

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER C - 800  
RESPECTING REGIONAL CAPITAL COST CHARGES  
FOR SOLID WASTE FACILITIES**

**GENERAL**

The Council of the Halifax Regional Municipality under the authority vested in it by Sections 79 and 81(1)(ba) of the *Municipal Government Act*, enacts as follows:

**Number and Short Title**

1. This by-law may be cited as By-law C-800, the Capital Cost Charges for Solid Waste Facilities By-law.

**Definitions**

2. In this by-law,
  - (a) **“accessory building”** means a subordinate building or structure on the same lot as the main building, or on a lot which directly abuts or is directly across a public street or highway, private road or right of way from the lot containing the main building, and is not attached in anyway to the main building;
  - (b) **“agricultural building”** means a building or the part thereof which is used for the production of food, fibre, flora, or the breeding and handling of livestock;
  - (c) **“dwelling unit”** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which cooking, sleeping and bathroom facilities are provided for the exclusive use of such persons;
  - (d) **“fishery building”** means a building or the part thereof used for storing or processing fish including fish houses, sheds, lobster pounds, wharf storage buildings, and smoke houses;
  - (e) **“floor space”** means the total area in square feet of all floors, measured along the outside surface of the exterior walls of the building, including the areas occupied by exterior and interior walls and partitions, all exits, service access spaces, vertical service spaces, and parking spaces within the exterior walls of the building but excluding non-habitable attic spaces and crawl spaces;
  - (f) **“forestry building”** means a building or the part thereof used for sawing or milling forest products including sawmills, vehicle and equipment storage and maintenance buildings;

- (g) “**mining building**” means a building or the part thereof used for mining or otherwise extracting minerals or aggregates including vehicle and equipment storage and maintenance buildings;
- (h) “**mixed use building**” means a building that contains both residential and non-residential uses.
- (i) “**multiple unit residential building**” means a building that contains more than one dwelling unit;
- (j) “**new building**” means a building that is newly constructed or which is moved onto a lot after coming into force of this by-law;
- (ja) “**non-profit organization**” means:
- (i) a society incorporated pursuant to the *Societies Act*, .S.N.S.1989 c.435, as amended,
  - (ii) a non-profit association incorporated pursuant to *the Co-operative Associations Act*, R.S.N.S.1989 c. 98, as amended,
  - (iii) a non-profit association to which the *Co-operative Associations Act* applies,
  - (iv) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23, and
  - (v) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature;
- (jb) “**registered Canadian charitable organization**” means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (k) “**single detached residential building**” means a building that contains not more than one dwelling unit.

### **Capital Cost Charge for Solid Waste Facilities**

3. (1) A charge in the amount of \$230.00 shall be paid to HRM prior to the issuance of a building permit for all new single detached residential buildings.
- (2) A charge in the amount of \$230.00 per dwelling unit shall be paid to HRM prior to the issuance of a building permit for all new multiple unit residential buildings.
- (3) A charge at a rate of \$0.17 per square foot of floor space shall be paid to HRM

prior to the issuance of a building permit for all other new buildings and building additions except those identified in Sections 8 and 9.

- (4) A charge in the amount of \$230.00 per dwelling unit and a charge at a rate of \$0.17 per square foot of floor space used for non-residential purposes, shall be paid to HRM prior to the issuance of a building permit for new mixed-use buildings.
4. Notwithstanding section 3, no charge shall be payable under this by-law where a building is rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, including demolition for the purpose of renovation or redevelopment, if the building is substantially the same as it was before the destruction or damage and it is occupied by the same use.
5. Notwithstanding sections 3 and 4, when a building is rebuilt, replaced, or repaired in a manner that creates additional dwelling units, a charge in the amount of \$230.00 per each additional dwelling unit shall be paid to HRM prior to the issuance of a building permit.
6. Notwithstanding sections 3 and 4, when a building is rebuilt, replaced or repaired in a manner that creates additional square footage of floor space for non-residential purposes, a charge at the rate of \$0.17 per additional square foot of floor space shall be paid to HRM prior to the issuance of a building permit.
7. Notwithstanding section 3, no charge shall be payable under this by-law for an addition to a residential building, or a residential unit within a mixed-use building where additional dwelling units are not being created.
8. Notwithstanding section 3, no charge shall be payable under this by-law for a residential accessory building.
9. Notwithstanding section 3, no charge shall be payable under this by-law for a building which is an agricultural, fishery, forestry, or mining building.
- 9A. The fees set out in sections 3 and 5 may be waived for residential developments undertaken by a non-profit organization or registered Canadian charitable organizations, providing all the following are satisfied:
  - (a) on the date the complete application is received by the Municipality, the applicant must have been registered as a non-profit organization or a registered Canadian charitable organization for a period of least 1 year;
  - (b) the provision of affordable housing must be included in either the mandate, or programs and activities, of the non-profit organization or a registered Canadian charitable organization;
  - (c) a minimum of 60% of the total gross floor area the development must be for a

residential use;

- (d) the property that is the subject of the application must be solely owned by one, or a combination of, the following:
    - (i) the non-profit organization or the registered Canadian charitable organization,
    - (ii) the Municipality,
    - (iii) the Province of Nova Scotia,
    - (iv) the Government of Canada, or
    - (v) an agent of the Province of Nova Scotia or Government of Canada, including a Crown corporation; and
  - (e) on the date the complete application is received by the Municipality, the non-profit organization or registered Canadian charitable organization must have fully paid all taxes or all installments or all interim payments due to the Municipality.
10. The Capital Cost Charges prescribed in this by-law shall be indexed without amendment to this by-Law on April 1, 2009, and in each subsequent year on April 1, in accordance with the indexing set out in the Non-Residential Building Construction Price Index for Canada, Table # 327-0039 as published by Statistics Canada for the immediate preceding quarter.
- (1) The fees indexed in this manner shall be reduced to the nearest cent where they contain a fraction of a cent less than \$0.005 and shall be increased to the nearest cent where they contain a fraction of a cent equal to or greater than \$0.005.
  - (2) The Council of the Halifax Regional Municipality shall inform the public by publication of an Administrative Order, or by such other means as it considers appropriate, of the indexing calculated under this by-law.

### **Lien**

11. A charge or charges levied under this by-law shall constitute a lien against the property in respect of which the charge is levied and may be collected in the same manner and with the same remedies as provided for the collection of real property taxes.

Done and passed by Regional Council on April 29, 2008.

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Mayor

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Acting Municipal Clerk

I, Julia Horncaste, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of Halifax Regional Council held on the 29<sup>th</sup> day of April, 2008.

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Julia Horncastle, Acting Municipal Clerk

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| Notice of Motion:   | March 4, 2008  |
| First Reading:  | March 18, 2008 |
| Notice of Public Hearing Publication:                         | March 22, 2008 |
| Second Reading:   | April 8, 2008  |
| Approval of Service Nova Scotia and Municipal Relations:      | N/A            |
| Effective Date: (Approved by Regional Council April 29, 2008) | May 3, 2008    |

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**Amendment #1 (C-801)**

- Added 2(ja)(jb), 9A

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| Notice of Motion:                                      | September 22, 2020 |
| First Reading:   | September 30, 2020 |
| Notice of Second Reading Publication:                  | October 24, 2020   |
| Second Reading:  | November 10, 2020  |
| Approval by Minister of Municipal Affairs and Housing: | N/A                |
| Effective Date:  | November 14, 2020  |

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