

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, FEBRUARY 19, 2019**

**6:00 P.M.**

Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS



# Cape Breton Regional Municipality

## Council Meeting

Tuesday, February 19<sup>th</sup>, 2019  
6:00 p.m.

### **AGENDA ITEMS**

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#### Roll Call

#### O'Canada

#### Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)
  - Special Council – December 5<sup>th</sup>, 2018
  - Council – December 11<sup>th</sup>, 2018
  - Council – January 15<sup>th</sup>, 2019
  - Special Council – February 5<sup>th</sup>, 2019
  
2. **APPROVAL OF AGENDA:** (Motion Required)
  
3. **PROCLAMATIONS & RESOLUTIONS:**
  - 3.1 **Memorial Tribute – Late Patriarch Vincent 1 - 2019:**  
Councillor Jim MacLeod (See page 8)
  
4. **DELEGATION:**
  - 4.1 **NS NDP Caucus Plan for Cape Breton Hospitals:** Mr. Gary Burrill,  
Nova NDP Leader; and Ms. Tammy Martin, MLA - Cape Breton Center  
(See page 9)
  
5. **PRESENTATIONS:**
  - 5.1 **Collaborative Community Health Plan – 2019-2022:** Carol MacLellan,  
Co-chair – Northside-the-Lakes Community Health Board (See page  
13)

Continued...

**Council Meeting Agenda  
February 19<sup>th</sup>, 2019 (Cont'd)**

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**PRESENTATIONS (Cont'd):**

- 5.2 Cape Breton University Strategic Plan 2019-2024:** Mr. David C. Dingwall, President & Vice Chancellor - Cape Breton University (See page 22 )
- 5.3 NSFM CAP Committee – Update:** Councillor Waye Mason, President - NSFM (See page 28 )

**6. PLANNING ISSUES:**

**6.1 FINAL APPROVAL:** N/A

**6.2 APPROVAL TO ADVERTISE:**

- a) **Proposed Amendments to the North End Sydney Heritage Conservation District Bylaw to include 92 Charlotte (PID 15054174) in the District – Results of Public Participation Program:**

Report on Public Participation Program to consider the possibility of amending the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street (PID 15054174) in the District. Rick McCready, Senior Planner/Heritage Officer (See page 29 )

- b) **Development Agreement Amendment #1052 – Sheldon Chant, 554 Alexandra Street, Sydney:**

Committee recommends approval to advertise notice of a Public Hearing to consider replacing Development Agreement 888 as well as the necessary amendments to the text of the Land Use By-law, however, the Public Hearing should not be scheduled until such time that a revised site plan is submitted. Karen Neville, Planner (See page 37 )

- c) **Zoning Amendment Application #1053 – Wayne LeBlanc, King Street and Walsh Avenue, New Waterford:**

Committee recommends approval to advertise notice of a Public Hearing to be held during the March meeting of Council to consider Zone Amendment Application #1053 to permit the construction of a four-unit apartment building at the corner of King Street and Walsh Avenue, New Waterford. Karen Neville, Planner (See page 57 )

**Continued...**

**Council Meeting Agenda  
February 19<sup>th</sup>, 2019 (Cont'd)**

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**APPROVAL TO ADVERTISE (Cont'd):**

- d) **Municipal Planning Strategy and Land Use By-Law Amendments re: Mini Homes/Mobile Homes – Report on Public Participation Program:**

Committee recommends approval to advertise notice of a Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned as illustrated on the maps available on the CBRM website and circulated to each member of Council. Malcolm Gillis, Director of Planning and Development (See page 67 )

**6.3 REQUEST FOR PUBLIC PARTICIPATION PROGRAM:**

- a) **Rural Subdivisions Using Shared Driveways:**

Committee recommends that Council conduct a Public Participation Program (PPP) to begin the process of amending the CBRM Planning Strategy, its implementing Land Use Bylaw and the Subdivision Bylaw to put forth the amendments advocated in the staff issue paper dated December 12, 2018 to the public, and specifically to reach out to developers and the professionals who serve them. The PPP will use the resources of CBRM's communications officer and social media, and will include direct correspondence to developers and the professionals who serve them. Malcolm Gillis, Director of Planning and Development (See page 74 )

**7. BUSINESS ARISING:**

**7.1 Council – September 18, 2018:**

- a) **Current Borrowing Policy:**

Staff Issue Paper on the current Borrowing Policy as requested. Jennifer Campbell, Chief Financial Officer (See page 78 )

**7.2 Council – November 20, 2018**

- a) **Water Bill Charges – CBRM Community Facilities:**

Staff Issue Paper on the water bill charges for the Dominion Arena and other CBRM Community Arenas with suggestions as to what CBRM can do to assist in relieving the financial burden as requested. Jennifer Campbell, Chief Financial Officer (See page 82 )

**Continued...**

**Council Meeting Agenda  
February 19<sup>th</sup>, 2019 (Cont'd)**

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**BUSINESS ARISING (Cont'd):**

**7.3 General Committee – February 5, 2019:**

a) **Draft Travel Policy for Citizen Appointees on Heritage Advisory Committee:**

Committee recommends that Council approve the proposed Travel Policy for Citizen Appointees on the Heritage Advisory Committee. Malcolm Gillis, Director of Planning and Development (See page 84)

b) **Council Agenda Policy – Proposed Amendments:**

Committee recommends that Council to approve the proposed amendments to Council Agenda Policy to reflect the process going forward with respect to In-Camera agendas/meetings as outlined in the staff report dated January 30, 2019. Deborah Campbell Ryan, Municipal Clerk (See page 88)

**7.4 Heritage Advisory Committee – February 11, 2019:** Rick McCready, Senior Planner/Heritage Officer

a) **Proposed Policy re: Criteria for Qualifying Properties for Heritage Registration:**

Committee recommends that Council approve the criteria for evaluating requests for the registration of municipal heritage properties and that the Heritage Officer score the properties and present the results to the members of the Committee before any decision regarding registration are made. (See page 94)

b) **Municipal Heritage Property – Requests for Registrations:**

i) **The Lyceum, 225 George Street, Sydney (PID 15058696 and PID 15176761):**

Committee recommends that Council begin the process of registering the Lyceum at 225 George Street, Sydney, as a Municipal Heritage Property. (See page 102)

ii) **The Chapel Point Battery, located just off Amber Drive, Sydney Mines (PID 15178908):**

Committee recommends that Council begin the process of registering The Chapel Point Battery off Amber Drive, Sydney Mines, as a Municipal Heritage Property. (See page 106)

**Continued...**

**Council Meeting Agenda  
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**8. CORPORATE SERVICES ISSUES:**

- 8.1 Nova Scotia Association of Realtors – Deed Transfer Tax: Jennifer Campbell, Chief Financial Officer (See page 111)**

**9. PUBLIC SERVICE ISSUE:**

- 9.1 Solid Waste Tip Fees Adjustments: Francis Campbell, Manager of Solid Waste (See page 114)**

**10. BY-LAWS & MOTIONS:**

**10.1 By-laws:**

- a) **Second / Final Reading: N/A**
- b) **First Reading:**
  - i) **Responsible Animal Husbandry By-law: Malcolm Gillis, Director of Planning and Development and Karen Neville, Planner (See page 117)**
  - ii) **Proposed Amendments to the CBRM Heritage Property By-law: Rick McCready, Senior Planner / Heritage Officer (See page 125)**

**10.2 Motions: N/A**

**11. FINANCIAL STATEMENTS: Jennifer Campbell, Chief Financial Officer**

- 11.1 CBRM to December 31, 2018: (See page 134)**

**For Information Only.**

- 11.2 Port of Sydney Development Corporation to December 31, 2018: (See page 136)**

**For Information Only.**

**ADJOURNMENT**

# **RESOLUTION**

## **“Memorial Tribute”**

### **Late Patriarch Vincent I - 2019**

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**Whereas:** Vincent Waterman was born in Barbados in 1926, raised in New York City, and passed away in Halifax 3 days after his 93<sup>rd</sup> birthday on January 22<sup>nd</sup> of this year;

**And Whereas:** He was one of Cape Breton’s most respected citizens over the 33 years that he spent living in Sydney;

**And Whereas:** Fr. Waterman made this City his home in 1983 when he arrived in Whitney Pier with his family to take over as priest of St. Phillip’s African Orthodox Church. The Patriarch once stated that he knew he was in a friendly community when he observed cars stopping to allow pedestrians to cross a busy Victoria Road;

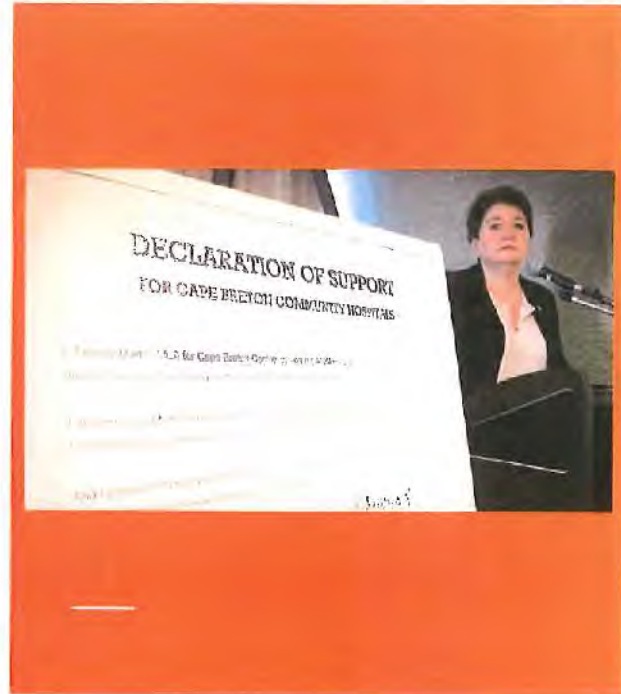
**And Whereas:** Patriarch Vincent I had a fascinating life. He served as Chaplain for Rikers Island Jail in New York, the Royal Canadian Legion Branch #128 and the Cape Breton Naval Veterans Association. He was also an “Honorary Inspector” for the Cape Breton Regional Police Service. He gave his time and guidance to many committees and organizations including the Nova Scotia Human Rights Commission and the Boys and Girls Club. Vincent was honoured with the prestigious “Tom Miller Human Rights Award” in 2015 for his dedication to community and equality;

**And Whereas:** Archbishop Waterman was elected as Worldwide Head of the African Orthodox Church in October 2015 and enthroned to the position of Patriarch. He retired from St. Phillip’s that year and moved to Halifax with his wife, Lady Isabel, to be closer to family;

**Be It Therefore Resolved:** Mayor Cecil P. Clarke & CBRM Council recognize the many accomplishments and great leadership of the Late Vincent Waterman, Patriarch Vincent I of the African Orthodox Church. He will be remembered fondly for his humanity, love for God, family and community.

# NS NDP Caucus Plan For Cape Breton Hospitals

Presentation to Council Members of  
Cape Breton Regional Council,  
February 19, 2019



## What We've Heard



- "Nothing is built. This is all on paper. And we know the regional (hospital) in its current structure cannot handle what we are doing in New Waterford." - Doctor Abdul Atiyah, Cape Breton Post, June 25, 2018.
- "I think this is a bad day for Cape Breton we've already lost certain specialty services. But now what they are doing is knocking down buildings." - Doctor Craig Stone, Cape Breton Post, June 25, 2018

### Premier, health minister downplay comments about Cape Breton health care



'Inflammatory language doesn't help move the debate along,' says Stephen McNeil

Wendy Merrin - CBC News - Posted: Jan 24, 2019 7:20 PM AT | Last Updated: January 24



Premier Stephen McNeil has downplayed comments regarding the state of health care in Cape Breton. (Craig Polisky/CBC)

## Current Situation

- The Northside and New Waterford hospitals will close permanently.
- The number of emergency rooms in the Cape Breton Regional Municipality will be cut in half.
- Long-term care beds will be moved to new facilities that may be privately operated.



## Questions that remain

- Will the Emergency Room at the regional hospital have enough beds to handle the increased number of patients?
- Will the 60+ Inpatient beds that will be closed be replaced?
- When will new primary care services be available in our communities?
- The Northside and New Waterford hospitals currently perform about 1700 surgeries annually. How will these surgeries be done when the number of operating rooms is being decreased?
- What will happen to the old buildings?

### A matter of life and death

Why are Cape Bretoners dying sooner than people in the rest of the province?

As you read this, you are likely to be one of the 100,000 people in Nova Scotia who are waiting for a specialist appointment. In Cape Breton, the wait is often longer than in the rest of the province. Why?

There are several reasons. First, Cape Breton has a smaller population than the rest of the province, which means there are fewer specialists and fewer hospital beds. Second, Cape Breton is a rural area, which makes it more difficult to attract and retain medical professionals. Third, Cape Breton has a higher proportion of older people, which means there are more people who need medical care.

These factors combine to create a situation where Cape Bretoners are often waiting longer for medical care than people in other parts of the province. This is a matter of life and death.

**'Cape Breton health care has fallen off a cliff,' says doctor**



**DR. ANNE**  
 Health Minister Robert Brown says Cape Breton health care has fallen off a cliff. The doctor says the province's health care system is in a state of crisis and that the government needs to take action to prevent further decline.

**VERBET: Nova Scotia's Liberal's bar doctors from health committee**



The Nova Scotia Liberal Party has barred doctors from its health committee. The party's executive committee has decided to remove any members who are not registered medical professionals from the committee. This move is seen as a way to ensure that the committee's advice is based on medical expertise.

**Doctors swan militia's office over Cape Breton health-care concerns**



Doctors have swarmed the office of Cape Breton health-care concerns. The group of doctors is protesting against the government's plans to close community hospitals. They are demanding that the government listen to their concerns and take steps to protect the health care system.

**In the news**

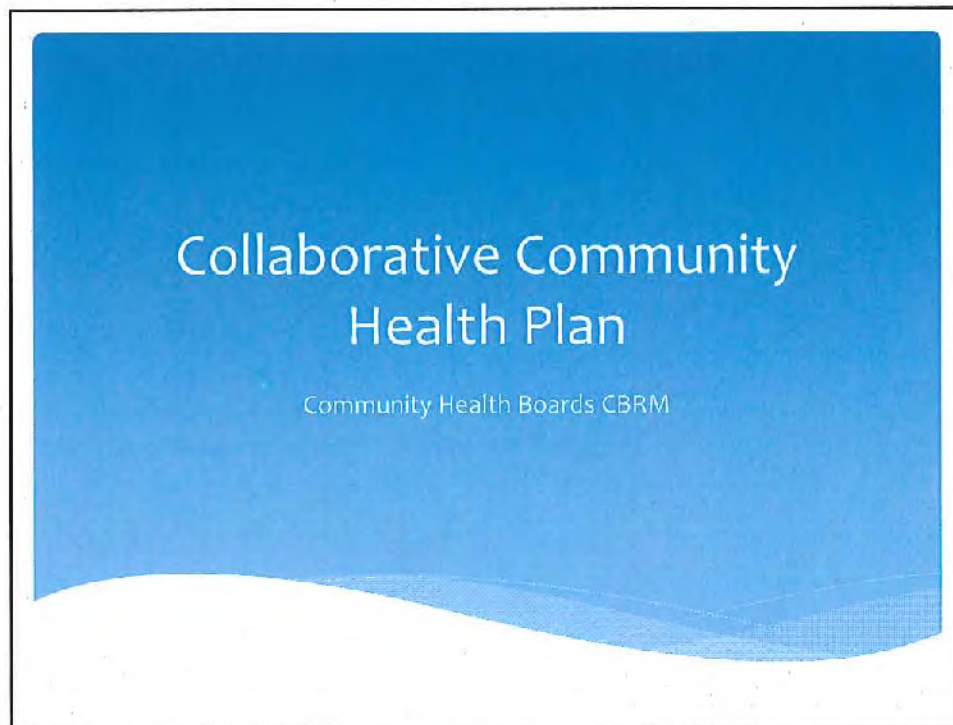
**Our Commitment**

- We in the NDP have declared our support for keeping community hospitals open and ensuring that residents have access to emergency services where and when they need them.
- Community hospitals are an important part of the community they serve. The services they provide should not be removed.



Thank you for your  
feedback and support!





## Who are the Community Health Boards?



- \* A group of community volunteers who care about health and care about their community
- \* A group of community volunteers who care about health and care about their community.
- \* Linked by legislation to the NS Health Authority.

## What do we do?

Community Health Boards are the eyes and ears of the community for the NS Health Authority



Community Health Boards set priorities and take action for the health of their communities



# Focus on the Social Determinants of Health

## What Goes Into Your Health?



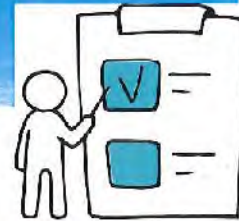
Source: Institute for Health Economics and Statistics, Department of Health Services, University of British Columbia (2014)

## Why did we develop a plan?

- \* To inform NSHA of priorities in CBRM
  - \* Required by legislation
  - \* NSHA must respond to the collective voice of the 37 Community Health Boards across the province
- \* To guide the activities of our CHB's locally
  - \* The community's priorities are our priorities

## How did we develop the plan?

- \* Process included
  - \* Surveys (on paper and online)
  - \* Open ended questions
  - \* Community meetings in 7 communities across CBRM
  - \* Targeted conversations with vulnerable groups
  - \* Over 600 citizens participating
  - \* Priorities based on the community input
  - \* Consensus of 3 Community Health Boards on the recommendations



## What did the Community Have to Say?

### Four Priorities

- \* Access to services
- \* Social support networks
- \* Economic conditions
- \* Physical environment



## Access to Services



- \* Top concern of citizens of CBRM
- \* More than just doctors and emergency healthcare
  - \* Access to services includes mental health support, health promotion and opportunities for wellness
- \* Access includes:
  - \* Location of services
  - \* Transportation to services
  - \* Information about services

***"If we have nowhere to go when we are sick none of the rest matters."*** Disabled adult CHB Plan Participant

## Access to services Recommendations

- \* Support community involvement in CBRM to improve access to services with a focus on improved health outcomes including transportation and information on services and where to find them
- \* Ensure the voices of the vulnerable populations are heard, and that those populations are aware of available services, how to access them and are involved in the organization of the services they need

## Social Support Networks



- \* People with regular meaningful social interaction live longer; live better
- \* Our most vulnerable citizens see social support networks as their lifeline

*"I need someone to go to besides the cops"*

*young person suffering mental illness  
Health Plan participant*

## Social Support Networks Recommendations

- \* Support opportunities for social engagement in a variety of community settings across CBRM
- \* Support initiatives and partnerships with groups that target the reduction of social isolation and opportunities for lifelong social networking

## Economic Conditions



- \* Poverty is a reality for CBRM
  - \* Unemployment rate is almost double the Nova Scotia average.
  - \* Nova Scotia has double the national average for child poverty
    - \* five of the six communities with the highest rates are in CBRM.
- \* Poverty, income insecurity and food insecurity impact our health

*"We either eat or pay rent; we can't do both."* Low income CHB Plan Participant

## Economic Conditions Recommendations

- \* Partner with CBRM and community agencies to develop a specific poverty reduction strategy for CBRM
- \* Work with community agencies committed to addressing the impact of poverty on the lives of CBRM with a focus on access to healthy affordable food, and improving the quality of life

## Physical Environment



- \* Physical environment includes both nature and manmade structures
- \* Good planning , good maintenance and optimizing use of facilities can promote a physically active lifestyle
- \* Clean, uplifting communities build strong mental health

*" Downtown should look like a place to go and do things" – CHB Plan participant*

## Physical Environment Recommendations

- \* Work with partners on promoting the creation and maintenance of accessible infrastructure for physically and socially active lifestyles
- \* Support safe, healthy environments by engaging with other organizations to minimize risks and hazards to enhance community vitality

## Opportunities to Work Together

- \* Opportunities exist to
  - \* Share communication about activities and events
  - \* Consider each other's priorities and criteria in grants to community groups
  - \* Work in partnership on larger issues such as a poverty reduction strategy



CAPE BRETON UNIVERSITY



**STRATEGIC  
PLAN** 2019 - 2024



CAPE BRETON  
UNIVERSITY

# MESSAGE FROM THE PRESIDENT

After much discussion, consultation, and with a strong will to advance Cape Breton University, we now have a strategic plan that will guide our decision-making over the next five years. The directions within the plan were conceived through an inclusive, open, and broad consultation process. The process was endorsed by the CBU Board of Governors, led by a steering committee of CBU representatives, and welcomed with much enthusiasm by CBU faculty and staff and Cape Breton's and communities. When we began this journey, we committed to a process that was transparent and resulted in outcomes that were not pre-determined. We achieved that objective.

I want to thank my Co-Chair Dr. Vicky Salazar and Faculty Advisor Dr. Rod Nicholls for their commitment to, and guidance throughout, this process; the members of the Steering Committee and Working Committee for all of their hard work; and all who participated throughout the process for their contributions. We should all be proud of the work we've accomplished and the energy that has been ignited on and off our campus. The level of engagement we experienced speaks volumes to the importance of Cape Breton University to our region. In each boot camp, special event, pop-up session,

consultation, and community conversation that took place, the sense of pride that people have for CBU was evident.

We've paid homage to our history and committed to thinking differently as we work toward our vision, and we have five strong directions and accompanying strategies that will guide us as we move forward with strategic purpose. The plan is a product of a shared commitment to advance Cape Breton University, and in doing so we will positively impact the communities of Cape Breton Island.

Working together and living our values, we will sustain the momentum created during the strategic planning process as we execute our plan.

Yours very truly,



David C. Dingwall  
President & Vice-Chancellor

# MISSION, VISION, & VALUES

## MISSION

Cape Breton University is committed to high-quality, accessible education; innovative research; and a vibrant, multicultural future for the Island.

