

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, FEBRUARY 23RD, 2021

TIME:

6:00 PM

Via Video Conferencing

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Cape Breton Regional Municipality

Council Meeting

Tuesday, February 23, 2021

6:00 pm

AGENDA ITEMS

Roll Call

Moment of Silent Reflection

- Councillor James Edwards - Recognition of the late Tommy Trainor

1. APPROVAL OF MINUTES: (Previously Distributed)

- Council – January 26th, 2021
- Council – February 9th, 2021

2. APPROVAL OF AGENDA: (Motion Required)

3. PROCLAMATION:

- ##### 3.1 Kidney Health Month & Kidney Health Day: Councillor Glenn Paruch (See page 6)

4. PLANNING ISSUE:

4.1 FINAL APPROVAL – PUBLIC HEARING

- ##### a) Case 1076 – North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request from Kevin Colford to Amend Parking Requirements for 217 George Street, Sydney (PID 15058506; District 5): Kristen Knudskov, Planner (See page 7)

Continued...

Council Meeting Agenda
February 23rd, 2021 (Cont'd)

5. DELEGATION:

- 5.1 Nova Scotians for Equalization Fairness (NSEF):** Mr. Charles W. Sampson and Fr. Albert Maroun, PhD - NSEF Members (See page 46)

6. REPORT:

- 6.1 Follow-up to Workshops on Committee Structure and Meetings:**
Tom Urbaniak, Ph.D., Professor of Political Science (See page 49)

7. BUSINES ARISING:

7.1 Council – January 26, 2021:

- a) **Leaves of Absence for Councillors Seeking Higher Office:** Demetri Kachafanas, QC, Regional Solicitor (See page 53)

7.2 Nominating Committee – February 9, 2021:

- a) **Report on Call for Expressions of Interest – Citizen Representatives on Committees:** Deborah Campbell Ryan, Municipal Clerk (See page 60)

8. CORPORATE SERVICES ISSUE:

- 8.1 Request to Deem Property Surplus – Portion of PID 15013915, Logan Street, North Sydney:** Sheila Kolanko, Property Manager (See page 63)

9. BY-LAWS & MOTIONS:

9.1 By-laws:

- a) **Second / Final Reading – Public Hearing:** N/A
- b) **First Reading:**
- i) **Tow Truck Licencing By-law (Amendments):** Staff Sergeant Gil Boone (See page 66)

Continued...

**Council Meeting Agenda
February 23rd, 2021 (Cont'd)**

10. FINANCIAL STATEMENTS: Jennifer Campbell, Chief Financial Officer

10.1 CBRM to December 31, 2020: (See page 106)

For Information Only.

**10.2 Port of Sydney Development Corporation to December 31, 2020:
(See page 130)**

For Information Only.

ADJOURNMENT

PROCLAMATION KIDNEY HEALTH MONTH & KIDNEY HEALTH DAY

Whereas: One in ten Canadians have kidney disease, including many in the CBRM, this disease is under-recognized and incurable;

And Whereas: Many people do not even know they have the disease because the symptoms are silent in the early stages. The disease has tripled over the past twenty years;

And Whereas: Currently there are 71 people in Nova Scotia on a waiting list to receive a new kidney and this number changes daily;

And Whereas: Kidney Disease is the 10th most deadly disease;

And Whereas: There is hope, if people knew early enough that they had kidney disease or that they were at risk, many could prevent or delay the need for dialysis or transplantation;

Be It Therefore Resolved: That Mayor Amanda M. McDougall and the CBRM Council proclaim the month of March as “*Kidney Health Month*” and to also proclaim March 11, 2021 as “*Kidney Health Day*” in the CBRM to raise awareness about the risk factors for the disease and the importance of early detection.

Councillor Glenn Paruch
CBRM Councillor - District 6

February 23, 2021

**Case 1076 – North End Sydney Secondary Planning Strategy and Land Use Bylaw
Text Amendment Request from Kevin Colford to Amend Parking Requirements for
217 George Street, Sydney (PID 15058506; District 5)**

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Green, that staff be directed to advertise the public hearing with Option 2, namely remove lot development, site plan approval, and parking requirements for former community and educational service buildings which are registered as heritage properties for Case 1076, as outlined in the staff Issue Paper dated February 2, 2021.

Motion Carried.

Excerpt: DRAFT Council Minutes – January 26, 2021

Case 1076 – North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request from Kevin Colford to Amend Parking Requirements for 217 George Street, Sydney (PID 15058506; District 5)

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Edwards, to schedule a Public Hearing to consider the request made by Kevin Colford to amend parking requirements for 217 George Street, Sydney (PID 15058506; District 5) at an upcoming meeting of Council.

Discussion:

Planner Knudskov explained the requirements for a Public Hearing under the *MGA*.

Motion Carried.



TO: CBRM Council

FROM: Kristen Knudskov

SUBJECT: Case 1076 North End Sydney Secondary Planning Strategy and Land Use Bylaw Text Amendment Request from Kevin Colford to Amend Parking Requirements for 217 George Street, Sydney (PID 15058506; District 5)

DATE: February 16, 2021

Background

The Planning and Development Department has received a request from Kevin Colford to amend parking requirements in the North End of Sydney. Mr. Colford has applied to convert the Sacred Heart Church, located at 217 George Street, Sydney (PID 15058506) [see map, Attachment A] into a business hall to host events including weddings, conferences, dinner theatre, concerts, and other similar events. While the conversion is permitted, the proposed development is unable to meet the parking requirements of the North End Sydney Secondary Land Use Bylaw (NESSLUB). Therefore, a Building & Development Permit cannot be issued.

The request before Council is to consider removing minimum off-street parking space requirements to accommodate the proposed conversion.

Public Participation Program

Part 8, Section 20S of the *Municipal Government Act* provides Council the authority to amend the NESSPS. To amend policy, Council is obliged to hold a Public Participation Program (PPP) to gather input on a possible amendment. On December 8, 2020, Council passed a motion directing Staff to proceed with a PPP.

Given the ongoing COVID-19 pandemic, a survey format was selected. The survey was available online or by hard copy between January 4th and January 17th. Flyers to all North End Sydney properties and a CBRM Facebook post advertised the survey. There were 426 total survey responses received. Fifty-eight (13.6%) of those were from North End residents. A full copy of the survey and breakdown of responses is provided in Attachment C.

1. Do you live, work, or own property in the North End of Sydney? Please select all that apply.

| Response | |
|----------|-----------|
| Live | 58 (14%) |
| Work | 100 (23%) |

| | |
|-------------------|-----------|
| Own Property | 45 (11%) |
| None of the above | 277 (65%) |

2. Are you currently facing parking problems in the North End?

| | Yes | No |
|--------------------------|----------|-----------|
| All responses | 52 (12%) | 394 (88%) |
| North End residents only | 14 (24%) | 44 (76%) |

When asked when parking becomes a problem, 67% (237) of respondents stated that parking is not an issue at any time. Weekdays during the day was the most cited time to face parking issues, due to the influx of workers to the area.

Of North End residents who responded, 15% (8) said that parking is an issue daily, 12% (7) said weekly, and 3% (2) said monthly; 69% (40) said that they do not experience parking problems regularly.

Some responses stated that parking is a problem because:

- Demand for parking is already increasing due to recent or upcoming developments and events in the area
- Some parking lots in the area are no longer accessible for public parking
- Winter parking restrictions reduce availability
- Some streets are too narrow to accommodate parking

The common themes raised by those concerned about the proposed development included:

- There is already not enough parking in the North End
- Increased traffic and congestion
- Safety concerns
 - Vehicles blocking crosswalks, driveways, hydrants, etc.
 - Restricting maneuverability for emergency vehicles, garbage trucks, etc.

Other responses stated that parking is not a problem because:

- People will use modes such as walking, taxis, and carpooling to visit the proposed development
- In the past, many people attended Sacred Heart Church and parking was not a problem

From those who support the proposed development, common themes included:

- Parking is not an issue in the North End
- Supporting development is more important than parking
- Value of retaining the building's historic value
- More employment opportunities
- Increased vibrancy and activity in the North End and downtown Sydney
- Increase in property values in the area
- More opportunities for tourism, art, music, event, shuttle, rideshares, and taxi industries

Many respondents offered suggestions to reduce parking pressures. Staff responses are provided in italics.

1. Add parking to the rear of the Church

The applicant has indicated that no additional parking will be made available on site.

2. Arrange to use nearby office building parking lots during evenings and weekends
The NESSPS (Policy 34) allows Staff to consider a nearby off-site parking lot for a sales or service development in the North End Planning Area, provided the business being served is reasonably close to the parking lot. The applicant has indicated that this is not an option for the proposed development.

3. Introduce angled parking in front of the proposed development
The Engineering and Public Works Department has explored angled parking along George Street and has raised traffic safety concerns.

4. Increase transit service
5. Develop a parking garage, or a park and ride shuttle
6. Introduce residential parking permits
7. Add more bike lanes
8. Increase parking enforcement and improve metering

The remaining suggestions above would require additional resources. If Council wishes to consider the above options, discussions should take place during upcoming budget deliberations.

While there is no clear consensus, the survey responses were generally supportive of the proposed development even when considering the responses from those who live in the North End only.

Discussion

The North End Secondary Planning Strategy (the Planning Strategy) was adopted by Council in 2006 to recognize the unique historical character of Sydney's North End. As a result of extensive public consultation, the Planning Strategy includes several statements and policies specifically addressing parking and the retention of community, educational service, and heritage buildings [Attachment B].

Parking Requirements

The Planning Strategy identifies that the provision of adequate parking is a fundamental component of any development. To ensure public travelways do not become congested, off-street parking requirements are imposed on developments in proportion to the need created by an individual land use.

Policies 33 and 34 provide some flexibility, allowing Staff to consider abutting on-street parking or a nearby off-site parking lot by site plan approval. The applicant indicated that an off-site parking lot would not be an option.

