

LAW AMENDMENTS COMMITTEE

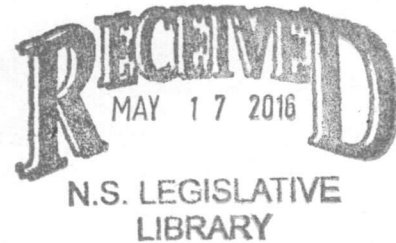
Red Room, Province House

Monday, May 16, 2016

12:00 Noon

Bill #171 - Art Gallery of Nova Scotia Act (amended)

No representation



Bill #174 - Financial Measures (2016) Act

12:00 noon

1. Bruce Outhouse, Q.C. , NS Provincial Judges Association
2. Judge David Walker, President
Canadian Association of Provincial Court Judges (CAPCJ)
3. Dennis James, Q.C., Vice-President
Canadian Bar Association Nova Scotia Branch
4. Nan McFadgen, President
CUPE Nova Scotia
- ~~5. Hughes Randall,~~

**Bill #177 - Municipal Government Act (amended) and
Halifax Regional Municipality Charter (amended)**

1:00 pm

1. Alan North
2. Penelope Russell
3. Patricia Cuttell *Burby*
North End Business Association
4. Carla Nicholson
Quinpool Road Mainstreet District Association

2:00 pm

5. Andrew Murphy
6. Maggie MacDonald,
Managing Director of Government Relations
Halifax Regional Municipality
7. Paul MacKinnon, Executive Director
Downtown Halifax Business Commission

8. Tristan Cleveland

3:00 pm

9. Michelle Champriss
Sackville Business Association

~~10. Graziella Grbac, Executive Director
Mainstreet Dartmouth Business Improvement District~~

Application to the Law Amendments Committee

**An Act to Amend Chapter 18 of the Acts of 1998, The Municipal Government Act (MGA)
and Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter**

May 16, 2016

To the Standing Committee on Law Amendments

c/o legc.office@novascotia.ca

Dear Standing Committee,

RE: adding additional scope to the proposed amendments

My name is Alan North. I am a registered architect, with a background in heritage conservation. In the mid 2000's I was the Provincial Director of the Historic Places Initiative, a federal/provincial/municipal collaborative effort aimed at enhancing heritage conservation efforts. The Historic Places Initiative developed the *Standards and Guidelines for the Conservation of Historic Places in Canada*, The Canadian Register of Historic Places, and an *Incentive Plan for the protection of heritage commercial buildings*.

I understand the emphasis of the current Bill 177 is with commercial development districts and conditions of taxation.

However, I believe any charter and act amendment exercise is an excellent opportunity for public engagement, and to encourage additional amendments where there are shortfalls in the current Municipal Government Act and City Charter.

Therefore my presence here is to request that the Law Amendments Committee consider some additions to Bill 177 that address some pressing heritage issues.

As a precursor to my presentation, I would like you to look above you at the ceiling in this historic room. This ceiling is a good representation of the vulnerability of our heritage to unthinking but often well intentioned decisions, such as cost saving measures. (Here describe the Red Room Ceiling. And how close it came to being demolished and replaced with gypsum wallboard)

I am writing to you as a concerned citizen about an imminent danger to the integrity, composition, and preservation of the historic streetscape of Young Avenue, and other areas in the city with similar heritage value, and to seek your support, during your work to amend the City Charter to include measures that capture the needs of heritage protection in the face of development pressures, and to better align the city charter with recent developments and amendments to the Heritage Property Act. These historic areas suffer from a lack of controls in the city charter and amendments are urgently needed.

Thus, I ask that you broaden the scope of the material you are including in the proposed amendments to include some provisions around demolition and heritage.

The unique and important streetscape of Young Avenue was recognized in 1896, when a Provincial Act of Legislation was proclaimed:

1. ***"An Act relating to Young Avenue in the City of Halifax"*** was enacted "...to beautify and otherwise improve the same (avenue), provided certain class and style of houses are built..." s1896, C28.
2. The Legislation mirrored an important international movement at the time...the **"City Beautiful" movement**, which influenced the aesthetic development of the street, during a period of economic upturn for Halifax after the mid-1890s. The City Beautiful movement was an attempt by late 19th and early 20th century architects and planners to establish a sense of order and dignity in urban planning, and to encourage civic pride.
3. Young Avenue was the **first City Beautiful initiative in Halifax** and as a **'grand boulevard'** it formed the main entrance to Point Pleasant Park, beginning at Inglis Street. Many renowned architects were engaged to design the new grand homes, and the street itself is a fine example of the street landscape invented by Frederick Law Olmstead, designer of Central Park, New York.
4. Recognizing that this legislation would result in 'large' homes of a certain scale and dignity, the City Charter early on permitted several apartments to be included in each home as a non-conforming use, in addition to the principal residence. This was a visionary approach, and offered affordable accommodation and was early form of 'good densification'.
5. The 1896 legislation was incorporated into the 1907 and subsequent editions of the Halifax City Charter, until the 1960s, when the Young Avenue sections were removed from the charter. With no suitable replacement wording to offer legislative protection to manage development on the avenue, it is now under attack by developers intent on making profit, while not respecting the vision or character of this historic streetscape.

To summarize:

Whereas Young Avenue was the first "City Beautiful" Initiative in Nova Scotia, an important international planning movement of the late 1800's, and

Whereas shortly after Young Avenue was created, the Provincial Government passed an act of Provincial legislation in 1896 acknowledging that large sums of money have been spent in building and grading the avenue, and that it was desirable to beautify the avenue and otherwise improve it, providing certain class and style of house was built, and

Whereas Young Avenue forms the main entrance to Point Pleasant Park, and said entrance extends from Inglis Street to the park gates, and

Whereas the provincial statute mandated a minimum cost of house was to be built, and that other conditions were to be met, and

Whereas these conditions resulted in renowned architects from far and wide being commissioned to design the grand homes lining Young Avenue, for prominent citizens of the day, and

Whereas the grand homes along the avenue each have a distinct historic character, most are architecturally intact, and they all have numerous character defining elements, and

Whereas only 3 homes are registered heritage properties, and

Whereas the avenue is valued by residents, tourists, and bus tours, among others and is a unique streetscape in the city, and

Whereas the 2007 demolition of the Brookfield-Stanbury house was the first instance in recent history of the demolition of one of the grand homes to be replaced by 5 tract homes on narrow lots, in a manner which was in direct violation of, contrary to, and incompatible with the spirit of, the Young Avenue legislation, and resulted in the loss of an historic house and an inappropriate form of infill on this important streetscape, and

Whereas now 851 Young Avenue is now undergoing demolition and infill with a proposal of 8 houses, which is an unprecedented attack on the integrity of the avenue, and

Whereas it is apparent that the avenue needs greater protection in the form of a Heritage Conservation District or Streetscape, as well as its own lot frontage Land Use Bylaw to help preserve the remaining scale, proportion, and character of the Streetscape, and

Whereas without the city and the province taking an active leadership role in the protection of Young Avenue, further destruction is assured, and

Whereas in recent decades it appears the Provincial Legislation has been forgotten, ignored, or otherwise dismissed and/or repealed by the City,

This is what I wish to request from the Standing Committee on Law Amendments, please:

1. That you incorporate an amendment that reflects the heritage value of Young Avenue, in a manner similar to what used to be in the City Charter from 1896 until the mid1960s.

2. I request that you make changes to Bill 177 to amend the HRM City Charter and the Municipal Government Act for better protection of built environment, historic streetscapes, and heritage districts, to cover shortfalls the Heritage Property Act. Appropriate amendments to the Municipal Government Act and Halifax Regional Municipality Charter would require the HRM Municipal government to take charge of the issuance of development agreements and demolition permits and ensure demolition restriction controls are in place while the heritage value of a structure planned for demolition is assessed on a 'heritage triage' basis, by appropriate heritage professionals, and immediately develop policy around criteria and rules whereby the city would either permit or deny demolition of existing built properties. An amendment to the City Charter is a quicker and more practical way to change the control of the issuance of demolition permits to the city than the alternative of amending the Heritage Property Act, which relies entirely on the an application and registration of a property before any protection can be offered, a lengthy and time consuming process.

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Respectfully submitted on behalf of many residents, neighbours and friends of Young Avenue.

Attached please find a .pdf copy of a PowerPoint presentation that has been prepared to illustrate the importance of the avenue.

Yours truly,

Alan North, Co-founder and Director, Young Avenue District Heritage Conservation Society

[REDACTED]

Attach.

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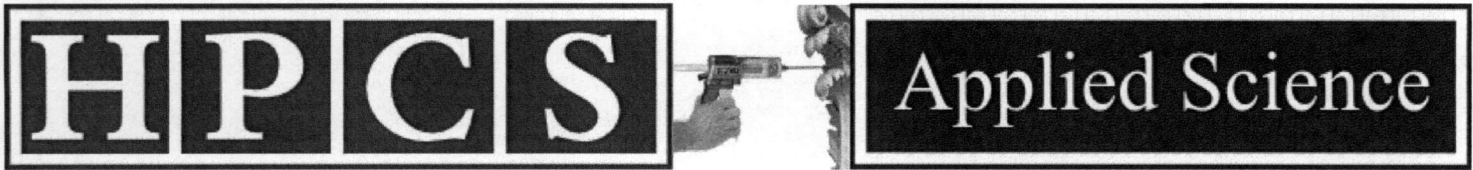
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[REDACTED]

[REDACTED]



Red Chamber, Province House

Halifax, Nova Scotia (1818)

The Building:

The oldest legislature in Canada, featuring the Red Chamber room, which housed the senate in pre-confederation days and is now used for royal visits and other ceremonial affairs of state.

The Problem:

The Adams style ceiling of the Red Chamber is festooned with applied plaster moldings thought to have been shipped from Scotland for this project. By 1818, the fashion was decidedly Regency back home but the Scots- dominated colony of Nova Scotia was a perfect place to offload unsold inventory.

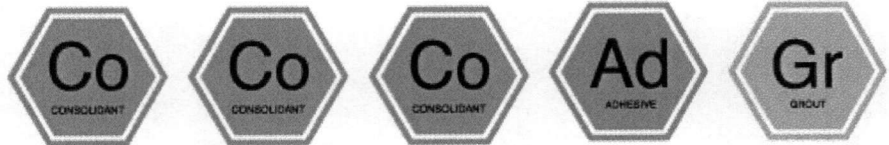


Project Synopsis:

After conducting an assessment, Historic Plaster Conservation Services was contracted to consolidate and reattach the plaster ceiling, using the HPCS acrylic-based **products**. All of the work was carried out within the attic space above the chamber. During the treatment process, technicians stationed below the ceiling were in radio contact with the attic crew above the ceiling in order to monitor the progress, confirm deep penetration of the consolidants, and to guard against any surface disfigurements from leaks. The chamber is now open to the public with no discernible evidence of the work that was carried out.

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TRANSPORTATION/PUBLIC WORKS--Red Room Ceiling Restored

Restoration of the ceiling in the historic Red Chamber at Province House is complete.

Province House is the oldest legislature and recognized as one of the finest examples of Georgian architecture in Canada, Transportation and Public Works Minister Don Downe said today.

"Repairing the ceiling of this room required a very specialized process," said Mr. Downe. "It was a painstaking effort to make certain that the restoration could be done using a technique that would emulate the original work."

Speaker-designate Gerry Fogarty officially welcomed the public back into the Red Chamber.

"The cornerstone was laid for the building of this House in 1811," said Mr. Fogarty. "Today we are humbled to stand here in the same room as many great Nova Scotians who have made history here and look at the same intricate work they looked upon."

The \$257,000 project was carried out by Cureggio General Construction Ltd. of Halifax. The specialized process developed for this kind of repair was led by Ron Stewart of Historic Plaster Conservation Services, subcontracted by Cureggio.

"The process I used rebinds the plaster on the underside of the ceiling to the wooden laths above the ceiling," said Mr. Stewart. "The result is a perfect restoration, retaining the esthetics of history to the naked eye, while making the aging ceiling stronger."

Said Mr. Downe: "Maintaining the proud history here at Province House was a priority going into this project. I am delighted we've been able to go one step further with this work, fortifying

the ceiling for the decades to come."

The Red Chamber, also known as the Red Room, was closed to the public in April as a safety precaution after concerns were raised about the possibility of falling plaster. After the tender process was complete, restoration work began in August and took approximately eight weeks.

-30-

Contact: Laura Lee Langley
Transportation and Public Works
902-424-8687
E-mail: langlell@gov.ns.ca

Don Ross, project manager
Transportation and Public Works
902-424-3797

ngr

September 30, 1997

11:30 am

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News Release Archive

TRANSPORTATION/PUBLIC WORKS--RED ROOM CEILING RESTORATION

The historic Red Chamber at Province House will be closed to the public as of today to start planning the restoration of the room's 180-year-old plaster ceiling, announced Don Downe, minister of transportation and public works.

"The historic plaster ceiling has been deteriorating over the last number of years, and it has reached a condition which warrants the closing of the room in the interest of safety and as a precaution from the possibility of falling plaster," said Mr. Downe.

Built in the early 1800s and recognized as one of the finest examples of Georgian architecture in Canada, Province House has withstood a number of traumas over the years, including shock waves from the 1917 Halifax Explosion and the 1945 ammunitions depot explosion.

Work on the ceiling of the Red Chamber, also known as the Red Room, will begin when the Legislature rises. The actual construction work is expected to take about eight weeks. Ceilings in the other parts of Province House have had repairs.

Restoration costs will be determined once on-site work on the ceiling begins. Several methods will be used to repair the plaster.

"We will take great care in preserving this building so people will be able to continue to enjoy its great historical significance in the future," said Mr. Downe.

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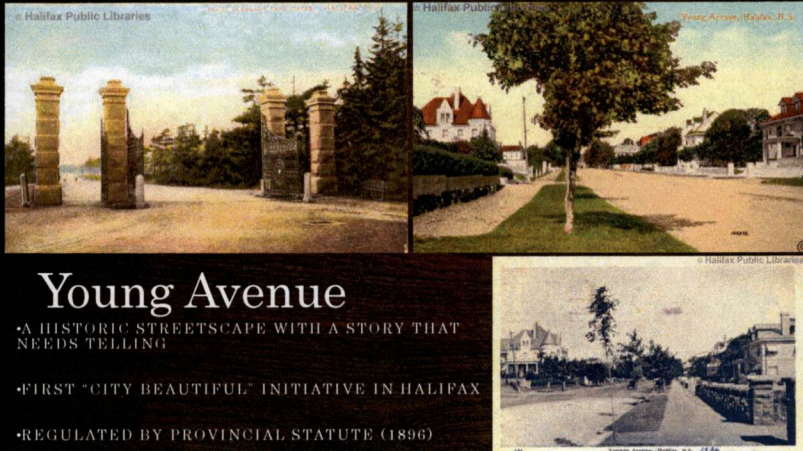
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[REDACTED]


[REDACTED]



Young Avenue
 • A HISTORIC STREETScape WITH A STORY THAT NEEDS TELLING
 • FIRST "CITY BEAUTIFUL" INITIATIVE IN HALIFAX
 • REGULATED BY PROVINCIAL STATUTE (1896)

A Brief History of Young Avenue


- **City Beautiful:** an important international planning movement
 - An attempt to add beauty, a sense of order and dignity to cities which were suffering the effects of industrialization and local economic, political, and social pressures
 - Resulted in one of the most attractive residential streets in Halifax
 - linked with the economic upturn of Halifax after the mid-1800s
 - Young Avenue...
 - Halifax's 1st City Beautiful Initiative
 - Attracted many renowned architects
 - Attracted the city's elite to build and relocate
- **The Park Gates**
 - Installed August 21, 1886



A Brief History of Young Avenue

- **1896 Provincial Statute:** "The Young Avenue Act" (and amendments)
 - Regulated, defined, reinforced, and solidified
 - the importance of the avenue
 - The "class and style", and cost of the homes
 - Established 40 foot setback and other limits
 - Authorized city council to expropriate any building and lot "not in accordance with this Act"
 - Still in effect


The Gates, today



Sir William Young 1799-1887

(Knighted in 1869 for his services on behalf of Confederation)

- Former Premier of Nova Scotia, Chief Justice for 21 years
- As first Point Pleasant Park Commission Chairman, he obtained the 999 year lease from the Crown
- Donated the gates to be a ceremonial entrance to the Park and donated \$8,000 to complete and ornament the new road
- The new avenue "Young Avenue" was named after Sir William
- A philanthropist, he established the "Sir William Young's Benevolent and Charitable Fund" with an endowment of \$100,000 for 10 charities
- Governor of Dalhousie for 42 years and chairman of the board for 36 years, he endowed several academic awards along with much of the residue of his estate
- His estate also donated three statues and six urns from his own garden, to the Public Gardens: *Ceres* the Roman goddess representing agriculture and fertility, *Flora* the goddess of flowers and spring, and *Diana* the goddess of the woodland and wild animals, all reside along the Petit Allée. The six urns were placed around the Bandstand within the geometric beds. The Public Gardens are a National Historic Site.