## VISION

Rooted in Cape Breton, connected to the world

## VALUES

We are committed to:

### Courage *Mel kik nòti*

Thriving through creativity and leadership

### Cooperation *Maw lukitink*

Working together for the common good

### Quality *Mawi kclùlk*

Achieving excellence through continual improvement

# STRATEGIC DIRECTIONS

## INVEST IN OUR STUDENTS

Enriching the living and learning experience

## CHAMPION THE ISLAND'S PROSPERITY

Working to bolster the overall health and development of Cape Breton Island

## INDIGENIZE THE L'NU WAY

"We Are All Treaty People" – Building on our past and embracing new responsibilities

## GLOBALIZE WITH A DIFFERENCE

Embracing differences and learning from each other

## EMPOWER FACULTY AND STAFF

Enabling employees to flourish

CAPE BRETON UNIVERSITY STRATEGIC PLAN | 2019-2024 3

## INVEST IN OUR STUDENTS

We will enrich the living  
and learning experience by:

### STRATEGY 1.1

Preparing students through quality teaching and programming to thrive in a changing world

### STRATEGY 1.2

Growing experiential learning, research, and volunteer opportunities that challenge students to be engaged citizens

### STRATEGY 1.3

Promoting wellness and fostering a sense of belonging

### STRATEGY 1.4

Improving campus life and providing a Canadian experience that is uniquely Cape Breton



[CBU.ca/strategic-plan](https://cbu.ca/strategic-plan)  
#CBU2024

# CHAMPION THE ISLAND'S PROSPERITY

We will work to bolster the overall health and development of Cape Breton Island by:



[CBU.ca/strategic-plan](https://cbu.ca/strategic-plan)  
#CBU2024

## STRATEGY 2.1

Prioritizing initiatives in areas of external need and internal expertise, such as health, tourism, cultural heritage, science-based innovation, and entrepreneurship

## STRATEGY 2.2

Increasing place-based research and professional practice with Island communities

## STRATEGY 2.3

Working with businesses, community groups, municipal governments, and individuals to develop leadership, improve communication, and advance mutual goals

## STRATEGY 2.4

Attracting more Cape Breton students and addressing demographic decline by retaining graduates on the Island

# INDIGENIZE THE L'NU WAY

"We Are All Treaty People" –  
We will build on our past and embrace new responsibilities by:



[CBU.ca/strategic-plan](https://cbu.ca/strategic-plan)  
#CBU2024

## STRATEGY 3.1

Engaging Elders and Knowledge Keepers, and embedding Lnu perspectives in the curriculum and campus traditions

## STRATEGY 3.2

Creating spaces and opportunities for recognizing truth and seeking reconciliation

## STRATEGY 3.3

Enhancing efforts to preserve and promote the language that sustains Lnu culture

## STRATEGY 3.4

Making university education and resources increasingly accessible to L'nu learners

# GLOBALIZE WITH A DIFFERENCE

We will embrace differences and learn from each other by:



[CBU.ca/strategic-plan](https://cbu.ca/strategic-plan)  
#CBU2024

## STRATEGY 4.1

Embedding global perspectives in the curriculum and campus traditions

## STRATEGY 4.2

Expanding and promoting opportunities for international learning experiences and research partnerships

## STRATEGY 4.3

Attracting students from many countries into a broad range of programs

## STRATEGY 4.4

Advocating for pathways and supports to facilitate immigration

# EMPOWER FACULTY & STAFF

We will enable employees to flourish by:



[CBU.ca/strategic-plan](https://cbu.ca/strategic-plan)  
#CBU2024

## STRATEGY 5.1

Building a culture of appreciation and trust, and establishing channels for effective communication

## STRATEGY 5.2

Facilitating collaborations in teaching, research and professional practice, service delivery, and program development

## STRATEGY 5.3

Increasing opportunities for mentoring and professional development

## STRATEGY 5.4

Enriching the working environment and enhancing personal wellness



CAPE BRETON  
UNIVERSITY

[CBU.ca/strategic-plan](http://CBU.ca/strategic-plan)

#CBU2024



# **CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

## **Memo**

**Date:** February 14, 2019  
**To:** Mayor and Council  
**From:** Marie J. Walsh, CPA, CGA - Chief Administrative Officer  
**Re:** NSFM CAP Committee update

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It has been identified that it will be critical to have an advocacy strategy that includes consistent messaging on the effects of the CAP and the logistics of a CAP phase out. While there has been an informal group working on this to date, AMANS recognized the need for it to be formalized and so put forward a motion to the NSFM to create a "Cap Phase Out Steering Committee." This committee would be under the direction of the NSFM. The NSFM passed a motion on Jan 31 supporting the AMANS motion and Wayne Mason, President of the NSFM, will be in attendance at the February 19, 2019 Council meeting to update Council on the objectives and activities of the Committee.

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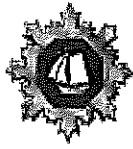
**Marie J. Walsh, CPA, CGA**  
**Chief Administrative Officer**

**Amendments to the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street (PID 15054174) in the District**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Prince, to adopt a Public Participation Program to consider proposed amendments to the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street as outlined in the staff Issue Paper dated November 27, 2018.

**Motion Carried.**



**CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

**Rick McCready**  
**Planning Department**

February 7, 2019

**MEMO TO: Mayor and Council**

**FROM: Rick McCready, Senior Planner/Heritage Officer**

**RE: Proposed amendments to the North End Sydney Heritage Conservation District Bylaw to include 92 Charlotte Street (PID 15054174) in the District- results of public participation program**

**Background**

In 2008, Council adopted a Heritage Conservation District Plan and Bylaw for a portion of the North End of Sydney. Prior to adoption of the bylaw, several property owners objected to being included in the proposed District, including the owner of 92 Charlotte Street. As a result, 92 Charlotte was not included within the boundaries of the District despite the fact that it is one of the oldest houses in the neighbourhood.

The ownership of 92 Charlotte recently changed, and the new owner, Craig Skrumedi, has contacted CBRM requesting that the property be included in the District. In order to accommodate his request, the Heritage Conservation District Plan and Bylaw must be amended by Council.

The proposed amendment is a simple change to the two maps contained within the Plan and Bylaw, to put the affected property within the boundaries of the District. Copies of the two maps are attached.

On December 11<sup>th</sup>, 2018, as required by provincial legislation, Council approved a resolution to conduct a public participation program (PPP) to gather public input into the proposed amendment. The PPP meeting was held on January 16<sup>th</sup>, 2019. Four members of the public attended, all of whom supported the proposed amendment.

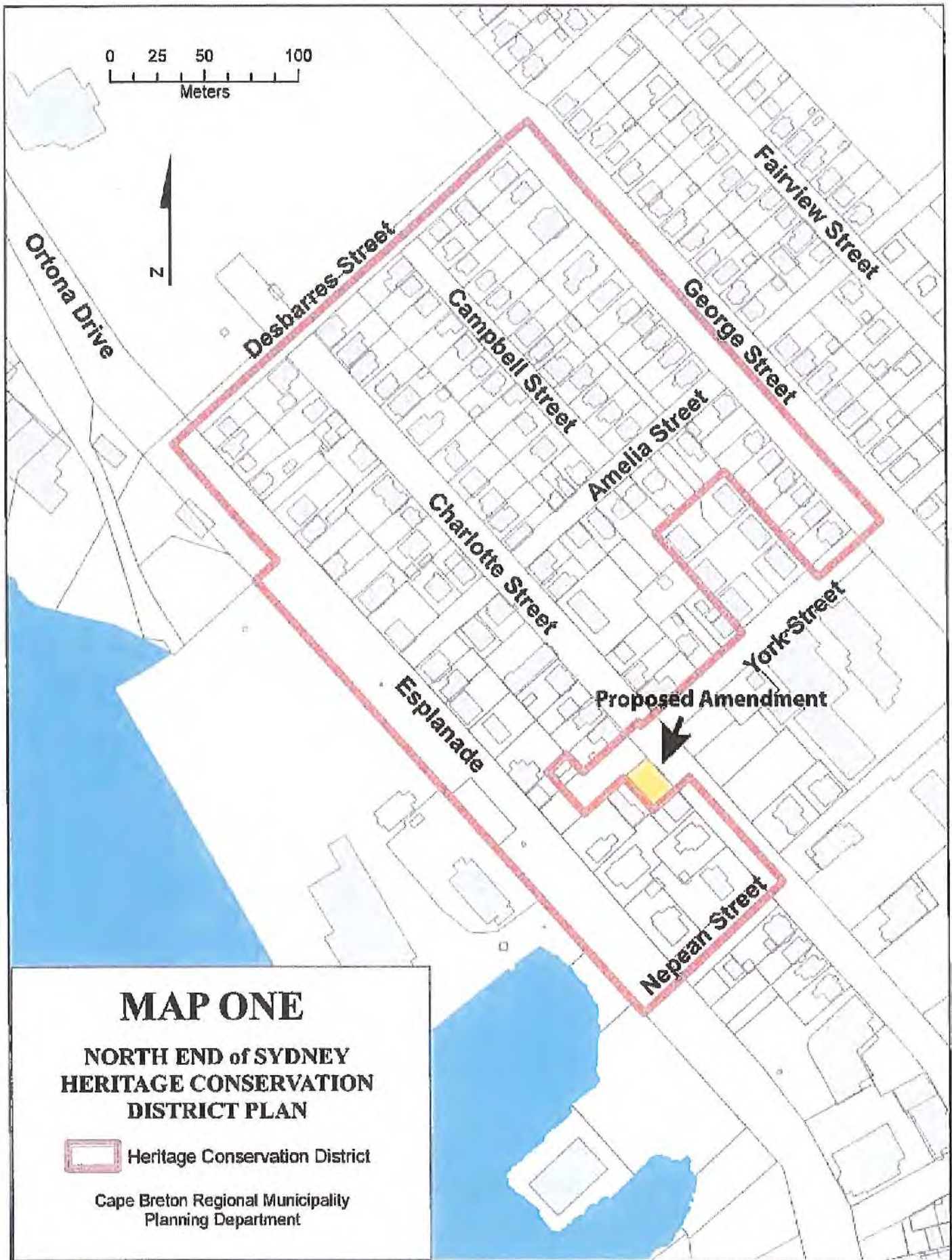
**Recommendation**

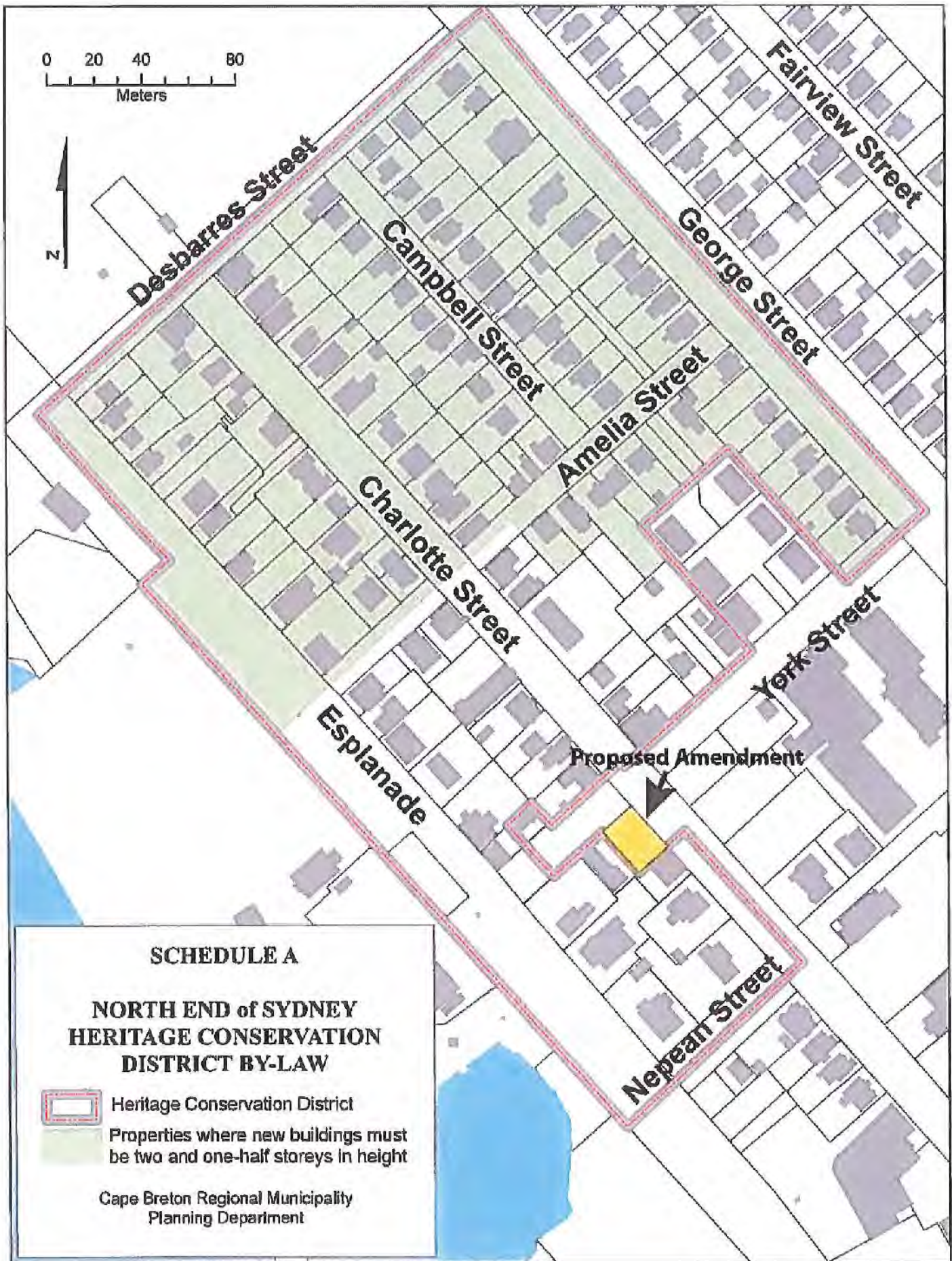
I would recommend that Council grant approval to advertise notice of a public hearing to be held at a future meeting of Council to consider the amendments to the maps in the North End Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street within the boundaries of the District

Yours very truly,

*Original signed by:*



Rick McCready, MCIP, MURP  
Senior Planner/Heritage Officer





**SCHEDULE A**

**NORTH END of SYDNEY  
HERITAGE CONSERVATION  
DISTRICT BY-LAW**

-  Heritage Conservation District
-  Properties where new buildings must be two and one-half storeys in height

Cape Breton Regional Municipality  
Planning Department

**Rick McCready**

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**From:** Craig [REDACTED]  
**Sent:** November-26-18 11:41 AM  
**To:** Rick McCready  
**Subject:** 92 Charlotte Street

Hi Rick,

As per our conversation this morning, I would like to include 92 Charlotte within the historical district of Sydney's north end.

It is my understanding that the property's antecedents begin around 1790 making it one of the oldest properties in the north end.

Can you please make this request part of the agenda this coming Wednesday's meeting?

Contact me if you require further information...

Please confirm receipt of this email.

Regards,  
Craig

Sent from my iPhone





**Development Agreement Amendment #1052 – Sheldon Chant, 554 Alexandra Street, Sydney**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor McDougall, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to consider replacing Development Agreement 888 as well as the necessary amendments to the text of the Land Use By-law, however, the Public Hearing should not be scheduled until such time that a revised site plan is submitted.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: DEVELOPMENT AGREEMENT AMENDMENT – 1052  
Sheldon Chant  
554 Alexandra Street, Sydney**

**DATE: February 12<sup>th</sup>, 2019**

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**Introduction**

The Planning and Development Department has received a request from Sheldon Chant to repeal and replace the Development Agreement in effect for 554 Alexandra Street, Sydney [Attachment A]. Mr. Chant is requesting Council amend the site plan and some of the provisions of the Development Agreement. In addition, Mr. Chant would like the Development Agreement to apply to property he acquired in 2008.

A Development Agreement is contract entered into between the property owner and the Municipality that specifically regulates a development on a parcel of land. Development Agreement 888, which is in effect for area of land identified on Attachment B, was approved by CBRM Council pursuant to the *Municipal Government Act* and the City of Sydney Municipal Planning Strategy in July 2003 and registered on September 30<sup>th</sup>, 2003. This Development Agreement permits the operation of funeral home.

**History**

Development Agreement 888 was registered September 30<sup>th</sup>, 2003. Pursuant to the Development Agreement, prior to the issuance of a Development Permit, the lands subject to the Development Agreement needed to be consolidated into one lot parcel in accordance with the CBRM Subdivision By-law. A subdivision plan consolidating identified lot parcels into PID 15076631 was registered on October 30<sup>th</sup>, 2003 (Attachment C). Based on aerial imagery, sometime between the approval of the Development Agreement in 2003 and 2006, the majority of the trees were removed from the rear of the property and fill was brought in to level the property to provide additional parking (Attachment D and E).

On January 17<sup>th</sup>, 2008 Mr. Chant acquired PID 15074958 (Attachment F). Based on aerial imagery, sometime between 2008 and 2011, the majority of the trees were removed from PID 15074958 and fill was brought in to level the property to provide additional parking (Attachment G).

On two separate occasions in January 2013, CBRM staff attempted to contact the property owner to discuss compliance with the provisions of the Development Agreement and stormwater flooding of private property. This was followed by formal notification to Mr. Chant informing him of his failure to comply with the conditions of the Development Agreement and of the possibility of the CBRM taking legal action in July 2013.

In August 2016, Councillor Eldon MacDonald informed the Planning and Development Department that he had received a complaint from a constituent about Chant's Funeral Home. On August 22<sup>nd</sup>, 2016,

Development Officer, David Paton, informed the registered agent for the property owner that the property was in breach of Development Agreement 888. As a result of this correspondence, Planning and Development Department staff meet with Councillor Eldon MacDonald and Sheldon Chant on September 22<sup>nd</sup>, 2016 to discuss the Development Agreement and the possibility of providing an easement over CBRM land identified PID 15707326. Following this meeting an email was sent to Mr. Chant October 26<sup>th</sup>, 2016 asking for an update on a revised plan.

On November 10<sup>th</sup>, 2016, Planning and Development Department staff met with representatives of Public Works and the Legal Department to discuss the possibility of providing access over CBRM property identified PID 15707326 (Attachment L). A subdivision plan consolidating PID 15076631 and PID 15074958 was registered on January 13<sup>th</sup>, 2017 (Attachment H). On January 20<sup>th</sup>, 2017 an email was sent to Mr. Chant identifying issues with the site plan submitted on January 16<sup>th</sup> and the need for a revised site plan to be submitted. Revised site plan is dated February 23, 2017.

An email was sent to Mr. Chant on March 14<sup>th</sup>, 2017 indicating that, after further discussions with representatives of the Legal Department and Public Works, the CBRM was willing to approve a license for the use of the adjacent CBRM lot parcel (PID 15707326) for access only (no parking). The email also outlined further revisions required to the second plan.

During the period of March 2017 and December 2018 there were various correspondence with Mr. Chant and his engineer on revisions to the site plan. Some of the delay related to the submission of the revised site plan was due to new stormwater plans being undertaken by Public Works. In December 2018, the final revised landscaping plan and site plan were submitted.

### **Breach of Development Agreement 888**

The Development Agreement entered into on September 30<sup>th</sup>, 2003 permitted the operation of a funeral home in accordance with a site plan (Attachment I) and subject to a series of conditions (Attachment J). The current use of the site is in violation of the following conditions of the Development Agreement:

- Landscaped amenity areas, parking areas and entrances to the site shall be developed and maintained generally as shown on Schedule A of the Development Agreement
- All parking areas and driveways shall be covered with a permanent hard surfacing
- The area behind the funeral home as shown on attached Schedule A that is not used for parking shall be left in its present state as a vegetated natural area

### **Revised Site Plan**

The revised site plan, which can be found in Attachment K, shows privacy planting adjacent to parking area found to the rear of the funeral home. The provisions of the new Development Agreement should state that the parking areas shall be screened from the residential properties on Boulderwood Drive. Screening shall mean a continuous opaque visual barrier formed by evergreen shrubs, trees, fences, masonry walls or any combination of these or like materials which effectively conceals the parking area.

To the North of the parking area, the site plan identifies a driveway access to the parking area from Alexandra Street over CBRM property PID 15707326 along with a vegetated barrier. The new Development Agreement should articulate that with the exception of the driveway access, the area to the North of the parking area shall consist of a barrier formed by evergreen shrubs, trees, fences, masonry walls or any combination of these or like materials.

The site plan proposes a fence and gate to be install along with the retention of a driveway to PID 15076649 (Attachment K and L). The Development Agreement is between Mr. Chant and the CBRM; therefore, it cannot include a driveway access to a property not owned by either party. In addition, PID 15076649 is zone Residential Urban A (RUA) and the Municipality should not be encouraging the movement of commercial vehicles through a residential property. The Development Agreement should not identify a driveway access in this area but should be require the installation of a fence and/or similar visual barriers as found elsewhere on the property.

As artistic renderings of site developments have proven to be quite problematic to interpret, prior to moving forward with this application, the applicant should be required to submit a scaled drawing of the proposal, prepared by a licensed NS Surveyor, that are in real world coordinates.

### **Licence to for Access of CBRM Property**

The property owned by CBRM identified as PID 15707326 on Attachment L is currently being used as accessed by both the patrons of Chants Funeral home as well as the property owner at 548 Alexandra Street (PID 15076607). CBRM staff have been in discussions with both property owners about the possibility of providing licence to access their properties via PID 15707326. Engineering and Public Works is supportive but has stated that due to the present of CBRM infrastructure on PID 15707326, the licence should be for access only and no vehicle shall be permitted to parked on PID 15707326.

### **Statutory Authority**

The Municipal Planning Strategy contains a policy that states Council shall continue to retain a select list of Development Agreements adopted prior to the Municipal Planning Strategy coming into effect (Part 2, Policy 19). Amendments to these Development Agreements may be considered provided:

- the original objective of the development agreement is not compromised; and
- any policy direction of this Municipal Planning Strategy is not contradicted.

In addition to repealing and replacing Development Agreement 888, Council needs to consider amending the text of the Land Use By-law. If Development Agreement 888 is replaced to include the property acquired by the applicant in 2008, the property information for Development Agreement 888 found in Part S2 of the Land Use By-law should be updated.

### **Next Steps**

If Council wants to entertain the applicant's request to amend Development Agreement 888, then Council must schedule a Public Hearing in accordance with the *Municipal Government Act* [S230 of the MGA]. In addition, a Public Hearing should be scheduled for the necessary amendments to the Land Use By-law.

If Council does not want to amend Development Agreement 888, then as stipulated in the Development Agreement, where the owner of the lot parcel is in violation of any of the terms or conditions of the agreement, the Municipality may:

- Seek a remedial court order requiring the owner to comply with the terms and conditions.
- Carry out the terms of the agreement at the expense of the owner provided that fifteen (15) days written notice is given.
- Terminate the Development Agreement. If this occurs, a funeral home will no longer be a permitted use on the lot parcel and the business will be required to cease operation immediately.