For a business hall, the requirement is 1 parking space per 4 fixed seats, 1 per 8 ft. of bench space, or where there are no fixed seats, 1 per 50 sq. ft. of designated seating area. As shown on the attached site plan [Attachment D], the designated seating area is significant. Over 100 parking spaces would be required for this floor plan under the current parking requirements. Mr. Colford has not submitted a detailed plan of the existing parking area, but Staff estimates there is space for fewer than 10 vehicles [Attachment E]. Even if the entirety of the property were to be paved for parking, Staff estimate that fewer than 40 vehicles could be accommodated on-site.

Heritage Conservation

One goal of the Planning Strategy is to preserve the north end's historic character. The CBRM designates individual heritage properties under the Heritage Property Bylaw. However, many properties are not especially noteworthy as standalone properties, but collectively they hold significant value. For that reason, in 2008, Council approved the Heritage Conservation District (the District) Plan and Bylaw.

Today, there are 121 municipally designated heritage properties within the north end [Attachment A]. The vast majority are within the District.

Several buildings within the north end have obtained provincial heritage status. Provincial heritage registration places a significant encumbrance on the property owner. Many of these properties are located on small parcels which may limit their potential for redevelopment. Under the Planning Strategy Policy 8, provincial heritage properties are exempted from lot development, site plan approval, and parking requirements to ensure there are opportunities to retain the buildings.

The Sacred Heart Church is a prominent landmark with historic significance in the north end. For that reason, CBRM has designated it heritage status. An application has also been made for provincial designation. At this time, provincial representatives are unable to provide any assurances to the Planning Department regarding the expected outcome of the application.

Re-use of Abandoned Community or Educational Service Buildings

With similar intent, policy is in place to assist with the retention of former community and educational service buildings. These buildings are afforded additional uses by site plan approval which would not normally be permitted under zoning in effect.

The Sacred Heart Church property is currently zoned North End Residential (NER), where business halls are not currently permitted. Churches are considered a community service. Therefore, under Policy 40, Sacred Heart Church is permitted to convert into a business hall subject to site plan approval.

The Planning Strategy must strike a balance between many competing community priorities. In this case, Council must consider balancing retention of significant buildings with the potential for parking impacts to the surrounding community. The majority of the comments received from survey voiced that supporting redevelopment should prevail.

In summary, the intent of Planning Strategy Policies 8 and 40 is to encourage the retention through adaptive re-use of significant buildings by implementing flexible development requirements. For added flexibility, lot development, site plan approval, and minimum off-street parking space requirements could be waived for municipally designated heritage properties undergoing conversion in accordance with Policy 40. Draft Amending Bylaws for both the Planning Strategy and NESSLUB can be found on Attachments F and G.

A more holistic review of parking within the North End and greater CBRM will be considered within the upcoming comprehensive review of planning documents.

Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this public hearing has been placed in the February 10th and February 17th editions of the Cape Breton Post. In addition, notice was:

- Mailed to assessed property owners in the vicinity of the site
- Posted to the CBRM Facebook page and news section of CBRM website
- Emailed to those who requested email notice during the survey

At the time this report was written, the Planning & Development Department received 41 submissions in support of the proposed conversion, and none opposed [Attachment H].

Next Steps

If Council approves the proposed Amending Bylaws, they will be provided to the provincial Director of Planning for final approval. If such approval is granted, Mr. Colford will be required to obtain a Building & Development Permit. Any outstanding information, including any site or building plan revisions, as requested by the CBRM Building Official and Development Officer must be submitted.

Recommendation

Given the intent of Planning Strategy Policies 8 and 40 as discussed above and the results of the Public Participation Program, I recommend that Council approve the Amending Bylaws found in Attachment F and G.

Respectfully submitted by:

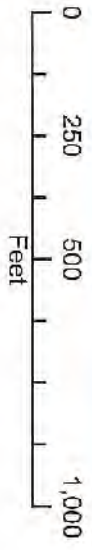
ORIGINALLY SIGNED BY

Kristen Knudskov
Planning and Development Department



Map 2
Case 1078

- Subject Site
- North End Boundary
- Municipally Registered Heritage Property
- Provincially Registered Heritage Property
- Heritage Conservation District



This map is a graphical representation of property boundaries and is for general reference purposes only.

B

North End Sydney Secondary Planning Strategy (NESSPS) Section 3, Policy 8

The CBRM recognizes that there are several provincially registered heritage properties in the North End, and that registration at the provincial level places a significant encumbrance on an individual property owner. In addition, most provincially registered properties are located on very small parcels of land with very few options available if the property is to be redeveloped. In order to encourage retention of these properties through creative redevelopment, the Land Use Bylaw includes a provision that exempts them from all lot development, site plan approval and parking requirements.

Policy 8

It shall further be the intention of Council to encourage creative redevelopment of properties registered by the Province of Nova Scotia under the Heritage Property Act by exempting these properties from lot development, parking and site plan approval requirements.

North End Sydney Secondary Planning Strategy (NESSPS) Section 9, Policy 33 and 34

PARKING REQUIREMENTS

The provision of adequate parking is a fundamental component of any development. To ensure the public street/road travelways are not congested, the CBRM is obliged to impose off-street parking requirements on most developments in proportion to the need created by each land use. The condoned exception to the general rule are the central business districts where curb side on-street parking spaces are a vital element in the downtown landscape.

However, one of the fundamental drawbacks to business development expansionary endeavours in the densely developed urban core is the inability to set aside enough land for on-site customer parking, whether or not the Land Use By-law requires it. Rather than squeezing them out to suburban locations, and therefore adversely affecting the vitality of the urban core, the CBRM wants to facilitate the expansion of business development in urban communities. Flexible parking requirements that permit off-site/off-street parking lots serving a business development is one way to help make this possible.

Policy 33

The Land Use By-law adopted to implement the policy direction of this Secondary Planning Strategy shall include off-street parking requirements for all developments in proportion to the need created by each land use. Where the Traffic Authority allows it, on-street parking spaces immediately abutting the site affected may be included in calculating the number of parking spaces required by non-residential development.

Policy 34

The Land Use By-law shall also permit, by site plan approval, the establishment of off-site/aff-street parking lots servicing, and accessory to, a sales or service development located within the North End Planning Area, provided the business being served is reasonably close to the parking lot.

**North End Sydney Secondary Planning Strategy (NESSPS)
Section 9, Policy 40**

RE-USE OF ABANDONED COMMUNITY OR EDUCATIONAL SERVICE BUILDINGS

In order to facilitate the creative re-use of abandoned former educational or community service buildings (primarily churches and schools), CBRM's Regional Plan includes policies to allow such buildings to be converted, by site plan approval, into uses that would not necessarily be permitted by the zoning in effect in the surrounding area. It is Council's wish that this Secondary Planning Strategy be consistent with the regional approach.

Policy 40

It shall be a policy of Council to facilitate the re-use of abandoned, community or educational service buildings located in urban/suburban neighbourhoods outside business districts/corridors. The building and site of these former facilities may be converted, by site plan approval, into one or more of the following service businesses:

- *studios of artists or artisans;*
- *business offices; and*
- *personal care and service businesses*
- *apartments*

The site plan approval provisions should stipulate that:

- *adjacent low density residential uses are buffered and screened 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 be included;*
- *an on-site landscaping plan be included that improves the development's compatibility with the streetscape.*

Due the large scale of the former Holy Angels High School and Convent of the Sisters of the Congregation of Notre Dame it should be shall be given special addition development considerations.

Policy 40.2

It shall be a policy of Council to designate the former Holy Angels High School and Convent of the Sisters of the Congregation of Notre Dame for additional development considerations. The buildings and site will be identified as the Arts and Culture Centre (ACC) Zone of the Land Use By-law.

C

North End Sydney Amendment Survey

The CBRM has received a proposal to convert the Sacred Heart Church, located at 217 George Street (see below), into a business hall to host weddings, conferences, dinner theatre, concerts, and other similar events. While a business hall is a permitted use for this property, the proposed development is unable to provide the minimum number of required on-site parking spaces in order to obtain a Building & Development Permit. The applicant has provided further detail on the proposal, available here.

Therefore, CBRM Council has been asked to consider an amendment to municipal policy which would remove the minimum parking requirements for the proposed development.

The purpose of this survey is to gather input from the North End community to assist Council in making their decision.

Your contact information and answers will remain confidential and will be used only in the evaluation of the above-noted development.

Do you have questions or need a paper copy of the survey?

Phone: 902-563-5072

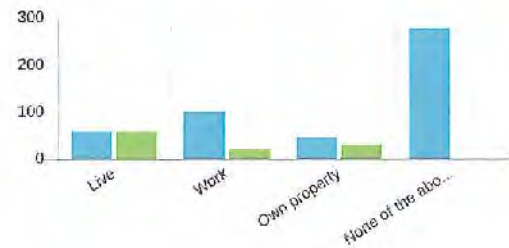
Email: planningconsult@cbrm.ns.ca

COMPARISONS

● All Data

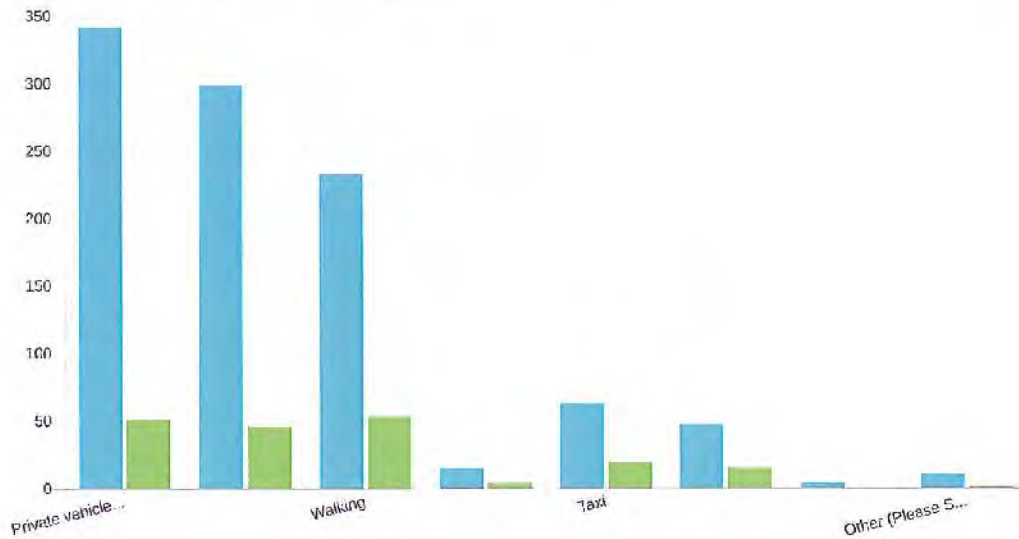
● Qu: Do you live, work, o...: 'Live'