Building the railway cut (c1916)

Several mansions were relocated, including the house in the picture

References to Young Avenue in the Canadian Register of Historic Places

“linked with the economic upturn of Halifax after the mid-1890s”

“Designed according to City Beautiful planning principles at the turn of the century, Young Avenue is the most cohesive example of an elite residential street of the late 19th and early 20th centuries in Halifax”

“The aesthetic development of Young Avenue, was enabled and regulated by 1896 provincial legislation”

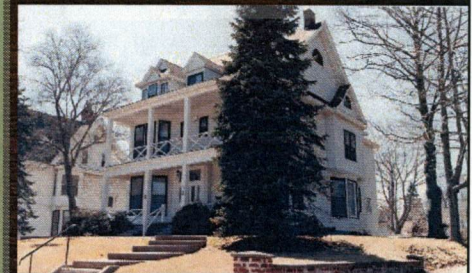
“One of the most notable and visually attractive residential streetscapes in Halifax”

Houses of Young Avenue



Local Council of Women (989)
•c1903 (George Wright)
•Provincially Registered Property
•Municipally Registered Property

Houses of Young Avenue



Admiral's House (770)
•Moved in 1915 (railway cut)
•Federal Heritage Building
•J. C. Dumaesq, architect

Houses of
Young Avenue



Commander's Residence (830)
-Federal Heritage Building

Houses of
Young Avenue



"Floravista" (526)
-Former Austrian Consulate

Houses of
Young Avenue



Lady Balder Estate (785)

Houses of
Young Avenue



Fountain Estate (800)

Houses of
Young Avenue



Fountain Estate (800)
-Front Landscaping

Houses of
Young Avenue



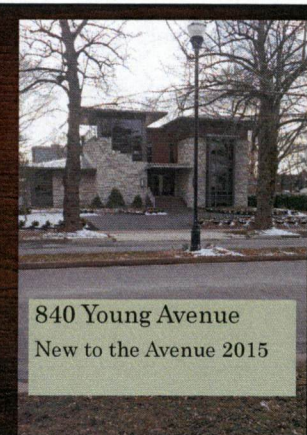
The "Castle" (930)

Houses of
Young Avenue




756 Young Avenue
-Relocated during construction of
the railway

Houses of
Young Avenue




840 Young Avenue
New to the Avenue 2015

Houses of Young Avenue




977 Young Avenue

Houses of Young Avenue



825 Young Avenue c1902
Edmund Burke, architect

825 Young Avenue (G. S. Campbell Estate)
Architect:
Edmund Burke 1850-1919



Current View


A fine example of a Craftsman style Mansion with numerous Character Defining Elements

•one of Canada's pre-eminent architects

•Designed such Toronto landmarks as the Simpson department store (1st curtain wall construction in Canada), Jarvis Street Baptist Church, the Bloor St Viaduct and McMaster Hall (now RCM)


Early picture of house in Angela Carr's book on Edmund Burke, p74

Vintage View



825 Young Avenue (G. S. Campbell Estate)

Architect: Edmund Burke




•One of the three founding members of the Royal Architecture Institute of Canada.

•Proposed the resolution that established the Ontario Association of Architects in 1889, which he later led as its president in 1894 and 1905-1907.

•His domestic works often drew upon the ideas of British architect Richard Norman Shaw, designed to conserve heat and oriented to catch sunlight, with an air of serenity and quiet homely charm.

•Burke introduced to the practice of architecture in Canada new vocabularies and technologies then current in the United States.



Edmund Burke

825 Young Avenue, designed: 1902 Built: 1903

Built by Edward Maxwell for G. S. Campbell (1851-1927)

- Son of historian Duncan Campbell, author of "History of Nova Scotia"
- Owned GS Campbell & Co, Steamship agents, Halifax Tow Boat Co, and Halifax Salvage Association
- Chairman, Point Pleasant Park
- President, Halifax Board of Trade
- Governor, and then Chairman, Dalhousie Board of Governors, 1908-1927
- Oversaw purchase of Studley Campus, and hired prominent architects to design the first campus buildings
- Director (1899-1927) and President, (1923-1927) Bank of Nova Scotia

825 Young Avenue

G.S. Campbell died in 1927

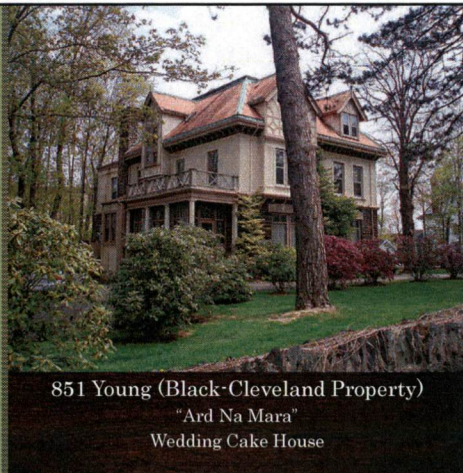
- House remained in the family until death of Helen Kennedy Campbell in 1941
- Inherited by Margaret William (later Dawson)
- Leased to Navy League of Canada as Naval Officers Club
- 47,115 naval officers visited the club, and ate 29,704 meals
- Margaret Dawson converted it to 5 rental units after the war
- Property acquired by the Fram family in 1961

1927 Tribute to George S Campbell



Threatened with demolition

Houses of Young Avenue



851 Young (Black-Cleveland Property)
"Ard Na Mara"
Wedding Cake House

Black-Cleveland Property

A fine example of a Tudor Revival Mansion

Architect:
Richard Arthur Johnson 1871-1949

- Trained in the Boston office of renowned architect William G Preston.
- Designed one of the 1st commercial buildings in the Maritimes constructed entirely of concrete (the A.M. Bell & Co. Store).
- Designed Fire Hall No 4 on Bedford Row
- Some of his drawings exist in the PANS, including this house



Black-Cleveland Property

Original Owner: Hon. William Anderson Black 1847-1934

- In 1875 he co-founded Pickford and Black (ships provisioners) with Robert Pickford. The Pickford and Black Chandlery store and wharf is now part of the Historic Properties.
- Shipping company focused on the West Indies.
- President of Eastern Canada Savings and Loan, and a director of the Royal Bank.
- Co-founder of Maritime Life (Manulife).
- He represented Halifax County, in Nova Scotia House of Assembly from 1894 to 1897.
- At 76 years of age he was the oldest person ever elected to Canadian House of Commons.
- He won in 1923 (by-election), 1925, 1926, and 1930. He died in office in 1934.
- In 1926, he was the Minister of Marine and Fisheries (Acting) and Minister of Railways and Canals in the short lived cabinet of Arthur Meighen.
- He established a chair of commerce at Dalhousie University.
- He is in the Junior Achievement Hall of Fame.

Black-Cleveland Property

Subsequent Owner: Cleveland Family
c1934-2015

- The Cleveland family goes back to the earliest days of the city, and this neighbourhood
- Founder of Halifax, Governor Edward Cornwallis, granted a tract of land in 1750 to Rev Aaron Cleveland, in an area near the south west intersection of Inglis St and South Park.
- Rev. Cleveland was **the founder of St Matthew's Dissenters Church** (later St Matthews Presbyterian and then St Matthew's United Church)
- Along with St Paul's Anglican Church, these were **the 1st two churches in Halifax**
- Rev Cleveland and his 2 brothers, one of whom perished in a skirmish with local natives, established the Cleveland family in Halifax
- Rev Cleveland eventually returned to the USA and was the great grandfather of twice president of the USA: **President Grover Cleveland**.
- One of the Cleveland family owners was also named Grover Cleveland, after his presidential relative.

Black-Cleveland Property

-A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Half timbered projecting front gable, supported on distinctive brackets
- Ornamental finials at gables, massive curved lintel over lower window
- Massive beachstone chimneys and ornamental chimney pots

Black-Cleveland Property

-A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Half timbered projecting front gable
- Massive beachstone chimneys and ornamental chimney pots
- Bracketed cornice with deep overhang
- Copper edging along all hips
- Ornamental interlocking diamond pattern roofing

Black-Cleveland Property
 -A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Half timbered projecting front gable
- Ornamental finials at gables,
- Massive beachstone chimneys and ornamental chimney pots
- Diamond facet window muntins

Black-Cleveland Property
 -A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Half timbered gabled dormers
- Massive beachstone chimneys and ornamental chimney pots
- Bracketed cornice with deep overhang

Black-Cleveland Property
 -A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Half timbered projecting front gable
- Massive curved lintel over lower window
- Projecting gable dormer supported on brackets
- Projecting continuous concrete frieze band separating wall elements
- Local ironstone on first floor level

Black-Cleveland Property
 -A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Beachstone base course on exterior
- Continuous massive concrete frieze band separating beachstone from ironstone at main level
- Continuous projecting narrow concrete frieze band at upper level
- Massive concrete lintels over windows
- Leaded glass in transom windows

Black-Cleveland Property
-A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Neo-Renaissance columns at side porches
- Ornamental concrete balustrade at side porches
- Multi-paned glass windows at side porch enclosure

Black-Cleveland Property
-A fine example of a Tudor Revival Mansion



Many "Character Defining Elements"

- Leaded and stained glass in transoms and over doors
- stained glass stylised gladiola (?) design

Recent Demolition 2006

Brookfield Stanbury House

First mansion to be demolished in recent decades



Recent Demolition 2006

Brookfield Stanbury House

First mansion to be demolished in recent decades



Recent Demolition 2006

Brookfield Stanbury House

First mansion to be demolished in recent decades



Recent Demolition 2006

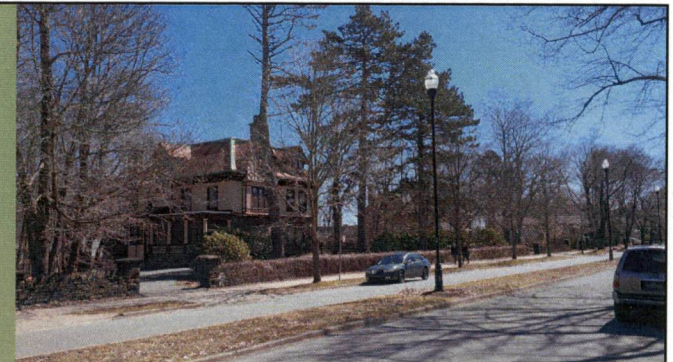
Brookfield Stanbury House

Many Character Defining Elements Lost



Replaced with 5 tract houses

Brookfield Stanbury House Infill



A sense of the original composition

A part of the streetscape today

At 825 and 851 Young Avenue



A sense of the original composition

Aerial view from the Southeast

c1935

There is much Economic Value in Conserving Historic Homes

Heritage Tourism has Economic Benefits

Heritage Conservation is a worthwhile investment

Think of the appeal of the Cleveland Estate to American tourists

And the wealth of stories of the other grand homes

A Young Avenue brochure is in the works

Young Avenue District
Heritage Conservation
Society

Save Young Ave
(FB site)

The only thing necessary for the triumph of evil is for good men to do nothing"
- Edmund Burke Irish statesman and philosopher

"A wise nation preserves its records, gathers up its monuments (sic), decorates the tombs of its illustrious dead, repairs its great structures, and fosters national pride and love of country, by perpetual references to the sacrifices and glories of the past"
- Joseph Howe

Application to the Law Amendments Committee
An Act to Amend Chapter 18 of the Acts of 1998,
The Municipal Government Act and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter
May 16, 2016

Good Afternoon,

My name is Penelope Russell. I live at [REDACTED] in Halifax.

My appeal today is to make application to the Law Amendments Committee, Bill 177 for consideration to make amendments to the Municipal Government Act and the City Charter with regard to Heritage By-Law H200.

We are all aware of how the whole Heritage issue in Halifax has mushroomed into the limelight recently, with much angst, controversy, frustration and outright anger at the apparent lack of concern for such an important aspect of our City.

I feel I have reason to be heard today because I grew up in the house that was 909 Young Avenue. That's what's called the Brookfield-Stanbury house. It was on the corner of Young Avenue and Atlantic Street. In 1947, the house was bought from Sam Brookfield by my father, Norman Stanbury, who opened his own Investment business, Stanbury & Co. on Hollis Street, with branches in Dartmouth, Saint John, NB and Montreal. Our historic and beautiful home was later demolished in 2006. I'm sure you are aware of the resulting 5 tract houses that replaced my father's home.

Recent demolition events have succeeded in demonstrating the fragility and vulnerability of important streetscapes, the integrity of well established neighborhoods, and protection of irreplaceable heritage resources. All of these are under attack.

Currently, there are development proposals before the City that are inconsistent with the policies of the Municipal Planning Strategy regarding the retention of current housing, the rehabilitation of existing housing, scale and proportion. It's possible that these proposals could be approved because the Municipal Planning Strategies are inadequately covered by appropriate regulatory controls in the City Charter and the Zoning By-Laws.

The ability of affected neighbors to appeal inappropriate development agreements and variance approvals is seriously compromised by their lack of familiarity with the rules to follow when submitting appeals and the lack of material available for guidelines to help them draft a satisfactory appeal.

All developers are keenly aware of the detail of zoning regulations but some are highly motivated and skilled at finding the loopholes in these regulations and in getting them adapted to accommodate their building pursuits and profits. The controls are lax. There needs to be a review of the word 'heritage.' What is it? What is its value? What needs to be done to protect it? There needs to be commitment and legislation to strengthen and put some teeth into the rules of concessions, zone variances and demolition permits that apply to development in protected areas.

In Halifax at present, the only tool available to protect heritage is the Heritage By-Law H200 which offers some degree of protection only to formally registered heritage properties. No protection is offered to any other eligible property because the process is cumbersome, bureaucratic, and unsympathetic to 3rd party applications. And it is an intimidating and daunting process to get a property registered with confusion about process, and a lack of understanding of the rules and regulations regarding registration.

I am not opposed to development. Growth also means change but at its best, there is also a vision and a plan for what is desired. With a clear process, strong regulations and regular monitoring for goals being met, there can be an exciting, vibrant and successful result.

There's an opportunity now for the Law Amendment Committee to affect change in the legislation – that could clarify and strengthen many aspects of what has become a distressing and sometimes controversial aspect of our City. It gives me great pleasure to tell you that other jurisdictions across Canada are demonstrating leadership in protecting their heritage resources.

I'm talking about the City of Vancouver. That much younger, beautiful City has recently adopted Land Use By-Law 11350 that protects buildings of heritage interest, and not only registered buildings. By imposing demolition controls on ALL buildings of such interest, pending a review of their heritage significance, much greater development controls and heritage protection is available. This is to assist the development officer and Council in assessing and intervening possible inappropriate development and variance applications.

In order to better protect our streetscapes, neighbourhoods and heritage resources, and to be consistent with the policies of the Municipal Planning Strategy, I ask that you incorporate an Amendment to the City Charter and to the Municipal Government Act that will immediately require our City to adopt a Heritage Procedure By-Law that takes precedence over the current Heritage By-Law H200. This By-Law should be worded as per the Vancouver Heritage Procedure By-Law 11350 which is attached hereto. This is an exceptional piece of legislation that would help to eliminate so many woes for our wonderful City of Halifax.

