

HALIFAX

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Item No. 3
Halifax Regional Council
December 4, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Jerry Blackwood, Acting Director of Finance and Asset Management/CFO

Original Signed by



Jacques Dubé, Chief Administrative Officer

DATE: November 19, 2018

SUBJECT: **Onsite Septic System Financing**

INFORMATION REPORT

ORIGIN

On October 16, 2018, Regional Council passed the following motion:

That Halifax Regional Municipality request a staff report for a possible Bylaw/Administrative Order to enable the Municipality to provide property owners the opportunity to finance the repair, upgrade and/or replacement of their onsite septic systems.

LEGISLATIVE AUTHORITY

There is no legislative authority for HRM to provide financing for onsite septic systems.

BACKGROUND

HRM currently offers financing assistance through By-Law C-1000 to the owners of principle residences whose onsite water supply systems have gone dry or very low. The legislative authority for Regional Council to expend money "for financing and installing equipment, including containers, on private property for the purposes of the supply, use, storage or conservation of water" is provided for by clause 79(1)(adb) of the Halifax Regional Municipality Charter. Subsection 104A (1) of the Charter gives Regional Council the authority to "make bylaws imposing, fixing and providing methods of enforcing payment of charges for

the financing and installation of any of the following on private property with the consent of the property owner: (b) equipment installed pursuant to an expenditure under clause 79(1) (adb).”

DISCUSSION

While clause 79(1) (adb) and subsection 104A(1) of the Charter gives Regional Council the authority to expend money for the installation of onsite water supply systems and make by-laws to fix and enforce charges for repayment of that money, the Charter does not provide such authority for onsite septic systems.

The only possibility relates to section 352 of the Charter. Under this section, Council has the ability to create, by by-law, a wastewater management district and “charge any or all of the costs to the owners of the property served by the system.” Section 352 requires the by-law to include

- the boundaries of the wastewater management district;
- the system of wastewater management to be used in the district; and
- the extent to which the Municipality is responsible for the repair, upgrading or replacement of private and municipal sewer systems.

This envisions having one system for a set district. This makes it different from the Charges for Water Supply Improvement By-Law C-1000 that does not have a shared system within a set district. Rather, these by-laws apply to specific equipment on an individual property that are located anywhere in the Municipality (not within a district).

In summary, the Charter does not grant the Municipality the authority to expend funds on or pass a by-law to finance the installation of new septic systems on individual private property.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

No community engagement took place with respect to this report.

ATTACHMENTS

None

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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