1 Do you live, work, or own property in the North End of Sydney? Please select all that apply.



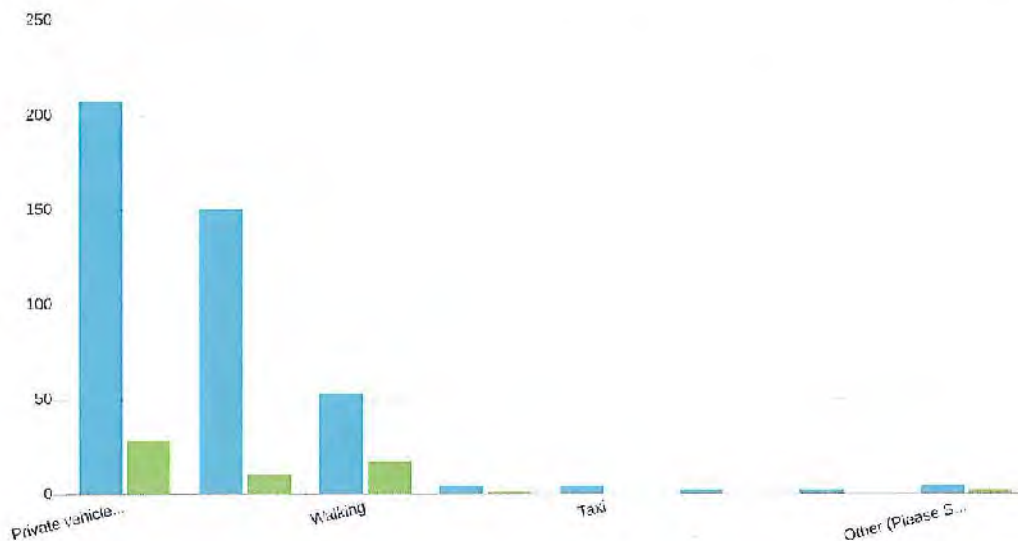
| | Live | Work | Own property | None of the above | Responses |
|-------------------------------------|--------------|--------------|--------------|-------------------|-----------|
| All Data | 58 (14%) | 100 (23%) | 45 (11%) | 277 (65%) | 480 |
| Qu: Do you live, work, o...: 'Live' | 58 (100%) | 20 (34%) | 30 (52%) | 0 (0%) | 108 |

2 Within the last year, which of the following methods have you used to travel to places within the North End? Please select all that apply.



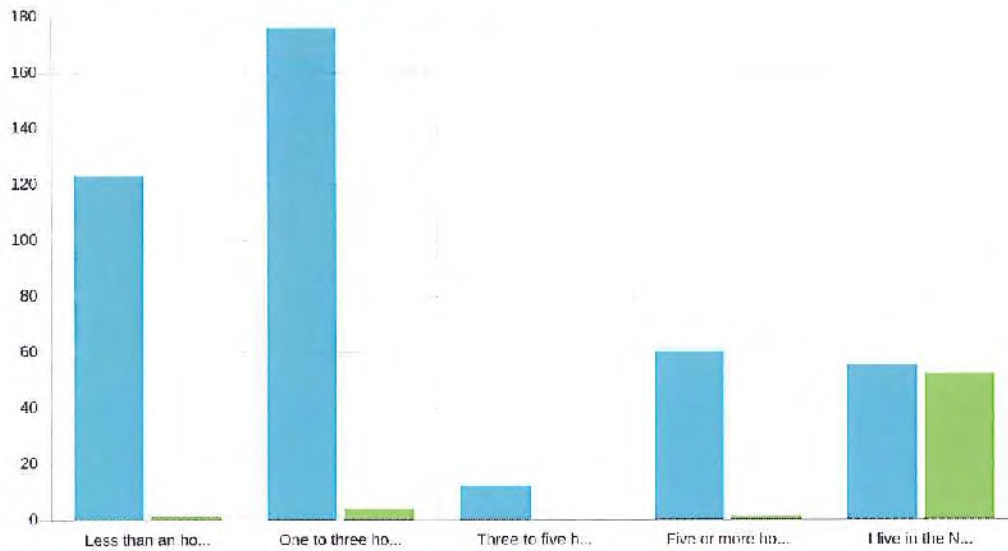
| | Private vehicle, alone | Private vehicle, with others | Walking | Bus | Taxi | Bike | I don't travel to the North End | Other (Please Specify) | Responses |
|--------------------------------------|------------------------|------------------------------|-----------|---------|----------|----------|---------------------------------|------------------------|-----------|
| All Data | 342 (80%) | 299 (70%) | 233 (55%) | 15 (4%) | 63 (15%) | 47 (11%) | 4 (1%) | 10 (2%) | 1013 |
| Qu: Do you live, work, o... : 'Live' | 51 (88%) | 46 (79%) | 53 (91%) | 4 (7%) | 19 (33%) | 15 (26%) | 0 (0%) | 1 (2%) | 189 |

3 How do you most often travel to places within the North End? Please select all that apply.



| | Private vehicle, alone | Private vehicle, with others | Walking | Bus | Taxi | Bike | I don't travel to the North End | Other (Please Specify) | Standard Deviation | Responses |
|--------------------------------------|------------------------|------------------------------|----------|--------|--------|--------|---------------------------------|------------------------|--------------------|-----------|
| All Data | 207 (49%) | 150 (35%) | 53 (12%) | 4 (1%) | 4 (1%) | 2 (0%) | 2 (0%) | 4 (1%) | 75.44 | 426 |
| Qu: Do you live, work, o... : 'Live' | 28 (48%) | 10 (17%) | 17 (29%) | 1 (2%) | 0 (0%) | 0 (0%) | 0 (0%) | 2 (3%) | 9.73 | 58 |

4 When you visit the North End, do you typically stay:

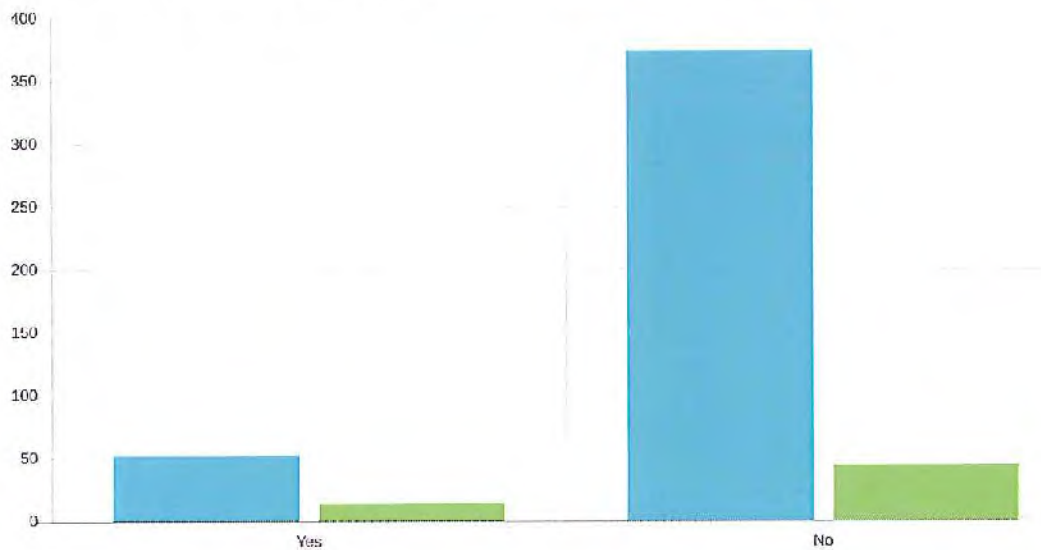


| | Less than an hour | One to three hours | Three to five hours | Five or more hours | I live in the North End | Standard Deviation | Responses |
|-------------------------------------|-------------------|--------------------|---------------------|--------------------|-------------------------|--------------------|-----------|
| All Data | 123 (29%) | 176 (41%) | 12 (3%) | 60 (14%) | 55 (13%) | 57.58 | 426 |
| Qu: Do you live, work, o...: 'Live' | 1 (2%) | 4 (7%) | 0 (0%) | 1 (2%) | 52 (90%) | 20.24 | 58 |

5 How do you feel about the current state of parking in your neighbourhood?

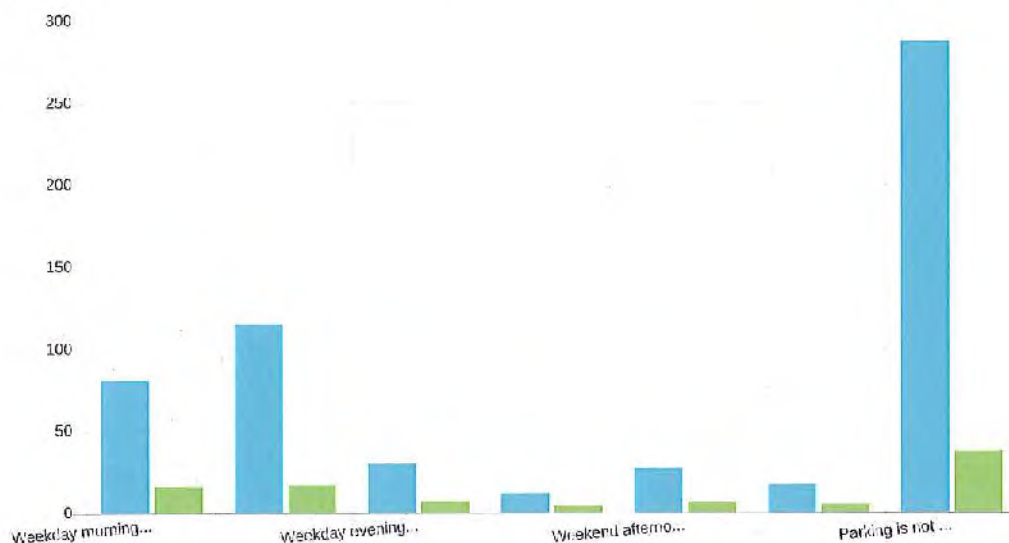
See summary found in Public Participation Program section of Staff issue paper.