Respectfully submitted,

Penelope Russell

[REDACTED]

902-[REDACTED]

Attach: Vancouver Heritage Procedure By-Law #11350

Heritage Procedure By-law No. 11350

[Consolidated for convenience only]

A By-law in relation to heritage property to authorize withholding of permits, to delegate the powers and duties of Council under Part XXVIII of the *Vancouver Charter* and to establish procedures for applications under Part XXVIII of the *Vancouver Charter*.

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1 Interpretation

1.1 Name of By-law

The name of this by-law, for citation, is the “Heritage Procedure By-law”.

1.2 Conflict with Heritage By-law

In the event of a conflict between this by-law and Heritage By-law No. 4837, the provisions of this by-law will prevail.

1.3 Definitions

In this by-law:

“**Architectural Features**” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments and balustrades and their paints, finishes and colours, architectural hardware and all other similar exterior or interior features;

“**Alter**” and “**Alteration**” mean respectively “to change in any manner” and “any change” and, without limiting the generality of the foregoing, include:

- (a) the making of an improvement, as defined in the Builder’s Lien Act; and
- (b) any action that detracts from the heritage value or heritage character of heritage property;

“**Approvals**” mean permits, licences or other authorizations required under a by-law or the *Vancouver Charter*;

“**Building**” means “**Building**” as defined in section 304 of the *Vancouver Charter*;

“**Building Permit**” means a permit issued under the Building By-law;

“**Chief Building Official**” means the city official appointed as such by Council and includes the authorized representatives of the Chief Building Official;

“**Construction**” means “**Construction**” as defined in section 304 of the *Vancouver Charter*;

“**Development Permit**” means a permit issued under the Zoning & Development By-law;

“**Director of Planning**” means the city official appointed as such by Council and includes the authorized representatives of the Director of Planning;

“**Designated Heritage Property**” means property that has been designated as protected heritage property pursuant to a heritage designation by-law under section 594 of the *Vancouver Charter*;

“**Features**” includes architectural and landscape features;

“**Heritage Alteration Permit**” means a permit authorized under the Heritage By-law or this by-law;

“**Heritage Character**” means the overall effect produced by traits or features which give property or an area a distinctive quality or appearance;

“**Heritage Conservation Area**” means an area designated as a heritage conservation area under section 561(2)(iv) of the *Vancouver Charter* by an official development plan;

“**Heritage Inspection**” means the physical examination of property pursuant to an order under section 583 of the *Vancouver Charter* or pursuant to an order of the Director of Planning in accordance with this by-law and the research necessary to assess the heritage value and the heritage character of the property or to determine the need for conservation of the property;

“**Heritage Property**” means property that:

- (a) in the opinion of a person or body authorized to exercise a power under the *Vancouver Charter* or this by-law in relation to the property, has sufficient heritage value or heritage character to justify its conservation; or
- (b) is protected heritage property;

“**Heritage Value**” means historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area;

“**Impact Assessment**” means information or studies regarding the possible effects on protected heritage property of an activity or action enabled by the approval of a permit under this or another by-law;

“**Landscape Features**” means any fence, retaining wall, fountain, patio, terrace, statuary or similar feature or garden of significance that is located on a site and outside the exterior walls of a building;

“**Occupier**” means the person who occupies or lives in a building or premises and includes a tenant;

“**ODP**” means an official development plan that designates a heritage conservation area;

“**Owner**” means a registered owner of real property or a person in possession of real property and includes the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person;

“**Property**” means “**Real Property**” as defined in section 2 of the *Vancouver Charter*;

“**Protected Heritage Property**” means “protected heritage property” as defined in the *Vancouver Charter*;

“**Routine Building Maintenance**” means ordinary maintenance or repair and does not include removal or replacement, or a change in design, materials, finishes or appearance;

“**Routine Garden Maintenance**” means ordinary maintenance, and includes weeding, mowing lawns, planting, and pruning shrubs and trees in compliance with the Protection of Trees By-law.

1.4 Table of Contents

The table of contents for this by-law is for convenient reference only, and is not for assistance in interpreting or enforcing this by-law.

1.5 Severability

A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law and is not to affect the balance of this by-law.

2 Delegation of Council Authority

2.1 Authority of the Chief Building Official

Subject to the conditions and limitations set out in this by-law, the Chief Building Official is authorized to carry out the powers and duties of Council in respect to withholding of demolition permits under section 588 of the *Vancouver Charter*.

2.2 Authority of the Director of Planning

Subject to the conditions and limitations set out in this by-law, the Director of Planning is authorized to carry out the powers and duties of Council in respect to:

- (a) heritage inspections under sections 583 and 584 of the *Vancouver Charter*;
- (b) impact assessments under section 585 of the *Vancouver Charter*;
- (c) withholding of approvals under section 587 of the *Vancouver Charter*;
- (d) making agreements as to terms and conditions to prevent or mitigate circumstances that may detract from the heritage value or heritage character of property under section 587(5)(b) of the *Vancouver Charter*; and
- (e) heritage alteration permits under sections 597 and 598(1) to (3) of the *Vancouver Charter*.

3 Heritage Character or Value

3.1 Factors to consider in determining heritage character or value

For the purpose of determining whether a building, feature, property, site or area may have heritage character or heritage value under this by-law, the Director of Planning may consider the following:

- (a) the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of the building, feature, property, site or area;
- (b) the age of a building;
- (c) the builder or architect;
- (d) the architectural composition of a building;
- (e) the definitions and application of “heritage value” and “character-defining elements” in the Parks Canada “Standards and Guidelines for the Conservation of Historic Places in Canada” © Her Majesty the Queen in Right of Canada, 2003, as amended and updated in 2010; and
- (f) all applicable Council policies and guidelines.

3.2 Factors to consider in determining whether work detracts from heritage character or value

For the purpose of determining whether proposed alterations or maintenance that require a heritage alteration permit would detract from the heritage character or heritage value of protected heritage property or property within a heritage conservation area, the Director of Planning may consider the following:

- (a) the proposed type and quality of construction materials and finishes;
- (b) the impact of a proposed interior alteration on architectural features;
- (c) whether proposed maintenance work would affect or change a feature; and
- (d) whether proposed garden maintenance would affect mature trees, existing gardens or landscape design.

4 Heritage Alteration Permits

4.1 Authority of the Director of Planning

The Director of Planning is authorized to issue heritage alteration permits for:

- (a) protected heritage property;
- (b) property within a heritage conservation area, if the permit application relates to a feature or characteristic identified in an ODP as contributing to the heritage character or heritage value of the area;
- (c) property subject to a heritage revitalization agreement or other agreement that requires that a heritage alteration permit be obtained; and
- (d) property subject to a covenant under section 219 of the Land Title Act that requires that a heritage alteration permit be obtained.

4.2 Heritage Alteration Permits

In issuing a heritage alteration permit, the Director of Planning is authorized, in relation to protected heritage property or property within a heritage conservation area, to vary or supplement provisions of:

- (a) a subdivision by-law;
- (b) a development cost levy by-law;
- (c) a zoning by-law, except for regulations regarding use and density;
- (d) a development permit; or
- (e) a by-law or heritage alteration permit under Part XXVIII of the *Vancouver Charter*.

4.3 Requirement for heritage alteration permit for designated heritage property

Except as otherwise provided in this by-law, a person must not do any of the following to designated heritage property, without having first obtained a heritage alteration permit:

- (a) alter the exterior of a building that is designated heritage property;
- (b) make a structural change to a building that is designated heritage property;
- (c) move a building that is designated heritage property;
- (d) alter, remove or take action that would damage an interior architectural feature or fixture that is designated heritage property;
- (e) alter, remove or take an action that would damage a landscape feature that is designated heritage property; or
- (f) alter, excavate or build on land that is designated heritage property.

4.4 Requirement for heritage alteration permit within a heritage conservation area

Except as otherwise provided in this by-law, a person must not do any of the following within a heritage conservation area, without having first obtained a heritage alteration permit:

- (a) subdivide land;
- (b) start the construction of a building or structure or an addition to an existing building or structure;
- (c) alter a building, structure or land; or
- (d) alter a feature that is protected heritage property.

4.5 Exemptions from heritage alteration permit requirement

Despite the provisions of this by-law, a heritage alteration permit is not required:

- (a) in a heritage conservation area for:
 - (i) painting of buildings or structures, if the proposed colours are the same as the existing colours;
 - (ii) interior alterations to a building or structure that do not:
 - (A) increase floor area,
 - (B) affect the external appearance of the building or structure, or
 - (C) affect any interior feature that has been designated pursuant to a heritage designation by-law or the Heritage Conservation Act, or that is specifically listed as protected heritage property pursuant to an ODP;
 - (iii) routine building maintenance; or
 - (iv) routine garden maintenance; and
- (b) for protected heritage property for:
 - (i) painting of buildings or structures, if the proposed colours are the same as the existing colours;
 - (ii) interior alterations to a building or structure that do not:
 - (A) increase floor area,
 - (B) affect the external appearance of the building or structure, or
 - (C) affect any interior feature that has been designated pursuant to a heritage designation by-law or the Heritage Conservation Act, or that is specifically listed as protected heritage property pursuant to an ODP;
 - (iii) routine building maintenance;
 - (iv) routine garden maintenance; or
 - (v) alterations to designated heritage property that are authorized without a heritage alteration permit in accordance with a heritage designation by-law.

4.6 Heritage Alteration Permit Conditions

The Director of Planning is authorized to issue heritage alteration permits subject to such terms, requirements or conditions as, in the opinion of the Director of Planning, are consistent with the purpose of the heritage protection of the property, including without limitation, conditions:

- (a) respecting the sequence and timing of construction;
- (b) respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, massing, exterior design, materials and finishes of building and landscape features;
- (c) respecting the sequence and timing of occupancy; and
- (d) requiring that the applicant provide security in accordance with this by-law.

4.7 Security Deposits

The Director of Planning may require, as a condition of issuance of the heritage alteration permit, that the owner provide security in the form of a letter of credit or cash, in an amount equal to 120% of the estimated cost of the work authorized by the heritage alteration permit, in order to ensure compliance with terms, requirements or conditions of the heritage alteration permit with respect to:

- (a) the sequence and timing of construction;
- (b) occupancy prior to completion;
- (c) landscaping; and
- (d) the proposed alteration or action, including siting, form, exterior design and finish of buildings.

4.8 Failure to comply with heritage alteration permit conditions

If, in the opinion of the Director of Planning, the holder of a heritage alteration permit has failed to comply with a term, requirement or condition of the permit, the Director of Planning may refer the matter to Council requesting:

- (a) that Council make a determination as to whether the holder of a heritage alteration permit has failed to comply with a term, requirement or condition of the permit; and
- (b) that Council undertake and complete the works required to satisfy the term, requirement or condition or to ameliorate the effects of the contravention or non-compliance, at the cost of the holder of the permit.

4.9 Refusal of Heritage Alteration Permit

The Director of Planning may refuse to issue a heritage alteration permit if, in the opinion of the Director of Planning, the proposed action authorized by the permit would not be consistent with the purpose of the heritage protection of the property, and in making that determination, the Director of Planning may consider the following factors:

- (a) whether the applicant has failed to provide an impact assessment when ordered to do so;
- (b) whether the applicant has failed to comply with the specifications set out in a notice of impact assessment;
- (c) whether the proposed action would detract from the heritage value or heritage character of protected heritage property or property in a heritage conservation area, and, in making that determination, the Director of Planning may consider the criteria in section 3.1 of this by-law;
- (d) whether the property is subject to an order for temporary heritage protection under section 589 of the *Vancouver Charter*;
- (e) whether the property is subject to temporary protection by introduction of a continuing protection by-law under section 589A of the *Vancouver Charter*; and
- (f) whether the property is subject to a by-law declaring a heritage control period under section 590.

5 Development Permits**5.1 Refusal of Development Permit**

The Director of Planning may refuse to issue a development permit if, in the opinion of the Director of Planning, the proposed action authorized by the permit would detract from the heritage value or heritage character of protected heritage property and, in making that determination, the Director of Planning may consider the criteria in section 3.1 of this by-law.

6 Reconsideration by Council**6.1 Request for Reconsideration**

The owner or permit applicant may request reconsideration by Council of a decision made by the Director of Planning regarding:

- (a) the refusal to issue a development permit for protected heritage property under section 5.1 of this by-law;
- (b) the decision to order a heritage inspection;
- (c) the decision to require an impact assessment;
- (d) the issuance or refusal of a heritage alteration permit;
- (e) the requirements and conditions of a heritage alteration permit; or

- (f) the determination of whether the requirements and conditions of a heritage alteration permit have been met,

by delivering the request in writing to the City Clerk within 14 days of the decision, setting out the reasons for the request.

6.2 Timing of Reconsideration

Council must reconsider the decision within a reasonable time, and may uphold or vary the decision.

7 Heritage Inspections

7.1 Order

The Director of Planning may issue an order for a heritage inspection in the following circumstances:

- (a) the property is or may be protected heritage property;
- (b) the property is identified as heritage property in a heritage register; or
- (c) the property is or may be heritage property according to the criteria set out in sections 3.1 and 7.3 of this by-law.

7.2 Power of Entry of the Director of Planning

The Director of Planning is authorized to enter land or premises at any reasonable time pursuant to a heritage inspection order, subject to the provisions of Section 584 of the Vancouver Charter, except that the Director of Planning must:

- (a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- (b) present a copy of the order to the owner or occupier upon request.

7.3 Inspection Criteria

The Director of Planning may issue an order for a heritage inspection pursuant to section 7.1 (c) for property that, in the opinion of the Director of Planning:

- (a) has or may have heritage character or heritage value; and
- (b) is or may be at risk of deterioration or destruction due to failure to repair or maintain the property.

7.4 Content of Order

An order issued under section 7.1:

- (a) must state the purpose of the heritage inspection;
- (b) must specify how long the order is to remain in effect;
- (c) must provide that the inspection is to be carried out in an expeditious manner;
- (d) may provide for temporary protection in accordance with section 591 of the *Vancouver Charter*; and
- (e) may include such terms, conditions and specifications regarding safety and access as the Director of Planning considers appropriate to facilitate the heritage inspection.

7.5 Tests and Samples

The Director of Planning is authorized to perform tests and remove material samples that, in the opinion of the Director of Planning are necessary for the purpose of the heritage inspection, except that the Director of Planning must ensure that any alterations caused by such tests are as minor and inconspicuous as is reasonably possible given the requirements of the heritage inspection.

7.6 Report to Owner

On completion of a heritage inspection, the Director of Planning must:

- (a) notify any owner who was not previously notified of the heritage inspection; and
- (b) report to the owner if an alteration was made or materials removed during the heritage inspection.

8 Impact Assessments

8.1 Authority of Director of Planning

If, in the opinion of the Director of Planning, an approval under this by-law or any other by-law may affect protected heritage property, the Director of Planning may require the applicant for the approval:

- (a) to provide the Director of Planning with an impact assessment, at the expense of the applicant; or
- (b) to permit the Director of Planning to obtain an impact assessment.

8.2 Impact Assessment by Director of Planning

An impact assessment that is carried out by the Director of Planning pursuant to section 8.1(b) must be:

- (a) undertaken promptly; and
- (b) carried out at the expense of the city.

8.3 Notice of Impact Assessment

A notice or order from the Director of Planning pursuant to section 8.1(a) must:

- (a) be in writing and directed to the applicant for the approval; and
- (b) include specifications regarding:
 - (i) the information that must be provided in the impact assessment, and
 - (ii) the necessary qualifications of the person or persons undertaking studies to produce the impact assessment.

8.4 Change in Specifications

The specifications in a notice or order that has been issued pursuant to section 8.3 may only be changed by the Director of Planning with the consent of the owner or applicant.

8.5 Impact Assessment Analysis

The Director of Planning is authorized to determine whether the specifications included in a notice or order regarding an impact assessment have been met.