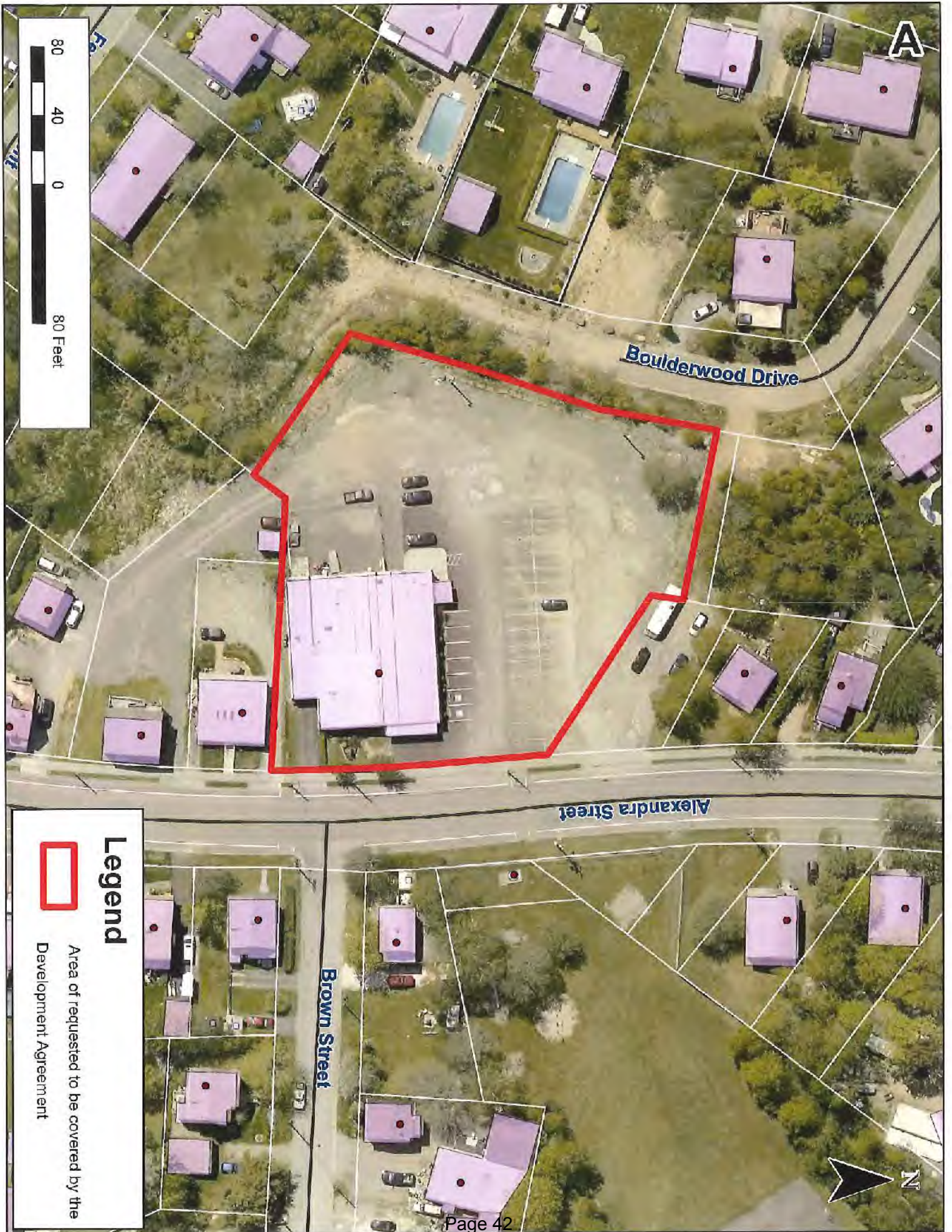
**Recommendation**

I recommend that Council pass a motion to schedule a Public Hearing to consider replacing Development Agreement 888 and as well as the necessary amendments to the text of the Land Use By-law. The Public Hearing should not be schedule until such time that a revised site plan is submitted.

**Submitted by:**

**Originally Signed by**

Karen Neville  
Planning and Development Department



A

Boulderwood Drive


Alexandra Street

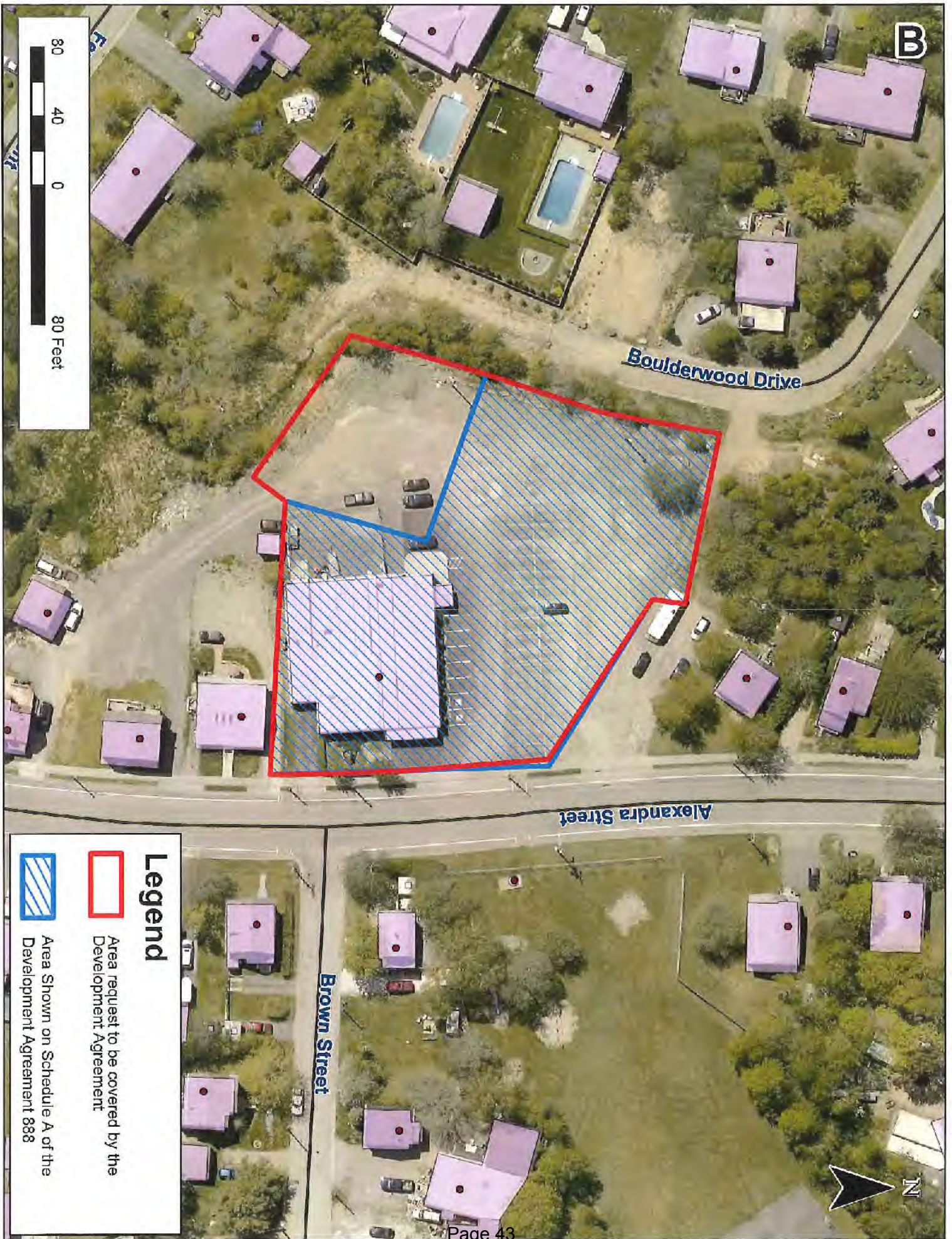
Brown Street

N



**Legend**

 Area of requested to be covered by the Development Agreement



B

Boulderwood Drive

Alexandra Street

Brown Street

### Legend

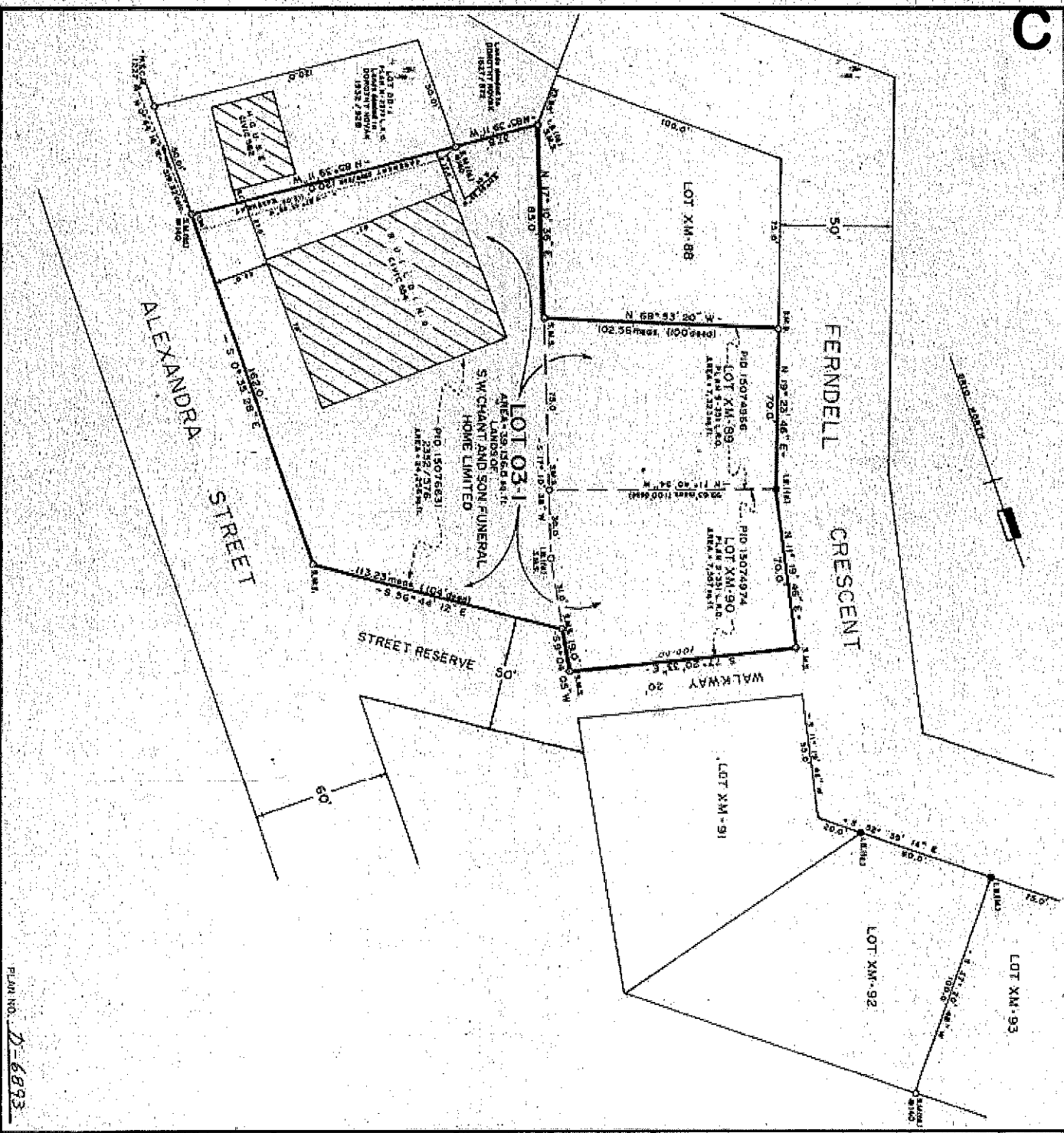


Area request to be covered by the Development Agreement



Area Shown on Schedule A of the Development Agreement 888

C



PLAN NO. D-6893

PLANNING APPROVAL

CLARE BRETON  
REGIONAL MUNICIPALITY

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR LOT 03-1

DATE: 02/10/2003

*Clare Breton*  
REGIONAL OFFICER

See 2366/61

Approved by:  
 Robert G. Goss  
 Director  
 Dec 1 9339  
 No. 07-30-2003-1237-01  
 Approved by:  
 Frances Mitchell  
 President of PHSO

LETTERS

ALL DIMENSIONS ARE BASED ON A METRIC GRID

NOTE: ZONE 4, 1975 ADJUSTMENT TO SCALE FACTOR (APPLICABLE TO ALL DIMENSIONS)

PROVIDED BY: [ ] OTHER DIMENSIONS: [ ]

APPROVED BY: [ ]

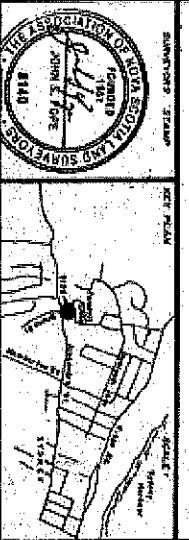
SURVEYOR'S CERTIFICATE

I, JOHN S. POPE, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN AND CONVEYED UNDER MY JURISDICTION, WAS ACCURATELY SURVEYED AND THE DIMENSIONS, BEARINGS AND DISTANCES ARE CORRECT AND TRUE.

DATED THIS 10th DAY OF SEPTEMBER, 2003

*John S. Pope*  
SURVEYOR

PLAN OF SURVEY SHOWING CONSOLIDATION OF LANDS OF S.W. CHANT AND SON FUNERAL HOME LIMITED TO CREATE LOT 03-1 ALEXANDRA STREET & FERNOELL CRESCENT, NOVA SCOTIA.



JOHN S. POPE & ASSOC. LTD.

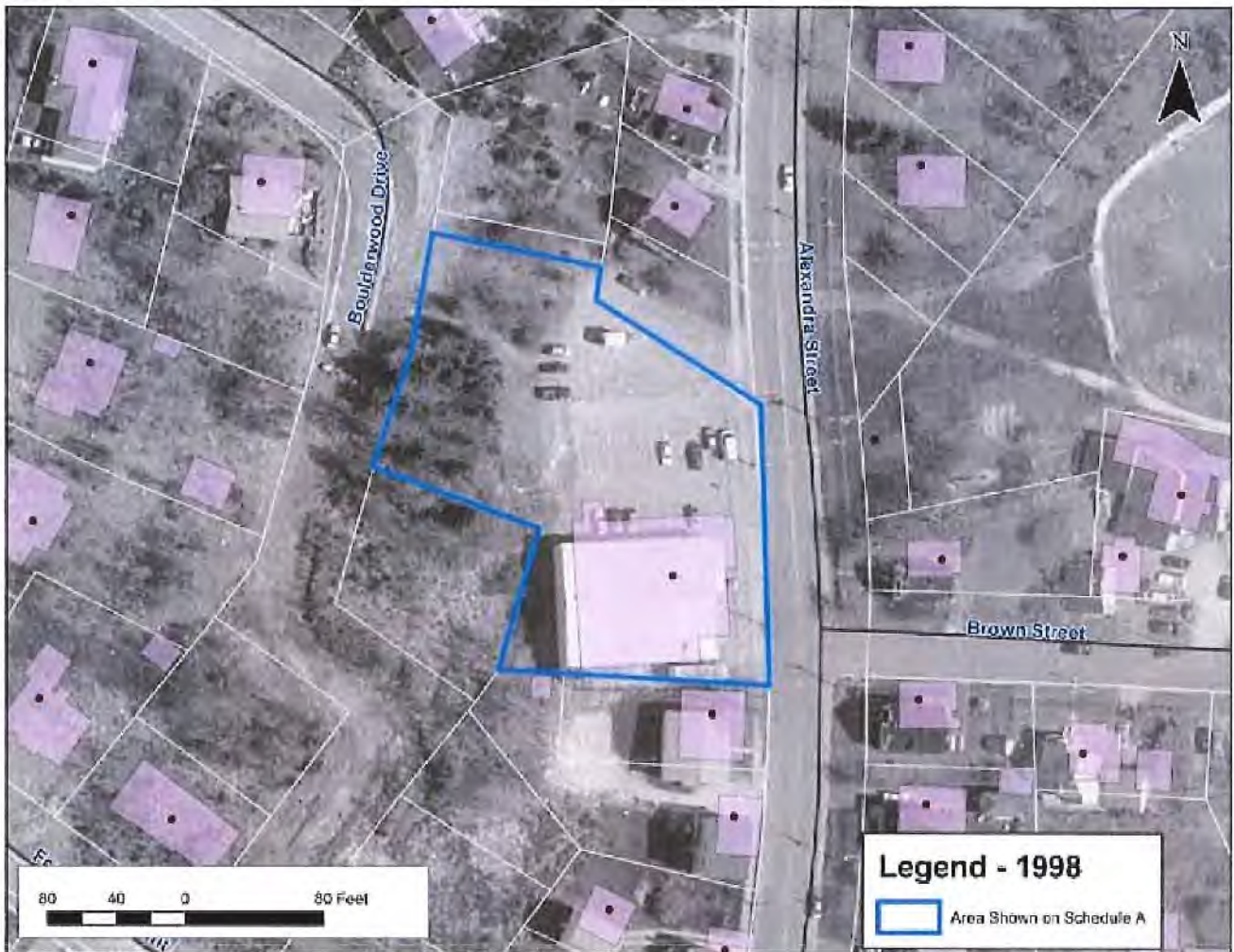
NOVA SCOTIA

REGISTERED SURVEYORS

1100-1552-1100

1100-1552-1100

D







F



Boulderwood Drive

Alexandra Street

Brown Street

N

### Legend - 2008



Area Shown on Schedule A



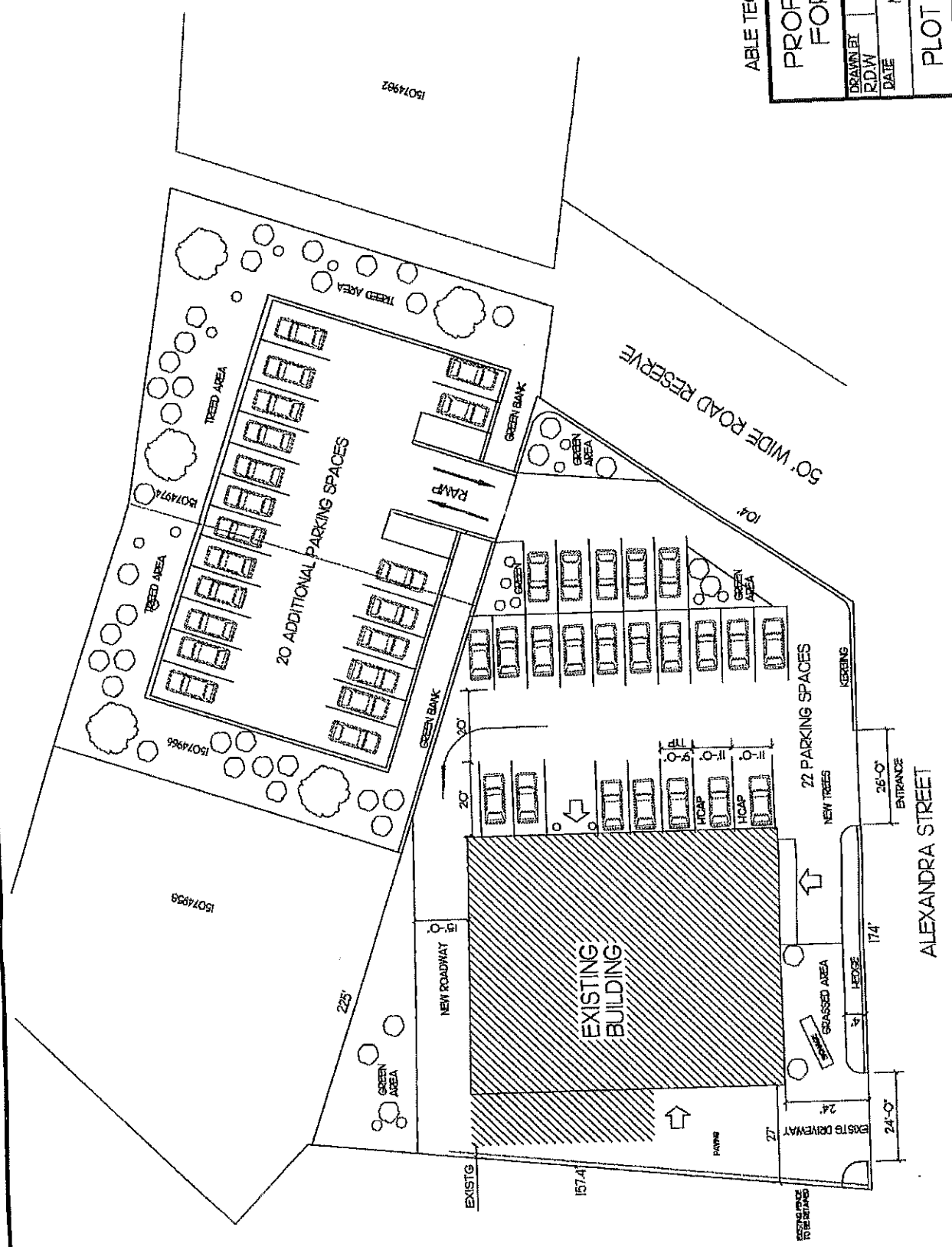
PID 15074958





meany

14  
12  
10  
8  
6  
4  
2



ABLE TECHNICAL SERVICES LTD

PROPOSED CHANGES  
FOR MR. S. CHANT

DERM. NO.

AO

SCALE  
1" = 20'

DRAWN BY  
R.D.W.

DATE  
MAY 03

PLOT PLAN

J

463

CAPE BRETON COUNTY REGISTRY OF DEEDS		
9281	2365	463-466
I certify that this document was registered as shown here.		Page(s)
Document #	Book	
Oct 27 03		3:33 pm
MM	DD	YY Time

CASE #888

Men Longobardi Registrar

THIS INDENTURE made and entered into this 30<sup>th</sup> day of September, A. D., 2003.

BETWEEN: S. W. CHANT AND SON FUNERAL HOME LTD. of Sydney, in the Cape Breton Regional Municipality, in the County of Cape Breton, Province of Nova Scotia

hereinafter referred to as the "OWNER(S)"

OF THE ONE PART

- and -

THE CAPE BRETON REGIONAL MUNICIPALITY, a body corporate and politic, in the County of Cape Breton, Province of Nova Scotia;

hereinafter called the "MUNICIPALITY"

OF THE OTHER PART

WHEREAS the Sydney Municipal Planning Strategy provides for Development Agreements under Part VIII of the *Municipal Government Act* of Nova Scotia pursuant to the policies in Part 5, Section 17 and Part 6, Section 5 of the Sydney Municipal Planning Strategy.