6 Are you currently facing parking problems in the North End?



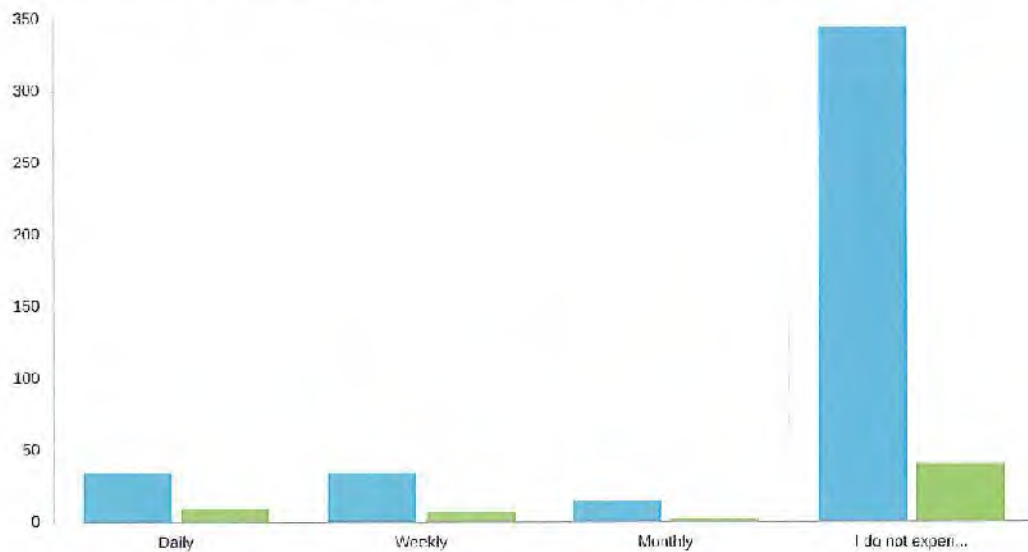
| | Yes | No | Standard Deviation | Responses |
|--------------------------------------|-------------|--------------|--------------------|-----------|
| All Data | 52 (12%) | 374 (88%) | 161 | 426 |
| Qu: Do you live, work, o... : 'Live' | 14 (24%) | 44 (76%) | 15 | 58 |

7 Which of the following times do you frequently experience parking problems? (Please tick all which apply)



| | Weekday mornings | Weekday afternoons | Weekday evenings | Weekend mornings | Weekend afternoons | Weekend evenings | Parking is not an issue at any time | Responses |
|--------------------------------------|------------------|--------------------|------------------|------------------|--------------------|------------------|-------------------------------------|-----------|
| All Data | 81 (19%) | 115 (27%) | 30 (7%) | 12 (3%) | 27 (6%) | 17 (4%) | 287 (67%) | 569 |
| Qu: Do you live, work, o... : 'Live' | 16 (28%) | 17 (29%) | 7 (12%) | 4 (7%) | 6 (10%) | 5 (9%) | 37 (64%) | 92 |

8 If you experience parking problems, how frequently is it an issue?



| | Daily | Weekly | Monthly | I do not experience parking problems regularly | Standard Deviation | Responses |
|------------------------------------|------------|------------|------------|--|--------------------|-----------|
| All Data | 34 (8%) | 34 (8%) | 14 (3%) | 344 (81%) | 137.36 | 426 |
| Qu: Do you live, work, o...: Live' | 9 (15%) | 7 (12%) | 2 (3%) | 40 (69%) | 14.94 | 58 |

9 What positive or negative impacts, if any, do you believe the proposed development will have on parking in the North End?

See summary found in Public Participation Program section of Staff issue paper.

10 Is there anything else you would like to add about parking in the North End, or parking for the proposed development?

See summary found in Public Participation Program section of Staff issue paper.

11 A formal Public Hearing must be held prior to approval of any amendments. If you would like to be notified by email of an upcoming Public Hearing, please provide your email address below.

See summary found in Public Participation Program section of Staff issue paper.

F

By-law
of the
Cape Breton Regional Municipality
amending the
North End Sydney Secondary Planning Strategy

Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the North End Sydney Secondary Planning Strategy in the following manner:

THAT: Council amends the text of the Secondary Planning Strategy by adding the following new subsection to Section 9 “General Provision Policies”:

Some former community and educational service buildings are also registered by the CBRM as heritage properties under the Heritage Property Bylaw. These buildings may face similar challenges to provincially registered heritage properties, as discussed within Section 3 Heritage Conservation, which may limit their redevelopment potential. In order to further encourage the retention of such properties, the Secondary Land Use Bylaw will include a provision which exempts buildings undergoing conversion in accordance with Policy 40, which are also municipally registered heritage properties, from lot development, site plan approval, and minimum parking space requirements.

Policy 40.3

It shall be a policy of Council to former community or educational service buildings undergoing conversion pursuant to Policy 40 which are also registered by the CBRM under the Heritage Property Bylaw from lot development, minimum off-street parking space, and site plan approval requirements.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on February 23, 2021.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Secondary Planning Strategy Amendment amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on February 23, 2021 to amend the North End Sydney Secondary Planning Strategy.

Deborah Campbell Ryan, CLERK

G

By-law
of the
Cape Breton Regional Municipality
amending the
North End Sydney Secondary Land Use By-law

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's North End Sydney Secondary Land Use Bylaw in the following manner:

THAT: Council amends the text of the Secondary Land Use Bylaw by inserting the following into Part 2, Section 6 "Conversion of Former Community or Educational Service Buildings":

The conversion of former community or educational service buildings, which are also municipally registered heritage properties pursuant to the *Heritage Property Bylaw*, shall be exempted from lot development, site plan approval, and minimum off-street parking space requirements. Any parking area which is provided shall comply with parking area standards.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on February 23, 2021.

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are 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 February 23, 2021 to amend the Cape Breton Regional Municipality's North End Sydney Secondary Land Use By-law.

Deborah Campbell Ryan, CLERK

Kristen R. Knudskov

From: Charlie C. Stephen [REDACTED]
Sent: February 16, 2021 11:58 AM
To: PlanningConsult
Subject: Public hearing on Sacred Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

To the Committee -

I want to share a few thoughts on the public hearing re Sacred Heart Church.

I consider the public hearing a waste of public funds. It should not be required.

We are very fortunate to have the Sacred Heart Church project, undertaken by Mr. Colford. The church as a church did not cause any problems in all of the time it has existed. Other churches in Sydney are in the same situation, for example the United Heritage Church. The Highland Arts Theatre was in a similar situation, but we never had any problems finding a parking spot there. And, when you consider all of the positive things and the recognition the Highland Arts Theatre has brought to our community, the decision to go ahead with the Sacred Heart project is a no-brainer.

I feel strongly that the removal of the lot development, site plan approval, and minimum off-street parking space requirements should certainly happen and the Sacred Heart Church (217 George Street, Sydney) business hall project be free to go ahead.

Charlie Stephen

Kristen R. Knudskov

From: Joan Sampson [REDACTED]
Sent: February 16, 2021 1:15 PM
To: PlanningConsult
Subject: Former St. Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

I am all in favour of the former St Heart Church being turned into an Arts Venue and an event venue. I am a senior and I think the former church would be an excellent spot for these types of events. We are a member of the Highland Arts Theatre and look forward to every show there! There isn't very much entertainment for our age group. I would look forward to the productions Kevin Colford would be putting on.

Kristen R. Knudskov

From: John MacKay [REDACTED]
Sent: February 12, 2021 3:25 PM
To: PlanningConsult
Subject: Sacred Heart parking issue

I fully agree with Mr Colford and feel that the parking issue should be resolved in his favour. We need all the new business we can get and not discourage it.

John MacKay
Catalone NS

Sent from my iPad

Kristen R. Knudskov

From: John MacKay [REDACTED]
Sent: February 12, 2021 3:32 PM
To: PlanningConsult
Subject: Sacred Heart Parking

I think that the parking issue should be resolved in Mr. Colford's favour so that he can continue with his plans and with the full support of the CBRM with him.

Sent from my iPad

Kristen R. Knudskov

From: [REDACTED]
Sent: February 12, 2021 3:37 PM
To: PlanningConsult

Please consider allowing the former Sacred Heart church to open in all its glory. CBRM needs a facility such as this. As for Parking. It wasn't an issue when the church was open, it shouldn't be an issue now. Also we are all aware that the new NSCC will bring a large number of cars to the downtown core, and that this is being built knowing there will not be enough parking. It seems wrong to use this as the reason to stop this beautiful venue from opening

Thank you

Andrea Doyle

Sent from my Bell Samsung device over Canada's largest network.

Kristen R. Knudskov

From: Joanne MacKinnon [REDACTED]
Sent: February 12, 2021 5:08 PM
To: PlanningConsult
Subject: Sacred Heart

To Whom It May Concern

As a former North Ender and member of Sacred Heart Parish, I'm thrilled to know the church and its beautiful architecture will have a new life and will be enjoyed for years to come.

I spent much time in Sacred Heart, 5 years in choir mouthing the words, helping my Dad clean, and being an altar girl during lent in the 1970s before it was officially allowed. As a child I use to sit in church and figure out how I would renovate it into apartments, theatre etc.

