

January 15, 1948.

TOWN PLANNING REGULATIONS HALIFAX RELIEF COMMISSION

Halifax, N. S.,
January 8, 1948.

His Worship the Mayor and
Members of the City Council.

Gentlemen:-

The attached report of the City Solicitor re the surrender of control in certain matters by the Halifax Relief Commission in favor of the City of Halifax was considered by the Committee on Works meeting on January 6th, 1948.

The Committee approved the report and decided to recommend the same to Council for approval.

Respectfully submitted,

W. P. Publicover,
CITY CLERK.

Per W. G. Todd.

Halifax, N. S.,
January 6, 1948.

To His Worship the Mayor and
Members of the Committee on Works.

Gentlemen:-

I had a conversation with Mr. Tibbs recently regarding the giving up of control in certain matters by the Relief Commission in favor of the City. It will be necessary to secure legislation to repeal sections 11 to 25 of the Halifax Relief Commission Act and also to transfer the Town Planning Regulations of the Halifax Relief Commission scheme to the authority of the Town Planning Board of the City in order to safe-guard the present control of the so-called "devastated area", pending the completion of the comprehensive Town Planning Scheme for the City of Halifax as a whole.

The sections of the Act above referred to deal with the following matters:

- Section 11: definition of the devastated area.
- Section 12: authority in the Commission to lay out and open, etc., streets in this area.
- Section 13: authority to raise or lower the level of streets.
- Section 14: authority to temporarily close streets.
- Section 15: authority to use steamrollers on the streets.
- Section 16: obstructions on streets prohibited.
- Section 17: authority to open streets.
- Section 18: title to streets.
- Section 19: authority to grade streets.
- Section 20: authority to relocate or close streets.
- Section 21: authority to divert private or public sewers.
- Section 22: same respecting water mains and hydrants.
- Section 23: a general section.
- Section 24: paramount authority to build buildings of material approved by Commission.
- Section 25: authority to amend, repeal or add to Part X of the City Charter.

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Many of these provisions are now in the Halifax City Charter as powers of the City and I think if they are repealed insofar as the Relief Commission is concerned the City's authority will then automatically arise.

Yours very truly,

Carl P. Bethune,
CITY SOLICITOR.

Moved by Alderman Sullivan, seconded by Alderman DeWolf that the report be approved. Motion passed.

Alderman DeWolf: "That is an agreement whereby the Halifax Relief Commission is to relinquish their rights to the Town Planning Board; is that it? I was just wondering if they would relinquish any cash. I submitted to the members of Council a report on the Halifax Relief Commission and since that I have been going over minutes of the City Council at that time to get some information to see what the City's interests were. I have not been able to find out. I did see minutes of a meeting in January 1918."

Alderman DeWolf then submitted and read the following memo:

HALIFAX RELIEF COMMISSION

Supplementary Report by J. G. DeWolf

Since preparing previous report I have been delving further into the matter, more particularly as to the formation of the Commission, but have not found, as yet, any particularly interesting information in this regard.

The Minutes of the City Council at that time do not give any particulars as to formation. I note however, after the Commission was set up (January 1918) that it was suggested by the members of the Commission, T. S. Rogers, Judge Wallace and F. W. Fowke, that an advisory committee to work with the Commission be set up, this advisory committee to consist of the Mayor, two Controllers and one alderman from each ward.

I cannot find whether this committee ever functioned or, if they did function, when their services were dispensed with.

I have, however, discovered data of interest from a report of a hearing held at the County Court House, December 14th, 1926, in regard to finalizing borrowings from the Relief Commission by the City and monies due the City by the Commission.

Trying to briefly summarize the report presented to the Court by the Commission it would appear that the City had submitted a total claim of over \$1,000,000 but it was presented too late, it was claimed, to be properly considered and also there were not sufficient funds to meet the claim.

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(Amount allowed including payment for three schools totally destroyed, \$495,383.)

Clause 13 of this report reads in part - "The settlement of the amount of the City claim and the accounting on both sides are now to be regarded as finalized and there is no further appeal."

In respect to part claim which was considered and not presented too late, there was a deduction made of \$170,256.84 as it was stated there was not sufficient money available to pay all claims.

The City has borrowdd money from the Relief Commission against its claims and gave debentures as security. Six percent interest was charged for this money which amounted to \$70,737.30. A further sum of \$36,694.40 appears to have been advanced to the City, for repairs made to certain civic buildings, but seems to have been disallowed, as claim.

From the above you will note that in addition to claim I have already suggested in respect of taxes, the City has also suffered the loss of a further substantial sum of money.

If you only consider the amounts of \$170,256.84 and \$36,694.40 and add 5% simple interest for 30 years you would have over \$500,000 today.

I would also refer you to paragraph "A", which reads in part - "on the other hand the proposed fixed assessment (\$500,000) is a fair valuation for assessment purposes when it is taken into consideration that the Commission houses represent an investment of a considerable portion of its pension fund and in view of the further fact that it is expected that because of the outlying situation there will continue to be more than average vacancies.

There is no doubt in my mind this was the sincere thought of the Commission at that time, and they were endeavouring to be conservative in their views so as to be able to guarantee pensions, which is commendable and proper.

However, their surmise has not been borne out in actual fact. The houses for at least the last seven years have been 100 percent occupied.

The cash reserve, undoubtedly through efficient and conservative management (and, I must add, cheap taxes) has been so built up that I contend the properties are no longer necessary, in any degree, for securing continuance of payments to pensioners and I submit it is therefore reasonable and fair to ask that the City again be allowed to present its claims.

Respectfully submitted,

J. G. DeWolf.

Alderman DeWolf: "I would suggest that His Worship the Mayor ask the Commission if they would consider some action on the matter."

His Worship the Mayor: "I would suggest Alderman DeWolf and one or two others."

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Alderman Lloyd: "We have a lawyer who is a member of the Council and he might join with Alderman DeWolf and the Mayor could be a member ex-officio."

Moved by Alderman Lloyd, seconded by Alderman Sullivan that a committee consisting of Aldermen DeWolf and Kitz and His Worship the Mayor be appointed to take such steps as they deem advisable to bring about the objectives sought by Alderman DeWolf and that they be empowered to act and if necessary to travel to Ottawa to pursue the research work to bring about a successful conclusion. Motion passed.