AND WHEREAS the Municipality by this agreement, permits the Owner(s) to operate a funeral home in accordance with the site plan shown on the attached Schedule A, providing that the following conditions are met:

- The structure housing the funeral home shall be no larger than the existing structure as shown on Schedule A;
- No crematorium shall be permitted to operate on the site;
- Landscaped amenity areas, parking areas and entrances to the site shall be developed and maintained generally as shown on Schedule A
- All parking areas and driveways shall be covered with a permanent hard surfacing; such surfacing shall be completed within six months of the registration of the development agreement
- No vehicular access from the site to Ferndell Crescent or Boulderwood Drive shall be permitted
- Prior to the issuance of any development permit pursuant to this development agreement, LIMS #'s 15074966, 15074958, 15699135, 15699143 and 15076631 shall be consolidated into one lot in accordance with the CBRM Subdivision Bylaw
- The area behind the funeral home as shown on attached Schedule A that is not used for parking shall be left in its present state as a vegetated natural area
- A maximum of one sign a maximum of 0.5 sq. m. in size shall be permitted on the property; a change in this agreement to allow a larger sign is permitted as a non-substantive amendment provided that the change is approved by Council and that the change is consistent with the intent of the Municipal Planning Strategy in effect at the time the amendment is undertaken;
- The exterior of the structure on the property shall be constructed and maintained generally in accordance with the drawings shown on Schedule "B"

Registry of Deeds  
 Sydney  
 9281  
 2365  
 463-466  
 Filed Oct 27 2003 at 3:33 pm  
 to REGISTRAR OF DEEDS

Province of Nova Scotia  
 Cape Breton, N.S.

- 2 -

- Lighting used to illuminate the property shall not be directed at any adjacent properties or roadways

AND WHEREAS the Owner covenants that it is the Registered Owner of the lands and premises outlined on Schedule "A", attached hereto and more particularly described in a deed to the owners dated the 25th day of July, A.D., 2003, and registered in the Registry of Deeds Office at Sydney, Nova Scotia, on the 28<sup>th</sup> day of August, A.D., 2003, on Book 2352 at Page 576 et sequel.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) paid by the Owner(s) to the Municipality, receipt of which is hereby acknowledged, the Owner(s) for and on behalf of themselves, their heirs, executors, administrators, successors, and assigns covenant and agree with the Municipality as follows:

1. To maintain the property identified in the attached Schedule "A", hereinafter described as "the lands and premises" in accordance with the provisions of this Agreement.
2. To ensure that the development as shown on the attached Schedule "A" is kept in a neat and tidy state
3. Upon the breach by the Owner(s) of any of the terms or conditions of this Agreement, the Municipality shall be entitled to specific performance by way of remedial Court Order or after fifteen (15) days notice in writing to the Owner(s), at its option enter on the lands and premises, and perform any and all covenants or conditions herein contained. Should the Municipality not choose to exercise its option to remedy, this Agreement may be terminated by the Municipality upon written notice to the Owner(s) or their successors-in-title, at which time all licenses or permissions hereby granted by the Municipality to the Owner(s) shall absolutely cease to exist. The costs of any and all legal action, of whatever nature incurred by the Municipality in enforcing compliance of this Agreement shall be the sole responsibility of the Owner(s) and the Owner(s) agrees to indemnify the Municipality for any and all legal costs incurred.
4. That all reasonable expenses incurred by the Municipality or its successors, agents, or employees, whether arising out of the entry of the said lands and premises or from the performance of the covenants are the responsibility of the Owner(s), and the Owner(s) agrees to indemnify the Municipality for any of the said costs incurred.

5 That this Agreement shall be registered in the Registry of Deeds Office in the County of Cape Breton and shall form a charge or encumbrance upon the said property as outlined in Schedule "A".

6 If any provisions of this Agreement shall be found to be or deemed illegal, invalid, or unenforceable, the remainder of this Agreement shall not be affected thereby.

The covenants, agreement, conditions and understandings herein contained on the part of the Owner(s) shall run with the land and shall be binding upon them, their heirs, executors, administrators, successors, assigns, mortgagees, lessees, and occupiers of the said land from time to time and shall be and form a charge and/or restrictive covenant upon the said land.

THIS AGREEMENT and everything contained herein shall endure to the benefit and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns. The parties hereto declare that the term "owner(s)" used in this agreement shall be construed to include the plural as well as the singular and the masculine feminine or neuter genders where the context so requires.

IN WITNESS WHEREOF the parties hereto have caused this Indenture to be duly executed the day and year first above written.

SIGNED, SEALED and DELIVERED )  
IN THE PRESENCE OF: )

ORIGINAL SIGNED BY )

WITNESS )

ORIGINAL SIGNED BY )

WITNESS )

ORIGINAL SIGNED BY

OWNER

OWNER

CAPE BRETON REGIONAL MUNICIPALITY

ORIGINAL SIGNED BY

MAYOR

per ORIGINAL SIGNED BY  
MUNICIPAL CLERK

AFFIDAVIT

PROVINCE OF NOVA SCOTIA )  
COUNTY OF CAPE BRETON )  
CAPE BRETON REGIONAL MUNICIPALITY )

On this 30<sup>th</sup> day of September, A.D. 2003, before me, the subscriber, personally came and appeared Rick McCready, a subscribing Witness to the foregoing Indenture, and after having been duly sworn by me, made oath and said that ~~Sheila D. W. Chant~~ signed and sealed the foregoing Indenture in his/her presence on the day and the year first above written.

ORIGINAL SIGNED BY

COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA  
Josie Ramsay  
A Commissioner of the  
Supreme Court of Nova Scotia

AFFIDAVIT

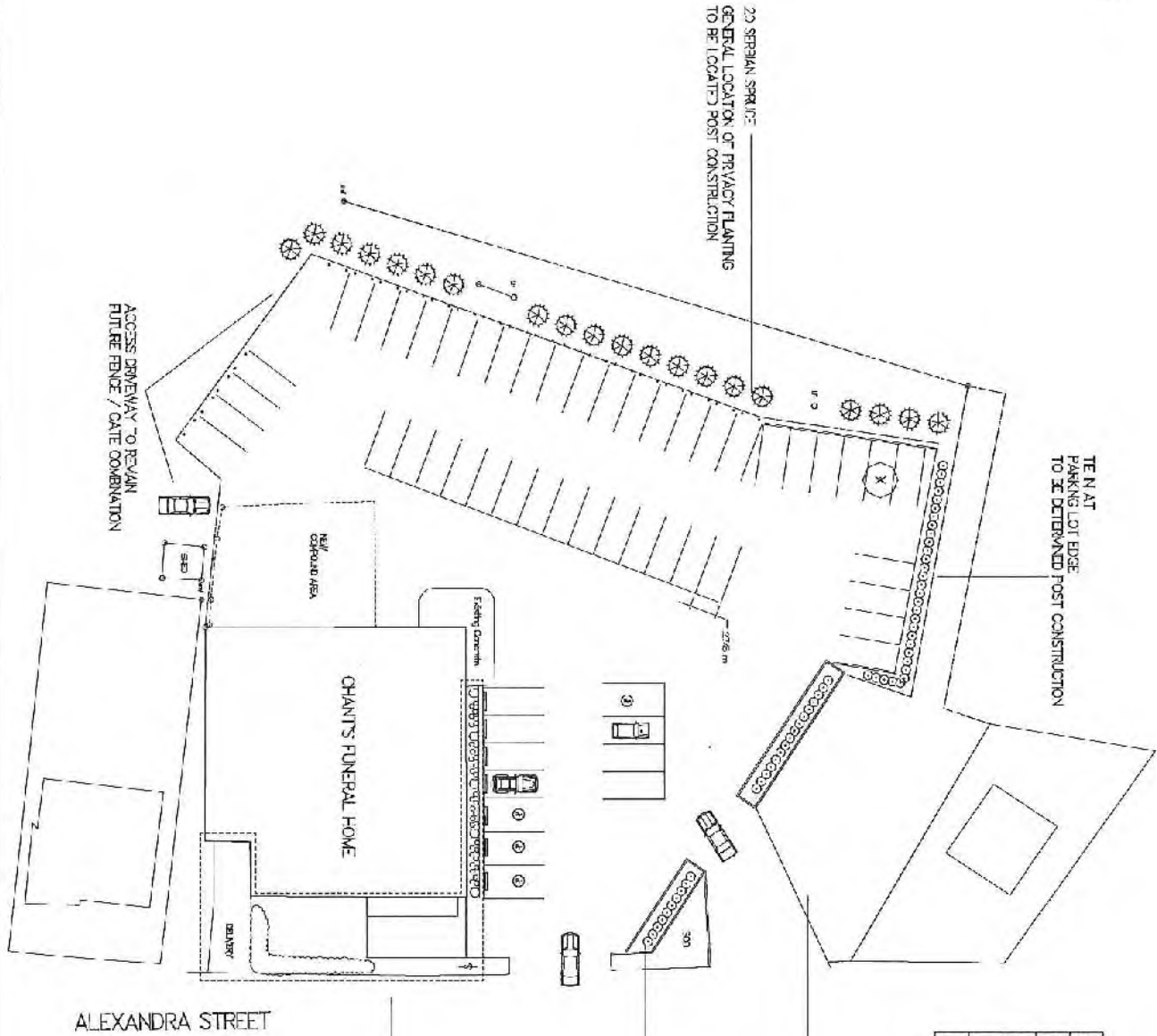
PROVINCE OF NOVA SCOTIA )  
COUNTY OF CAPE BRETON )  
CAPE BRETON REGIONAL MUNICIPALITY )

On this 30<sup>th</sup> day of September, A.D. 2003, before me, the subscriber, personally came and appeared ~~Josie Ramsay~~, a subscribing Witness to the foregoing Indenture, who having been duly sworn, made oath and said that he/she was present and did see the Corporate Seal of the Cape Breton Regional Municipality duly affixed thereto by the hand of Bernard White, Municipal Clerk of the Cape Breton Regional Municipality and that the said Indenture was duly signed and authenticated in his/her presence for and on behalf of the Cape Breton Regional Municipality by John Morgan and Bernard White, Mayor and Clerk respectively of said Municipality and the same was also duly delivered in his/her presence.

ORIGINAL SIGNED BY

COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA  
Robin B. Campbell, QC

K



Qty	Botanical Name	Common Name	Spec/Condition
Trees			
20	Peucephyllum	SERPENTINE DRIVE	15cm - 20cm
4 shrubs	Ligustrum vulgare Cheyenne	57 CHEVYNE PRIVATE	- 3 CG

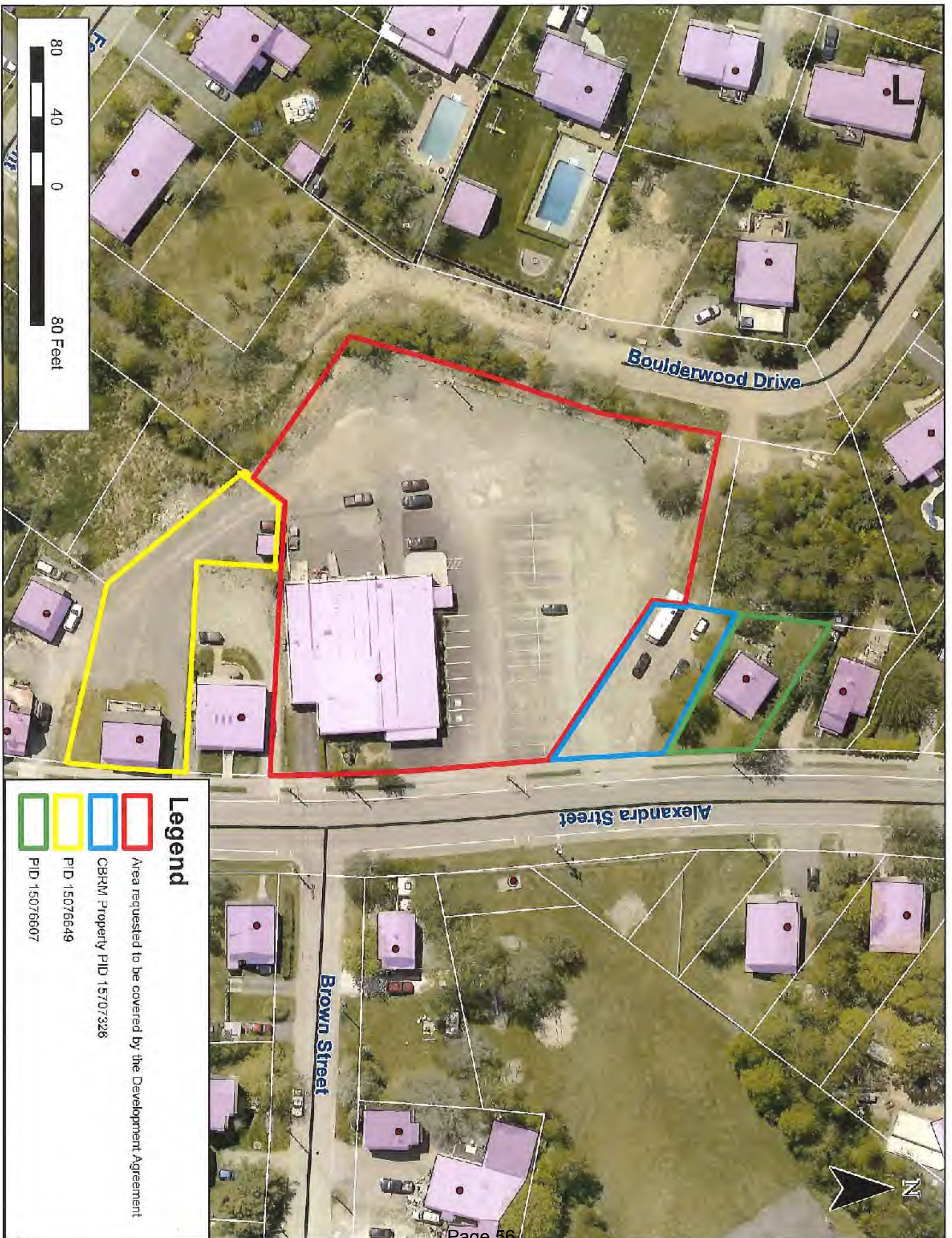
**CHANT'S FUNERAL HOME**  
 604 Alexandra Street, Sydney  
 S/NL 1200    A/E NOV 2018    DRAWN GENERAL LANDSCAPE LAYOUT



  
 Page 55



Consultant's responsibility is limited to the design and construction of the landscape as shown on this plan. The client is responsible for the implementation of the plan and for any changes to the plan. The client is also responsible for the maintenance of the landscape.



**Legend**



Area requested to be covered by the Development Agreement



CBRM Property PID 15707326



PID 15076649



PID 15076607

Zoning Amendment Application #1053 – Wayne LeBlanc, King Street and Walsh Avenue,  
New Waterford

**Motion:**

Moved by Councillor Coombes, seconded by Councillor Bruckschwaiger, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held during the March meeting of Council to consider Zone Amendment Application #1053 to permit the construction of a four-unit apartment building at the corner of King Street and Walsh Avenue, New Waterford.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: ZONING AMENDMENT APPLICATION – 1053  
Wayne LeBlanc  
King Street and Walsh Avenue, New  
Waterford**

**DATE: February 11<sup>th</sup>, 2019**

---

**Introduction**

The Planning and Development Department has received a zoning amendment application from Wayne LeBlanc requesting to amend the zoning for PID 15481344 and PID 15481336 which are located on the corner of King Street and Walsh Avenue, New Waterford (Attachment A). Mr. LeBlanc would like to consolidate the lot parcels and construct a four-unit apartment building. The properties are zoned Residential Urban C (RUC) which only permits one and two unit residential dwellings; as a result, Mr. LeBlanc has requested the zoning on the property be amended.

The area surrounding the properties in question is predominantly residential; however, there is a range of non-residential uses in the area including a car wash, convenience store, wedding supplies store, dental office, fire station and hall, post office, government office, and tavern along with a range of home based businesses (Attachment B). There is a CBRM transit route at the corner of King Street and Plummer Avenue.

**What Does the Municipal Planning Strategy Say?**

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments like apartment buildings under a variety of circumstances (Attachment C). When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MPS provides a list of six criteria Council must use to evaluate the merits of the zoning amendment application. The criteria are listed below along with an evaluation of the proposed application.

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)

The applicant intends on planting shrubs along the property boundaries shared with adjacent residential properties in an attempt to screen the proposed building (Attachment D). In addition to planting shrubs, the area not occupied by parking will consist of lawn.

- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

Four parking spaces must be provided to be in compliance with the parking standards of the Land Use Bylaw. The proposed site plan depicts the location of the proposed parking (Attachment D).

- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

This zoning amendment will allow for a four unit apartment building on the properties once consolidated. The current zone provisions would permit a two unit dwelling to be constructed on each lot parcel without the need for a zone amendment. If the applicant chose to construct a two unit dwelling on each property, the resulting developments would have the same volume of traffic as the proposed apartment building. Also, the criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

- The development proposal must mitigate the potential adverse effects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse effects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

Generally, landscaping on the surrounding properties is modest i.e. maintained lawns with little or no shrubbery or evidence of professional landscaping. In addition to planting shrubs along the property boundaries shared with adjacent residential properties the area not occupied by parking will consist of lawn. The proposed building will be one storey, which is a residential building found in the general area (Attachment E).

When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

The properties in question have frontage on King Street and Walsh Avenue, all of which are considered to be Level 4 and Level 5 Urban Streets. While the area to the North of Walsh Avenue is predominantly low density residential, the Downtown Central Business Corridor (CBD) Zone, which permits a range of sales and service uses along with higher density residential development, is to the South of Walsh Street. The current zone provisions would permit a two unit dwelling on each property; after consolidation, the four

unit apartment buildings would be a comparable density. Based on the above evaluation and the polices found in the MPS, it is reasonable for Council to consider the proposed zone amendment.

**Next Steps**

If Council agrees to schedule a Public Hearing at their February meeting, the earliest date for the Public Hearing would be during the March meeting of Council. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this application will be mailed to the assessed property owners in the vicinity of the properties encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

**Recommendation**

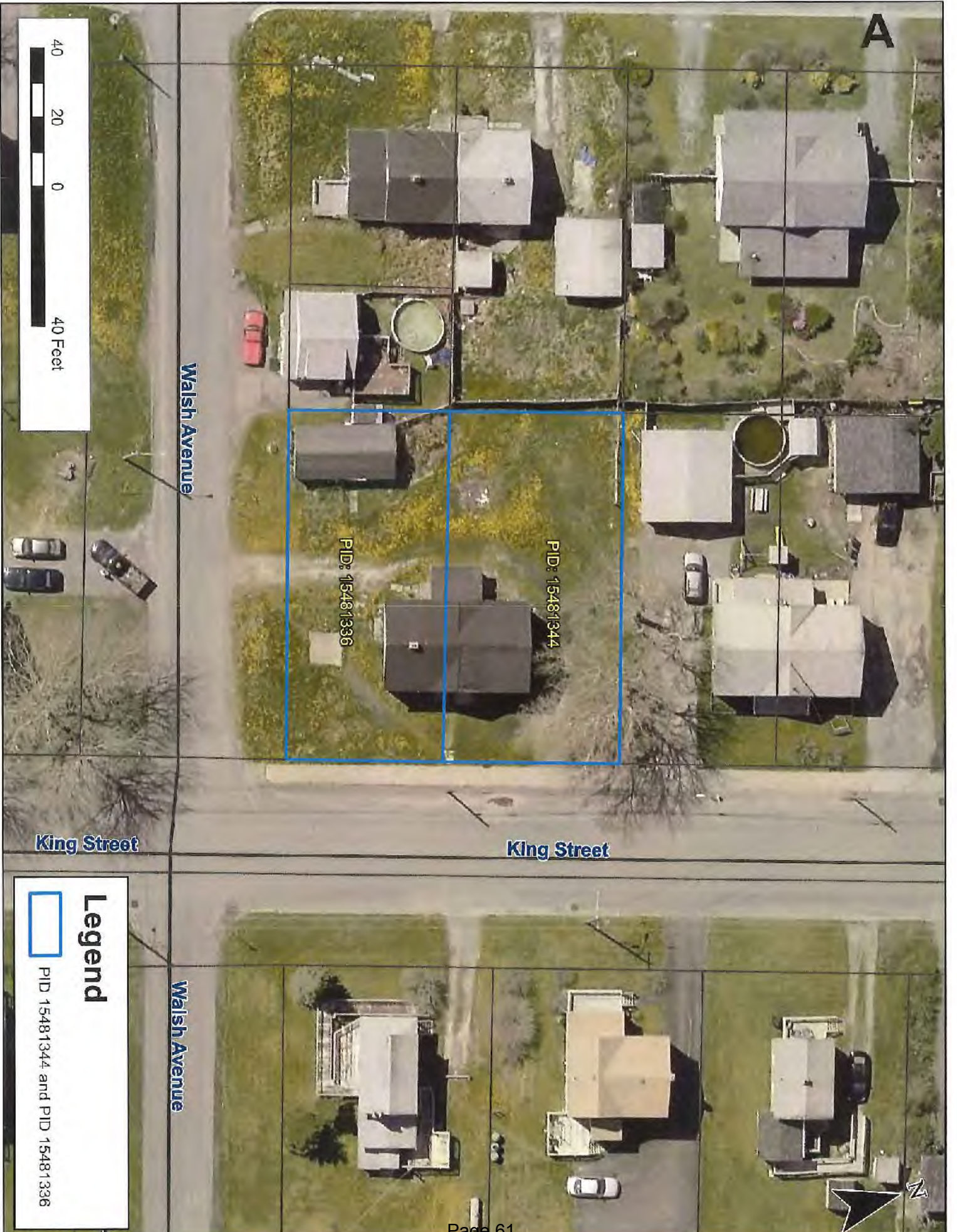
I recommend that Council pass a Motion to schedule a Public Hearing to consider this zone amendment application during the March meeting of Council.