I support this new development.

Warmly

Joanne

Dr. Joanne MacKinnon
R. Psych. CPBC #1147

Sent from my iPhone

Kristen R. Knudskov

From: Kim MacDonald [REDACTED]
Sent: February 12, 2021 5:09 PM
To: PlanningConsult
Subject: Sacred Heart —Parking

In response to your question

Regarding the developer, Kevin Colford whose project concerns the former Sacred Heart Church on George Street, has asked Cape Breton Regional Municipality council to amend a municipal policy to exempt the development from meeting the requirement of having a minimum number of parking spaces

I would 100% support this request to exempt this venue from having a limited number of parking spaces. The more the merrier, the buzz of success and vision of such an iconic venue transformed into beauty for our people To enjoy!

We are lucky to have this Venue the parking space will not be utilized 24/7 and will most likely be utilized most after business hours. This would have little to no impact. Our little but great island never had to be concerned over unlimited parking for an arts community but it sure is about timeeeebring it on no restrictions!

Kristen R. Knudskov

From: Kirk MacNeil [REDACTED]
Sent: February 12, 2021 5:16 PM
To: [REDACTED] PlanningConsult
Subject: Sacred Heart Church/Dance facility 217 George St, Sydney, NS

Please accept my thoughts for consideration regarding the former Sacred Heart Church on 217 George Street in Sydney.

I am writing to you to express my concern over some negative remarks/feelings expressed by some, including a Councillor by the name of Mr. Steven Gillespie against the actions of Sydney Businessman Mr. Kevin Colford who's plan is to convert a former church into an eatery and Dance Studio. I feel strongly that those who are against this and raise the issue of parking to be the main point to their argument are not being logical.

Back when 217 George Street was a Roman Catholic Church when most practicing Catholics regularly attended Mass, there was always a Saturday night Mass, and 3 Sunday Morning Masses, as well as was a typical ritual of the Roman Catholic Church to celebrate Mass not just on the weekends, but also 7 days a week for those who wished to attend daily Mass. Add to this number of "regular Masses" the amount of Weddings and Funerals held there and it's plain to see that huge crowds regularly frequented that building. Back in those "good old days" of Catholic Church attendance, these Masses were generally celebrated to congregations which would have packed the church to near capacity crowds. These crowds parked their vehicles on various different streets surrounding the church as the church didn't have a parking lot, yet there never was a suggestion to tell the Diocese of Antigonish to "stop having Masses" because we/Mr. Gillespie feel holding these Masses with all these cars posed a problem due to lack of parking. The argument against converting the church into a Dance Hall due to lack of parking is a very ill founded argument which defies logic considering that for over fifty years, cars were parked by devout Catholics for many blocks surrounding the church during scheduled Mass times.

Personally, I feel that to challenge Mr. Colford's plan of converting that former church into something which benefits our community is the utmost of hypocrisy for the CBRM and I feel that Mr. Gillespie's argument about parking issues is biased and not considering the benefits of this project to the CBRM nor does it accurately reflect years of people parking near the church without ever a question. This project of Mr. Colford's will employ people, foster spending and stimulate economic growth for the downtown area of Sydney. Please do the ethically correct thing and support Mr. Colford's plan for the former Sacred Heart Church building.

Respectfully yours,

Kirk MacNeil

Sent from [Mail](#) for Windows 10

Kristen R. Knudskov

From: Joan MacKay [REDACTED]
Sent: February 12, 2021 5:20 PM
To: PlanningConsult
Subject: Sacred Heart Parking

I think the CBRM should rule in favour of Mr colford's request. Sacred Heart was a church for many years and parking wasn't a problem so why should it be now. We need all the new businesses we can get in the CBRM and not be trying to block them every step of the way.

Joan MacKay
332 Main-A-Dieu Road

Sent from my iPad

Kristen R. Knudskov

From: Anne & Kevin MacKenzie [REDACTED]
Sent: February 12, 2021 5:30 PM
To: PlanningConsult
Subject: Support of Sacred Heart Church Renovation Project

To the planning committee,
We are sending this email in support of the renovated Sacred Heart Church to be used as an event location. I hope that council will resolve the parking concerns so this venue can soon be opened for events.

Thank you,
Anne and Kevin MacKenzie

Sent from my iPad

Kristen R. Knudskov

From: Amy Campbell-Landry [REDACTED]
Sent: February 13, 2021 8:35 AM
To: PlanningConsult
Subject: Sacred Heart Church

Good morning,

I'm emailing to express my support for the development of the Sacred Heart Church by Kevin Colford and hope that this parking issue can be resolved.

I have to be honest though and question why there is a parking issue in the first place holding up this development. The capacity of the building when it held church services was likely greater than the expected occupancy when this business opens. There were never issues with parking in the past why would there be one now?

I also wonder why there seems to be parking requirements when it comes to private developers and not government. If the province can build the NSCC downtown and the CBRM can build a new fire department on a parking lot, essentially eliminating the parking spaces for the neighboring businesses, why are there no issues regarding parking for those developments too? If parking issues seem to be a big concern in the downtown and the North end, why are they not required to develop parking spaces to offset the ones they are eliminating?

Does the HRM have similar bylaw issues holding up development in their downtown core? If the CBRM wants to see private sector growth they really need to reconsider their bylaws that deter the developments in the first place.

Sincerely,

Amy Campbell-Landry

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Kristen R. Knudskov

From: Jule Martell [REDACTED]
Sent: February 13, 2021 6:15 PM
To: PlanningConsult

It would benefit the community to have such a venue. The work that has gone into this project would be wasted if this government denied its goal.

I would like to see this endeavour come to fruition. The city needs such a place to enjoy good food and great music. If you approve anything this year, it would be this. I am in agreement with the people who want the venue.

We need new business and this is very worthwhile.

Thank you for your time,

Mr. Jule Martell

Kristen R. Knudskov

From: Jerrecca Wilcox [REDACTED]
Sent: February 1S, 2021 7:16 AM
To: PlanningConsult
Subject: Show of support for the former Sacred Heart Church

Hello,

I am writing today to show my support for the opening of the former Sacred Heart Church as an entertainment/wedding venue.

The opening of a business like this can only benefit for CBRM and bring more people and popularity to the downtown core (something that is desperately needed).

We need this sort of competition among venues that Sacred Heart brings. From my point of view, there is no downside to this venue opening.

Kind Regards,

Jerrecca Devereaux

Sent from my iPhone

Kristen R. Knudskov

From: Linda Geffroy [REDACTED]
Sent: February 1S, 2021 9:33 AM
To: PlanningConsult
Subject: Former Sacred Heart Church

Dear Planners,

I have travelled a lot, I was a flight attendant for 32 years. I can assure you, that if you find a solution to get this project up and running in our beautiful province and your unique city, people will come!

Tourism is a major industry here. Very few smaller cities have something as beautiful as this church and this project. I will make a point to make this known to my 17,000 colleagues.

Thank you for reading,
Linda Geffroy
[REDACTED]

Sent from my iPad

Kristen R. Knudskov

From: Viola [REDACTED]
Sent: February 15, 2021 2:06 PM
To: PlanningConsult
Subject: Sacred Heart Church

What a beautiful edifice and what a magnificent job he has done. A real bonus to Sydney. Yes yes yes leave Mr. Colford open this building. It operated before as a church and nothing was ever said about parking!!!! Why make a fuss now

Sent from my iPhone

Kristen R. Knudskov

From: John Chafe [REDACTED]
Sent: February 15, 2021 3:28 PM
To: PlanningConsult
Subject: Sacred Heart Church

To whom it may concern ,

I am sending this email to show my support for the opening of the former Sacred Heart Church located at 217 George St Sydney NS.

The opening of this building can only benefit CBRM and other small businesses in the downtown area .

I hope you let common sense prevail and give your approval for this new business opportunity.

Thank you

John and Joan Chafe
51 Englewood Cres
Sydney NS
B1S3L8

Sent from my iPad

Kristen R. Knudskov

From: Rosemary McGhee [REDACTED]
Sent: February 15, 2021 8:51 PM
To: PlanningConsult
Subject: Former Sacred Heart Church

Dear Planning Committee Members,

PLEASE grant permission for the newly renovated Sacred Heart Church building to function in our community. I have just had a tour of the building and am greatly impressed by the quality of thought that has gone into remodelling the structure and turning it into a high class venue suitable for many types of events in our community. Every corner of the building has been conceptualized to furnish the needs and desires of the many groups who long for a quality space in which to celebrate, dance and perform.

As a member of the Cape Breton Chorale, I can imagine many types of functions taking place therein such as formal concerts, musical performances accompanied by a dinner and dance for events such as Valentine's Day and Canada Day, and much more.

As a pianist, I was thrilled to play the Yamaha C7 Grand Piano (worth 96,000 dollars), an instrument that any local or visiting artist would be delighted to play. It would be a thrill to give a piano recital there for the general public or cruise ship members visiting Sydney. In England, France and Germany there are always noon-time recitals or concerts to attend when visiting a city and now we have a world class instrument on which to perform.

I really believe that we should support Kevin Colford's vision for our area. On many occasions I have attended plays at the Neptune Theatre in Halifax. Access to surrounding parking is far more limited there than it is in Sydney, yet people still flock to attend. I am also sure that the variety of functions that could be held downtown in this facility would serve to re-vitalize our community for years to come.

Very sincerely,

Rosemary McGhee

Kristen R. Knudskov

From: Bill Roberts [REDACTED]
Sent: February 16, 2021 2:39 AM
To: PlanningConsult
Subject: George St. Sacred Heart Parking Issue.

I unreservedly support the parking amendment to allow this stunning building to open. What a huge huge plus for Sydney. If it was still a church, parking would not be in question, therefore it is not a safety concern. The street is very wide with many parking places with many more within a block up to Charlotte Street. Events will be primarily held at weekends and in the evening when the business traffic is not present. As you are no doubt aware the Neptune theatre in Halifax has no car park.

