367	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	AMENDMENT (NOT CONDOMINIUM)	2014	105100813		May 22, 2014
41358367	COVENANT HOLDER (BURDEN)	PARK PLACE 1 238 BROWNLOW AVENUE SUITE 200 DARTMOUTH NS CA B3B 1Y2	RESTRICTIVE COVENANT	2012	102104859		Dec 06, 2012
41352360	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	AMENDMENT (NOT CONDOMINIUM)	2014	104564738		Feb 05, 2014
41358367	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID	POST OFFICE BOX 910 HALIFAX NS CA B3J 2W5	AMENDMENT (NOT CONDOMINIUM)	2014	104564738		Feb 05, 2014
41352360	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID		AMENDMENT (NOT CONDOMINIUM)	2017	111592136		Oct 18, 2017

Textual Qualifications on Title

Qualifications Text

Tenants in Common not registered pursuant to the Land Registration Act

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Туре	Year	Doc #	Book/Page/Plan	Registration Date	
		No Rec	cords Found	i				
Recorded Interes	ts							

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Туре	Year Doc #	Book/Page/Plan Registration Date
CANADIAN IMPERIAL BANK OF COMMERCE	LESSEE	SOUTH TOWER 33 YONGE STREET FLOOR 4TH COMMERCE COURT POSTAL STATION	NOTICE (ALL OTHERS)	2014 104480778 View Doc	Jan 17, 2014

3/18/2021

Property Online - Property - Land Registration View

		TORONTO ON CA M2J 1G4				
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT	5201 DUKE STREET HALIFAX NS CA B3J 1N9	AMENDMENT (NOT CONDOMINIUM)	2010	95397072 View Doc	Feb 26, 2010
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT	POST OFFICE BOX 1749 HALIFAX NS CA B3J 3A5	AGREEMENT	2009	93658731 View Doc	Jun 24, 2009
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT	5201 DUKE STREET HALIFAX NS CA B3J 1N9	AGREEMENT RE USE OF LAND	2011	97678776 View Doc	Jan 31, 2011
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT	POST OFFICE BOX 1749 HALIFAX NS CA B3J 3A5	AMENDMENT (NOT CONDOMINIUM)	2012	100938860 View Doc	Jun 20, 2012
SHOPPERS REALTY INC.	LESSEE	243 CONSUMERS ROAD TORONTO ON CA M2J 4W8	NOTICE (ALL OTHERS)	2014	105275037 View Doc	Jun 20, 2014
ROYAL BANK OF CANADA	MORTGAGEE	36 YORK MILLS ROAD FLOOR 4TH COMMERCIAL MORTGAGES TORONTO ON CA M2P 0A4	MORTGAGE	2019	115232820 View Form View Doc	Oct 04, 2019
ROYAL BANK OF CANADA	ASSIGNEE	36 YORK MILLS ROAD FLOOR 4 COMMERCIAL MORTGAGES TORONTO ON CA M2P 0A4	ASSIGNMENT OF LEASES AND/OR RENTS	2019	115232838 View Form View Doc	Oct 04, 2019

Parcel Description

Registration County: HALIFAX COUNTY Street/Place Name: DELLRIDGE LANE / BEDFORD Title of Plan: PLAN OF SURVEY OF LOTS UTGC3-A, UTGC4-A AND UTGC4-B BEDFORD SOUTH SUBDIVISION, SUBDIVISION AND CONSOLIDATION OF LOT UTGC3, LANDS CONVEYED TO DELLRIDGE DEVELOPMENTS LIMITED AND LOT UTGC4, LANDS CONVEYED TO RAINBOW DEVELOPMENT HOLDINGS LIMITED Designation of Parcel on Plan: LOT UTGC4-B Registration Number of Plan: 111464112 Registration Date of Plan: 2017-09-25 10:48:19

First Benefit:

Together with an easement/right of way over PID 41352360 and PID 41358367 as described in the Reciprocal Easement Agreement recorded on November 30 2012, as Document No. 102060168 as amended by Amendment recorded on February 5 2014 as Document No. 10464738 and by Second Amendment recorded on May 22 2014 as Document No. 105100813 and as further amended by a Third Amendment to Reciprocal Easement Agreement recorded at the Land Registration Office on October 18 2017 as Document No. 111592136

Second Benefit:

Together with an easement over PID 41352360 as described in the Easement Agreement recorded at the Land Registration Office in Halifax, Nova Scotia on June 6 2014 as Document No. 105192570

First Burden:

Subject to an easement to Halifax Regional Water Commission recorded at the Land Registration Office at Halifax, Nova Scotia on March 7 2011 as Document No. 97891700 over a portion of Lot UTGC4 identified as Parcel SE-C2; said Parcel SE-C2 as shown and mathematically delineated on Plan No. 99560501

Second Burden:

Subject also to an easement in favour of Nova Scotia Power Inc. registered at the Land Registration Office in Halifax, Nova Scotia as Document No. 97795505

Third Burden:

Subject also to restrictive covenants as set forth in a Deed recorded at the Land Registration Office at Halifax, Nova Scotia on February 25 2011 as Document No. 97844576

Fourth Burden:

Subject to an easement in favour of Nova Scotia Power Inc. over a portion of Lot UTGC4 as recorded in the Land Registration Office at Halifax, Nova Scotia as Document No. 95270121; said easement situated along the western boundary of Nine Mile Drive and the northwestern boundary of Larry Uteck Boulevard as shown on Plan No. 99560501 and a plan attached to Document No. 95270121

Fifth Burden:

Subject to restrictive covenants set forth in the Agreement recorded at the Land Registration Office at Halifax, Nova Scotia on July 29 2011, as Document No. 98817290, in favour of Block UTGC1-R (PID 41311143) owned by SDLP Bedford South Limited (now known as Crombie Bedford South Limited).

Sixth Burden:

Subject to an easement in favour of Nova Scotia Power Incorporated recorded at the Land Registration Office at Halifax, Nova Scotia, on August 21 2012 as Document No. 101377712

Seventh Burden:

Subject to an easement/right of way in favour of PID 41352360 and 41358367 as described in the Reciprocal Easement Agreement recorded on November 30 2012 as Document No. 102060168 as amended by Amendment recorded on February 5 2014 as Document No. 104564738 and by Second Amendment recorded on May 22 2014 as Document No. 105100813 and as further amended by a Third Amendment to Reciprocal Easement Agreement recorded at the Land Registration Office on October 18 2017 as Document No. 111592136

Eighth Burden:

Subject to restrictive covenants in favour of PID 41358367 as described in the Grant of Restrictive Covenants Agreement recorded at the Land Registration Office at Halifax, Nova Scotia on December 6 2012 as Document 102104859 as amended by the Amendment to Grant of Restrictive Covenants Agreement recorded at the Land Registration Office at Halifax, Nova Scotia on December 23 2013 as Document No. 104382834 and Second Amendment recorded on May 22 2014 as Document No 105100649

Ninth Burden:

Subject to an easement in favour of Heritage Gas Limited, registered at the Land Registration Office at Halifax, Nova Scotia on December 13 2012 as Document No. 102143584

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act Registration District: HALIFAX COUNTY

Registration Year: 2017 Plan or Document Number: 111464112

Non-Enabling Documents Inst No Inst Type Year Book/Page Registration System **Registration Date** Type 115031420 CHANGE OF ADDRESS RE LR PARCEL LAND REGISTRATION Aug 29, 2019 Document 2019 View Doc Non-Enabling Plans rrist Type Inst No **Drawer Registration** Year Type Plan Name Number Date 111464112 PLAN OF SURVEY OF LOTS UTGC3-A, UTGC4-A AND UTGC4-B BEDFORD SOUTH SUBDIVISION, SUBDIVISION AND CONSOLIDATION OF LOT UTGC3, LANDS CONVEYED TO DELLRIDGE DEVELOPMENTS LIMITED AND LOT UTGC4, LANDS CONVEYED TO RAINBOW DEVELOPMENT HOLDINGS LIMITED View Plan ²⁰¹⁷ SUBDIVISION & AMALGAMATIONS Sep 25, 2017 Plan AFR Bundles Inst Type Inst No Year Filing Reference Instrument Date Туре No AFR Bundles Found Parcel Relationships Related PID Type of Relationship 41358359 PARENT PARCEL NUMBER Back to Results Details View Parcel Archive View Map View

This parcel IS REGISTERED PURSUANT TO THE *Land Registration Act*. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [*Land Registration Act* subsection 20(1)].

No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [Land Registration Act subsection 21(1)].

В	oundary/Area Problem	General Problem	Municipal Tax Query
			*

Property Online version 2.0

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