**Submitted by:**

**Originally Signed by**

**Karen Neville  
Planning and Development Department**

A



PID: 15481336

PID: 15481344

King Street

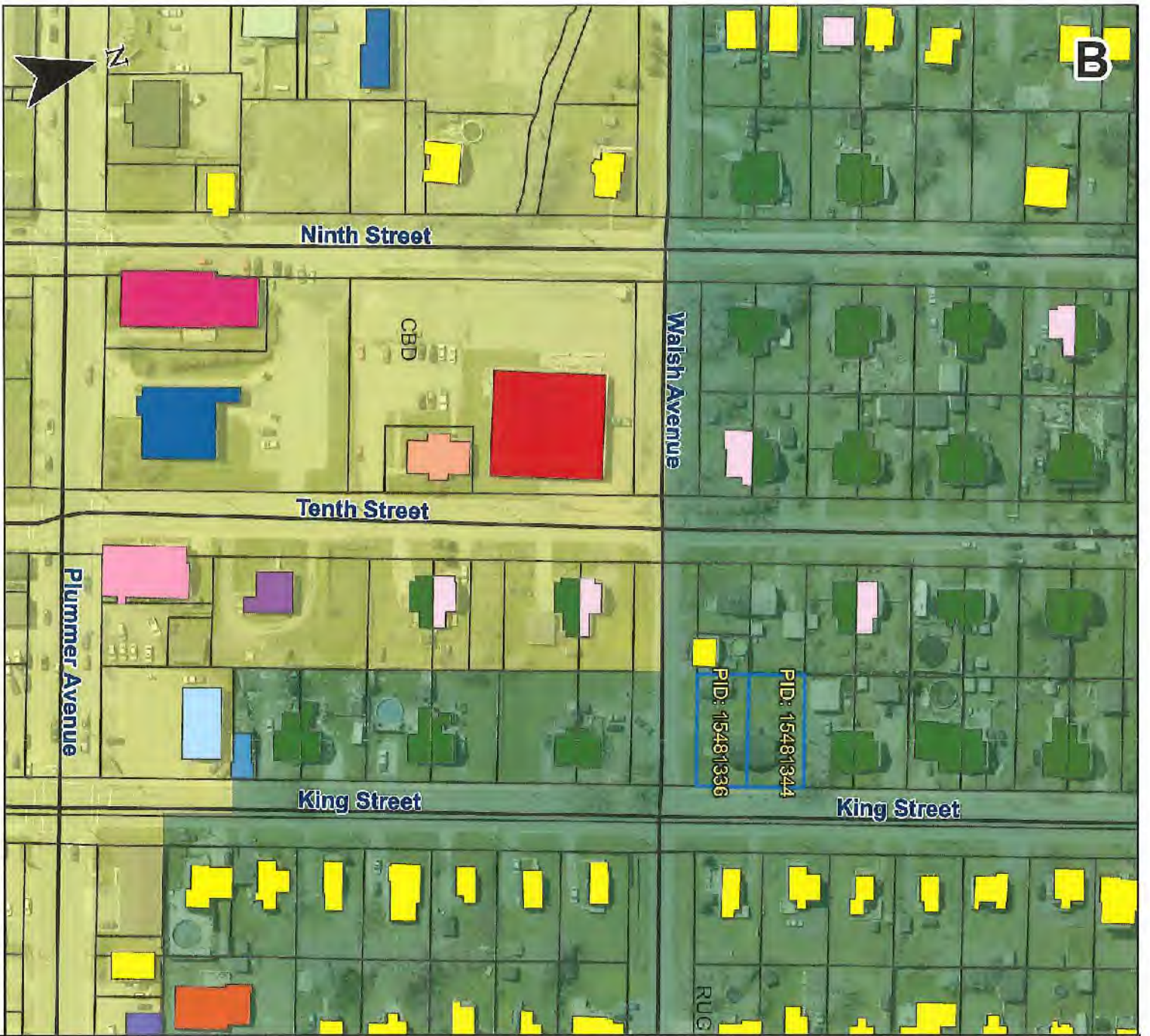
King Street

Walsh Avenue

### Legend



PID 15481344 and PID 15481336



# Legend

## DESCRIP1

- 2 Unit Dwelling
- 7 Unit Dwelling
- Car Wash
- Convenience Store/Wedding Supplies
- Dental Office
- Fire Station/Hall
- Office
- Pizza Shop/Single Residential Unit
- Post Office
- Semi-detached Dwelling
- Single Unit Dwelling
- Single Unit of Semi-detached Dwelling
- Skate Sharpening/Single Residential Unit
- Tavern/Billardards
- Vacant Commercial
- Vacant Garage
- Vacant\_Residential
- PID 15481344 and PID 15481336

## LanduseByLaw (Zone)

### LUZONE

- CBD
- RUC

## Municipal Planning Strategy - Part 4 Residential

1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

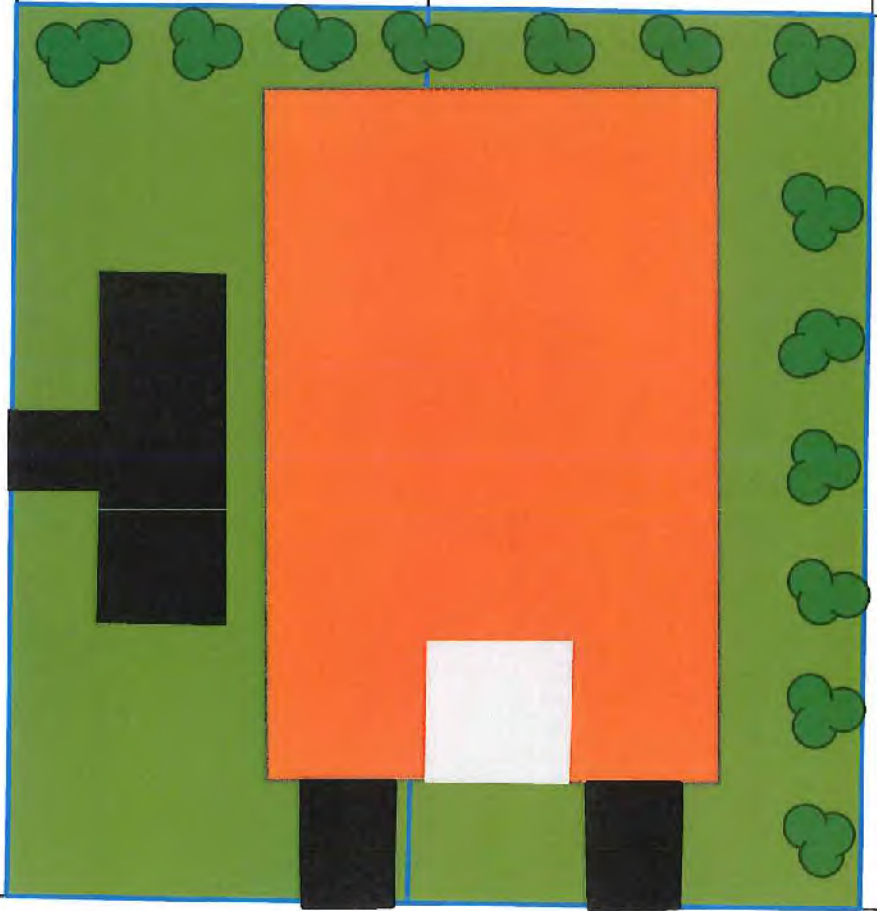
1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment.

The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

1.d.10 Apartment building development shall be prohibited in all areas of the CBRM not serviced with a Municipal piped sanitary sewer main, except for the following two scenarios. To facilitate the re-use of abandoned, community, educational, or municipal service buildings, their conversion into an apartment building shall be permitted at the ratio of 1 apartment per 1,000 sq. ft. of floor space. This Municipal Planning Strategy supports the mandate of the Province of Nova Scotia to provide public housing for seniors. Such projects shall be permitted even in rural service areas.

D



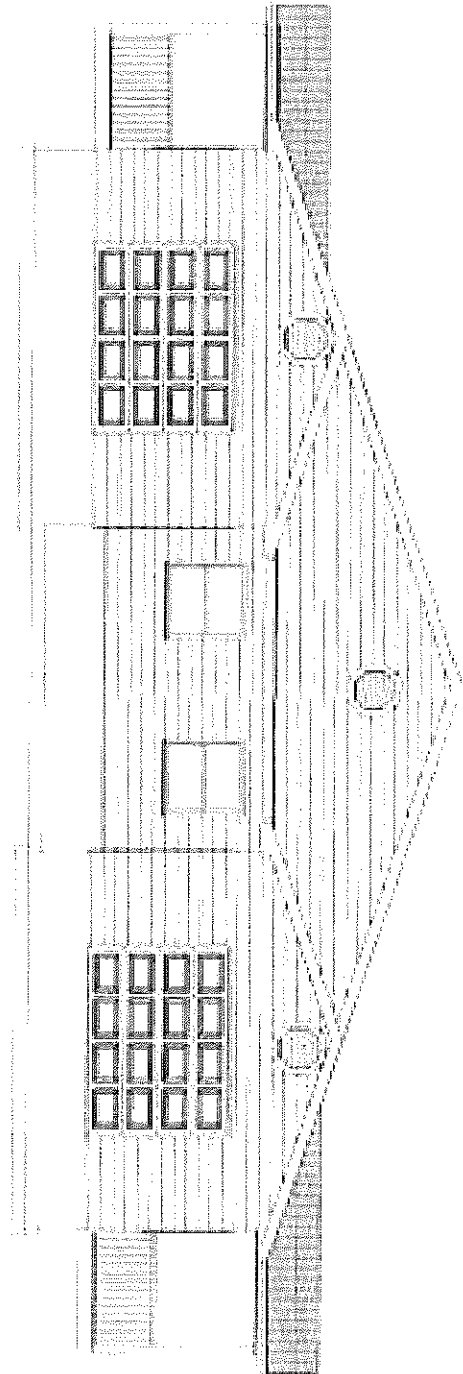
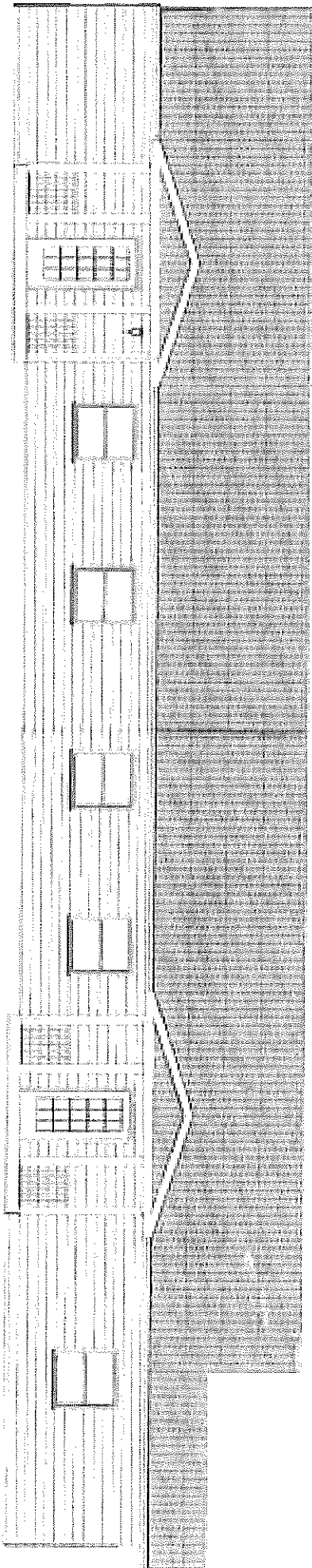
Walsh Avenue

King Street

N



	PID 15481344 and PID 15481336
	Proposed Building
	Parking/Driveway
	Patio
	Lawn
	Shrubs



**Municipal Planning Strategy and Land Use By-Law Amendments re: Mini Homes/Mobile Homes – Report on Public Participation Program**

**Motion:**

Moved by Councillor Coombes, seconded by Councillor Gillespie, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned as illustrated on the maps available on the CBRM website and circulated to each member of Council.

**Motion Carried.**



## **MEMO TO: COUNCIL**

**FROM: Malcolm Gillis and Karen Neville**

**SUBJECT: MINI HOMES/MOBILE HOMES  
Report on Public Participation Program**

**DATE: January 30<sup>th</sup>, 2019**

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During its December 11<sup>th</sup> meeting Council passed a Motion instructing Planning and Development Department staff to conduct a Public Participation Program to attempt to gauge public opinion regarding the initiative to amend the CBRM Planning Strategy and its implementing Land Use Bylaw that would lift the ban on mini homes/mobile homes within many of the urban and suburban neighbourhoods of Sydney, North Sydney, New Waterford, and Glace Bay along with the remaining rural areas where they are currently not permitted. In a previous survey conducted on our behalf by Statistics Canada the response was overwhelmingly in favour of such an amendment. That survey led staff to introduce the idea to Council.

In its Motion, Council instructed Planning and Development Department staff to work with the CBRM Communications Officer to solicit response from constituents using social media. 380 people completed the questionnaire.

81% of the respondents considered mini homes/mobile homes an acceptable residential dwelling building type within the municipality. Remarkably, 88% of those from communities where mini homes/mobile homes are currently banned considered mini homes/mobile homes an acceptable residential dwelling building type within the municipality.

The overwhelming majority of those who said NO were from neighbourhoods where mini homes/mobile homes are currently NOT permitted. However, because the survey didn't ask for their address we couldn't determine if they were from neighbourhoods where mini homes/mobile homes will continue to be banned even if the proposed amendments are adopted.

73% of the respondents from communities where they are currently banned said YES they would be an acceptable form of housing in their neighbourhood and 27% said NO.

72% of the respondents from communities where they are currently banned said YES they would be an acceptable form of housing next to their property and 28% said NO.

From staff's perspective the results of the survey support the results of the previous survey conducted last summer by Statistics Canada and the anecdotal responses we have been receiving from random phone calls and e-mails.

**Recommendation:**

We recommend that Council pass a Motion to schedule a Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned as illustrated on the maps available on the CBRM website and circulated to each member of Council.

Respectfully submitted by:

**ORIGINAL SIGNED BY**

Malcolm Gillis  
Director of Planning and Development

# By-law

of the Cape Breton Regional Municipality

amending the

## Cape Breton Regional Municipality's Municipal Planning Strategy

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Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Municipal Planning Strategy in the following manner:

**THAT:** Part 4 is amended by adding the preamble below immediately after Policy 2 and by replacing Policy 3 with the policy below.

### **Manufactured homes comprised of one main modular part**

Dwellings manufactured in an assembly line, as opposed to constructed on-site, comprised of one main modular part (a.k.a. mobile homes, mini homes) as opposed to modular homes comprised of more than one main modular part, represent just over 5% of the single detached dwelling housing stock in the CBRM. The term "mobile home" came into popularity during the late 1950's and 1960's to replace the term "trailer home" as an industry initiative because of improved manufacturing standards and to overcome a perception that they were of inferior quality.

Although originally constructed with wheels attached to a chassis they gradually were recognized as a more permanent dwelling that could be attached to a concrete slab foundation. As the manufacturing standards improved, the industry continued to promote new names (e.g. from mobile home to mini home) to shed continued perceptions of inferior construction. The contemporary term from the industry is "manufactured home". Two important milestones in the evolution of these types of single detached dwellings is that (1) the Nova Scotia Building Code now acknowledges they are a form of residential housing, subject to unique Code specifications and (2) manufactured homes *to be relocated* to a new permanent site must first be inspected for current Building Code compliance.

Before the advent of this Policy the manufactured home industry was stifled by former land use policies that denigrated the manufactured home comprised of one modular part as an inferior type of housing unsuitable in many of the urban and suburban neighbourhoods of the CBRM. Because of the combination of the (1) evolution of manufactured home construction specifications to the significantly more stringent current specifications and (2) the low assessment and real estate market values generally in Cape Breton, manufactured homes comprised of one main modular part connected to a secure foundation are now recognized as a legitimate type of single detached dwelling throughout much of the CBRM. As the cost of

housing increases and the average family income in the CBRM continues to compare unfavorably to the Provincial and National averages, pre-fabricated homes are a more financially feasible alternative

CBRM does recognize that the unique architectural shape of mobile homes make them an inappropriate type of housing in certain streetscapes. The long, rectangular, one storey shape clashes architecturally within a streetscape of dwellings primarily comprised of more than one storey. But such neighbourhoods represent a trifling percentage of the urban and suburban residential streetscape, or the rural landscape.

#### Policy

3.a It shall be a policy of Council to allow a wide range of development options for manufactured homes comprised of one modular part (*a.k.a. mobile homes, mini homes*) because:

- they are becoming a dwelling unit style of choice for more and more Cape Bretoners;
- mobile home construction standards have now reached the minimum standards of the Provincial Building Code; and
- mobile homes are a *style of construction* and not a unique land use.

3.b More specifically, it shall be a policy of Council to permit manufactured homes comprised of one main modular part constructed and inspected in compliance with contemporary Provincial Building Code provisions, or any building that incorporates the same architectural style, to be permitted in any Zone where single detached dwellings are generally permitted with the following exceptions.

- they are not to be permitted along an urban or suburban streetscape, or within a rural residential subdivision, where the overwhelming majority of dwellings are comprised of more than one storey; and
- they are not to be permitted along streetscapes where the assessed value exceeds a threshold that could be considered to be adversely affected with the introduction of a manufactured home comprised of one main modular part which could result in a reduction in assessed values.

This Policy is to be implemented with the use of the following formula.

Mobile homes shall be permitted unless:

- 50% of residential buildings are single detached dwellings; and
- average assessed value of single detached dwellings in a neighbourhood, or subdivision is \$100,000 or more; or
- 75% of the single detached dwellings are 1.5 storeys or greater, in which case the average assessed value of single detached dwellings is \$75,000 or greater.

This Policy should be reviewed every 5 years to ensure the formula's threshold of \$100,000 is representative of the base price of a mini home/mobile home.

**PASSED AND ADOPTED:** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on \_\_\_\_\_ 2019.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

***THIS IS TO CERTIFY*** that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on \_\_\_\_\_ 2019 to amend the Cape Breton Regional Municipality's Municipal Planning Strategy.

\_\_\_\_\_  
Deborah Campbell Ryan, CLERK

**By-law**  
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's  
Land Use Bylaw**

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Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Land Use Bylaw in the following manner:

**THAT:** the RUC Zone is replaced with the RUD Zone wherever identified on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

**THAT:** the RCB-NM Zone is replaced with the RCB Zone wherever indicated on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

**THAT:** any business development zone that the RCB-NM Zone is replaced with the RCB Zone wherever indicated on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

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**PASSED AND ADOPTED:** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on \_\_\_\_\_ 2019.

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**MAYOR**

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**CLERK**

***THIS IS TO CERTIFY*** that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on \_\_\_\_\_ 2019 to amend the Cape Breton Regional Municipality's Land Use By-law.

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Deborah Campbell Ryan, CLERK

**Rural Subdivisions Using Shared Driveways**

**Motion:**

Moved by Councillor Doncaster, seconded by Councillor Coombes, that a recommendation be made to Council to conduct a Public Participation Program (PPP) to begin the process of amending the CBRM Planning Strategy, its implementing Land Use Bylaw and the Subdivision Bylaw to put forth the amendments advocated in the staff issue paper dated December 12, 2018 to the public, and specifically to reach out to developers and the professionals who serve them. The PPP will use the resources of CBRM's communications officer and social media, and will include direct correspondence to developers and the professionals who serve them.

**Motion Carried.**



## **ISSUE PAPER**

**TO: Council**

**From: Malcolm Gillis**

**RE: RURAL SUBDIVISIONS USING SHARED DRIVEWAYS**

**Date: December 12<sup>th</sup>, 2018**

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A shared driveway is a driveway servicing more than one dwelling providing motor vehicle access from a public street/road to the developed part of lot parcels that is not owned by either the Province or the Regional Municipality i.e. the two levels of Government with the authority to own and maintain a public street/road. The use of shared driveways to access developments on lot parcels throughout rural CBRM has a long history. They have been identified as bungalow roads, unlisted roads, private roads etc. and they may traverse over two or more lot parcels or be encompassed within its own lot parcel. But they all meet the test of the above referenced definition.

There is a combination of reasons why they have been used so frequently throughout rural CBRM. The most frequently cited include:

- the long rectangular shape of the land grant system here in Nova Scotia;
- the scarcity of public streets/roads;
- the cost of constructing a public street/road in compliance with the engineering specifications of either the Province or the CBRM;
- the cost of even constructing a single driveway to access the most desirable parts of a property e.g. a body of water, a panoramic view;
- many shared driveway subdivisions are originally started as a family subdivision.

Why should a Municipality be concerned about them?

- Shared driveways are not constructed to any engineering standard and are not the responsibility of either the Province or the Regional Municipality to maintain. That means the owners of the properties serviced by them must get along when it comes to maintenance. In the past this has led to lobbying of councillors of the former Municipality of Cape Breton

County that led to a political commitment to maintain some of them. Although the practice of accepting responsibility to maintain additional shared driveways has long since ceased (as it should because it is spending publicly collected taxes to maintain private driveways) the reasons why property owners would prefer that the Municipality maintain them are still there.

- The use of a collection of abutting long rectangular, or flag shaped lots using a shared driveway instead of their own unconstructed driveway intersection with the public street/road approved by the Traffic Authority is leading to civic address 911 emergency mistakes that are potentially dangerous.
- The current provision requiring that each new lot parcel created has at least 20 ft. of frontage on the public street/road to allow the owner of a lot parcel to opt out of the shared driveway by constructing their own driveway has, in many cases, proven to be an unrealistically naïve option because of a combination of the length of the driveway and the type of terrain it would have to be constructed over (e.g. ridiculously steep topography or wetlands).

What we have learned is that, even when CBRM makes legitimate attempts to prevent new shared driveway subdivisions from occurring new shared driveways occur and the only legal way to enforce the provision requiring the driveway be constructed within the confines of the lot parcel to be developed is to threaten prosecution using Provincial court. That's just not a realistic solution.

Planning and Development Department staff is advocating a pragmatic solution that will require an amendment to the CBRM Planning Strategy, its implementing Land Use Bylaw and the Subdivision Bylaw that will:

- permit shared driveway subdivisions but only to a maximum of 6 lot parcels;
- not require a minimum construction standard; but
- will increase the public street/road frontage and minimum width of each lot parcel to ensure that if a property owner wants to opt out of their shared driveway (for the reasons explained earlier in this issue paper) a driveway could be more realistically constructed within the boundary of their own lot parcel and to ensure the necessary minimum width for a Nova Scotia Power service to its power grid is possible;
- require easement provisions illustrated on the plan of subdivision and written into the deed description; and
- require a maintenance agreement to be entered into by all property owners serviced by the shared driveway; and
- assigning a name and civic address to the shared driveway for purposes of 911 emergencies; and to
- ensure the suffix of the shared driveway name only be referenced as "Lane" (e.g. Gillis Lane); and
- the intersection of the shared driveway is approved by the Traffic Authority of the public street/road; and
- the sign identifying the shared driveway at its intersection with the public street/road include the words "shared driveway" after its name (e.g. Gillis Lane – shared driveway).

**Recommendation:**

It is the recommendation of the staff of the Planning and Development Department that Council pass a Motion to conduct a Public Participation Program (PPP) to begin the process of amending the CBRM Planning Strategy, its implementing Land Use Bylaw and the Subdivision Bylaw. The purpose of the PPP will be to put forth the amendments advocated in this issue paper to the public and specifically to reach out to developers and the professionals who serve them but also to consider their comments with the intention of bringing back a report summarizing the results of the PPP with a final recommendation. The PPP will use the resources of CBRM’s communications officer and social media, but it will also include direct correspondence with developers and the professionals who serve them.