Nicholas Roberts
Howie Centre
[REDACTED]

Kristen R. Knudskov

From: Katherine Scott [REDACTED]
Sent: February 12, 2021 3:02 PM
To: PlanningConsult
Subject: Regarding Sacred Heart Church amendment

Hello,

Both myself and my husband Reg Landry would like to voice our support in favour of amending the minimum parking space requirement for the Sacred Heart development. We feel strongly that any and all support around the restoration and repurposing of buildings such as the church, the Lyceum and The Convent should be granted, within reason.

We don't believe there is a parking issue, per se, in the neighbourhood, especially in the evenings. There is plenty of on-street parking on side streets and towards the north where we live. Better planning around public transit, and the concept of walking from your parked car for health purposes is something that needs to be promoted. Parking one's car directly in front of a destination is a privilege, not a right, unless you have a specific handicap that makes parking at a distance problematic.

As our residential area is grappling with the wonderful growing development spreading out from the central core and along the waterfront there is definitely a need for a parking strategy, but in the interim we think it is in the best interests of the restoration of these old buildings that we allow their promoters certain exemptions.

We cannot speak to the lot development & site plan approval exemption, as we've only read a bit about what transpired (that Mr. Colford proceeded without them?), we can say that anything within reason that can be done to allow this project to go ahead quickly and safely we support. We cheer on anyone who has the chutzpah and initiative to take on these beautiful old pieces of Sydney's history!

Sent from my iPad

Kristen R. Knudskov

From: Patricia Murphy [REDACTED]
Sent: February 16, 2021 10:08 AM
To: PlanningConsult
Subject: Concerning Sacred Heart Church

I think that what Kevin Colford has done is wonderful! This will add another place for people to go to to celebrate special occasions. I am all for it!

Sent from my iPad

Kristen R. Knudskov

From: Norma Edwards [REDACTED]
Sent: February 12, 2021 9:20 AM
To: PlanningConsult
Subject: 217 George Street

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning:

I am writing today in support of the entertainment venue proposed by Mr. Kevin Colford for the former Sacred Heart Church at the subject address. I am excited by the prospect of a high class venue where concerts and events could be held in our small city.

The parking issue is not a concern for my husband and I as we are within a 20 minute walk of this beautiful structure and we often walk to events held at C200, the Highland Arts Theatre, the Cruise Pavilion and many restaurants in the downtown and North End.

Please add my name to the list of Sydney residents who are fully supportive of this proposed venue and Mr. Colford's efforts.

Sincerely

Norma Edwards
34 Edward St, Sydney



Virus-free. www.avast.com

Kristen R. Knudskov

From: Beverley Power [REDACTED]
Sent: February 12, 2021 12:47 PM
To: PlanningConsult
Subject: Sacred Heart Church Parking

Hi, I feel that this new venture for Sacred Heart Church should go ahead and that there should not be an issue in regard to the parking. We were married in this beautiful church and attended mass there on Sunday's, parking was never an issue. People parked on George St, Ferry St, Napean St, Dorchesher St. (George to Glebe Ave), Glebe Ave. and the driveway between the Glebe House and the Lyceum. This area, back then, was mostly residential and people parking there on Sat and Sun for mass or weddings was never a problem. I think this is a wonderful new business venture for our city and we need to make sure it happens. One thing I would suggest is changing how people park on George St, years ago they parked facing at an angle into the curb and this allowed for more vehicles as they did not take up as much space as parking next to the curb.

Bev Power

Kristen R. Knudskov

From: Glen Moffatt [REDACTED]
Sent: February 12, 2021 12:18 PM
To: PlanningConsult
Subject: Public Hearing-Sacred Heart Church- Parking

Hello,

I would like to show my support for the project that is taking place at Sacred Heart Church in Sydney and, with regards to the parking issue, I believe that should not be a concern and that it should be allowed to move ahead.

Best Regards,
Glen Moffatt
Sydney

Kristen R. Knudskov

From: [REDACTED]
Sent: February 12, 2021 10:48 AM
To: PlanningConsult
Subject: in favour

This will be an asset for our area - will provide so many jobs and such a beautiful historical location. Hope this is approved - maybe a modified parking requirement.

Kristen R. Knudskov

From: judy musycsyn [REDACTED]
Sent: February 12, 2021 8:52 AM
To: PlanningConsult
Subject: Sacred heart church

Follow Up Flag: Follow up
Flag Status: Completed

I've seen what Kevin Colford has done to this church to restore it into a magnificent venue and would love to see him be able to move forward with his plans. Judy Musycsyn

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Kristen R. Knudskov

From: Emma Reid [REDACTED]
Sent: February 12, 2021 8:43 AM
To: PlanningConsult
Subject: Former Sacred Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I believe this beautiful church and building should re-open. When I was little, I remember attending and I always wanted to have my wedding here. I thought it was so beautiful inside. Unfortunately, it had closed. Now, it is the perfect time for it to open as I know I will be planning a wedding in the next 2 years. I wanted to email to help!! Thank you

Emma

Kristen R. Knudskov

From: Brenda Durdle [REDACTED]
Sent: February 12, 2021 8:12 AM
To: PlanningConsult
Subject: Former Sacred Heart church property

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

It has come to my attention that there is some question about the appropriateness of the recently renovated venue at 217 George St. This property is an enormous asset to CBRM. I am certain that parking will not be an issue. What did parishioners do when the church was functioning? In any case, most of the events will be in the evening when most parking spaces on the street and side streets will be vacant. As well, for licensed events, most folks will arrive by cabs or drives. Some will car pool with a designated driver. Moreover, there was no issue with the removal of a parking lot across from the HAT and patrons are left to find parking wherever they can. We would be very wrong to deny this lovely venue what they need to function fully. It would also be possible to make 'disabled' parking close to the venue. Thank you for your time.

Sincerely,

Brenda Durdle
Sent from my iPad

Kristen R. Knudskov

From: Terrylee McCarron [REDACTED]
Sent: February 12, 2021 7:45 AM
To: PlanningConsult
Subject: Sacred heart venue

Follow Up Flag: Follow up
Flag Status: Completed

This venue is stunning!!! It's got character, class and is so unique and beautiful. What an amazing venue to host #1 WEDDINGS, and Christmas parties for larger groups, fundraising events, and any other event that you want to enjoy with a unique and memorable experience. Please let this project move forward, it's a fantastic addition to our community. 😊

Sent from my iPad

Kristen R. Knudskov

From: Karen Ramsay [REDACTED]
Sent: February 12, 2021 7:01 AM
To: PlanningConsult
Subject: Former Sacred Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

To whom this may concern,

Just writing to pass along my support for this amazing building in our community. I live 3 blocks past this building (for 30 years) and I think it's wonderful what has been done to it and so glad it wasn't another building torn down. Our times are changing as has this facility but we can grow from change. I don't think people will have issues with parking on a side street and walking to their event! We have a much larger Centre 200, yes with a parking lot but we still have to park on George St or side streets for events! We have lots of cars parked on our Northend streets for people working downtown as well!

To have another wonderful venue for our community is an asset!!
Let's please get this facility up and running for our new normal lives!!!
I support!!!!
Thanks for your time
Karen

Kristen R. Knudskov

From: John Pronk [REDACTED]
Sent: February 11, 2021 9:35 PM
To: PlanningConsult
Subject: Sacred Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

This is going to be a fantastic addition to the Downtown area of Sydney, and any solutions should be sought after to make this happen. Plenty of ample parking in the area, I believe it would be beneficial to the downtown core to promote a culture of walking rather than parking immediately at your destination. This is the way it is in the majority of downtown cores in cities throughout the world.

Kristen R. Knudskov

From: Gary Chew [REDACTED]
Sent: February 11, 2021 7:22 PM
To: PlanningConsult
Subject: Sacred heart church project

Follow Up Flag: Follow up
Flag Status: Completed

I am writing this email in support of allowing the Sacred heart church project to move forward and allow street parking in support of the functions at the venue. It is not right to stand in the way of a beautiful development like this in our fine city, we need a venue like this and more entrepreneurs like Kevin Colford. Please make sure nothing stands in the way of this project, it will create a beautiful space to hold special functions while creating jobs for the performing arts community and fine musicians of Cape Breton.

Gary Chew

Sent from Gary Chew's IPAD
[REDACTED]

Kristen R. Knudskov

From: Alyce Maclean [REDACTED]
Sent: February 11, 2021 2:00 PM
To: PlanningConsult
Cc: Eldon MacDonald; Gordon D. MacDonald; Earlene D. MacMullin; Cyril A. MacDonald; Steve D. Gillespie; Glenn M. Paruch; Stephen T. Parsons; James D. Edwards; Kenneth B. Tracey; Darren R. Bruckschwaiger; Dennis F. Quinn; Lorne F. Green; Amanda M. McDougall
Subject: Feedback re: CBRM PUBLIC HEARING Scheduled for February 23, 2021

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I am emailing you today to voice my support for allowing Sacred Heart Church (217 George Street, Sydney) to be converted into a business hall. I work every day in the North End of Sydney and have been greatly encouraged by the development that has taken place over the last few years. I strongly support the Sacred Heart Church development.

Thank you for your time,
Alyce Maclean
(Work office is located at 37 Nepean Street & my home address is in District 6).

Kristen R. Knudskov

From: Debbie Keating [REDACTED]
Sent: February 15, 2021 1:29 PM
To: PlanningConsult
Subject: Approval for Sacred Heart Church

Follow Up Flag: Follow up
Flag Status: Completed

I am writing to put my name on a list of those who support the development of Sacred Heart Church. We need to overlook any stupid parking regulation as this building functioned without any issues when it was a church. It is a heritage property and will be recognized as such by the province. Let's not put obstacles in this man's way in the interim. You made a decision to take away his parking at the Hat to ridiculously put a fire station across from a theatre. Let's hope common sense rules in this upcoming decision!!!