9 Temporary Heritage Protection

9.1 Authority of the Chief Building Official to withhold approval of demolition permit

Subject to the provisions of this by-law, the Chief Building Official must withhold approval of a building permit to demolish in the following circumstances:

- (a) in the case of protected heritage property, until a heritage alteration permit and all other necessary approvals have been issued with respect to alteration or redevelopment of the site;
- (b) in the case of real property identified in the heritage register established under section 582 of the *Vancouver Charter*, until a building permit and all other necessary approvals have been issued with respect to alteration or redevelopment of the site;
- (c) if, in the opinion of the Director of Planning, the building permit to demolish would authorize an alteration to protected heritage property;
- (d) if the property is subject to an order for temporary heritage protection under section 589 of the *Vancouver Charter*;
- (e) if the property is subject to temporary protection by introduction of a continuing protection by-law under section 589A of the *Vancouver Charter*; or
- (f) if the property is subject to a by-law declaring a heritage control period under section 590 of the *Vancouver Charter*.

9.2 Authority of Director of Planning to withhold approvals

Subject to the provisions of this by-law, the Director of Planning may withhold approval of a development permit or a heritage alteration permit if, in the opinion of the Director of Planning, the proposed action would alter or cause an alteration to:

- (a) protected heritage property;
- (b) property subject to temporary heritage protection; or
- (c) property in a heritage register.

9.3 Notice to Council of withheld approval

If the Director of Planning withholds a development permit or heritage alteration permit in accordance with section 9.2, the Director of Planning must refer the matter to the Council at its next regular meeting after the approval has been withheld and must advise the applicant by registered mail of the following:

- (a) the reasons for withholding the approval;
- (b) that the matter has been referred to the Council at its next regular meeting following the withholding of the approval; and
- (c) the date and time of the next regular Council meeting to which the matter has been referred.

9.4 Limits on Withholding Approvals

Despite the provisions of sections 9.1 and 9.2, the Chief Building Official or the Director of Planning must not withhold approvals if one or more of the following occurs:

- (a) a heritage alteration permit is issued authorizing the alteration to which the approval applies;
- (b) the applicant agrees to terms and conditions satisfactory to Council or to the Director of Planning to prevent or mitigate circumstances that may detract from the heritage value or heritage character of the property;

- (c) in the case of property subject to temporary heritage protection, the protection ends; and
- (d) in the case of property that appears to the Chief Building Official or the Director of Planning to be protected under the *Heritage Conservation Act*, the Council is notified by the minister responsible for that Act that the requirements of that Act have been met or do not apply.

10 Notices and Orders

10.1 Notice of public hearing for proposed ODP with schedule of protected heritage property

The Director of Planning is authorized to give notice of public hearing, in accordance with this by-law, to each owner and each occupier of property that is to be listed in a schedule of protected heritage property included in a proposed ODP, and the notice must be given at least 10 days before the public hearing.

10.2 Service

A notice or order issued under this by-law shall be sufficiently served:

- (a) on an owner, by mailing the order by registered mail or by another method that provides proof of delivery, to the owner at the owner's address as shown on the records of the Assessment Authority of British Columbia;
- (b) on an owner or occupier, by personal service to the owner and to each occupier; or
- (c) on an owner or occupier, by posting a notice or order in accordance with section 10.3.

10.3 Posting of Notice or Order

Subject to the provisions of section 10.2, a notice or order issued under this by-law shall be sufficiently served on an owner and on an occupier by posting of the order or notice on or near:

- (a) protected heritage property;
- (b) real property subject to temporary heritage protection under sections 583, 586, 589 or 590 of the *Vancouver Charter*; and
- (c) property listed in a schedule of protected heritage property included in a proposed ODP,

except that this provision is only applicable if a notice cannot be served personally on an owner or occupier and the person's actual or last known address cannot be determined after reasonable steps for the purpose have been taken.

10.4 Power of Entry of the Director of Planning

The Director of Planning is authorized to enter on to land or premises at any reasonable time for the purpose of posting an order or notice issued under this by-law, except that the Director of Planning must:

- (a) make a reasonable attempt to notify the owner or occupier prior to or upon entering the land or premises; and
- (b) present a copy of the order to the owner or occupier upon request.

10.5 Notice on Title

If a by-law is adopted that lists or deletes property on a schedule of protected heritage property included in an ODP, the Director of Planning or the Director of Legal Services is authorized to file a notice in the land title office in accordance with section 601 of the *Vancouver Charter*, and the notice must be filed in the land title office within 30 days after the adoption of the by-law.

10.6 Notice to Minister

If a by-law is adopted that lists or deletes property on a schedule of protected heritage property included in an ODP, the Director of Planning or the Director of Legal Services is authorized to give notice to the minister responsible for the *Heritage Conservation Act* in accordance with section 602 of the *Vancouver Charter*, and the notice must be given to the minister within 30 days after the adoption of the by-law.

11 Offences and Penalties**11.1 Offences**

A person who:

- (a) interferes with the posting of an order or notice under this by-law; or
- (b) removes, alters, defaces or destroys an order or notice posted under this by-law;

is guilty of an offence against this by-law and is liable to the penalties imposed under this by-law.

11.2 Fine for Offence

Every person who commits an offence under this by-law is liable on conviction to a fine of not less than \$1,000 and not more than \$10,000.

11.3 Fine for Continuing Offence

Every person who commits an offence of a continuing nature under this by-law is liable on conviction to a fine of not less than \$1,000 and not more than \$10,000 for each day that the offence continues.

12 Enactment**12.1 Force and Effect**

This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 29th day of September, 2015

THE NEED FOR COMMERCIAL TAX REFORM TO ADDRESS EQUITY AND A FAIRER DISTRIBUTION OF THE TAX BURDEN IN THE CITY OF HALIFAX

Prepared by Patricia Cuttell Busby
Executive Director, North End Business Association
September 17, 2015

n^orthend
BUSINESS ASSOCIATION

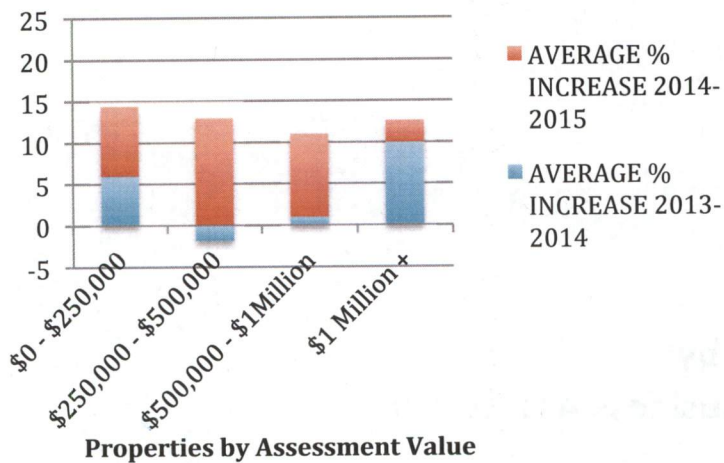


What Are The Issues?

1. Small Businesses Being Taxed to Death Due to Assessment-Based Tax System.

Small businesses in the urban core, particularly in areas of redevelopment, are punching way beyond their weight in terms of how much they pay in commercial tax relative to the size of their business and their cost to service. Over the past three years, small businesses on Quinpool Road and in North End Halifax have seen their commercial property taxes increase significantly [Fig.1.] — in many cases more than 30%, and in some cases as high as 50%! It is expected the taxes in the North End will increase significantly next year, similar to what was experienced on Quinpool Road. The largest assessment increases are happening to properties valued between \$100,000 to \$1 million. These are the properties that are primarily support owner-operated businesses and small local business tenants.

NORTH END Average Assessment Increase 2013-2015



QUINPOOL ROAD Average Assessment Increase 2013-2015

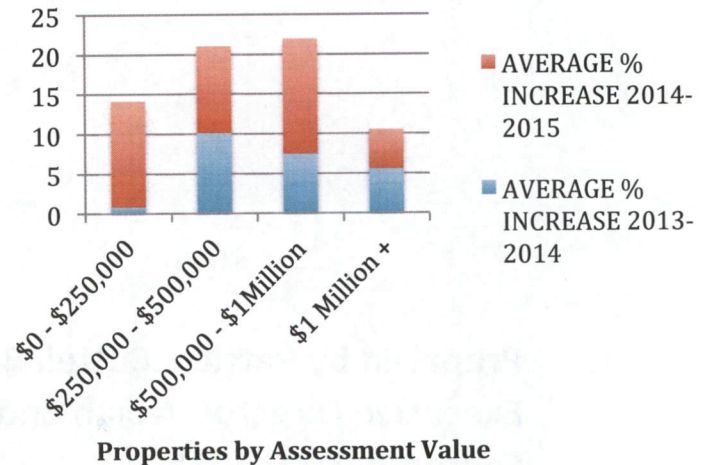


Figure 1. Average Assessment Increases for North End and Quinpool Road 2013-2015. Numbers based on assessments information received by the BID associations for levy purposes. Assessment data is calculated 2 years prior to release. Increases are expected to continue to grow at a rate above inflation.

The increases are being driven by local land sales, often related to redevelopment opportunities (in-which we are seeing the conversion of commercial property into mixed use or residential property — which has its own set of implications on the future tax burden placed on commercial properties.) This trend can be expected to happen anywhere redevelopment is occurring, like Mainstreet Dartmouth or Fairview. While the city argues that the commercial property owners enjoy an

increase in the value of their property asset, for most business owners the issue becomes whether or not they are able to stay in business. When increases in assessment out pace the rate of inflation, it is difficult, often impossible, for businesses to make up the difference. Most property owners in these mainstreet districts are either “in business” — running and operating small locally owned businesses that create local jobs and service local communities (like Aerobic First, or Robertson’s Computers), OR, are acting as landlords of small commercial buildings renting space to small locally owned businesses [Fig. 2.]. These commercial property owners are not in the real estate business of making money from flipping or developing properties. Massive tax increases of 30% to 50% cannot be absorbed by the businesses through increases sales. This has left many with some tough choices: stay in business, or sell the property. ***We do not believe this should be the intended consequence of the commercial property tax system.***

Many business owners are considering a tough choice: try to stay in business, or sell the property.

We do not believe this should be the intended consequence of the commercial property tax system.

Percentage Breakdown of Small vs. Large Business by Area

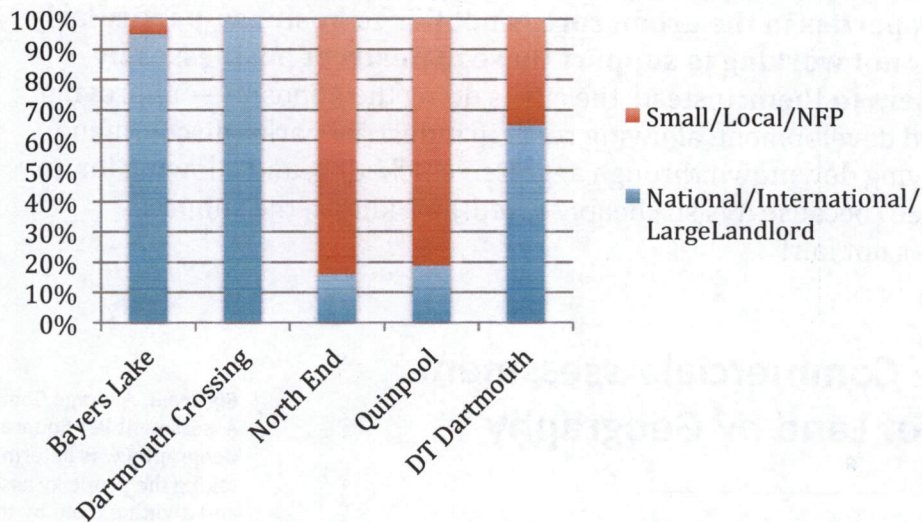


Figure 2. Small/Local/NFP is defined by a) commercial property owners that operate a small business out of their commercial property (think Aerobics First, Robertson’s Computer Equipment, Carlos Auto), b) local independent land lords renting to primarily small locally owned businesses and not-for-profits (think Creative Crossing, Don Hunt), and c) not-for-profits that own their own buildings (NECHC, MNFC). Some corrections required for Dartmouth — it was determined there are more small/local/not-for-profit properties than originally counted.

Both of these scenarios (owner-operators and small local landlords) are critical components to “complete communities” and the stated goals of the Halifax Regional Plan: “Design, plan and build with respect for economic, environmental, social and cultural sustainability.” If the plan does not consider existing businesses and the people who have invested in this community and economy, than whom is the plan for? ***There is a need for the city to align its plans and policies, so efforts like the regional plan are supported by progressive and responsive tax policies and tax systems.***

“Design, plan and build with respect for economic, environmental, social and cultural sustainability.”
Halifax Regional Planning Strategy 2014, pg 8

If the plan does not include existing businesses, than whom is the plan for?

2. Urban Areas Carry a Much Heavier Tax Burden in Comparison to Suburban Areas.

Commercial properties in the urban core pay a great deal more in taxes than commercial properties in the suburban periphery [Fig. 3]. The reason for this is the **single rate assessment-based property tax system** used by the city. By using the single rate assessment system, properties located in higher assessed areas pay significantly more despite a) their ability to pay more (impacted by everything from freak weather systems to a poor economic climate), or b) the cost to service them (water/sewer, roads, snow plowing, police and fire, etc.). **Highly taxing commercial properties in the urban core is not fair to business, particularly when the city is not working to support those mainstreet businesses by driving customers to them.** Instead, the city is doing the opposite — approving cheap green field development, allowing retail in industrial parks, discouraging people from driving downtown through aggressive ticketing, and allowing for an abundance of free (because it is so cheaply taxed!) parking in the suburbs. Something seems not fair!

Average Commercial Assessment PSF of Land by Geography

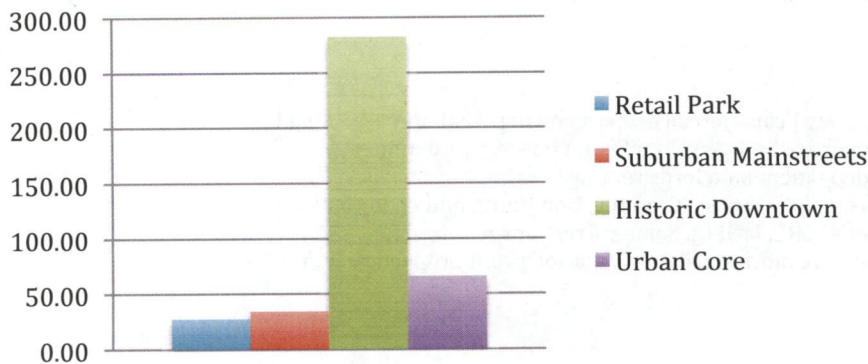


Figure 3. Average Commercial Assessment Per Square Foot By Geography was determined by taking the property assessments and dividing them by the area of lot. PSVC uses building size to determine assessment per square foot, but that information is not available to the public. Nonetheless, using land area also provides an interesting comparison — as it more closely correlates to cost to service. Compact urban form is cheaper to service and generate a higher tax yield (even at a less rate!) than sprawled suburban development.

On Quinpool Road, more than 50% of assessments have doubled or tripled since 2010, but there has been little to no investment in the area. As assessment values continue to soar, it is ultimately the large real estate developers that will benefit — which begs the question, where does the city see small business fitting in the overall economy and plan for the city?

3. Current Structure Favours Large National and International Businesses Rather Than Small Independents

BUSINESS AREAS	AVERAGE ASSESSMENT PER SQUARE FOOT	AREA (SQUARE FOOT)
BAYERS LAKE	\$16.35	13,413,382
DARTMOUTH CROSSING	\$38.43	7,344,948
MAIN STREET DARTMOUTH	\$34.20	3,046,904
QUINPOOL ROAD	\$98.70	808,187
DOWNTOWN HALIFAX	\$273.22	3,897,896
DOWNTOWN DARTMOUTH	\$31.84	2,711,898
SPRING GARDEN ROAD	\$292.48	517,588
NORTH END	\$67.04	1,451,501

Figure 4. Average Assessment Per Square Foot Comparison. When looking at Average Assessment Per Square Foot of Land, retail parks pay a lot less based on the single rate commercial tax system. Data based on assessment information released in 2014-2015, and values researched from Property On-Line, 2015.