Submitted by:

**ORIGINAL SIGNED BY**

Malcolm Gillis  
Director of the Planning and Development Department

**Borrowing Policy Review**

**Motion:**

Moved by Councillor Prince, seconded by Councillor McDougall, that staff be directed to provide an Issue Paper on the current Borrowing Policy for Council discussion.

**Discussion:**

Councillor Prince clarified that because Council sometimes feels stymied with the lack of capital funds available under the existing policy, the intent of the motion is to review the current Borrowing Policy to allow Council to have a discussion regarding future borrowing and offer comments on funding for special projects that may arise.

**Motion Carried.**



# **CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

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## **Issue Paper**

**Date:** February 11, 2019  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Current Borrowing Policy

On September 18, 2018, Council requested an Issue Paper on the on the current Borrowing Policy for Council consideration.

Attached is the current borrowing policy, which was amended by Council on June 26, 2018. The policy states that the maximum borrowing in a given year will be limited to the amount of debt repaid in that year. As debt is repaid and service costs decrease, there would be increased capacity to fund capital out of CBRM's operating fund.

Our actual ability to fund capital out of operating has been hindered by numerous financial pressures, the most significant being:

- 1) Equalization decreased annually until eventually frozen, while provincial transfer payments increased. In 2006/07, provincial grants exceeded mandated costs by \$3.6m. For 2019/20, mandated costs now exceed provincial grants by \$3.3m. The "gap" created represents \$6.9m, which has essentially been absorbed within our already strained operating budget; monies which could have otherwise funded capital.
- 2) Taxes levied on annual taxable assessment growth have not been sufficient to offset rising costs in items such as wages (collective agreements and judgements stemming from binding arbitration), standard cost of living increases and rising energy costs.

As a result, we have been forced to use the reduction in debt service costs over the years to subsidize our operating fund, rather than fund capital out of operating as intended. While this has come at the expense of our infrastructure, this has enabled us to maintain tax rates at current levels.

CBRM's borrowing policy ensures that current debt servicing costs are maintained at current levels in order to minimize budget fluctuations and to ensure debt servicing remains at a level that CBRM can afford. A decision of council to borrow funds in excess of the existing policy will negatively impact debt servicing for the term of the loan (10 years). It is uncertain whether or not CBRM could absorb further debt servicing pressures in addition to the existing pressures noted above within our current operating environment without negatively impacting service levels, staffing levels, or tax rates.

As Council is aware, CBRM is currently undergoing a viability study, commissioned by the Province of NS, which will provide an analysis of CBRM's current state, value for money assessment, and infrastructure deficit. I would recommend that Council postpone amending the current borrowing policy until the study has been completed. This will allow CBRM and the Province of NS the opportunity to review and evaluate the viability study outcomes and recommendations made to address our operating and capital pressures going forward.

Respectfully submitted,

Jennifer Campbell, CPA, CA  
Chief Financial Officer



**CBRM**

*A Community of Communities*

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*Cape Breton Regional Municipality*

## **Borrowing Policy**

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### **PREAMBLE:**

The CBRM requires a reasonable level of annual capital financing to address infrastructure needs while at the same time achieving a reduction in its overall capital debt and corresponding debt servicing costs.

### **OBJECTIVE:**

Given CBRM's infrastructure needs, it is important to maximize capital investment to the greatest extent possible, while being fiscally responsible. It is the objective of this Policy to manage existing debt by limiting the required borrowing in a fiscal year to an amount less than or equal to the principal repayments in that year. As overall debt decreases, there will be corresponding savings in debt servicing costs. Those savings can then be redirected to fund capital expenditures out of the general operating fund.

### **POLICY STATEMENT:**

It is the policy of the CBRM that the maximum amount of planned borrowing in the Capital Budget in a given year will not exceed the total principal debt repayments in that same budget year.

Amended June 26, 2018

**Water Bill Charges – Dominion and CBRM Community Arenas**

**Motion:**

Moved by Councillor Bruckschwaiger, seconded by Councillor Coombes, that staff be directed to provide an Issue Paper on the water bill charges for the Dominion Arena and other CBRM Community Arenas with suggestions as to what CBRM can do to assist in relieving the financial burden.

**Discussion:**

During discussion, it was requested that the Issue Paper also include reference to the water bills of recreational facilities operated by non-profit boards.

The Chief Financial Officer noted that the NS Utility and Review Board does not permit municipalities to write-off water bills under any circumstances. Any adjustment would have to be funded from the Municipal Grants Program.

**Motion Carried.**



**CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

# Issue Paper

**Date:** February 11, 2019  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Water Bill Charges – CBRM Community Facilities

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On November 20, 2018, Council requested an Issue Paper on the water bill charges for Dominion Arena and other arenas with suggestions on how CBRM can assist with the associated financial burden.

As mentioned during that meeting, the NS Utility and Review Board does not permit a utility to process adjustments in order to reduce or eliminate charges for metered water consumption.

Financial assistance up to \$10,000 is available through the Municipal Grants Program to organizations with a mandate to deliver an ongoing service or program that is generally delivered by a municipality, or complements a service being offered by CBRM. Arenas would therefore be eligible to apply as they provide a service that is also delivered by our municipality.

Therefore, rather than considering a new policy or funding mechanism to address water bill charges for arenas, it is recommended that the organizations be referred to the Municipal Grants Program if they require financial assistance. The application will be evaluated based on the criteria in the policy including demonstrated financial need and organizational effectiveness.

Respectfully submitted,

**ORIGINAL SIGNED BY**

Jennifer Campbell, CPA, CA  
Chief Financial Officer

**Draft Travel Policy for Citizen Appointees on Heritage Advisory Committee**

**Motion:**

Moved by Councillor Coombes, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to approve the proposed Travel Policy for Citizen Appointees on Heritage Advisory Committee as outlined in the staff report dated January 31, 2019.

**Motion Carried.**



## **MEMO TO: General Committee**

**FROM: Malcolm Gillis, Director of Planning & Development**

**SUBJECT: DRAFT Travel Policy for Citizen Appointees  
– Heritage Advisory Committee**

**DATE: January 31<sup>st</sup>, 2019**

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On May 7, 2018, a workshop was held here at City Hall regarding the roles and responsibilities of the CBRM Heritage Advisory Committee (HAC). The workshop was facilitated by Ron Dauphinee and Emily Pond from the Department of Municipal Affairs. During the workshop, a number of issues were discussed, including training and development opportunities in relation to heritage properties for members of the HAC, both elected and citizen appointees. At that workshop, it was pointed out that the past practice has been to sponsor up to two citizens per year to attend the annual Nova Scotia Provincial Heritage Conference, however no formal policy is in place. It was recommended that staff draft a travel policy for Council's consideration.

To that end, attached please find a draft Travel Policy for Citizen Appointees – Heritage Advisory Committee which mirrors a similar CBRM Policy relating to travel for citizen appointees on the Board of Police Commissioners.

Highlights of the draft Policy include: the funds for the travel expenses will be included in the Planning and Development Department Budget, subject to budget approval; CBRM will sponsor up to two citizen appointees to attend the annual conference, and carpooling will be practiced whenever possible; the rates for meals, mileage and accommodations, and the filing requirements, will be the same as required in the Travel Policy for Elected Officials; and the Planning and Development Department shall be responsible to administer the Policy. It is estimated that the maximum cost to sponsor two citizens would be \$1500 in total.

Recommendation:

That the attached Travel Policy for Citizen Appointees – Heritage Advisory Committee be recommended to Council for approval.

Respectfully submitted by:

***Original signed by:***

Malcolm Gillis  
Director of Planning and Development

## **Travel Policy for Citizen Appointees – Heritage Advisory Committee**

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### **1. STATEMENT OF POLICY:**

It is the policy of the Cape Breton Regional Municipality to encourage citizen appointees on the Heritage Advisory Committee (HAC) to participate in appropriate training and development opportunities in relation to heritage properties.

### **2. OBJECTIVES:**

This Policy identifies the annual Nova Scotia Provincial Heritage Conference as the most appropriate forum for training and development of citizens on the HAC. Further, this Policy outlines the process to be used for same.

### **3. CRITERIA:**

- a) Subject to budget approval, the funds for travel expenses for citizen appointees on the HAC shall be included in the Planning and Development Department budget.
- b) HAC citizen appointees are eligible to attend the annual Nova Scotia Provincial Heritage Conference. CBRM will sponsor a maximum of two citizen appointees to attend the annual conference, noting that priority will be given to those citizens who have not attended the Conference in the previous year.
- c) If more than two citizens who have not attended the previous year's Conference express an interest in attending the annual conference, the names shall be drawn by lot.
- d) Carpooling shall be practiced whenever possible.
- e) The Planning and Development Department shall be responsible for conference registration and the travel arrangements of the citizen appointees.
- f) The rates for meals, mileage and accommodations, as well as the filing requirements for expense claims, shall be the same as required in the *Travel Expense Policy for Elected Officials* and shall be processed through the Planning and Development Department.

**Approved by Council:** \_\_\_\_\_

**Council Agenda Policy – Proposed Amendments**

**Motion:**

Moved by Councillor Coombes, seconded by Councillor McDougall, that a recommendation be made to Council to approve the proposed amendments to Council Agenda Policy to reflect the process going forward with respect to In-Camera agendas/meetings as outlined in the staff report dated January 30, 2019.

**Motion Carried.**



# M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

**To:** General Committee  
**From:** Deborah Campbell Ryan, Municipal Clerk  
**Date:** January 30, 2019  
**Subject:** **DRAFT Amendments – *Council Agenda Policy***

Chief Administrative Officer Marie Walsh has requested that the Council Agenda Policy be amended to reflect the process going forward with respect to In Camera agendas/meetings, as follows:

- The Agenda Review Committee shall include the CBRM Solicitor;
- *Approval of the Agenda* be included in the Order of Business on agendas for In Camera meetings;
- In Camera agenda topics and corresponding sections of the *Municipal Government Act* will be included in the public meeting notice and listed on the CBRM website.

Recommendation:

That the attached *Council Agenda Policy* as amended be recommended to Council for approval.

*Original signed by:*

**Deborah Campbell Ryan, Municipal Clerk**

Attachment



## **Council Agenda Policy**

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### **1. PREAMBLE:**

It is the Policy of Council that draft agendas for monthly Council and Committee meetings are completed by the Agenda Review Committee.

### **2. OBJECTIVE:**

It is the objective of this Policy to outline a process for submitting items for Agendas and to ensure that the business requiring Council/Committee direction proceeds in a methodical and timely manner.

### **3. Key Points:**

- i. Agendas are constructed during any given month using a pending file.
- ii. Council members and staff are invited to submit issues to the Clerk's Office prior to the agenda consultation meeting.
- iii. Resource or appropriate background materials i.e. Issue Papers must be provided for distribution with the draft agenda package.
- iv. Council members shall submit their agenda requests using the *Council Agenda Request Form* as outlined in Appendix "A" attached to this Policy.
- v. The deadline for agenda submissions to the Clerk's Office is 4:30 p.m. seven (7) days prior to the meeting.

**Key Points (cont'd)**

vi. *Approval of the Agenda* shall be included in the agenda Order of Business for regular Committee and Council meetings, **as well as In Camera meetings**. Any items added to or deleted from an agenda during the meeting will require a motion with majority vote. This includes New Business items as provided for in this Policy.

vii. The Agenda Review Committee shall consist of the presiding officer, CAO, Clerk, **Solicitor** and the Deputy Mayor, or their delegates.

viii. For those instances when requested agenda items may be outside the jurisdiction of the Municipality, require more research, or should be dealt with in a different forum, the Agenda Review Committee shall have the authority to delete, defer or refer such agenda requests. With respect to such deletion, deferral or referral, the Deputy Mayor shall report to the respective Council members, the CAO shall advise staff and the Clerk shall notify citizens regarding delegation requests.

ix. In all cases possible, agendas for regularly scheduled meetings would be pre-distributed to Council Members approximately 5 days prior to a meeting. For special meetings, these timelines may be reduced.

x. All agendas for regular meetings are distributed to all Members of Council whether they are members of a Committee or not.

xi. In Camera materials that are pre-distributed are only sent to Committee Members, however non-Committee Council members are invited to attend in camera meetings.

xii. **In Camera agenda topics and corresponding sections of the *Municipal Government Act* will be included in the public meeting notice and listed on the CBRM website.**

xiii. Once an issue has been dealt with by Council, it should not be put before Council again for at least 6 months, unless by proper motion of reconsideration or rescindment or to amend something previously adopted.

#### **4. LATE ITEMS:**

If an issue arises after the Council package goes out and up to noon on the day before a Council meeting, a member can submit the additional item to the Clerk for review by an agenda committee made up of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item.

These late items require an issue paper or some kind of background information for distribution before the meeting.

A “new” item received on Council Day or without supporting documentation, will not be permitted.

Council shall not vote on a motion arising out of an item added to the agenda until a staff report and recommendation is received by council. Any motion so made shall be deemed to be deferred until such reports and recommendation is received.

#### **5. NEW BUSINESS:**

New Business in the context of this policy is simply:

- Announcements (substantive)
- Referrals/questions
- Submission of Petition
- Notice of Motion

All are subject to a strict adherence to a 1 minute time limit. No debate.

This Policy replaces earlier policies dealing with agenda issues.

This Policy is Councils’ provision for the process of Agenda composition and New Business matters and supercedes Robert’s Rules of Order.

It is noted that the MGA in Section 19(3) sets out the procedure on how a Council can deal with an emergency issue.

Section 19(3)           Where the Mayor or Warden determines that there is an emergency, the Council may meet without notice or with such notice as is possible in the circumstances.

**Approved by Council:     September 19, 2006**

**Amended:                     June 26, 2018**

Appendix "A"



City Hall  
 320 Esplanade  
 Sydney, NS B1P 7B9

Item No.

<b>Council Agenda Request Form</b>		
<input type="checkbox"/> <b>Included on Agenda</b> (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> <b>Late Item</b> (Submitted to Municipal Clerk's Office by Noon the day before the meeting)	<input type="checkbox"/> <b>Request from the Floor: (New Business)</b> - <b>Announcement</b> - <b>Referral</b> - <b>Submit Petition</b> - <b>Notice of Motion</b>
<b>Date of Council Meeting:</b>		
<b>Subject:</b>		
<b>Motion for Council to Consider:</b>  <i>(Note: when drafting the motion please ensure that it reflects everything that is being requested to be included in the request for a staff report.) – Please ensure this text is deleted in the final version of this form.</i>		
<b>Reason:</b>		
<b>Outcome Sought:</b>		
<i>Councillor</i>	<i>District</i>	
<i>Date:</i>	<i>Received by Clerk's Department (date):</i>	

**Criteria for Qualifying Properties for Heritage Registration – Revised Report**

**Motion:**

Moved by Citizen Trifos, seconded by Citizen Ashford, that a recommendation be made to Council to approve the criteria for evaluating requests for the registration of municipal heritage properties and that the Heritage Officer score the properties and present the results to the members of the Committee before any decision regarding registration are made.

**Motion Carried.**



February 11, 2019

**MEMO TO: Chairman and Members, Heritage Advisory Committee**

**FROM: Rick McCready, Senior Planner/Heritage Officer**

**RE: Criteria for Qualifying Properties for Heritage Registration- revised report**

**Background Information**

Requests by property owners to have their properties registered on the CBRM Municipal Heritage Registry are received by staff on a regular basis. Past practice in dealing with these requests has been as follows:

- Staff visit the property, discuss the implications of registration with the owner
- Assuming the owner wishes to proceed with the registration following the visit, staff evaluate the heritage value of the property using a simple matrix that assesses its architectural, historical and cultural significance, and then prepare a report for the Heritage Advisory Committee
- The Heritage Advisory Committee reviews the report and recommendations from staff and then decides whether or not to recommend to Council that the property be registered. If the Committee decides to recommend registration, the request is then forwarded to Council for its consideration. (The Heritage Property Act, which governs heritage registrations, requires Council to take the recommendations of the HAC into account when making a decision)
- Council considers the request and either rejects it or approves a motion to give notice of its intent to register the property
- A copy of the Notice of Intent to register the property is filed at the Registry of Deeds; a copy is sent to the property owner at least 30 days before the meeting where Council is scheduled to make a final decision
- At a subsequent meeting, Council, after hearing submissions from the property owner (if any), approves or rejects the registration
- Assuming Council agrees to register the property, staff prepares the registration document and files it at the Registry of Deeds; the property is added to the CBRM Municipal Heritage Registry
- A plaque recognizing the property's heritage status is prepared and provided to the property owner to be placed on the exterior of the building

This process, as outlined above, has worked reasonably well until recently. In the last year or so, however, the committee has struggled with some of the requests for registration that have been received. In some cases, we have inadequate information on the history of the property. In other cases, it is apparent that the property has undergone renovations that detract from the building's heritage value and it is uncertain that the owner has the capacity to undertake the conservation work required to correct or at least minimize the impact of these inappropriate interventions.

It is staff's opinion that we need more detailed, specific criteria in place to assist both staff and Committee members in evaluating whether or not a property should be registered. This does not mean that the criteria should be so restrictive that all properties with inappropriate interventions should be excluded. For example, Sacred Heart Church on George Street in Sydney, which is a registered property, was subjected to an inappropriate intervention a few years ago when it was covered in vinyl siding. However, the building's overall form and character are still very much intact, and that fact, combined with the structure's cultural and historical significance, justifies its status as a heritage property.

It is important that new and improved criteria for evaluating heritage properties be put in place soon. In 2018 we have seen an uptick in the number of property owners requesting registration. There are currently on file:

- Four formal written requests for registration (all these properties have been visited by staff and documented)
- Two requests that were reviewed by the Committee already and deferred
- Five requests for registration for properties that staff has not completing documentation
- Several inquiries about registering cemeteries that are separate from places of faith properties (in the past we have registered cemeteries only when they were on the same lot as a place of faith)

In principle, of course, it is highly desirable to have more properties registered, in that it helps achieve our goal of preserving more of CBRM's built heritage. However, it must also be recognized that as we increase the number of registered properties we also increase the number of potential applicants for funding from our Heritage Incentive Program, which has a very limited budget.

### **Proposed new criteria for adding properties to the CBRM Municipal Heritage Property Registry**

It is proposed that every property where heritage status is being considered be scored using the following matrix (revisions since last report at HAC' request are shown in red):

<b>Historic Significance</b>	
Age of Property	30 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points
<b>Architectural Significance</b>	
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, <b>unique pre-fabricated features on modern buildings</b> , etc.)	20 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed ( a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi- detached coal company house)	50 points
Exterior is wood, clay brick or natural stone	10 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points
Property is in a deteriorated state, requiring major repairs	-15 pts
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points
<b>Cultural Significance</b>	
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points
Association of the property with social or sports events within a community over a long period of time	25 points
<p><i>It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.</i></p>	

## **Recommendation**

It is my recommendation that the Committee endorse the above criteria for evaluating requests for the registration of municipal heritage properties. In my view doing so would lead to a more streamlined process and better decision making. The Committee may wish to forward the criteria to Council for formal approval as a policy of the CBRM.

Should these criteria (with or without changes) be adopted, it is my suggestion that the Heritage Officer score the properties and present the results to the members of the Committee before any decisions regarding registration are made. The Committee would review the scoring at a meeting and revise at its discretion. Alternatively, the Committee could appoint a sub-committee to work with staff on the scoring prior to bringing the results back to the entire committee.

If new criteria are adopted, it is my recommendation that the committee agree to meet again relatively soon to make decisions on the four requests that have been submitted and the two that were deferred earlier. Some of the property owners affected have been waiting for a decision on their request for quite some time.

For the committee's information, I have attached a copy of our current Heritage Registry.

Yours very truly,

Rick McCready, MCIP, MURP  
Senior Planner/Heritage Officer

Property	Location	PID #	Owner	Community	Date of Con
Grand Narrows Hotel	11 Derby Point Road, Grand Narrows	15306426	Terrance V. MacNeil	Grand Narrows	25-Oct-05
Jost House	54 Charlotte Street Sydney	15053994	Old Sydney Society	Sydney	21-Feb-06
Donald and Mary Landry House	79 Charlotte St., Sydney	15054703	Kenneth MacKeigan	Sydney	21-Feb-06
Peter House	16 Campbell St., Sydney	15055072	Eric Keys	Sydney	21-Mar-06
Little Red School House	6715 Seaside Drive, Dominion	15640030	Nova Scotia Natural Resources	Dominion	15-Jan-08
Lakeview House	7271 East Bay Highway/Loch Lomond Rd	15328560	W. Sharise McKeigan	Big Pond	23-Aug-01
Glace Bay Heritage Museum\ Former Town Hall	14 McKeen Street, Glace Bay	15395999	Glace Bay Heritage Museum Society	Glace Bay	15-Feb-00
Sacred Heart Roman Catholic Church	217 George St., Sydney	15058514	Roman Catholic Episcopal Corporation	Sydney	20-Dec-05
Mitchell Island Union Church	2645 Point Edward Highway	15211824	Mitchell Island Union Church	Point Edward	15-Feb-94
Fort Petrie	3479 New Waterford Highway	15518772	Sydney Harbour Fortifications Society	New Victoria	15-Feb-94
UNIA Hall	35 Jessome Street, Glace Bay	15447493	Universal Negro Improvement Association	Glace Bay	26-Jun-07
St. Paul's Rectory	2652 Morien Highway, Port Morien	15371479	Stan and Carol Munroe	Port Morien	26-Jun-07
St Andrews Church	40 Bentinck Street, Sydney	15062383	Kevin Colford	Sydney	21-Nov-06
Sydney and Louisbourg Railway Station	7330 Main Street, Louisbourg	15460751	CBRM	Louisbourg	15-Feb-11
Sydney and Louisbourg Railway Freight Shed	7328 Main Street, Louisbourg	15753668	CBRM	Louisbourg	15-Feb-11
Carman United Church	1 Clyde Avenue, Sydney Mines	15174337	Carman United Church	Sydney Mines	15-Feb-11
Carman United Church Manse	24 Huron Avenue, Sydney Mines	15172802	Carman United Church	Sydney Mines	15-Feb-11
Bank of Montreal ( former)	175 Charlotte Street, Sydney B1P 1C4	15061971	Old Sydney Society	Sydney	15-Jan-08
Union Presbyterian Church	4220 Louisbourg Highway, Albert Bridge	15340995	Union Presbyterian Church	Albert Bridge	21-Apr-09
St. Joseph's Church	2734 Lingan Rd, Lingan	15268188	Jody Rockett	Lingan	24-Sep-13
Red Row	603 Main St Sydney Mines	15175433	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	601 Main St Sydney Mines	15175441	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	599 Main St Sydney Mines	15175458	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	597 Main St Sydney Mines	15175466	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	595 Main St Sydney Mines	15175474	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	593 Main St Sydney Mines	15175482	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	591 Main St Sydney Mines	15175490	Deborah Gwinn	Sydney Mines	24-Sep-13
Red Row	589 Main St Sydney Mines	15175508	Joseph Duplessis	Sydney Mines	24-Sep-13
Red Row	587 Main St Sydney Mines	15175516	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	585 Main St Sydney Mines	15175524	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	583 Main St Sydney Mines	15175532	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	581 Main St Sydney Mines	15175540	Richland Development Corporation	Sydney Mines	24-Sep-13
Richard Brown House	32 Brown Street, Sydney Mines	15171069	Darryl Boudreau	Sydney Mines	23-Sep-14
Lewis House	7528 Main Street, Louisbourg	15462518	Saul MacNeil	Louisbourg	23-Sep-14
Heritage Home Bed and Breakfast	110 Queen St North Sydney	15017996	Juana Moreland	North Sydney	21-Feb-12
St. Michael's Polish Hall	972 Victoria Rd Sydney	15136518	St. Michael's Polish Benefit Society	Sydney	13-Aug-13
St. Michael's Polish Hall	972 Victoria Rd Sydney	15136526	St. Michael's Polish Benefit Society	Sydney	13-Aug-13
500 Purves Street	500 Purves St North Sydney	15030398	Jason Morrison	North Sydney	21-Feb-12
192 Mitchell Avenue	192 Mitchell Av Dominion	15376585	Deborah Lever	Dominion	21-Feb-12
1 Ankerville Street	1 Ankerville St Sydney	15084502	Kenzie MacNeil	Sydney	23-Sep-14
Fairholme Farm	439 Johnson Rd George's River	15192362	Thomas Ashford	George's River	21-Jun-16
Bank of Commerce (former)	299 Commercial St North Sydney	15029473	Paul Flinney et al	North Sydney	15-Aug-17
Navy League	7563 Main St Louisbourg	15458292	Mike Mondor	Louisbourg	15-Aug-17
St. George's Church	119 Charlotte Street, Sydney	15054448	Wardens of St. George's Church	Sydney	15-Aug-17
Christ Church	60 Church Lane, South Head	15607914	Anglican Diocese of Nova Scotia and PEI	South Head	07-Aug-18



# CBRM

*A Community of Communities*

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**Cape Breton Regional Municipality**

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## **Policy Respecting Criteria for Heritage Property Registration**

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This Policy shall be known as the “*Heritage Property Registration Criteria Policy*”.