Debbie Keating

Debbie Keating, Sent from my iPhone

Kristen R. Knudskov

From: Francine Pertus [REDACTED]
Sent: February 11, 2021 12:50 AM
To: Kristen R. Knudskov
Subject: Re: CBRM PUBLIC HEARING Scheduled for February 23, 2021

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for informing me - just wanted to say I am in favour of the amendment to change the parking requirement for the former Sacred Heart Church. As a former parishioner who was baptized there, made my first communion there and whose Dad attended that church for over 70 years, I am in favour of the work Kevin Colford is doing to turn it into a theatre venue.
Regards, Francine Pertus [REDACTED]

From: Kristen R. Knudskov <krknudskov@cbrm.ns.ca>
Sent: February 10, 2021 10:10 AM
Subject: CBRM PUBLIC HEARING Scheduled for February 23, 2021

Good morning,

In your recent survey response, you requested that notice of an upcoming Public Hearing for the request noted below be sent to you by email.

The Council of the Cape Breton Regional Municipality (CBRM) has scheduled a Public Hearing to consider amending the North End Sydney Secondary Planning Strategy and Secondary Land Use Bylaw to remove the lot development, site plan approval, and minimum off-street parking space requirements which would allow Sacred Heart Church (217 George Street, Sydney) to be converted into a business hall. The purpose of the public hearing is to provide members of the public an opportunity to comment on the proposed amendment.

The Public Hearing has been scheduled for:

Tuesday, February 23rd at 6:00 p.m.

Due to the ongoing pandemic, the meeting will be closed to in-person public attendance. The meeting can be viewed live on the [CBRM Youtube channel](#).

If you wish to comment at the Public Hearing, you are welcome to submit a statement by mail, email, or voicemail as outlined below **by Friday, February 19, 2021 at 3:00 p.m.** Please call or email for further information or to request a copy of the proposed amendment.

Phone: (902) 563-5072
Email: PlanningConsult@cbrm.ns.ca
Mail: CBRM Civic Center
320 Esplanade, Suite 200
Sydney, NS B1P 7B9

Take care,

Kristen Knudskov
Planner | Planning & Development Department
Cape Breton Regional Municipality

P: (902) 563-5072
E: krknudskov@cbrm.ns.ca

Kristen R. Knudskov

From: [REDACTED]
Sent: February 10, 2021 4:30 PM
To: PlanningConsult
Cc: Eldon MacDonald
Subject: Re former Sacred Heart Church 217 George St, Sydney, NS

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Thank you for allowing me the opportunity to express my opinion in regards to the former Sacred Heart Church located at 217 George St in Sydney's Historic North-end. I for one appreciate a our new council be completely transparent. I was completely devastated when the Diocese of Antigonish opted to close rather than support saving our parish of Sacred Heart, our Mother Church. The thought of this beautiful historic property going to ruin or to be possibly torn down was unfathomable, and then along comes Kevin Colford with a vision to repurpose this fantastic building. He has a vision to gather people, host those with common interests, build a business, - what a concept! A business that would create jobs and the financial spin offs of it basically gets reinvested into the community where the employees live. What a great vision and opportunity, and one that is much needed in our area.-- job creation. In respect to having parking available (80 spaces) well I believe this to be unrealistic. Any event I have ever attended in Halifax I have had to find a spot on the street and walk. The North-end is challenged at this time to have parking readily available as we have been fortunate to see work increased at Citizenship and Immigration, New Dawn, most recently Island Folk Brewery and hopefully soon this new business at 217 George St. Instead of placing obstacles in the way why can't CBRM work towards some resolutions? Could it possibly be feasible that larger events held at the proposed venue of the former Sacred Heart Church be held on a Saturday and Sunday and perhaps a rental /use of parking from Citizenship and Immigration be made available? A person who wants to create and build a business should not be impeded because those attending need to figure out where to park. The expansion of the local YMCA a few years ago created huge parking challenges on Charlotte St-- did CBRM stop the expansion-- NO. Is parking all down Charlotte St, Wentworth St and Bentinck St still a challenge--- yes it sure is, but the business is working for those who utilize this fitness centre. What really needs to be reviewed is the removal of snow. There should not be one snow bank around businesses areas in the downtown core. Snow should be removed (do we not have large snow blower trucks that could place in a dump truck-- or could the sidewalk plows with the snow blowers throw snow into the dump trucks and have it taken away) Sidewalks- streets should be completely cleared after a storm) I fully support this new venture for this business- CBRM should be embracing those who wish to create new businesses in our area- we need them.

Thank you,
Good Luck Mr Colford you have a vision and I hope CBRM allows it to succeed.

Jane MacNeil
Ferry St
Sydney, NS

Kristen R. Knudskov

From: Katherine Cote [REDACTED]
Sent: February 10, 2021 1:24 PM
To: PlanningConsult
Subject: Site planning for North End Sydney

Follow Up Flag: Follow up
Flag Status: Completed

I believe that supporting the repurposing of beautiful heritage buildings in Sydney should be a consideration in amending the existing strategy, eliminating the parking requirement. Both the former Sacred Heart and St. George's church buildings are of significant historic value to the community. Repurposing them will insure that they are not lost as so many historic buildings have been in the past.

Katherine Côté
Sydney Forks, NS

Kristen R. Knudskov

From: Allen Macleod [REDACTED]
Sent: February 10, 2021 12:10 PM
To: PlanningConsult
Subject: North End planning strategy

Follow Up Flag: Follow up
Flag Status: Completed

Concerning the Public Hearing scheduled for Feb. 23rd. My only comment would be that since George Street is quite wide, angled parking from Dorchester St. to York St. or beyond would alleviate some of the congestion. Allen MacLeod, Dolbin St., Sydney.

Transcribed voicemail submissions

1. Hi, I'm calling about the Sacred Heart Church. I'm just putting my support behind the owner and I think this is an excellent thing for Sydney. My name is Joanne Donato. My number is... .. No need to get back to me, I'm just voicing my support for this project. Thank you.
2. Hi there, my name is Mary Muis. I'm calling from Ben Eion. I'm calling in full support of the renovated Sacred Heart Church. I attended a wedding there on New Years Eve. This is an absolute jewel in our city, and I think our municipality must accommodate, must making parking changes to allow this to be a successful venue for all of our citizens. Thank you very much. Goodbye.

Dear Mayor Amanda MacDougall and Councillors:

This is a submission from the Nova Scotians for Equalization Fairness (NSEF) that consists of unanswered questions concerning the federal Equalization Payments, which the two levels of government have not provided a constitutional authority to do what both governments have been doing. And, today none of the politicians - government or opposition members - are willing to fully discuss this government program on record. Why are all governments over many years refusing to explain or answer questions from its own electorate about its own manipulation hidden behind its Equalization data? Democracy and transparency are mutually inclusive, BUT NOT HERE IN NOVA SCOTIA regarding the distribution of these federal yearly Equalization payments.

An important point that must not be ignored, the data being used by the NSEF is the government's own data - whether provincial or federal.

This is why the many years of manipulation of these Equalization transfers had to be prevented by the justice system from being allowed to proceed to a trial setting. The government would not have been able to prove its manipulation of these federal Equalization payments were pursuant to the Constitution Act, 1982. This likely led to former Chief Justice MacDonald of the N.S. Appeal Court overstating his conclusion that actually overruled a 1950 Supreme Court of Canada decision regarding the ownership of the Canadian Constitution.

It is apparent the provincial government's policy over these many years is to underfund the municipal units in order to maintain the increasing federal dollars in the Equalization program. When the NSEF first learned from former provincial finance minister Maureen MacDonald of the significant percentage (26.8 % in 2011-12) of the total Equalization funding \$1.417 billion in the federal funding formula was because of the municipal deficiency in tax capacity related to property and miscellaneous revenues, the obvious question is: Why hasn't this money been used to address this deficiency in tax capacity? This federal funding for this municipal deficiency in tax capacity has increased each year and the latest data the NSEF has is 23.1% for the years 2018-19 when the total federal transfer was \$1.933 billion. However, the provincial grant funding which used to be labelled equalization, too, has been capped at \$30.5 million for many years. Why?

And the federal Equalization payments funding to Nova Scotia continues to increase for the next year 2021-22 when the total transfer is \$2.315 billion. So, why are communities being planned for dissolution?

The bizarre irony and reality of what is happening in Nova Scotia with the federal Equalization transfers is to increase the economic inequality between the Capital Region and the rural areas and its second-largest municipality, whereas the intent of the federal Equalization funding is to reduce the economic inequality among the ten provinces.

More and more people are witnessing how our local politicians are choosing to remain silent regarding this Equalization issue as ordered by the leadership of their political party. This silence has filtered down even to members of council, particularly those who have aspirations to run provincially or federally, or are card-carrying party loyalists. Consequently, having the CBRM council voting unanimously to push government for the answers to these unanswered questions is very important in demonstrating where their representation rests on this issue.

Also, since the discovery of the 1950 Supreme Court of Canada decision, the Equalization issue is presently being assessed by a well-known Toronto constitutional lawyer, and having the municipal government question the government policy on constitutional grounds can only be helpful.

And before considerations of removing the CAP, the public has to know all efforts were taken by the CBRM Council to demand both levels of government be accountable and transparent regarding these Equalization transfers, which would also help to establish government compliance with the Constitution Act, 1982.

Therefore, we are requesting the CBRM council as the lowest-level of elected representatives to officially seek the answers to these questions from both the Nova Scotia provincial government and from the federal government on behalf of their over-burdened taxpayers. As the level of government most impacted by the current policy of no accountability or transparency regarding these Equalization transfers, our research has noted these legal inconsistencies in the administration of these Equalization transfers. These legal inconsistencies have resulted in real injustices to many Nova Scotians, which includes the CBRM, that must be addressed.

The unanswered questions are as follows:

1). As one of the two government signatories to s.36 of the Constitution Act, 1982, why have five towns dissolved and so many other municipal units in financial trouble - including the second largest in the province, the Cape Breton Regional Municipality – if the constitution is being complied with by both levels of government? How many more municipal units will be sentenced to political death due to the underfunding by the provincial government despite the increasing yearly dollar amount provided through the federal Equalization program?