Highly assessed areas are most often mainstreet commercial areas where small mom and pop shops, unique small independent retailers, and the offices of book keepers and small service providers like web-designers, are located. These small businesses have sometimes been in these areas for years — providing jobs, supporting families, and enhancing the culture and diversity of our city. In many cases mainstreet commercial districts have influenced where people have chosen to live and work. By contrast, retail parks like Bayers Lake and Dartmouth Crossing are where large national and international businesses are located [Fig. 2]. These businesses support mostly minimum wage part-time work and their considerable profits go outside of the province [Walmart, Costco, Loblaws, Gap Inc.]. Their buildings are cheap by design, they build on cheap land, and they have little

investment in well-being and economic sustainability of the city — but benefit considerably from costly municipal infrastructure and services. The single rate assessment system the city uses to determine commercial taxes ultimately favours greenfield development on cheap land, and results in big box retailers paying a lot less per square foot [Fig 4.] than the more efficient compact development in the urban core that supports small businesses.

The consequence is small businesses are paying a bigger proportion of the tax burden, relative to what they are — small. These small businesses have the lesser ability to carry this bigger piece of the tax burden.

An extreme example is the assessment of the former Mills location on Spring Garden Road. Three years ago its assessment was \$2.2 Million, two years ago \$4.4 million, now it is assessed at almost \$7 million. Per square foot value of land is \$267.67. When compared to Costco in Bayers Lake which is assessed at \$17.94 per square foot, — any ability for small businesses located in downtown to compete is destroyed. The impact is that this location, home of a very prominent locally owned business in existence since 1919, has now been taxed out of existence. No local business could afford to locate in this building. It again begs the questions: who are we managing this city for? And how do we explain that businesses from here pay expenses for those from away who are taking their profits out of our region?

4. Tax System Based on Real Estate Market Only — Does Not Encourage Economic Diversity!

The notion that property owners whose assessments increase are benefitting from an increase in their asset value is a little misguided. It uses the notion that economic development is based solely on real estate market. It does not consider the idea that many people — like owner of Starboard Wealth on Agricola, or the owner of Garden of Eat'n, chose to locate their business in a particular area because that is where they want to live and work. Starboard Wealth owner Laurie Stephenson purchased a run-down property on Agricola and renovated it into a small commercial office building because she wanted to live and work in North End Halifax. She is a community-minded individual. She rents out five small offices to local small businesses (like a massage therapist.) The renovations to her building increased the appeal of the North End as a place to live, work and play. As a result of her investment, her taxes have increased to almost \$14,000 year — and her tenants do not pay enough for to see any return on her investment. She wishes to continue to have the building as her company head-quarters, where she employs 4 people, and provide office space that affordable for small businesses, but if the economics don't work she will be forced to sell or convert her building to residential. Essentially it is not a viable or profitable endeavour for landlords to own and make improvements to small commercial buildings in the urban core. This has many consequences — not only for providing space for other small businesses and start-up, but by discouraging people from fixing up their buildings. Why bother? It is the

year-to-year operations which most 'tax' her ability to keep the office building viable. It was never her intent to fix it up and flip it — which is what the current commercial tax system is based on. Again, the city needs to align its plans with its policy if it wishes to encourage 'complete communities' and a diverse economy.



Figure 5. Before and after photos Starboard Wealth Building

Knowing that the city needs to raise revenues to support municipal operations and administration, what are the other objectives of the commercial tax system? How is the methodology of taxation explained and justified? And how are the unintended consequences being measured and mitigated?

5. Historic Downtown is Hollowing Out and Is In Need of Intervention.

The historic downtown used to be this region's economic hub. In that role, it supported the surrounding areas. But as the region sprawled, the role of the downtown as an economic hub has changed. The tax system has not recognized this change, and continues to use revenues generated from downtown commercial properties to subsidize activities throughout the region. As a predominately commercial district, an intervention is required to bring it back to its historical prominence. The city has created highly assessed areas [Fig. 3 and 4], but is not directing or encouraging business to the areas they are taxing the heaviest. Other commercial districts in the urban core are impacted by the health of the historic downtown. It is in all of our interests, in the urban core and beyond, to support the investment in our downtown.

6. What Is The Real Cost To Service?

We have done a search of available information and cannot find any primary research on cost to service commercial areas. We do know based on Residential Patterns that urban forms with higher densities cost less to service [Fig. 5]. Extracting from that, we could assume the same for commercial. Yet urban commercial areas pay much much more in taxes compared to their suburban counterparts. If taxes are not based on services and are suppose to be more about distribution of wealth — well how does that theory apply in the case of small businesses being whacked with massive assessment hikes drastically increase their while the big national and international businesses in the business parks pay comparatively less?

Another question, for which we have received no clear answer, is: Knowing that the

city needs to raise revenues to support municipal operations and administration, what are the other objectives of the commercial tax system? How is the methodology of taxation explained and justified? And how are the unintended consequences being measured and mitigated?

Residential Patterns

SUMMARY ESTIMATED ANNUAL COSTS PER HOUSEHOLD (LISTED ACCORDING TO DENSITY)

	Pattern A ¹ Rural Commutershed	Pattern B ¹ Rural Commutershed	Pattern H ¹ Rural Commutershed	Pattern C ¹ Suburban	Pattern D ¹ Urban	Pattern E ² Suburban	Pattern F ² Urban	Pattern G ² Urban
	Low Density 1.2 people/acre	Low Density 2.2 people/acre	Low Density 10.4 people/acre	Low Density 16 people/acre	Low Density 22 people/acre	Mid Density 36 people/acre	Mid Density 36 people/acre	High Density 92 people/acre
Common Services:								
Roads (no curbs)	\$1,053	\$621	\$339	\$280	\$184	\$76	\$124	\$26
Solid Waste	\$200	\$200	\$200	\$185	\$185	\$185	\$185	\$185
Libraries ⁴	\$72	\$72	\$72	\$72	\$72	\$48	\$48	\$38
Parks/Recreation ⁴	\$129	\$129	\$129	\$129	\$129	\$86	\$86	\$69
Police ⁴	\$360	\$360	\$360	\$360	\$360	\$240	\$240	\$192
Fire ⁴	\$324	\$324	\$324	\$406	\$379	\$231	\$248	\$177
School Bussing	\$186	\$186	\$186	\$87	\$25	\$58	\$17	\$13
Culture/Economy	\$36	\$36	\$36	\$36	\$36	\$24	\$24	\$19
Governance	\$297	\$297	\$297	\$297	\$297	\$198	\$198	\$158
HRM to Province	\$435	\$435	\$435	\$435	\$435	\$290	\$290	\$232
Subtotal	\$3,092	\$2,660	\$2,378	\$2,287	\$2,102	\$1,436	\$1,460	\$1,109
Other Services:								
Curbs&Sidewalks	\$0	\$0	\$0	\$194	\$128	\$52	\$86	\$27
Transit ⁴	\$171	\$171	\$171	\$171	\$171	\$114	\$114	\$91
Water	\$425	\$425	\$425	\$197	\$176	\$77	\$146	\$42
Waste/Stormwater	\$625	\$625	\$625	\$613	\$514	\$235	\$364	\$147
Subtotal	\$1,221	\$1,221	\$1,221	\$1,175	\$989	\$479	\$710	\$307
extended ⁵								
Water/Wastewater	\$927	\$234	-\$219					
Total	\$5,240	\$4,115	\$3,380	\$3,462	\$3,091	\$1,914	\$2,170	\$1,416

1) Household size estimated at 3 people per household

2) Household size estimated at 2 people per household

3) Household size estimated at 1.6 people per household

4) Costs allocated simply on "per capita" basis

5) incremental on-going (annual) costs, only; does not include remediation/installation (capital) costs

Figure 5. The city has attempted to calculate the service costs for residential development. If they same methodologies hold true for commercial development, then commercial districts in the urban core cost a lot less to service than businesses in the suburban and rural areas. As business districts "intensify", like what is being proposed for Mainstreet Dartmouth, than the cost of delivering services should start to decrease as the urban form becomes more compact and efficient.

https://www.halifax.ca/regionalplanning/documents/HRMInfrastructureChargesStudy_FinalReport_Oct24_06.pdf

Why This Matters So Much: The Ripple Effect

In summary, the current tax system is having, perhaps unintended, negative consequences on existing businesses in the urban core. Unless something is done to address this, the adverse effects that we will continue to experience are:

- Conversion of commercial to residential
- People not investing in urban core properties (Starboard Wealth example)
- More businesses leaving the urban core (Service Nova Scotia!)
- Loss of small affordable office space in urban core which is critical for start-ups, young entrepreneurs, and local independent businesses
- Small local businesses selling or closing their doors
- Continued disconnect between regional plan and the creation of complete communities
- **Large national and international businesses not paying their fair share!**

Small businesses are an integral part of our economic eco-system. The wealth they create stays in the communities — and in return supports other aspects of our economy (like real estate and property values!) and is tied in (directly and indirectly) to other initiatives being championed by all levels of government. “A study done in 2003 in Austin, Texas, by the American Independence Business Alliance found that out of every \$100 spent at a nationwide chain store, only about \$13 stayed in the local economy. However, **out of every \$100 spent at a locally owned and operated business, about \$45 stayed in the local economy.** This provides a huge boost to other local businesses, workers and families in the local area” (Writing, Alexis, Houston Chronicle). We need more small businesses — not fewer. And we need to align all our goals and objectives.

The Solutions

The economic health and vitality is a critical piece of the overall health and well-being of the municipality. There is a role for the municipality to play and steps they can take to mitigate the perhaps unintended consequences of a tax system that has lost it relevance as a tool for directing and encouraging the kind of economic growth our city needs. Solutions include:

Keeping Money in the Area

*Another advantage of local businesses is that more of the money spent at a local business stays in the local area. A study done in 2003 in Austin, Texas, by the American Independence Business Alliance found that out of every \$100 spent at a nationwide chain store, only about \$13 stayed in the local economy. However, **out of every \$100 spent at a locally owned and operated business, about \$45 stayed in the local economy.** This provides a huge boost to other local businesses, workers and families in the local area.*

Alexis Writing,
<http://smallbusiness.chron.com/benefits-businesses-local-economy-265.html>

1. Creating a Small Business Tax Break.

To stop small business from paying a disproportionate share of commercial property taxes a special small business rate could be developed with eligibility criteria set to match existing federal income tax regulations for access to the small business corporate tax rate. Under federal and provincial income tax rules a corporation like Walmart pays 50% of its profits in corporate tax, a small business 14%. Use of a small business rate could reverse the imbalance we see now where the small business on a local street is paying 3 or 4 times more taxes per square foot than the non-locally owned large national and international businesses. Small business should contribute reasonably to the costs of the municipal services associated with their locations, the tax relief provision would apply to taxation levels above a set per square foot base amount.

2. Differentiated Tax Rates

The immediate solution to address issues of decline downtown and to support small business as a viable option in Halifax's urban core is to simply refine the existing assessment based system through the use of multiple commercial tax mill rates.

Rather than the single rate we use now we could use multiple rates which adjust the tax collected from the assessments to achieve more rational and fair economic outcomes. For instance there could be a lower mill rate used in the downtown to reflect the lower cost of service and to reflect the economic objective that a healthy downtown creates for any community. **In the Canadian context there is established precedent for the use of multiple mill rates. For instance both Toronto and Vancouver have multiple mill rates with ten and nine different mill rates respectively.**

3. Current Use

Assessments could be based on the present use of a building not the speculative possible use of a building based in its land converted to a different use.

The Challenge

Tax reform is a perplexing challenge. There are many things to consider including the roles of municipal and provincial government, the legal authority to make changes to the existing system, political understanding and will to make informed decisions around changes, and understanding the impact changes will have — including impacts on property owners of all sizes and their tenants. But one thing is clear: There is an issue around tax equality. Good tax policy should consider the following things:

- Taxation that reflects the recovery of the cost of providing municipal services;
- Ability of businesses to pay;
- Not interfering with economic competitiveness;
- Respect for governments;

The fear [...] is that property owners will be forced to either sell their buildings or raise rent to a point that prices out current tenants, which would chip away at the independent nature of the shops and eateries along Quinpool.

“What, in turn, happens is people leave the area and go ... somewhere else that’s more affordable. So what you’re left with is empty buildings.”

- Simplicity, stability, transparency and accountability.

The current system is not based on recovery of costs — at least not the recovery of costs consumed by different business types located in different geographic regions with different service uses. It does not reflect the reality of a business’s ability to pay. It is not equitable — in that some areas are subsidizing others beyond their own ability to thrive. And it does not promote efficiency in terms of how the city manages growth and its ability to sustain that growth.

These are complex issues — but serious issues that need to be addressed, even if it is challenging. The status quo is challenging for small business owners — and impacts not only individual lives and livelihoods, but also the economic health and sustainability of our city and region.

We commend and support the efforts of the City of Halifax for looking into these issues and working toward a solution. We encourage council and staff to accept our recommendations.

North End Business Association
Quinpool Road Mainstreet District Association

<http://thechronicleherald.ca/business/1265525-quinpool-road-businesses-blast-%E2%80%98ridiculous%E2%80%99-tax-increases>

14.1 Ratification of Motion from Committee of the Whole – Commercial Tax Options for Small Business Motion:

It is recommended that Halifax Regional Council direct the Mayor to write the Minister of Municipal Affairs to:

(1) Request that the Provincial Government, in order to increase predictability for taxpayers, consider making changes to the legislation governing the assessment process for commercial properties so that:

- a) The annual valuation is averaged over a three year period or,
- b) The commercial assessment roll is updated every three to four years, as is the current policy in Saskatchewan and Ontario.

(2) And to request amendments to the Halifax Regional Municipal Charter that would provide Council with greater legislative authority in setting taxes and charges respecting the general tax rate and area rates for both residential and commercial properties, including:

- a) The authority for Council to determine and set rates and charges that are different for: I. different areas of the Municipality, II. different categories and size of businesses, and III. different classes of building and size of structures, and
- b) The authority for Council to determine and set: I. a rate or charge for frontage on a street, II. a uniform charge or amount of tax that is payable per property or per dwelling unit, III. a maximum and minimum charge or amount of tax that is payable, and IV. a surtax or graduated rates.



My name is Karla Nicholson and I am the Executive Director of the Quinpool Road Mainstreet District Association. I represent more than 100 businesses, many of whom are small businesses struggling trying to pay their commercial taxes.

We commend you for your swift efforts to address this problem but the municipal tax tool you are proposing does not adequately address the needs of Metro Halifax.

Providing our municipality with the tool to be able to phase in assessed property increases for up to ten years for businesses in a commercial development district, only addresses the first part of the Commercial Tax Options for Small Business motion that was approved by Council last November.

Our Municipality needs – and I quote here right from the motion “amendments to the Halifax Regional Municipal Charter that would provide Council with greater legislative authority in setting taxes and charges respecting the general tax rate and area rates for both residential and commercial properties, including:

- a) The authority for Council to determine and set rates and charges that are different for: I. different areas of the Municipality, II. different categories and size of businesses, and III. different classes of building and size of structures, and
- b) The authority for Council to determine and set: I. a rate or charge for frontage on a street, II. a uniform charge or amount of tax that is payable per property or per dwelling unit, III. a maximum and minimum charge or amount of tax that is payable, and IV. a surtax or graduated rates.

This motion directly addresses the unified request from 8 Business Improvement Districts within Halifax that submitted a letter to the Mayor and Council asking for amendments to the Charter. This letter was also published as an op ed piece on the Chronicle Herald website and was signed by the Executive Directors of: Quinpool Road Mainstreet District Association, North End Business Association, Downtown Halifax Business Association, Spring Garden and Area Business Association, Sackville Business Association, The Village on Main Business Association, and the Bedford Business Association.