### **STATEMENT OF POLICY:**

- It is the policy of the Cape Breton Regional Municipality (CBRM) to provide detailed, specific criteria to assist both staff and members of the Heritage Advisory Committee (Committee) in evaluating whether or not a property should be registered as a Municipal Heritage Property.

### **1.0 OBJECTIVE:**

- It is the objective of this Policy to streamline the process for evaluating requests for the registration of municipal heritage properties, resulting in better decision making.

### **2.0 RESPONSIBILITIES:**

- 2.1 The CBRM Council will approve the Heritage Property Registration Criteria Policy.
- 2.2 The Heritage Officer will receive the applications for registration of municipal heritage properties and score the properties based on the criteria outlined in Section 3.0 herein.
- 2.3 The Heritage Officer will provide a report to the Committee for each application, including the results of the scoring and recommendation regarding registration.
- 2.4 The Committee will review the Heritage Officer’s report and recommendation and render a decision regarding same. If the Committee recommends registration, the application is then forwarded to CBRM Council with a recommendation for approval.

**3.0 CRITERIA:**

<b>Historic Significance</b>	
Age of Property	30 points
Association of the property with the community’s economic, social, political, athletic or cultural history	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points
Association of the property with a significant event in a community’s history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points
<b>Architectural Significance</b>	
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed ( a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi- detached coal company house)	50 points
Exterior is wood, clay brick or natural stone	10 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points
Property is in a deteriorated state, requiring major repairs	-15 pts
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points
<b>Cultural Significance</b>	
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points
Association of the property with social or sports events within a community over a long period of time	25 points
<p><i>It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.</i></p>	

Approved by Council: \_\_\_\_\_ 2019

**Excerpt – Draft Heritage Advisory Committee Minutes – February 11, 2019**

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The Lyceum, 225 George Street, Sydney (PID 15058696 and PID 15176761)

**Motion**

Moved by Citizen Trifos, seconded by Citizen Ashford, that a recommendation be made to Council to begin the process of registering the Lyceum at 225 George Street, Sydney, as a Municipal Heritage Property.

**Motion Carried.**

**Rick McCready**  
**Planning Department**



**CBRM**

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**Cape Breton Regional Municipality**

January 31, 2019

**MEMO TO: Chairman and members, Heritage Advisory Committee**

**FROM: Rick McCready, Senior Planner/Heritage Officer**

**RE: Proposed Heritage Registration: The Lyceum, 225 George Street, Sydney. (PID 15058696 and PID 15176761)**

### **Background**

The CBRM is the owner of the Lyceum, a provincially registered heritage property, located at 225 George Street in Sydney. The Lyceum was until recently the site of the Cape Breton Centre for Heritage and Science, which was operated by the Old Sydney Society. Since the Old Sydney Society relocated to the former Bank of Montreal building on Charlotte Street, the Lyceum has been mostly vacant (a Tae Kwon Do club is leasing space on the third floor).

The Lyceum Society, a registered non-profit organization which has been leasing the building from the CBRM, is pursuing the possible redevelopment of the Lyceum as the Nova Scotia Music Centre, and a feasibility study exploring this concept is expected to get underway soon. There has also been some interest from other parties in establishing possible uses within the building. As a result, the CBRM may in the future be in a position where it would make sense to transfer the ownership of the building to another party.

As the building has great heritage value and has never been registered municipally, it is my opinion as Heritage Officer that it would be appropriate for Council to register the building at this time. Information on the historical significance of the Lyceum is attached.

### **Recommendation**

I would recommend that the HAC endorse the proposed registration of the Lyceum at 225 George Street as a municipal heritage property and forward the matter to Council for its consideration.

Yours very truly,

**Rick McCready, MCIP, MURP**  
**Senior Planner/Heritage Officer**



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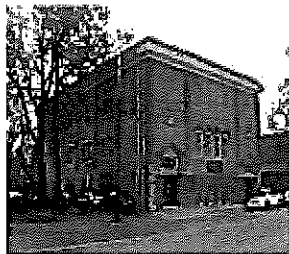
## Lyceum

225 George Street, Sydney, Nova Scotia, B1P, Canada

Formally Recognized: 1983/03/11



Lyceum, early 20th century



West elevation Lyceum



Front elevation Lyceum

### OTHER NAME(S)

n/a

### LINKS AND DOCUMENTS

[Lyceum Web site](#)

### CONSTRUCTION DATE(S)

1904/01/01 to 1904/12/31

LISTED ON THE CANADIAN REGISTER: 2007/06/18

### STATEMENT OF SIGNIFICANCE

#### DESCRIPTION OF HISTORIC PLACE

The Lyceum is located on George Street in Sydney, Nova Scotia. This large three-storey, Colonial Revival, pressed brick and firestone structure was built in 1904. It was designed as a multi-purpose cultural centre and in its heyday was considered the best equipped theatre in Eastern Canada. The building and surrounding property are included in the provincial designation.

#### HERITAGE VALUE

The Lyceum is valued as a symbol of an era of large scale growth and economic optimism in Sydney's history. The Lyceum's Greek name, meaning a place of learning, concerts and discussion, reflected the city's interest in becoming a cultural centre. It is valued for its continued fulfilment of this function for in excess of a hundred years. Its architectural elements of the Colonial Revival style embody the optimism prevalent at the turn of the beginning of the twentieth century.

The Lyceum was designed by George E. Hutchinson, of Cheppel Bros. & Co. Ltd., Sydney, for the Catholic Episcopal Corporation of Antigonish and was constructed by a Mr. Farlinger. When built, the four-storey Lyceum Theatre was considered the best equipped theatre in Eastern Canada, and boasted a 42-foot high stage and seating for 900. The basement contained a gymnasium with accompanying dressing rooms, while the upper storey contained club rooms and a library. The building cost \$37,000 to complete, which was a large sum for 1904.

Touring theatrical companies from Britain, the United States and Canada performed at the Lyceum during the first two decades of the twentieth century. From 1923 to 1924, the Scottish Catholic Society sponsored a "Gaelic School," with three teachers and three classes (adults, preschoolers and a grammar class) in the Sydney Lyceum. During the following two decades vaudeville and silent movies dominated the productions at the Lyceum until competition from new theatres brought a decline in business for the Lyceum.

Source: Provincial Heritage Property files, no. 175, Heritage Division, 1747 Summer Street, Halifax, NS

**CHARACTER-DEFINING ELEMENTS**

Character-defining elements of the fortification at Chapel Point include

- location of the fort within Sydney Harbour and across from Fort Patric
- all remnants of the gun emplacements and underground magazines with escape shafts

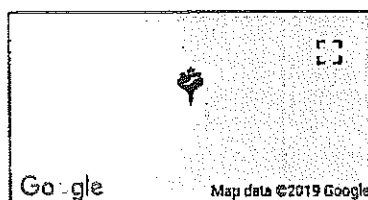
Character-defining elements of the battery observation post include

- placement of the tower on the fortification site set back from the gun emplacements and the underground magazines, and facing Sydney Harbour
- the concrete, four storey tower.

REGCOGNITION

HISTORICAL INFORMATION

ADDITIONAL INFORMATION



**NEARBY PLACES**



**Holy Ghost Ukrainian Church**  
49 West Street, Whitney Pier, Nova Scotia

Holy Ghost Ukrainian Church is located on West Street in the area of Sydney, Cape Breton known

35



**CN Train Station**  
159 Legatta Street, Sydney Mines, Nova Scotia

The CN Train Station is located on Legatta Street in the centre of Sydney Mines, Nova Scotia. This

The Chapel Point Battery, located just off Amber Drive, Sydney Mines. (PID 15178908):

**Motion**

Moved by Councillor Prince, seconded by Citizen Trifos, that a recommendation be made to Council to begin the process of registering The Chapel Point Battery off Amber Drive, Sydney Mines, as a Municipal Heritage Property.

**Motion Carried.**

*Rick McCready*  
*Planning Department*



**CBRM**

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**Cape Breton Regional Municipality**

January 31, 2019

**MEMO TO: Chairman and members, Heritage Advisory Committee**

**FROM: Rick McCready, Senior Planner/Heritage Officer**

**RE: Proposed Heritage Registration: The Chapel Point Battery, located just off Amber Drive, Sydney Mines. (PID 15178908)**

**Background**

The CBRM is the owner of the Chapel Point Battery, a provincially registered heritage property, located just off Amber Drive in Sydney Mines. Chapel Point is the site of a command post and other fortifications that were part of the military infrastructure that was put in place during World War II to protect Sydney Harbour from attack by enemy forces.

A proposal to develop this property both as a historic attraction and a recreational park was prepared by the Town of Sydney Mines before amalgamation, but the funds to implement the plans were never secured. Today the structures on the site are in a very deteriorated state.

Recently, however, as Council is aware, the AMP (Atlantic Memorial Park) Society has put together an ambitious plan for developing the site as both a tourist attraction and as a commemorative park to honour those who have served in Canada's armed forces. The first phase of this project (the restoration of the Command Post and the development of a trail connecting the Command Post to the nearby beach) will get underway this spring.

The possibility of transferring ownership of the property to the AMP Society, a registered non-profit society, is a possibility in the future as the Society will be responsible for operating the park.

As the property has great heritage value and has never been registered municipally, it is my opinion as Heritage Officer that it would be appropriate for Council to register the building at this time. Information on the historical significance of Chapel Point is attached.

**Recommendation**

I would recommend that the HAC endorse the proposed registration of Chapel Point in Sydney Mines (PID 151789908) as a municipal heritage property and forward the matter to Council for its consideration.

Yours very truly,

Rick McCreedy, MCIP, MURP  
Senior Planner/Heritage Officer



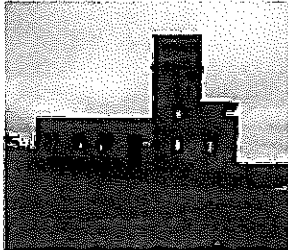
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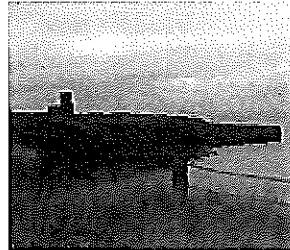
### Chapel Point Battery Site

Church Street and Amber Drive, Sydney Mines, Nova Scotia, B1V, Canada

Formally Recognized: 1993/07/29



Battery observation post



Fortification site



Fortification site

#### OTHER NAME(S)

Chapel Point Battery Site

Chapel Point Fortification

#### LINKS AND DOCUMENTS

n/a

#### CONSTRUCTION DATE(S)

LISTED ON THE CANADIAN REGISTER: 2007/01/31

#### STATEMENT OF SIGNIFICANCE

##### DESCRIPTION OF HISTORIC PLACE

Chapel Point Battery Site is a World War II era fortification site at Sydney Mines, Cape Breton Island, built to guard Sydney Harbour. Chapel Point includes an observation post and gun batteries and several below ground fortifications. The buildings and underground fortifications are all included in the designation as well as the surrounding property.

##### HERITAGE VALUE

Chapel Point is valued historically as it played a significant role in the defense of Sydney Harbour during World War II. It is also valued architecturally for its massive construction and such details as deeply placed magazines. It is unique among Canada's wartime coastal defences.

Chapel Point was built in 1939 by E.G.M. Cape Construction Company. Working in conjunction with Fort Petrie, located across the harbour, Chapel Point guarded Sydney Harbour. Both sites protected departing convoys and naval ships based at nearby Point Edward Naval Base from German submarines that patrolled waters surrounding eastern Canada, as well as local industry, which was vital to the war effort. Because of its proximity to the cod fishery, coal mines and the entrance to central Canada through the St. Lawrence River, Sydney Harbour was a strategic defense location, second only to Halifax.

Chapel Point consisted of a battery observation post, gun emplacements, and an extensive underground system housing magazines, and unidentified restricted areas. Chapel Point was decommissioned in 1943 and largely dismantled in 1946. The town of Sydney Mines later purchased the site.

Fort Petrie, Chapel Point's sister fort, was also built in 1939 by E.G.M. Cape and was last of the Sydney Harbour fortifications to be decommissioned in 1956. The communication tower was demolished in 1968. The Sydney Harbour Fortification Society bought the fort in 1991. A museum is now contained in the battery observation post dedicated to the history of the site.

Source Provincial Heritage Property files, no 175, Heritage Division 1747 Summer Street, Halifax, NS

**CHARACTER-DEFINING ELEMENTS**

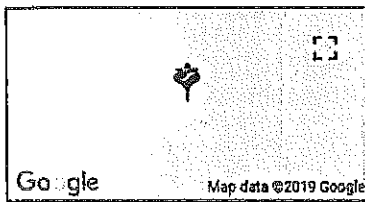
Character-defining elements of the fortification at Chapel Point include:

- location of the fort within Sydney Harbour and across from Fort Petrie
- all remnants of the gun emplacements and underground magazines with escape shafts

Character-defining elements of the battery observation post include

- placement of the tower on the fortification site set back from the gun emplacements and the underground magazines, and facing Sydney Harbour;
- the concrete, four storey tower.

- ① RECOGNITION
- ② HISTORICAL INFORMATION
- ③ ADDITIONAL INFORMATION



**NEARBY PLACES**



**Holy Ghost Ukrainian Church**  
49 West Street, Whitney Pier, Nova Scotia

Holy Ghost Ukrainian Church is located on West Street in the area of Sydney Cape Breton known

or



**CN Train Station**  
159 Legatto Street, Sydney Mines, Nova Scotia

The CN Train Station is located on Legatto Street in the centre of Sydney Mines Nova Scotia. This



# CBRM

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## Memo

**Date:** February 14, 2019  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Nova Scotia Association of Realtors – Deed Transfer Tax

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On January 2, 2019, Councilors across the province received a letter from the Nova Scotia Association of Realtors lobbying for amendments to Deed Transfer Tax Policies. Specifically, the Association is requesting that governments amend Deed Transfer Tax (DTT) policies to either waive the DTT for first-time buyers on the purchase of their home, or extend the DTT payment period over five (5) years.

The Association proposes that such amendments would reduce budget fluctuations and encourage home buying in the municipality.

In CBRM, we have not experienced budget fluctuations with respect to deed transfer tax revenues. Such amendments to waive or extend the payment period would in fact negatively impact our annual revenues as deed transfer currently sits at 2.5 million. With respect to encouraging home buying, it is administration's view that it is not deed transfer tax, a one-time tax, that is inhibiting home purchases, but rather the unfair tax distribution to new home buyers as a result of CAP legislation which significantly increases the tax burden on new home sales as they become uncapped.

As the proposed changes are governed by provincial legislation rather than local authority, Municipalities do not have the authority to make the lobbied changes to deed transfer tax. Legislation governing deed transfer tax is stipulated in Section 102-110 of the Municipal Government Act with the pertinent sections specific to the request noted as follows:

**Deed transfer tax by-law**

**102 (1)** *A council may determine, by by-law, that a deed transfer tax applies in the municipality and the rate of the deed transfer tax, but the rate of the deed transfer tax shall not exceed one and one half per cent of the value of the property transferred.*

**102 (2)** *A deed transfer tax applies to the sale price of every property that is transferred by deed.*

**Deed transfer tax payment**

**104** *The deed transfer tax shall be paid by the grantee named in the deed within ten days of the transfer.*

**Deed transfer tax is a lien**

**108 (1)** *The deed transfer tax, with interest and penalty, is a lien upon the property transferred.*

**108 (2)** *The lien attaches on the date when the deed transfer tax is due and may be collected in the same manner as taxes.*

**Registrar of Deeds as agent and collector**

**110** *Where the council and the Minister agree that the Registrar of Deeds is to be the municipality's agent and collector of the deed transfer tax, the Registrar is the municipality's agent and collector and has all of the powers of the treasurer pursuant to this Part.*

Given the reasons stated above, it is recommended that we do not support a lobbying of the changes requested and instead ask that the Nova Scotia Association of Realtors continue to lobby the Provincial Government for the phase out of the CAP.

Respectfully submitted,

**ORIGINAL SIGNED BY**

Jennifer Campbell, CPA, CA  
Chief Financial Officer



January 2, 2019

Dear Councilor,

The Nova Scotia Association of REALTORS® (NSAR) represents more than 1,500 members throughout the province who are dedicated to improving the quality of life for everyone who lives and works here. We are pleased to partner with strong leaders who recognize the important social, environmental, and economic impacts of the real estate industry on our communities.

REALTORS® in Nova Scotia have been lobbying municipal and provincial government officials to amend Deed Transfer Tax (DTT) policies. REALTORS® propose that municipalities either waive the DTT for first-time buyers on the purchase of their home, or extend the DTT payment period over five years. Each of these options can be tailored to suit the respective needs of municipalities.

For municipalities, a change in collection of the DTT would reduce budget fluctuations, if chosen to spread the payment over five years, and would permit appropriate fiscal planning. For first-time homebuyers, waiving the tax would ease financial burdens at the time of purchase and encourage home buying in your municipality, and our province. Extending the payment period of DTT will allow housing acquisition costs to be spread out over a number of years, as DTT payments can equal up-to one-third of a five per cent down payment for first time buyers.

In 2018, new homeowners have boosted their local economies through spin-off spending, which averages \$44,150 per transaction in Nova Scotia, plus an increased property tax base. Nova Scotian homeowners will also contribute an estimated \$29.9 million in municipal taxes throughout the province in 2018.

In the New Year, REALTORS® from your community will reach out to schedule one-on-one conversations and offer council presentations on our proposal. I encourage you to consider our proposal and how it can benefit your community, and our provincial economy. If you have any questions, please reach out to Paige Hoveling, NSAR's Government Relations Coordinator at (902)-468-5764 or [phoveling@nsar.ns.ca](mailto:phoveling@nsar.ns.ca). We look forward to speaking with you about stimulating your local market and attracting new residents to your community.

Kind regards,

Aaron Millen  
President

Roger Boutillier  
Chief Executive Officer

Roy Milley  
Chair, Provincial/Municipal  
Action Committee

Learn Share Advance

68 Bigfield Park Drive, Suite 102  
Dartmouth, NS B3B 0W4

T 902-468-2515 1-800-344-2001  
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[nsar.ns.ca](http://nsar.ns.ca)



*A Community of Communities*

## Issue Paper

**TO: CBRM COUNCIL**

**February 2019**

**RE: Solid Waste Tip Fees Adjustments**

### **BACKGROUND**

The current Solid Waste tipping fees were approved by council November 2005. The then motion of council incorporated Waste Disposal Tip Fee Schedule 1 into the Solid Waste Resource Management By-Law. Tip Fees have not been adjusted since.

In February of 2018 council approved amendments to the Solid Waste Resource Management By-Law. One of the many changes approved within the motion was an amendment changing Tipping fee schedule 1 to an attachment to the bylaw. This change allows for a smoother process for updating tipping fees going forward.

### **DISCUSSION**

As mentioned earlier tipping fees have not been altered since their inception in November 2005. When introduced in 2005 CBRM's tipping fees were lower than many in the province but represented a fair baseline starting point.

#### **2005 per tonne tipping fees**

Municipality	(RMW)	C&D Unsorted	Organics
CBRM	\$80	\$80	\$50
IIRM	\$118	\$115	\$75
Cumberland	\$125	\$90	\$78
Antigonish	\$45	\$45	\$45
Guysborough	\$64.60	\$0	\$40

To put these numbers into perspective, the year tipping fees were introduced the operating budget for the solid waste department was \$8.1 million. The current year operating budget for solid waste (2018-19) is \$12.66 million. This equates to a 56% increase over the 13 year period.

It is important to point out that tipping fees were never intended to cover the costs of operating the solid waste department but were introduced to "help offset the continuing costs to properly manage solid waste as per Provincial Regulation requirements." (Issue paper from 2005)

A review of the current tipping fees charged at various facilities across the province shows increases of varying degrees over the intervening 13 year period while CBRM's fees have remained the same.

**Current per tonne tipping fees**

Municipality	(RMW)	C&D Unsorted	Organics
CBRM	\$80	\$80	\$50
HRM	\$125	\$115	\$75
Cumberland	\$215	\$90	\$90
Antigonish	\$100	\$50	\$55
Guysborough	\$78.86	\$78.86	\$55

An important point of reference from the 2005 tipping fee table would be the fees charged by Guysborough. It is worth noting that all of CBRM's (RMW) residual mixed waste is disposed of at this facility.