The letter stated: “ After months of discussion and research, two recommendations were brought to HRM staff by the Business Improvement Districts:

- 1) A special small business rate to be developed with eligibility criteria matched to existing federal income tax definitions for small business. Use of a small business rate could reverse the imbalance we now see where the small business on a local street is paying three or four times more taxes per square foot than the non-locally owned large big-box retailers in greenfield retail parks.
- 2) Differentiated tax rates rather than a single rate. We could use multiple rates which adjust the tax collected from the assessments to achieve more rational and fair economic outcomes. For instance, with differentiated tax rates a slightly higher rate could be set for big-box stores in retail parks, and a lower rates could be set for downtown and businesses in the urban core and main streets communities where the city wants to encourage devel-

opment. This would more fairly redistribute the tax burden and off-set the repercussions of the assessment-based system.

The Mayor himself wrote a letter dated February 12, 2016 to the Honorable Minister Zach Churchill asking for quote “amendments to the Halifax Regional Municipal Charter that would provide Halifax Regional Council greater legislative authority in setting taxes and charges.” This letter was followed by similar letters from several of the above mentioned business improvement districts.

Tax Reform has been an ongoing issue for several years, and has now reached a point where small businesses are being taxed out of existence. Small business needs a champion. They play an integral role in our local economy and the well-being of our city. The Mayor and Council have stepped up and taken effective action to try and offer real change to our City's Commercial Tax Options for Small Business, Will the province do the same?

Will you make amendments to the bill that address the second part of Council's motion? I will leave you all copies of this speech that clearly defines the other municipal tax tools that are needed and were requested by the Mayor and City Council.

Thanks for giving me the opportunity to speak today on behalf of my members and for many other small businesses in the designated commercial business improvement districts.

HRM PROPOSED AMENDMENTS TO BILL NO. 177

Halifax Regional Municipality Charter (amended)

Explanatory Note

This amendment to Bill 177 amends Halifax Regional Municipal Charter to allow Council to set separate commercial tax rates for different areas of the Municipality, to set separate commercial tax rates based on the length or proportion of frontage of a property on a street and to set a commercial surtax.

The proposed amendment is as follows:

1. Bill 177 , An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act, and Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, is amended by adding Section 5 as follows:

5 Section 94 of Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, is amended by

- (a) striking out the word "The" at the beginning of the section and adding the word "the" at the beginning of the section;
- (b) adding the words and comma "Subject to subsection (2), " at the beginning of the section;
- (c) renumbering section 94 as subsection 1 of section 94; and
- (d) adding immediately after the newly renumbered subsection 1 the following subsection:
 - (2) The Council may,
 - (a) set separate commercial tax rates for different areas of the Municipality designated by the Council based on commercial property assessments;
 - (b) set separate commercial tax rates for different areas of the Municipality designated by the Council, based on the length or proportion of frontage of a property on a street, including a private road;
 - (c) in addition to the taxes in clauses a and b, set a surtax commercial tax rate for different areas of the Municipality designated by Council based on commercial property assessments; and
 - (d) any combination of clauses a, b and c.

(3) Commercial tax rates set by the Council under subsection (2) apply in place of, and not in addition to, the commercial rates set under subsection (1) in the areas designated by Council.

PRESENTATION TO LAW AMENDMENTS COMMITTEE

RE: BILL 177

MAY 16, 2016

My name is Paul MacKinnon and I am here today representing the 1,600 businesses that make up the membership of the Downtown Halifax Business Commission. Commercial taxes of course impact every single property owner and business who rents property in our area. It's high on our radar, as well as the radar of other business improvement districts in the city.

It has been famously said that, "taxes are what we pay for a civilized society" and it is certainly not our desire to shirk our responsibility as the business community, in paying our fair share. In fact, the overall ratio paid by residents vs. businesses is arguably a fair one. The issue lies within the commercial side of the tax system.

Our request is that an amendment be made to the present bill, which would allow Halifax Regional Municipality, through the authority of the Halifax Charter, to be able to set multiple commercial tax rates. This is what HRM Council asked for last fall, and we support them in that ask.

It has been well established that a prosperous Nova Scotia depends on a prosperous Halifax. Fortunately, for all concerned, Halifax has seen stability and even growth as of late, and that is good. However, we believe Halifax's current commercial tax system actually impedes HRM's economic stability.

Many factors go into whether a city is successful and vibrant. However, a city's income statement is a simple one. Revenues consist almost entirely of property taxes paid by citizens and businesses. Expenses consist almost entirely of servicing those citizens and businesses. Therefore what a city allows to be built, and how much it costs to service it is everything.

Halifax for several decades disregarded this simple fact and embraced sprawl – encouraging and even subsidizing development that did not come anywhere close to paying for itself. While other cities in the 1990s and early 2000s were growing up, Halifax was growing out. Halifax's tax system and planning regime made that easy.

However, as of late, Halifax has done much to reverse this trend: The Regional plan in 2006, updated in ²⁰¹⁴~~2012~~; The downtown plan, HRM by Design; The Economic strategies of 2011 and 2016. These are all good documents which point the way to encouraging commercial and residential development in the downtown and on already-serviced main streets. Happily, this has coincided with demographic trends toward higher density living, and the need to recapitalize 40 year old class A office space. Hence we see cranes in downtown Halifax for the first time in decades.

Despite that, because land, and therefore assessments remain cheaper outside of the urban areas, we are still seeing high vacancy rates and high rental rates in our urban cores. The tax system still creates a disincentive for businesses to locate in these areas. The simplest solution, as both HRM Council and UNSM have recognized, is to set a differentiated rate for downtowns and main streets. This small move would do much to align the city's tax system with the goals of the Regional Plan and Economic Strategy.

I'd like to add a final thought on urgency: because we have an assessment-based system, net taxes will always be higher downtown. That's a fact of life in every city. But Halifax has a greater imbalance than most. In a study conducted by the Canadian Urban Institute, across 17 Canadian Cities, it was discovered that Halifax has the lowest proportion of its total commercial office in its downtown core. That same study also offered a cautionary tale, in the case of Edmonton.

Like Halifax, Edmonton embraced commercial urban sprawl, and as a result saw a dwindling downtown tax base and high vacancy rates. Because downtown buildings were on expensive land, the assessment-based tax system worked for awhile. But empty buildings cannot maintain high assessments indefinitely, and this led to a market correction which saw Downtown Edmonton's assessment value plummet. This led to a tax increase in the suburban areas to offset the loss. Suddenly everyone woke up to the state of downtown, and Edmonton has now had a decade-long program of reinvestment to bring its downtown back.

Halifax can avoid this situation if it acts now - with the implementation of differentiated rates. This is not a risky move for the provincial government. It is a minor amendment, which the city would then use judiciously.

We would request that the province amend Bill 177 to allow for differentiated rates to be introduced, through the Halifax Charter. This would allow HRM Council to adjust the tax system so that it was aligned with both the Regional Plan and Economic Strategy, both of which the province has already approved. These changes take time, so we strongly urge the province to make these amendments now.

Thank you for your time and consideration.

Sincerely,
Paul MacKinnon
Executive Director
Downtown Halifax Business Commission

STOOD

**Bill #177
Municipal Government Act (amended)
and Halifax Regional Municipality Charter (amended)**

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF MUNICIPAL AFFAIRS

PAGE 2, Clause 1, proposed subsection 71C(5)

- (a) - delete proposed clause (a);
- (b) - reletter proposed clauses (b) to (d) as (a) to (c); and
- (c) **proposed clause (c) (relettered as (b)), line 2** - delete "(d)" and substitute "(c)".

PAGE 2, Clause 1, proposed subsection 71C(6), line 1 - delete "(5)(d)" and substitute "(5)(c)".

PAGE 4, Clause 3, proposed subsection 92C(5),

- (a) - delete proposed clause (a);
- (b) - reletter proposed clauses (b) to (d) as (a) to (c); and
- (c) **proposed clause (c) (relettered as (b)), line 2** - delete "(d)" and substitute "(c)".

PAGE 4, Clause 3, proposed subsection 92C(6), line 1 - delete "(5)(d)" and substitute "(5)(c)".

[REDACTED]
Halifax, NS B3H 4K8

May 16, 2016

Hon. Diana Whalen, Chair
Standing Committee on Law Amendments
Office of the Chief Legislative Counsel
CIBC Building - Suite 802
1809 Barrington Street
Halifax NS

RE: Bill No. 177 – Municipal Government Act (amended) and Halifax Regional Municipality Charter (amended)

Dear Minister Whalen

Clause 10 of the *Municipal Government Act* impacts negatively on the democratic representation that all Nova Scotians should be able to expect of their municipal governments.

HRM is a very large and very complex municipality. Since amalgamation, a single council representing so many diverse areas has not been working to the benefit of individual areas.

My own neighbourhood, on Peninsula Halifax is the oldest part of one of the oldest and most historic cities in North America, but sometimes it seems that our City Council has little or no appreciation for that fact. That is very likely because, of the 16 Councillors, only 2 represent the Peninsula. The others have no stake in its future. So, Clause 10 as it now exists, effectively ensures that my neighbours and I have no voice at City Council on matters that are of great concern to us.

Heritage and cultural districts thrive in other cities and have proven to be of economic benefit, and I believe Halifax has much to gain by enhancing rather than destroying these sites. We are not opposed to sensitive development. However, some developers are engaged in outright destruction, in large part due to the makeup of City Council.

I would sincerely appreciate your consideration of the attached proposed amendment or a variation of its intent.

Thank you,



Dianne Marshall

cc. Members of the Standing Committee on Law Amendments

MUNICIPAL GOVERNMENT ACT

Government of municipality

10 (1) A municipality is governed by a council consisting of at least three members.

(2) One councillor shall be elected for each polling district in a county or district municipality and in a regional municipality.

(3) No more than two councillors shall be elected for each polling district in a town.

Note: This clause has resulted in the decimation of the heritage and historic sites of one of the most historic cities in North America. Why? Because the vast majority of Councillors (14 of 16) do not live on the peninsula; and therefore, do not have an attachment to it, or a stake in its survival.

We welcome sensitive development, that takes the needs of the community into consideration and that is capable of blending the old with the new. Some developers seem to be able to do that. Others do not, and it is those developers that cause the most concern.

PROPOSED AMENDMENT

(4) Halifax Regional Municipality shall be divided into three district councils, representing: Halifax Peninsula, Dartmouth, and Halifax County. And each District Council shall be comprised of 5 polling districts, with no more than one councillor per polling district.

(4a) Each District Council shall be responsible for matters relating to that district, and reporting of same to the Mayor and other District Councils.

(4b) Decisions of a development nature will be the sole responsibility of the District Council; and while the Mayor and other District Councils may provide input, the decision of the District Council on development matters that relate to its district, will be final.

From: wendy <[REDACTED]>
Sent: Thursday, May 05, 2016 9:53 PM
To: Office of the Legislative Counsel
Subject: Bill 77

Bill 177- An Act to Amend the HRM City Charter and the Municipal Government Act

This is a submission to request the following amendments to this Bill.

Rules around affordable housing need to be clarified and this clarification should be a part of development agreements.

Where affordable housing is a part of a density, bonusing, or other scheme it has to be in place for some defined, long-term, period of time;

Demolition controls need to be put in place.

There needs to be better protection for the Halifax Common lands and adjacent streetscapes.

Get rid of density bonusing or else allow the density bonusing arrangements to be appealed to the Utility and Review Board;

Allow the Utility and Review Board to review municipal decisions on a wider standard, as in Ontario, where the Board can judge whether the proposals are 'good planning in the public interest'.

There should be better protection of built environment and heritage properties.

This would improve our city immensely.

Wendy Scott

902-[REDACTED]

May 8, 2016

Submission to the Law Amendments Committee
Province of Nova Scotia

Re: Amendments to Bill 177

We, Park to Park Community Association, are writing to request that the Province amend Bill 177.... An Act to Amend the Municipal Government Act and the Charter of the Halifax Regional Municipality.

We make this request in order to improve the integrity and accountability of the public process with regard to planning and development. The disappointing decision concerning Wellington Street (see attached document) raised awareness among many neighbourhoods in the HRM who were and are facing similar situations where MPS amendments were introduced without appropriate justification. As such we would request a change to the legislation to require a 2/3 vote of Council for the approval of important planning documents, specifically MPS amendments.

We understand that while the Charter was changed (s.20 (1A)) to permit Council to make policies requiring 2/3 majorities, (i.e. Rescind motions) this ability does not override the express provisions in s220(8) providing for a simple majority on matters pertaining to the adoption of planning documents. This section reads as follows: "The Council shall adopt planning documents at second reading, by majority vote of the maximum number of members that may be elected to the Council."

In questioning the role of Municipal Affairs in the oversight of planning strategies and land use bylaw decisions we were advised that this oversight is limited to reviewing amendments to see if Ministerial approval is required as per section 223(3) elements of the HRM charter. They are: if the amendment affects a provincial interest; is not reasonably consistent with a statement of provincial interest; conflicts with either the provincial subdivision regulations; or conflicts with the law. If none of these conditions are present, the Director signs off on their review of the amendments and returns them to HRM.

Since the Provincial Government has no oversight or decision-making role in municipal land uses outside of the above noted authority and as the Municipality is the order of Government accountable to the electorate for these planning decisions we believe that the current legislation requiring a simple majority is inappropriate and we would ask that it be changed to introduce

more accountability to the public process. If the proposals for change to the MPS to allow site specific amendments truly balance the private/public good a 2/3 vote should be easily achievable.

We thank you for giving this matter serious consideration.
Sincerely,

Patricia Whitman, Chair
Chris Annand, Vice Chair
Park to Park Community Association

Cc: Minister Zack Churchill
Mayor Mike Savage and members of Halifax Regional Council

Att: January 30, 2015 letter to Minister Mark Furey

January 30, 2015

Hon. Mark Furey
Minister of Municipal Affairs
Maritime Centre – 14 North
1505 Barrington Street
Halifax, NS B3J 3K5

Via e-mail

Dear Mr. Minister,

Re: Developers have taken control of our neighbourhoods

We are writing about HRM Case 19326, Dino Capital Ltd.'s application concerning a proposed development on Wellington Street in Halifax. We request that the pro forma sign-off normally associated with amendments to Municipal Development Plans, Municipal Planning Strategies and Land Use By-Laws not receive the automatic ministerial approval in this case without review of the circumstances involved with this development application.

This controversial development of 8 and 10 storeys in a 35' designated height precinct zoned R2A and adjacent to a park has been strongly opposed en route to its ultimate approval by off-peninsula councillors. Through hearings of over 100 residents each, a petition signed by over 1,000 HRM residents from every district in HRM, absolute rejection by the Planning Advisory Committee and unusual rejection by HRM professional planning staff, this amendment application received narrow HRM Council approval (one vote) on January 13, 2015.

The first question that comes to mind is why the Minister of Municipal Affairs is required to review MPS amendments. Exactly what is your role? Presumably since there is no appeal process to the UARB for an MPS amendment, your role, in some way, is a substitute for that process. This is not to imply that you would use the same approach or indeed apply the same standards or have the same powers. We would assume your role is one of oversight in ensuring integrity in the development and planning of MPS amendments and to also ensure that the public process is appropriate.

Surely you are as appalled as we that in trying to build a strong and cohesive HRM we find that MPS decisions are made on completely irrelevant criteria such as that articulated by the former Mayor of Dartmouth, using defeat on an unrelated project to ensure retribution against Halifax Councillors, planners and indeed the public at large. Or that Councillor Matt Whitman found it so important for his followers to know his position on the matter that he had to tweet his support for the development while under a "Council no communication order". Actions like this in a matter of such importance to

a neighbourhood do not even come close to the concept of fairness identified in the HRM Charter as the basis for your decision in the final approval of the amendment proposed by Council.

There are many other comments by Councillors around this decision that further illustrate the inadequacy of the justification and the subsequent vote to approve.

Comments made by Councillors for ignoring the principles of the MPS and good design – ironically formulated in consultation with the public, staff, planners and approved by Councillors include:

COUNCILLORS WHO APPROVED THE MPS AMENDMENT FOR DINO CAPITAL	THEIR COMMENTS
Adams	If Council agreed with every petition we get there would be no convention centre Many developments would not go through if we agreed with those people. <i>[At that rate why is council bothering with a public hearing other than to go through the motions.]</i>
Hendsbee	Out of 46 properties, (on Wellington St.) just 19 are privately owned which means that 27 are owned by corporations. Dino Capital owns 4 of them.....so I see this as one of those corporate streets. The MPS is there to be changed. "This development fitting with the ambiance of the area" the peninsula needs density. <i>[Obviously based on this rationale once a developer has purchased sufficient number of properties on a street, then the planning rules no longer apply because they will be changed to suit the new corporate owner regardless of the community impact. As well, there are over 100 property owners living in two condo buildings on Wellington St. ignored by Mr. Hendsbee]</i>
Hendsbee (on CBC Mainstreet interview)	The MPS is there to be changed and Wellington Street is a corporate street. <i>[There is no such planning principle as a corporate street. The comment seems to suggest that if the developers have largely bought up a street - then the land use bylaw has to change in accordance with the development intentions of the corporate buyers. That certainly doesn't</i>

	<i>provide much room for good planning.]</i>
Rankin	We don't understand HRM by Design guidelines well enough to vote for them. <i>[Rankin understood them well enough to vote for them in the HRM by Design area – so is HRM by Design only understood when convenient.]</i>
MacCluskey	"I would support the peninsula development because of a past planning blunder in Dartmouth". "A couple of years ago this same planning department , in my district put in three buildingsthere was no thought of compatibility, there was no test of sensitivity, there was no thought of the effect on the community" " if I sat here today and said this is wrong how would the people of Dartmouth feel?" <i>[It is a very sorry state of affairs when a councillor who is peeved by a planning decision in their district decides to take it out on a neighbourhood that played no role in what occurred in Dartmouth.]</i>
Karsten	The municipality risks delaying developments if it starts requiring proposed projects to be considered within a neighbourhood context. "I think that's extremely dangerous," he said, adding that council should "do everything conceivably possibly to move development forward." <i>[It is required that councillors have an open mind when taking decisions following a public hearing – the foregoing statement by Councillor Karsten suggests that Councillor Karsten supports all new construction regardless, which certainly brings into question the integrity of the public hearing process at HRM council.]</i>
Mosher	Community Council when moving something to public hearing....we don't have to justify why, we are a quasi-judicial body If council just voted for what staff said we wouldn't need Councillors or Community Council. <i>[Actually there is a requirement to give reasons for approval of a DA because they are a quasi-judicial body.]</i>

<p>Councillors Dalrymple, Walker and Mosher did not speak or comment at the council meeting but voted to support the amendment. Councillors Fisher and Johns were absent from the Public Hearing so could not participate in the Council meeting.</p> <p>Councillors Craig, Mason, Nicoll, Outhit, Watts and Mayor Savage voted to reject the application.</p>	
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And what does “corporate” street mean in the context of the MPS. The street is zoned R2A which is clearly defined in the MPS which is clearly intended to provide significant density but in a low rise style creating enhanced livability.

We would further note that of approximately 50 planning applications currently in process or approved (Table attached), our expert planning staff have only totally rejected 3, Wellington Street being one of them. As Minister you should be cautious about the rationales presented for making a change and where the rationales for the approval vote originated.

It has long been our understanding that MPS amendments, particularly MPS amendments solely designed to effect a spot rezoning, in this case through a spot MPS amendment, spot land use bylaw change and an accompanying DA, require justification, in fact good justification for change. The ubiquitous statement we see on all recent applications provided by developers is that circumstances have changed and the MPS is no longer relevant. We contend that the only thing that has changed on Wellington Street is that this developer purchased several single family dwellings with a plan to make some money and Council acquiesced.

Developers are now doing our planning. MPS amendments obtained for the reasons set out in the above table demonstrate that the process is flawed and that HRM Council planning decisions are moving away from solid planning principles and the best interests of the public and into the hands of developers; not because there is anything wrong with the existing MPS but because there is now complete deference given to where developers see a money-making opportunity. An MPS is typically created through a long and difficult process presumably at the end of which a balance is achieved between the competing interests; something that is totally lost when land use planning is done on an ad hoc basis. We don't want to kill our inner city, our neighbourhoods that Halifax is so justly famous for, in exchange for density ghettos which can result from effectively non-existing planning. The Stantec Report, commissioned by HRM, supports our view that neighbourhood spot rezoning is not necessary to meet HRM's density goals.

We need planning processes with integrity. If Council agrees that the neighbourhood needs change and is in a state of flux as the developer claims, then processes should be initiated to review the whole neighbourhood – not allow site by site rezoning to the detriment of all; or, delay approvals until the Centre Plan is completed. Spot MPS amendments impact and insult the neighbourhood.

As property owners are we not entitled to know that our council has different plans for our neighbourhoods than those set out in the MPS? Because if there is no integrity to the planning process, we need to know so that we understand what the investment rules in our community are. As resident property owners, we, too, have an investment that needs protecting. It is totally unfair if the only planning protection is afforded to speculation decisions by “the so-called” corporate owners.

As Minister you are responsible for the care and health of our communities, developers are not. Developers are about maximizing profits, be it a good or bad decision for the community, usually by building the largest number of small apartments they can on any given property. This type of profit driven development results in one dimensional communities that add nothing to the vibrancy and livability of our neighbourhoods. Are we really prepared to let developers plan our community?

The need for added legislative protection. This approach to development of “*planning principles be damned*” and “*we know best*” and “*why listen to the public*”, “*what’s good for the goose is good for the gander*”, and “*why would we ever refuse a development proposal*” type of thinking as the basis for decision-making coming out of the quasi-judicial role council is required to exercise in such cases, may well be the thin edge of the wedge as noted by Roger Taylor (business columnist, Chronicle Herald, January 19/15 article). The MPS decision resonated in all parts of the municipality as citizens recognized that planning rules are truly ineffective if we have developers essentially controlling our communities. The question being asked is who is really doing the planning in HRM. If it is the developer and not planning staff, then Regional Council should require a 2/3rds vote to ensure a measure of integrity is maintained in the planning process. We would request that you give consideration to legislation to that effect. If the development is indeed a good one, getting the vote should not be a problem. This particular decision was seen as an affront to citizens of HRM and the poor rationales offered for changing the MPS, on an ad hoc basis, raised the question of the need to create a new Halifax Community Council to ensure that this type of approach did not succeed in future.

There is too much credence now given to developer’s self-interest. The problem with decisions of this type is that they undermine public confidence in the process. We hope you, as Minister, are there to protect the public interest and ensure the integrity of the land use system. Property values are important to all citizens. When a developer is allowed to build an inappropriate apartment/condo building in a residential neighbourhood, through spot MPS amendments/ spot rezoning, it takes value from the property owner and puts money in the pocket of the developer. This is a slippery slope

and this approval does set a precedent for this short two block street where similar developments are already being designed.

We believe in and support HRM by Design and the Centre Plan. At the January 28, 2015 HRM Council meeting this week, Council adopted the Engagement Strategy for the Centre Plan. One can only hope that the public is not disillusioned to the point of rejecting participation in the review process.

Mr. Minister, we believe this Wellington Street decision has raised concerns about how we protect the public interest and the integrity of our land use system in our effort to build strong communities using solid planning principles. We ask that you take our concerns seriously and fully review this matter before considering sign off on this MPS amendment. We would gladly meet with you to discuss our concerns.

Sincerely,

(original signed and delivered to Minister's office)

Pat Whitman, Chair
Chris Annand, Treasurer
Park to Park Community Association
1074 Wellington St, Suite 603
Halifax. NS B3H 2Z8

From: Barry and Trudy [REDACTED]
Sent: Sunday, May 08, 2016 9:44 PM
To: Office of the Legislative Counsel
Cc: mayor@halifax.ca; ca@zachchurchill.com; Minister, DMA; CNS Minister; gloria.mccluskey@halifax.ca; outhitt@halifax.ca; steve.craig@halifax.ca; Brad.Johns@halifax.ca; Matt.Whitman@halifax.ca; reg.rankin@halifax.ca; stephen.adams@halifax.ca; russell.walker@halifax.ca; Linda.Mosher@halifax.ca; Jennifer.Watts@halifax.ca; browns@halifax.ca; Lorelei.Nicoll@halifax.ca; bill.karsten@halifax.ca; David.Hendsbee@halifax.ca; Barry.Dalrymple@halifax.ca; Wayne Mason
Subject: Law Amendments Committee & Bill 177
Attachments: Law Amendments Committee May 08, 2016.doc

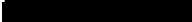
Dear Law Amendments Committee Members,

Please find enclosed letter requesting amendments to Bill 177 to allow the HRM Municipal government to take charge of the issuance of demolition permits and enforce stricter control of needless demolition permits and immediately develop policy around criteria and rules whereby the city would either permit or deny demolition of existing built properties.

Sincerely,

Barry Copp

May 08, 2016


Dartmouth, NS
B2Y 1R7

Dear Law Amendments Committee Members,

I have watched for some time with shock, the needless demolition of heritage buildings including homes in Halifax and throughout the province of Nova Scotia. Developers have found many loopholes in our antiquated and very weak Heritage laws in order to demolish properties and sometimes build structures that are not consistent with the existing streetscapes or neighbourhoods.

I request that there must be changes made to Bill 177- to Amend the HRM City Charter and the Municipal Government Act for protection of built environment streetscapes, public spaces. Amendments to the Municipal Government Act and Halifax Regional Municipality Charter so as to allow the HRM Municipal government to take charge of the issuance of demolition permits and enforce stricter control of needless demolition permits and immediately develop policy around criteria and rules whereby the city would either permit or deny demolition of existing built properties. An amendment to the City Charter is a quicker and more practical way to change the control of the issuance of demolition permits to the city than the alternative of changing the Municipal Act.

The issuance of demolition permits should be suspended until such time as these new policies and rules are in place. Demolition should only be permitted if there is an approval for a new development. Such a project should conform to existing planning policies and regulations. Penalties should apply if the project does not go forward within a prescribed time frame. Further regulations need to be developed through zoning to ensure that the transition from one use to another when permitted does not have a negative effect on abutting properties as well.

I am alarmed at the number of buildings we have lost just in the past year alone. The character, incredible craftsmanship and materials used in the construction of some of these buildings will never be seen or duplicated again. We must act quickly or we will wipe out our history altogether. We have friends and relatives from other provinces and countries that have been heartbroken realising things they once saw as part of our history now gone. It is important to our tourism industry and economy to preserve these sites with historic value even if these don't have heritage designation. I am not against new development but not at the expense of our heritage.

Thank you.

Sincerely,

Barry Copp

From: Cathy Driscoll <[REDACTED]>
Sent: Monday, May 09, 2016 9:41 PM
To: Office of the Legislative Counsel
Subject: Law Amendments Committee

Dear Law Amendments Committee Members,

I have been shocked by the recent demolition of so many heritage buildings in Halifax and Nova Scotia. I would like to add my voice to those who are requesting changes be made to Bill 177- to Amend the HRM City Charter and the Municipal Government Act to protect streetscapes and public spaces and to Amend the Municipal Government Act and Halifax Regional Municipality Charter to allow the HRM Municipal government to take charge of the issuance of demolition permits and enforce stricter control of needless demolition permits and immediately develop policy around criteria and rules whereby the city would either permit or deny demolition of existing built properties. No new demolition permits should not be issued until these suggested policies and rules are put in place.

My mother recently visited from outside of the province and she said, "But those houses and properties are what people come to Halifax and Nova Scotia to see." She does not visit that often and yet she felt so deeply moved and disturbed when she saw the stories on the t.v. and in the newspaper and drove by the Cleveland House and some of the other demolitions of historical buildings in town.

I am not anti-development and am actually friends with some developers in Halifax, but I am pro-heritage and history and am tired of some of the seemingly heartless developers running the demolition and development of our city instead of the citizens.

Thank you for your consideration.

Sincerely,
Cathy Driscoll

May 10, 2016

By Email: Legc.office@novascotia.ca

██████████
Halifax, N.S.
B3N 1S6

Hon. Diana Whalen
Chair
Law Amendments Committee
P.O. Box 1116
Halifax NS B3J 2X1

Dear Ms. Whalen and Members of the Law Amendments Committee:

We are writing as long-time residents of Halifax Regional Municipality to provide a few comments on Bill 177 which amends the *Municipal Government Act* and the *Halifax Regional Municipality Charter*.

While we are not writing to oppose the intent of the Bill, we are very concerned that this Bill has been introduced while a major review of the *Municipal Government Act* is still underway and not to be completed until next year. Why would changes to this Act be introduced midway through that process? What is the urgency of bringing forward these changes when there are many others that could also be included as well?

We are also very concerned about what is not included in the Bill, which seems more pressing as local, municipal issues. These additional issues are very ably expressed in the letter of May 5, 2016 from the Friends of Halifax Common and also, as publicly articulated by members of the Safe Young Avenue group. My wife and I are alarmed at the current pace of demolition of many long-established homes and buildings such as the Cleveland Estate on Young Avenue, the former CBC Radio building on Sackville Street, and homes on May Street and Fern Lane.

In our view, we support the long-overdue need for demolition controls, greater protection of existing affordable, low-cost housing, additional requirements for new affordable housing and long-term care facilities and other housing options for seniors, strengthening of the *Heritage Protection Act*, and greater oversight by the Utility and Review Board to ensure these stricter protections are in place and being enforced.

At this time, it appears to us as though local developers are proceeding with condominium and commercial development at the expense of the social, housing and cultural needs of the vast majority of residents. We question the need for Bill 177 at this time in light of these pressing concerns. We want to see our concerns reflected in new and stronger protections in both the *Municipal Government Act* and the *Halifax Regional Municipality Charter*.

.... /2

Hon. Diana Whalen
Chair
Law Amendments Committee
Page Two

In our view, this legislation should be put on hold until there is further public consultation on changes to both Acts, and these additional areas of concern can be included in new, more comprehensive pieces of legislation.

Yours sincerely,

(Original Signed)

Ian Johnson

Olga Milosevich

- c. Jamie Baillie, Leader of the Opposition and NS PC Leader
- Gary Burrill, NS NDP Leader
- Mayor Mike Savage
- Councillor Linda Mosher
- Councillor Wayne Mason
- Friends of Halifax Common

From: joanne light <[REDACTED]>
Sent: Wednesday, May 11, 2016 3:29 PM
To: Office of the Legislative Counsel
Subject: Re: Bill 177- An Act to Amend the HRM City Charter and the Municipal Government Act

TO WHOM IT MAY CONCERN

Because of the recent and pending demolitions, on which I implore you to intervene as an elected official who needs to have the peoples' support first and foremost in your psyche's modus operandi ((Remember what happened to Peter Kelly when he was investigated), I am supporting the position of FHC to amend Bill 177. I am sure you must be aware of the thousands of people who are furious at the Colonial Honda Car lot Expansion in a heavily residential area at Honda Canada's order to owner Steele Motors and the protest that is growing with dozens (and growing) of people committing to boycott first purchase and repurchase of Hondas and maintenance of Hondas owned.

With regard to Bill 177, as FHC has stated in their circular, I am supporting that "the city take control over issuing demolition permits, ensuring affordable housing, and protecting built environment, streetscapes and public space etc." These include a request for amendments to:

- a. clarify rules around affordable housing (e.g. to allow AH to be a part of what is in a development agreement);
- b. specify that where affordable housing is a part of a density bonusing or other scheme it has to be in place for some defined, long-term, period of time;
- c. allow for demolition controls (see details on this in the attached Friends of Halifax Common submission);
- d. better protect the Halifax Common lands and adjacent streetscapes;
- e. get rid of density bonusing or else allow the DB arrangements to be appealed to the Utility and Review Board;
- f. allow the Utility and Review Board to review municipal decisions on a wider standard, as in Ontario, where the Board can judge whether the proposals are 'good planning in the public interest'.
- g. provide better protection of built environment and heritage (a variety of tacts can be taken here- tourism, economic value, built environment, affordable housing,

Sincerely,
Joanne Light
902-[REDACTED]

[REDACTED], Halifax, N.S. B3L2A2

Municipal Government Act and Halifax Regional Municipality Charter - Bill 177 an Act to amend the HRM City Charter and the Municipal Government Act.