CBRM is currently paying \$78.86/tonne for disposal of RMW, an increase of 22% from the 2005 rate. This increase corresponds with the increase in CPI over the 13 year period.

Staff believes that an increase of 20% to the current tipping fees charged by CBRM would be appropriate at this time. As well going forward staff believes that on a go forward basis the tipping fee rate should be tied to the CPI all-in rate for Nova Scotia for the preceding year, to take effect on April 1<sup>st</sup> of each year.

**FINANCIAL IMPLICATIONS**

A 20% increase to the current tipping fees would result in a \$400,000 increase in the tipping fee revenue from \$2,000,000 to \$2,400,000.

**TIMELINE**

The updated tipping fees should take effect April 1<sup>st</sup>, 2019.

**RECOMMENDATIONS**

1. An increase of 20% to the current tipping fees to be instituted as of April 1<sup>st</sup> 2019
2. Going forward tipping fees to be updated on April 1<sup>st</sup> of each year to reflect any changes to the Nova Scotia CPI all in from the preceding 12 month period.

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**Francis Campbell**  
**Manager Solid Waste**

## Appendix A:

### Waste Disposal Tipping Fee Schedule 1 - Effective date April 1, 2019

PRODUCT	TIPPING FEE	COMMENTS
<b>RMW (Residual Mixed Waste)</b>	ICI sector = <b>\$96.00/tonne</b>	Residual mixed waste - RMW (Garbage) tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>C&amp;D Unsorted (Construction &amp; Demolition)</b>	ICI sector = <b>\$96.00/tonne</b>	Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>C&amp;D Wood (Construction &amp; Demolition)</b>	ICI sector = <b>\$48.00/tonne</b>	Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>Impacted Soil</b>	ICI sector = <b>\$36.00/tonne</b>	Impacted soil waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
<b>Scrap Metal</b>	ICI sector = <b>\$36.00/tonne</b>	Scrap Metal waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>Organics</b>	ICI sector = <b>\$60.00/tonne</b>	Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>Organics Unsorted (Contaminated)</b>	ICI sector = <b>\$90.00/tonne</b>	Unsorted or Contaminated Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
<b>Asbestos</b>	ICI sector = <b>Friable \$36.00/regulation bag - minimum charge = \$600.00 Non-Friable \$96.00/tonne</b>	Prior notice and approval is required before material arrival. Phone Waste Management Facility site 563-5590.
	Residential - no charge	
<b>Leaf &amp; Yard Waste</b>	no charge	No Charge for Leaf & Yard Waste

**Livestock Animal Nuisance By-law**

**Motion:**

Moved by Councillor Coombes, seconded by Councillor MacMullin, that a recommendation be made to Council to approve the Responsible Animal Husbandry Bylaw and to schedule the necessary Public Hearing as outlined in the staff Issue Paper dated January 29, 2019.

**Motion Carried.**



## **MEMO TO: COUNCIL**

**FROM: Malcolm Gillis**

**SUBJECT: RESPONSIBLE ANIMAL HUSBANDRY BYLAW**

**DATE: February 11<sup>th</sup>, 2019**

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Since this draft Bylaw was first presented to the General Committee of Council the Legal Department completed its review. One minor amendment has been inserted on their recommendation. That is, the Bylaw now includes a definition for the term “agricultural commodity”. It reads as follows ...

“Agricultural commodity means a product of an agricultural operation sold on the retail or wholesale market.”

No other amendments were recommended by the Legal Department.

Malcolm Gillis  
Director of Planning  
Cape Breton Regional Municipality

# Responsible Animal Husbandry By-law

of the Cape Breton Regional Municipality  
regulating the care of domestic livestock animals

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Pursuant to Provision 174.f of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following Bylaw:

**WHEREAS** Provision 174.f gives municipalities the authority to adopt Bylaws respecting domestic livestock animals and activities in relation to them; and

**WHEREAS** the Cape Breton Regional Municipality intends to regulate incessant sounds and/or noises caused by domestic livestock animals, and also odours caused by improper care of domestic livestock animals that adversely affect the reasonable enjoyment of neighbouring properties

The Council of the Cape Breton Regional Municipality hereby adopts this Responsible Animal Husbandry By-law regulating the care of domestic livestock animals.

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## **PURPOSE**

The purpose of this Bylaw is to allow the keeping of most domestic livestock animals for non-agricultural purposes **throughout** the Cape Breton Regional Municipality **provided** responsible animal husbandry is practiced to ensure the reasonable use of their property by other property owners in the neighbourhood is not adversely affected because of **offensive odours or noise**.

## **Section A. Definitions**

**Agricultural commodity** means a product of an agricultural operation sold on the retail or wholesale market.

**Animal husbandry** is the branch of agriculture concerned with animals that are raised for meat, fibre, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.

**Agricultural operation** means the use of land, buildings and structures for the production of crops, or raising and/or caring of livestock with the expectation of financial gain as a commodity.

**At large** means any domestic livestock animal found outside its owner's premises or property

**CBRM** wherever used in this Bylaw means the Cape Breton Regional Municipality.

**Domestic fowl** means poultry which are valued for their meats and eggs including chickens, turkeys, ducks, geese, pigeons and guinea fowl which are kept as pets or for personal use only, but does not include roosters.

**Domestic livestock** means an animal capable of providing a product (e.g. eggs, milk, meat, fur, wool, honey etc.), or bred historically to perform a task (e.g. large draft animals such as a horse, oxen, carrier pigeons). Domestic livestock do not need to be currently used to provide a product or perform a task to be subject to the provisions of this Bylaw. A domestic livestock is not wild, feral, or a pet animal as defined by this Bylaw.

**Incessant sound** means vocal sound produced by the larynx of a domestic livestock exceeding a cumulative twenty (20) minute period within any one (1) hour timeframe;

**Large draft animal** means a domestic livestock animal bred to perform a task such as pulling (e.g. oxen) or riding (e.g. horse).

**Living space** means any confined area to which domestic livestock animals have access.

**Offensive Odour** means odour that is offensive is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).

**Pet animal** means a tamed animal primarily kept within a dwelling for companionship.

**Rooster** means an adult male chicken.

**Stable** means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.

**Urban property** means a lot parcel serviced by a CBRM sanitary sewer main or a property being charged the sanitary sewer rate in the CBRM tax system.

In this Bylaw words used in the **singular** may be interpreted to also mean the **plural** and words used in the **plural** may also be interpreted to mean **singular**, unless they are prefaced with a specific number (e.g. one large draft animal)

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## **Section B. Provisions**

1. Domestic livestock animals used solely to provide a product exclusively for the use of the owner of the property on which they are kept are permitted throughout the Regional Municipality.

2. The keeping of domestic livestock animals:
  - used to provide an agricultural commodity; or
  - used as a draft animal in an agricultural operation;
 shall be considered an agricultural use and subject to compliance with the CBRM Land Use Bylaw having jurisdiction and therefore, is not subject to this By-law.
3. Incessant sound produced by a domestic livestock animal experienced on a property other than where the incessant sound is emanating from shall be a violation of this By-law when the incessant sound is emanating from:
  - an urban property; or
  - any rural property where the raising and/or caring of livestock is not as an agricultural commodity.
4. Offensive Odour is odour emanating from:
  - an urban property; or
  - any rural property where the raising and/or caring of livestock is not as an agricultural commodity;
 emanating from domestic livestock animals, and/or their shelters, and/or any ancillary facilities associated with the care of the animals that unreasonably interferes with the enjoyment of life of residents, or the use of property in proximity is a violation of this Bylaw if the odour is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).
5. Roosters are banned from any urban property or any rural property where the housing of domestic livestock animals is not as an agricultural commodity.
6. All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.
7. Any owner or harbourer of domestic livestock animal who does not prevent it from going at large shall be liable of an offence under this By-law.

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### **Section C. Enforcement**

1. Enforcement of this Bylaw shall be the responsibility of the Police Department of the CBRM.
2. The Police may Order the assessed owner of the property on which domestic livestock animals are being kept to remedy the condition when sufficient evidence of a violation of any of the provisions of Section B of this Bylaw has been collected.
3. If the condition is not remedied within the time specified in the Order a Summary Offence Ticket may be issued.

4. The assessed owner of a property on which a domestic livestock animal is being kept which is not in compliance with any of the provisions of Section B of this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.

- 1<sup>st</sup> offence within a 12 month period = \$165.00
- 2<sup>nd</sup> offence within a 12 month period = \$279.00
- 3<sup>rd</sup> offence within a 12 month period = \$425.00
- 4<sup>th</sup> offence within a 12 month period = \$605.00

5. Where the owner fails to pay the fine within the time specified the Police may direct an official delegated by the Council of the Cape Breton Regional under Section \_\_\_\_ of the *Municipal Government Act* to enter upon the property without warrant or other legal process and remove the domestic livestock animal. The cost associate with the removal and retention of a domestic livestock animal will be the responsibility of the owner.

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**PASSED AND ADOPTED:** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on \_\_\_\_\_ 2019.

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**MAYOR**

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**CLERK**

***THIS IS TO CERTIFY*** that the attached is a true and correct copy of the By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on \_\_\_\_\_ 2019.

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CBRM CLERK



## **ISSUE PAPER**

**TO: COUNCIL'S GENERAL COMMITTEE**

**From: Malcolm Gillis and Karen Neville**

**RE: Livestock animal nuisance Bylaw**

**Date: January 29<sup>th</sup>, 2019**

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This issue paper is written in response to a number of requests from individual councillors and a Motion of Council for staff to prepare **(1) an issue paper and (2) a draft Bylaw** intended to address complaints from constituents about noise and odour caused by the keeping of livestock animals. Invariably, the complaints are either of noise and/or odor, and the common thread is that the noises and odors are incessant. The animals being kept are never the common domestic pets which are intended to be companion pets (e.g. cats, dogs). Instead they are the types of animals normally considered livestock (e.g. chickens, pigs, horses) and which are generally not being kept as companion pets.

There currently is no Bylaw addressing the issue of odour and the Noise Bylaw has been determined ineffective as a tool to address complaints of animal noises by both the Crown Prosecution office and the CBRM Police Department. From the legal information Planning and Development Department staff has reviewed there are four essential principles that must be addressed in order for such a Bylaw to be effectively enforced and violations successfully prosecuted. (1) The source of the noise or odour must be identifiable, (2) the noise or odor must be offensive, (3) it must occur over an extended period of time, and (4) you must measure it.

Planning and Development Department staff organized a committee comprised of:

- people who claim to be adversely affected by either the noise or odour emanating from a site where livestock animals are being kept outside of a bona fide agricultural farm in urban and rural residential neighbourhoods;
- owners of livestock animals who are practicing effective animal husbandry;
- a representative of the CBRM Police Department (i.e. the Department expected to enforce any Bylaw adopted by Council and Planning Department staff);
- a representative of the Province's Department of Agriculture.

After a number of meetings the committee is unanimously endorsing a draft Bylaw prepared for Council adoption and CBRM administration and enforcement. The draft Bylaw is included with this issue paper. It is just 4 pages long so I encourage each and every councillor to read it. The salient points of the Bylaw are ...

- The focus of this Bylaw is **not** to be authoritarian. With the adoption of this Bylaw CBRM will be embracing the keeping of livestock animals ANYWHERE in the Regional Municipality with very few exceptions. However, those keeping livestock animals will be expected to respect their neighbours and practice responsible animal husbandry.
- **The keeping of domestic livestock animals used to provide an agricultural commodity, or used as a draft animal in an agricultural operation is not subject to this By-law.**
- The Bylaw is succinct. It is not quite 4 full pages long and approximately 40% of it is devoted to definitions so that it is easily understood.
- The Bylaw is focused and simple. There are just two violations of the Bylaw. Your animals are either too noisy or your poor husbandry practices are resulting in odours which should not be endured by your neighbours and will not be tolerated by the CBRM.
- The Bylaw does not play the numbers game. We are not counting animals and we are not imposing yard sizes.
- The Bylaw is not an animal husbandry standards document. We are not inspecting premises and therefore there is no need for an increased bureaucracy to administer and enforce it.
- Violations of the Bylaw are measured either by time (i.e. noise) or by a technical device operated by a skilled technician (i.e. odour). There is a cost as the skilled technician will be under contract, but there is no expectation this cost will be significant because the expected volume of complaints should not be great.
- The Police do not have to enter the property (which would require a warrant) from which the noise or odour is emanating to gather evidence.
- Enforcement provisions can be imposed swiftly because the use of Summary Offence Tickets will be permitted and the fine amount increases as the number of violations increases.

It is the opinion of the staff of this Department that the draft Bylaw with this report effectively implements the principles explained on page 1 of this issue paper and the Police Department is prepared to test the Bylaw as an enforcement tool.

**Recommendation:**

I recommend that the General Committee ask Council to adopt this Bylaw and that Council pass a Motion to schedule the necessary Public Hearing.

**Respectfully submitted by:**

**ORIGINAL SIGNED BY**

**Malcolm Gillis**  
**Director of Planning and Development**

**Proposed amendments to the CBRM Heritage Property Bylaw**

**Motion**

Moved by Councillor Prince, seconded by Citizen Ashford, that a recommendation be made to Council to approve the amendments to the Heritage Property Bylaw to make the bylaw consistent with the recent amendments to the *Heritage Property Act* as outlined in the staff Issue Paper dated February 4, 2019.

**Motion Carried.**



**CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

February 4, 2019

**MEMO TO: Chairman and members, Heritage Advisory Committee**

**FROM: Rick McCready, Senior Planner/Heritage Officer**

**RE: Proposed amendments to the CBRM Heritage Property Bylaw**

**Background**

The Province recently amended the *Heritage Property Act* to enable municipalities to delay substantial alterations to, or demolitions of, heritage properties up to a maximum of three years. Previously the delay period was a maximum of one year. Most municipalities in the Province have amended their heritage property bylaws to make them consistent with the new legislation.

If CBRM amends its bylaw to allow for a maximum three year delay period, it should be noted that Council retains the ability to approve a substantial alteration or a demolition without waiting the three year period, subject to the procedures outlined in the Act.

**Recommendation**

I would recommend that the HAC endorse amendments to the Heritage Property Bylaw to make the bylaw consistent with the recent amendments to the *Heritage Property Act*, and forward the amendments to Council for approval. A copy of the bylaw with the revisions is attached for the Committee's perusal. Please note that some minor housekeeping changes have also been made to the bylaw to better reflect current procedures for heritage property registration.

Yours very truly,

Rick McCready, MCIP, MURP  
Senior Planner/Heritage Officer

## CAPE BRETON REGIONAL MUNICIPALITY

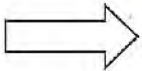
## Bylaw C3

**HERITAGE PROPERTY**

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## 1. In this Bylaw:

- (a) "Council" means the Council of the Cape Breton Regional Municipality;
- (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
- (c) "Act" means the *Heritage Property Act*;
- (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
- (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
- (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act.



- 2. (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
- (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
- (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
- (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.

3. The **Clerk Heritage Officer** shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the **Clerk Heritage Officer**;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (c) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

- 6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.
- 7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.
- 8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

**Passed and adopted** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995; and amended on April 17, 2007, and 2019.

\_\_\_\_\_  
**Mayor Cecil P. Clarke**

\_\_\_\_\_  
**Deborah Campbell Ryan, Clerk**

**This is to certify** that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995, and amended on April 17, 2007 and 2019.

\_\_\_\_\_  
**Deborah Campbell Ryan, Clerk**

**DATE OF ADVERTISEMENTS:** October 27, 1995  
 July 10, 2007 (amendment)

**SCHEDULE "A"****NOTICE OF RECOMMENDATION****TO REGISTER A MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) **Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;**
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

Per:  
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF CAPE BRETON SS)

**ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2\_\_\_\_\_, before me, the subscriber, personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h\_\_\_\_\_ presence.

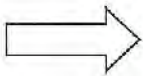
Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

SCHEDULE "B"NOTICE OF REGISTRATIONMUNICIPAL HERITAGE PROPERTY**Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) **Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;**
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.



For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

**DATED** at Sydney, Nova Scotia, this [date].

Cape Breton Regional Municipality

Per:  
Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF CAPE BRETON SS)

ON THIS      day of      , A.D., 2\_\_\_\_, before me;  
the subscriber, personally came and appeared      the subscribing witness to the  
foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE  
BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be  
executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper  
officer in h    presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

Statement of Revenue

Summary

Revenue	Year To Date Assigned	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 81,137,925	\$ 80,858,694	\$ 279,231	\$ 107,811,592	\$ 26,673,667
Total Federal Government	2,325,000	2,325,000	(0)	3,100,000	775,000
Total Provincial Government	565,184	565,184	0	753,578	188,394
Total Local Government	1,558,689	1,558,689	0	2,078,252	519,563
Total Provincial Government Agencies	2,291,453	2,292,962	(1,509)	3,057,283	765,830
Total Services to Other Local Government	457,046	456,616	430	608,821	151,775
Total Transit	707,326	583,125	124,201	792,500	85,174
Total Environmental Development Services	185,805	184,500	1,305	246,000	60,195
Total Licenses & Permits	118,289	112,875	5,414	150,500	32,211
Total Fines & Fees	426,779	429,639	(2,860)	572,852	146,073
Total Rentals	394,964	377,723	17,241	503,630	108,666
Total Concessions & Franchises	263,556	273,750	(10,194)	365,000	101,444
Total Interest on Taxes	936,168	1,210,502	(274,334)	1,614,003	677,835
Total Finance Revenue	20,135	22,500	(2,365)	30,000	9,865
Total Solid Waste Revenue	1,766,034	1,725,000	41,034	2,300,000	533,966
Total Recreation & Cultural Service Programs	984,770	844,151	140,619	2,065,000	1,080,230
Total Water Utility Charges	3,713,632	3,713,633	(0)	4,951,510	1,237,878
Total Unconditional Transfers	11,973,997	11,895,212	78,785	15,860,282	3,886,285
Total Conditional Transfers	-	-	-	-	-
<b>Year To Date Assigned</b>	<b>109,826,752</b>	<b>109,429,754</b>	<b>396,999</b>	<b>146,860,803</b>	<b>37,034,051</b>

Summary

Statement of Expenditures

December 31, 2018

Expenditures	Year to date Expended	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,007,474	\$ 1,127,627	\$ 120,153	\$ 1,455,969	\$ 448,495
Administration	554,255	564,295	10,040	1,083,980	529,725
Finance	2,104,905	2,132,382	27,476	2,860,330	755,425
Legal	512,844	516,874	4,030	676,601	163,757
Human Resources	804,586	950,332	145,746	1,374,144	569,558
Technology & Communications	783,844	817,434	33,590	1,301,881	518,037
Municipal Clerk	292,061	299,033	6,972	536,755	244,694
Fiscal Services	26,733,318	26,832,745	99,427	31,894,505	5,161,187
Police Services	19,487,674	19,652,005	164,331	26,994,915	7,507,241
Fire Services (Incl EMO)	13,414,518	13,807,840	393,322	18,201,998	4,787,480
Engineering & Public Works	33,370,542	33,508,428	137,886	45,577,828	12,207,286
Planning	1,883,083	1,905,510	22,427	2,656,806	773,723
Facilities C200 & Arenas	2,596,413	2,562,357	(34,056)	3,398,410	801,997
Parks & Grounds	2,213,446	2,129,682	(83,764)	2,832,660	619,214
Buildings	2,528,087	2,478,224	(49,863)	3,374,564	846,477
Recreation	2,216,483	2,210,659	(5,824)	2,639,461	422,978
<b>Total expended to date</b>	<b>\$ 110,503,532</b>	<b>\$ 111,495,426</b>	<b>\$ 991,894</b>	<b>\$ 146,860,807</b>	<b>\$ 38,357,275</b>

Departmental

Reviewed

**Port of Sydney Development Corporation**  
Income Statement for 9 Month Period Ended December 31, 2018

	YTD Actual	YTD Budget	Variance to Budget	Annual Budget
Wharfage & Berthage	461,643.69	386,331.58	75,312.11	475,529.08
Event Revenue	63,735.20	54,300.00	9,435.20	57,450.00
Miscellaneous Revenue	18,401.92	4,750.00	13,651.92	5,500.00
Storage & Rental	262,384.94	236,136.72	26,248.22	258,817.72
Passenger tax	1,036,816.00	936,880.00	99,936.00	936,880.00
Security/Traffic Control	167,883.62	150,472.11	17,411.51	160,212.21
Transport Canada Marketing Rev.	24,672.11	35,000.00	(10,327.89)	35,000.00
Craft Market Revenue	83,108.71	83,780.00	(671.29)	83,780.00
	<u>2,118,646.19</u>	<u>1,887,650.41</u>	<u>230,995.78</u>	<u>2,013,169.01</u>
Wages & Salaries	550,323.35	647,317.63	(96,994.28)	846,816.13
Professional Fees	31,841.56	65,000.00	(33,158.44)	78,500.00
Advertising & Promotions	39,461.00	51,380.00	(11,919.00)	54,680.00
Cruise Activities	53,874.37	44,980.00	8,894.37	54,105.00
Dues & Membership Fees	43,632.70	44,101.00	(468.30)	45,591.00
Event Expense	10,527.67	14,000.00	(3,472.33)	14,085.00
Insurance	62,558.24	43,811.00	18,747.24	67,311.00
Interest & Bank Charges	8,107.54	4,720.00	3,387.54	6,220.00
Office & Admin	30,754.44	58,419.00	(27,664.56)	72,165.00
Miscellaneous	3,075.67	6,000.00	(2,924.33)	7,500.00
Repairs & Maintenance	165,244.93	162,551.00	2,693.93	212,398.00
Capital Repairs	16,776.49	80,000.00	(63,223.51)	100,000.00
Travel	11,448.84	29,196.65	(17,747.81)	40,040.00
Utilities	147,214.62	152,989.00	(5,774.38)	200,464.00
Bad Debts	1,212.82	250.00	962.82	500.00
Security	175,291.35	159,461.47	15,829.88	168,988.33
Bus Development Transport Can	16,791.20	0.00	16,791.20	0.00
Leasehold Improvements	629.00	10,000.00	(9,371.00)	10,000.00
	<u>1,368,765.79</u>	<u>1,574,176.75</u>	<u>(205,410.96)</u>	<u>1,979,363.46</u>
	749,880.40	313,473.66	436,406.74	33,805.55
ACOA Marina Proceeds	150,446.00	0.00	150,446.00	0.00
Less Amortization	(220,806.00)	(220,806.00)	0.00	(294,405.00)
Net Income (Loss)	<u>679,520.40</u>	<u>92,667.66</u>	<u>586,852.74</u>	<u>(260,599.45)</u>