- I live directly behind the Cleveland property that is being demolished as we speak.
- This house has been kept in very good condition all the time we have lived there, that is since 1976.
- So, from the perspective of it's condition, there was absolutely no need to demolish it.
- We received a letter from HRM on Thursday 5th May 2016 advising us that HRM had issued a demolition permit for the Cleveland Property and permission to build a four unit apartment block and four other houses on this property. Also that we could appeal this approval. However demolition had begun on this property on tuesday 3rd May 2016, making it nigh impossible for neighbours to appeal or have some input in the decision making process.
- I find this very high-handed. All the neighbours of this property will be heavily impacted and to say that I am disappointed is an understatement.
- Young Avenue is designated as an R-1 Zone, i.e. Single use Family dwellings.
- The permission to build of a four unit apartment block, which will be bigger than the original building, contravenes HRM's own Charter. Also the building of four additional units beside it on 20 feet or 27 feet wide lots is beyond belief, especially on young Avenue, which is one of the more attractive Streets within HRM and has been very popular as a pedestrian thoroughfare to Point Pleasant Park, not only with Halifax residents but also with tourists.
- This would seem to be a classic example of the complete disregard for the cultural identity, character and historical aspect of Halifax as the Capital City of Nova Scotia.
- Another of many examples would be the Honda Car Dealership expansion around the Robie Street area. HRM Council say they want to provide low cost housing and keep neighbourhoods intact, in one breath but then approve the demolition of twenty or so smaller houses to allow expansion of a Car Dealership. Those houses could be rebuilt and provide small affordable housing.
- There are many more examples around. In fact when driving around Halifax and Dartmouth, it looks as if there is a feeding frenzy going on amongst developers of High rise buildings.
- Considering this and some of the recent developments within HRM in the last few years, it would appear that HRM's decision makers can be bulldozed into approving anything no matter how bizarre when pushed by the business community. All of the neighbourhoods within HRM would seem to be under threat.

- I can only assume that the HRM Council Nova Scotia Politicians in general, over the years, have felt that the residents of HRM have no interest or pride in the City of Halifax and therefore this is reflected in their decisions to ride roughshod over any objections individuals might raise in their neighbourhood.
- There are many High-Rise buildings going up around Halifax. These buildings create their own weather systems and create a tunnel effect the with wind at street level, making it difficult or even impossible for some people to walk past. Especially during the winter months which can be six months in Nova Scotia. This aspect seems to have been totally ignored in the approval of these buildings. Why is that ?
- There are many cities in North America that have realized in the last twenty or so years the potential of maintaining the Cultural identity, character and historical aspects of smaller affordable buildings and neighbourhoods. Very often younger people can afford to live there which attracts new business and this in turn creates a vibrant community. This fact does not seem to have been given any consideration by HRM and the decision makers in this City.
- I hope, especially for the youth of this Province but also for everyone else that this is not just another meaningless exercise and that they and everyone else will not be condemned to live in isolation in High Rise concrete cubicles at astronomical rents all their lives.

Patrick McGonigal

██████████
Halifax, NS B3H 2X4

May 5, 2016

Law Amendments Committee

Dear Members:

I write to request that the Province amend Bill 177 An Act to amend the Municipal Government Act and Halifax Regional Municipality Charter so as to allow the HRM Municipal government to take charge of the issuance of demolition permits.

Our heritage assets play a large role in our tourism sector and the resultant economic benefits. Tourism contributes more to our provincial economy than agriculture, or the fishery, or forestry. Tourism is a HUGE business for Halifax, and much of it exists because we have truly authentic heritage resources that draw tourists from many origins.

Most tourists are well-educated, well-off, and they travel a lot. For example, surveys among cruise ship visitors indicate that 43% had at least one university degree, and another 24% had two or more degrees. Further, 20% of them had very significant household incomes – well over \$100,000 per annum. As for their tendency to travel, over 30% were 'regular' cruise tourists, taking at least two cruises over the past ten years.

In short, most tourist visitors to Halifax are discerning – they know what they want and they'll spend money to get it. They spend money for a genuine heritage experience. They come to see one of North America's most celebrated heritage areas, recalling our city's mercantile and military past over more than two centuries, replete with authentic buildings and houses that played substantial roles in North America's history.

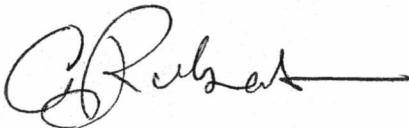
Look at the tourists who enjoy the grand entrance to Point Pleasant Park along beautiful Young Avenue – travelling slowly along the only street in Halifax established as part of City Beautiful movement in the 1800s. It is the pre-eminent historic streetscape in Halifax, cited several times in the Canadian Register of Historic Places as the most beautiful street in Halifax. What do you imagine tourists think when they see one of the largest and oldest residences on the street being demolished as they watch?

If HRM has control over issuance of demolition permits, rather than allowing the permits to be issued as a matter of right, the municipality would be able to take control over its heritage assets. This is the basis of my request to include in Bill 177 provision to amend the HRM City Charter and the Municipal Government Act to allow HRM to take charge of the issuance of demolition permits and to enforce stricter control of the permits.

Once our heritage buildings are gone, they're gone.

What would Joni Mitchell say?

Yours truly,



Allan Robertson, P.Eng., FCMC



spring garden
AREA BUSINESS ASSOCIATION

Submission
to the
Honourable Diana Whalen
Chair, Law Amendments Committee
from
Juanita Spencer, Executive Director
Spring Garden Area Business Association
regarding
Bill 177 - Municipal Government Act (amended) and Halifax Regional Municipality Charter (amended)
May 15, 2016

Introduction:

The Spring Garden Area Business Association (SGABA) is a member-based, non-profit organization representing the interests of the many property owners, merchants and service providers in the Spring Garden area. Working with the various levels of government and other key stakeholders, the Association strives to help make Spring Garden area a great place to live, shop, work and play.

Spring Garden is a well-known and historically significant area of Nova Scotia. It is home to thousands of residents, hundreds of businesses and a destination for tourists. It is bookended by a new world class library and the world renowned Public Gardens.

While the purpose of our Association is to effectively represent the business community, our mandate on how to achieve this is based on four pillars – marketing, safety and security, beautification and advocacy.

Within the scope of advocacy, our members have repeatedly identified high commercial taxation as a significant barrier to starting, and successfully operating, a business in the downtown core of Nova Scotia's capital city. It is for this reason that the Spring Garden Area Business Association is pleased to have an opportunity to submit this report for consideration by the Law Amendments Committee.

Background:

In 2015, the SGABA, along with several of the other Halifax Business Improvement Districts (BIDS), engaged in data collection and analysis of commercial property assessments of our respective members as well as Halifax's two retail business parks – Bayer's Lake and Dartmouth Crossing. While we had anticipated the BIDS in the core would have significantly higher assessments than those on the fringes or suburbs, the results were far more revealing than we anticipated.

+ AVERAGE ASSESSMENT PER SQUARE FOOT COMPARISON FOR

BUSINESS AREAS	AVERAGE ASSESSMENT PER SQUARE FOOT	AREA (SQUARE FOOT)
BAYERS LAKE	\$16.35	13,413,382
DARTMOUTH CROSSING	\$38.43	7,344,948
MAIN STREET DARTMOUTH	\$23.70	3,046,904
QUINPOOL ROAD	\$98.70	808,187
DOWNTOWN HALIFAX	\$273.22	3,897,896
DOWNTOWN DARTMOUTH	\$31.84	2,711,898
SPRING GARDEN ROAD	\$292.48	517,568
NORTH END	\$67.04	1,451,501

Spring Garden area businesses were the unfortunate leaders with the highest average assessment values per square foot exceeding \$292.00. With future planned streetscaping, assessments are expected to rise on average another 13 percent – 30 percent over and above regular annual increases.

Those businesses located in the business parks enjoy a significantly lower per square foot assessment value (approximately \$13 in Bayer's Lake, slightly over \$38 in Dartmouth Crossing) yet receive many of the same services as those in the core.

Spring Garden commercial infrastructure is a mix of old and new. Footprints, however, are generally small thereby limiting the size of commercial tenants. Big, multi-nationals are not easily accommodated leaving landlords to seek small independent businesses. Unfortunately, the tax structure makes it difficult, if not impossible, for most small business to open and sustain their operations. In many cases, the portion of rent used to cover taxes is significantly larger than the portion that goes to pay the landlord.

This inequity is creating an unsustainable business environment for small, independent business, the often touted "backbone of our economy". Taxes are a significant contributing factor to the hollowing out of our urban centre.

Request:

Early in 2016, the Mayor of Halifax, under direction from Halifax City Council, wrote to Minister Churchill requesting amendments to the Halifax City Charter granting greater tax autonomy. The SGABA wrote Minister Churchill supporting this request as it is widely understood Halifax currently has limited ability to address the very serious tax inequities and crushing tax burden placed on Halifax's small business community.

Bill 177, as is currently written, does not respond to the request of the city and we encourage the Law Amendments Committee to re-examine it. We are requesting the Province of Nova Scotia to bring forward legislation that directly addresses the request of Halifax City Council:

(1) Request that the Provincial Government, in order to increase predictability for taxpayers, consider making changes to the legislation governing the assessment process for commercial properties so that:

- a) The annual valuation is averaged over a three year period or,*
- b) The commercial assessment roll is updated every three to four years, as is the current policy in Saskatchewan and Ontario.*

(2) And to request amendments to the Halifax Regional Municipal Charter that would provide Council with greater legislative authority in setting taxes and charges respecting the general tax rate and area rates for both residential and commercial properties, including:

- a) The authority for Council to determine and set rates and charges that are different for: I. different areas of the Municipality, II. different categories and size of businesses, and III. different classes of building and size of structures, and*
- b) The authority for Council to determine and set: I. a rate or charge for frontage on a street, II. a uniform charge or amount of tax that is payable per property or per dwelling*

unit, III. a maximum and minimum charge or amount of tax that is payable, and IV. a surtax or graduated rates.

Under the current legislative structure, municipal governments, who are charged with setting rates and collecting taxes, are removed from the assessment process and limited in their ability to create tax policy that supports their growth plans.

The Mayor and Halifax Council have requested greater tax autonomy to rectify this inequity and the Spring Garden Area Business Association wholly supports this. It is only by granting this authority and bringing commercial tax policy to one level of government that we will be able to develop the necessary tools to support the business community. Division of responsibilities creates blurred lines of accountability and a lack of transparency for taxpayers.

We applaud the Province for trying to address these concerns in Bill 177, however, we encourage government to give further consideration to the request from Halifax Council.

Dear Law Amendments Committee Members,

I am dismayed by the lack of foresight among Halifax City Council members who continue to support the needless destruction of our built heritage. I was born, grew up in, and lived in south end Halifax my entire life, only leaving following my retirement in 2009. Never have I witnessed so much rampant destruction as has occurred within the last few years, and this year it seems the destruction is out of control.

Halifax City Council seems to believe that preserving the 'facade' of a historical building is sufficient: that is akin to believing that Hollywood sets are real. Perhaps they have never travelled to other parts of the world where historic buildings and districts are valued, preserved and have become tourist destinations. People do not go to Montreal, Quebec City, London, Paris, Rome, etc., to see another glass and steel high-rise, Condos or parking lots. They go to experience the history and culture that abounds, and marvel at the ingenuity which allows these buildings to be preserved and repurposed, intact. Our heritage is what gives us our sense of the present, and charts the path to our future. Halifax is sadly all too quickly becoming Anonymous-city.

Much time, effort and money has been spent over the years to develop plans which are supposed to ensure thoughtful development of our capital city. It would seem that the efforts put into these plans by citizens are wasted, as the plans are all too easily derailed when 'exceptions' are continually granted to developers. A meaningful plan would not allow for these exceptions in the first place. A meaningful plan should be *set in stone* for a period of years, at least 15 - 20, validating the hard work that went into it, and giving developers a clear understanding of what they can and cannot do.

Our current Heritage laws do not seem to be worth the paper they are written on. City council seems to have no interest in the built heritage of our city either, or the idea that neighbourhoods should not be sacrificed to profit. The Wellington Street decision is only one example, and the Steel parking lot debacle another.

While I am no longer a resident of the Halifax, and thus have no representation on city council, I am still a resident of Nova Scotia, and Halifax is my capital city, and thus my concerns and interest in its preservation are valid.

As such, I insist that changes must be made to Bill 177- to Amend the HRM City Charter and the Municipal Government Act to allow for effective protection of built heritage, and our neighbourhoods. Amendments to the Municipal Government Act and Halifax Regional Municipality Charter must allow the HRM Municipal government to effectively control the issuance of demolition permits. The development of policy concerning our built heritage must be a priority, and must be written by those genuinely interested in the preservation of this resource, and not by those interested in ensuring that there are sufficient loopholes to allow developers to have their way when the time comes. Furthermore, the recommendations of these Heritage advisors should be binding.

No demolition permits should be issued until until these new policies are in place.

Gwendolyn Quigley Wilson

[REDACTED]
Sandy Cove
Nova Scotia

From: [REDACTED]
Sent: Friday, May 13, 2016 4:26 PM
To: Office of the Legislative Counsel
Subject: AMENDMENTS

I am totally behind any additional amendments to the city Charter, strengthening heritage conservation efforts at the by law level, better controls over demolition, and development agreements.

See the wanton destruction of property on Young Avenue this past week has made me so much more aware of how important it is to keep our city intact and not let developers do whatever they want and where they want.

Diana Hennessy

[REDACTED]
Halifax, Nova Scotia

B3H 4h5



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Members of the Nova Scotia Legislature Law Amendments Committee:

Re: Bill 177

It is my strong opinion that the events of the past few years concerning the loss of historic and sound housing stock in the City of Halifax require early and decisive action which may not be possible under present legislation.

I would urge that ways be found through an amendment to Bill 177 to make special provision for a city like Halifax to have the flexibility and freedom to create special rules for special circumstances, for example if and when demolition permits are to be issued.

Halifax's special and unique heritage and character, affordability and walkability is at stake. The city is losing these assets on a regular basis with little ability, it seems, to control these losses. I request therefore that you please amend the city charter so that the city can develop criteria as to when and if demolition permits may be issued.

Yours sincerely,

(Dr.) Iain C. Taylor

████████████████████

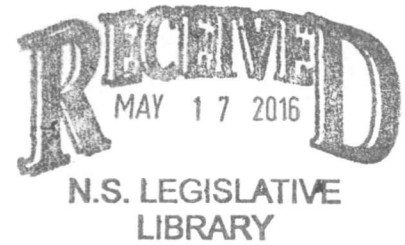
Halifax, NS
B3H 1A1

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Tuesday, May 17, 2016

11:00 am



Bill #174 - Financial Measures (2016) Act

Deferred from previous meeting

**Bill #177 - Municipal Government Act (amended) and
Halifax Regional Municipality Charter (amended)**

Deferred from previous meeting

CARRIED

Bill #177
Municipal Government Act (amended)
and Halifax Regional Municipality Charter (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF MUNICIPAL AFFAIRS

PAGE 2, Clause 1, proposed subsection 71C(5)

- (a) - delete proposed clause (a);
- (b) - reletter proposed clauses (b) to (d) as (a) to (c); and
- (c) **proposed clause (c) (relettered as (b)), line 2** - delete "(d)" and substitute "(c)".

PAGE 2, Clause 1, proposed subsection 71C(6), line 1 - delete "(5)(d)" and substitute "(5)(c)".

PAGE 4, Clause 3, proposed subsection 92C(5),

- (a) - delete proposed clause (a);
- (b) - reletter proposed clauses (b) to (d) as (a) to (c); and
- (c) **proposed clause (c) (relettered as (b)), line 2** - delete "(d)" and substitute "(c)".

PAGE 4, Clause 3, proposed subsection 92C(6), line 1 - delete "(5)(d)" and substitute "(5)(c)".