2). And how is this outcome of dissolving towns pursuant to s.36 when over 20% of the yearly billions of dollars (\$2.315 billion – 2021-22) of the total Equalization transfers are generated by the “municipal deficiency in tax capacity related to property and miscellaneous revenues,” but have never been distributed to address this deficiency in tax capacity? Why?

3) As one of the two government signatories to s.36 of the Constitution Act, 1982, what is the federal and provincial government’s “factual evidence” from what is actually happening in rural Nova Scotia and in the Cape Breton Regional Municipality that the federal and provincial governments are still insisting both are complying with its constitutional obligation? When asked for this evidence, however, no response is provided.

4) After both levels of government’s enshrinement of this Equalization obligation in the Constitution Act, 1982, please cite what is the constitutional reference which legalizes/legalized these “unconditional” transfers?

When this specific practice of the “unconditionality” of these Equalization transfers was being discussed via emails with a former provincial finance minister and I remarked that if the unconditional transfer was for the moment considered legal, does that mean the provincial government is exempt from complying with s.36 of the Constitution Act, 1982? His terse response was the government will take its advice from the N.S. Appeal Court. Well, that lower court decision overruled a 1950 Supreme Court Of Canada decision.

5) Both levels of government are obviously acting on the advice of the constitutionally incorrect

“conclusion” of Chief Justice M. MacDonald of the 2009 N.S. Appeal Court Decision when he concluded:

“[86] In an appropriate context, s. 36 might represent a justiciable commitment, *but “ONLY” among the federal and provincial governments who were privy to the agreement that is represented by s. 36.* (emphasis added) It is not actionable by an individual or municipality such as CBRM. Yet this is something the CBRM would have to establish if this matter were to proceed further. Therefore, this proposed interpretation respectfully offers no chance of success.”

However, in this earlier 1950 Supreme Court of Canada constitutional case (<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/6919/index.do>) between the province of Nova Scotia and the federal government, the Supreme Court of Canada “clearly stated” on p. 34 the following:

“The constitution of Canada does not belong either to Parliament, or to the Legislatures; it belongs to the country and it is there that the citizens of the country will find the protection of the rights to which they are entitled.”

Since the Supreme Court of Canada decided not to decide when the CBRM sought leave to appeal to the Supreme Court of Canada, that legal path appears not to have been completely closed. And it is long past the time for both the federal and provincial levels of government to realize all governments, too, must comply with the supreme law of this land: **The Constitution!**

In closing, if the CBRM after submitting these questions to both levels of government does not get either any response or, at best, an abrupt brush-off reply as the NSEF has received, this response has to be made public. Because this unconstitutional manipulation of billions of federal Equalization transfers over so many years has denied rural Nova Scotia and the CBRM residents of their constitutional entitlement. And this kind of government unaccountability and non-transparency should then help rural Nova Scotians and residents of the CBRM to realize the problem rests in the undemocratic hierarchical political control of, and by, the political party system.

Should this government obfuscation be maintained towards the CBRM’s inquiry over this constitutional issue, then a serious re-examination of Cape Breton Island’s political future within Nova Scotia must be seriously re-evaluated because of this unacceptable democracy deficit.

Yours truly

Fr. Albert Maroun, PhD
NSEF
Russ Green
NSEF
Charles W. Sampson
NSEF



FEWER COMMITTEES, MORE FOCUS, FASTER PACE

MEMORANDUM #2 (Final Memo)

TO: Mayor Amanda McDougall and Members of CBRM Council
FROM: Prof. Tom Urbaniak
RE: Follow-up to workshops on committee structure and meetings
DATE: February 17, 2021

This is the final step in my assignment as pro bono facilitator on committee structure and meetings.

As part of this process, a workshop was held with Council on January 19, 2021. A preliminary memo with recommendations for discussion was circulated on January 22, 2021. A follow-up session was held on February 12, 2021, to discuss the preliminary memo.

I am pleased to present this final memo for your consideration.

It is grouped into three themes: 1) Fewer Committees; 2) More Focus; 3) Faster Pace.

1.FEWER COMMITTEES

1.1 Use a General Committee model. Keep other standing committees to a minimum. Where other standing committees do exist, give them annual mandate letters from Council with specific requests for outputs linked to your strategic directions.

1.2 General Committee should be chaired by the deputy mayor or a councillor, not the mayor. This is because the mayor should be freed up in committee to make motions and actively debate. If GC is to be chaired by a councillor (instead of the deputy mayor), the chair can be selected by council once a year. It's somewhat like having a "Speaker of the House" for GC. The Mayor would of course still chair Council meetings, as required by the MGA. And the Mayor would still be very much involved in setting the GC agendas, but would not actually chair the GC meetings. (Note: I have removed the concept of rotating chairs for GC.)

1.3 I did not detect significant Council support for the preliminary recommendation of a Community Development Committee reporting to Council. I am therefore removing that recommendation. However, I am recommending that GC agendas/meetings be organized thematically according to "General Committee: Development" and "General Committee: Oversight and Good Governance." These two broad areas require somewhat different mindsets. Agendas should not be a random mix of both.

1.4 Council's representatives on outside bodies should periodically report on their activities to GC.

2) MORE FOCUS

2.1 Plan for three-hour agendas. Meetings can still be extended by simple motion. But trying for three hours is a good discipline. (Two sessions the same day after an extended gap is also possible. If the three-hour mark is reached and the meeting adjourns, items can be deferred to the next meeting or a spillover meeting.)

2.2 Where community presentations are not related to specific agenda items -- but instead focus on themes, general concerns and achievements -- move these (where possible) into facilitated, Council-hosted "**Solutions Forums.**" A facilitator can help Council with the Solutions Forums and come back with a short report after each one. These Solutions Forums should be held periodically (eg. once every two months).

2.3 Create a Standing Rule giving authority for the chair to cut off a speaker (after one caution about redundancy) or to ask for a wrap-up of a redundant intervention.

2.4 After Council has determined its priorities for the CBRM (strategic plan), use targeted, time-limited citizens' task forces or special advisors ("committee of one") to flesh out the key points and come back to Council with specific recommendations for what CBRM should do next -- and what Council should request of (or refer to) agencies or community partners. Task forces would use citizen members. They would normally be in place for about three months and then disband. Minutes of each task force meeting would not be required (this would ease the burden on staff), but the public would have the right to observe task force meetings (as per Municipal Government Act).

2.5 *Facilitator's Note:* Time is pressing to identify the CBRM priority areas. Pandemic-recovery federal/provincial infrastructure funding envelopes, which can benefit the municipality, are starting to appear. Federal and provincial elections are on the horizon. This is a time for CBRM to itemize specifically what it wants and needs.

3) FASTER PACE

3.1 A normal rhythm would be at least one, and sometimes two, Council meetings per month and two GC meetings per month. (Remember: Each one would normally be not more than three hours.) **At** least one Council meeting each month should be in the evening. GC meetings could normally be daytime, unless a special issue warrants an evening session. If a scheduled meeting is not needed because of a very light agenda, the Chair should cancel it and defer the items to the next one. But Council would have the meeting times set aside in their calendars so that a regular, rapid pace (rhythm) can be established.

3.2 Use the "Consent Agenda," as explained in the previous memo and in the follow-up session on February 12. It would still be transparent to the public what's on the Consent Agenda, and any councillor could request that something be taken off the Consent **A**genda for further discussion later in the meeting. Generally, all motions already discussed and approved by GC would be on the council Consent Agenda for final ratification through one omnibus motion, unless there's a specific need to revisit or correct something.

3.3 Provide training for committee and task force chairs. The CBU Tompkins Institute can help with this (*pro bono*) if desired by Council.

3.4 Revisit the committee and meeting structure after a year with a follow-up workshop.

NEXT STEPS – CRITICAL PATH

February-March 2021: Draft a resolution incorporating the GC and scheduling model as discussed above.

February-March 2021: Draft a resolution to adopt the Consent Agenda feature to allow quick consideration at Council of items that have already been through long discussion at committee or that are likely to be non-controversial. (At the meeting, any councillor could still ask for a Consent Agenda item to be moved to the regular agenda, if more discussion is desired. The public would still see all the items on the Consent Agenda.)

March 2021: Adopt a Standing Rule to allow the chair discretion with respect to redundant interventions, as discussed in 2.3 above (and suggested by councillors themselves in the workshops).

March 2021: Council should finalize its priorities and strategic directions and use citizens' task forces or special advisors, as discussed above, to promptly come back with proposed follow-up steps. Because of forthcoming funding opportunities, priorities related to infrastructure (broadly defined) will be particularly urgent to itemize.

Spring 2021: Begin the "Solutions Forums" feature as discussed in 2.2 above.

Spring 2021: Begin a straightforward, focused training module for committee or task force chairs. (CBU can assist to put this together.)

One year from now: Follow-up workshop to assess effectiveness and consider (additional) changes, with the possibility of a brief interim appraisal in six months.

Seeking Higher Office

Motion:

Moved by Councillor Gillespie, seconded by Councillor Parsons, that staff be directed to prepare an Issue Paper regarding members of CBRM Council who seek nomination for a higher office such as a Member of the Provincial Legislature (MLA), Member of Federal Parliament (MP), or leadership of a provincial or federal party.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

*Office of Demetri Kachafanas, QC
Regional Solicitor*

ISSUE PAPER

TO: Mayor and Council

CC: Marie J. Walsh, CAO

FROM: Demetri Kachafanas, QC, Regional Solicitor

DATE: February 16, 2021

RE: Leaves of Absence for Councillors seeking Higher Office

Background

Councillor Steve Gillespie requested an issue paper on the above-referenced topic. Council passed a motion requesting staff prepare an issue paper on the topic.

The matter has come up for discussion on a few occasions as it is not uncommon for councillors to seek higher office such as Member of the Legislative Assembly or Member of Parliament. Over the last eight years three councillors and one mayor have sought higher office.

The issues raised by Councillor Gillespie in requesting the issue paper include:

1. Councillors putting the Municipality in a “tough spot” if they announce for a party which is in opposition to the sitting Government;
2. Councillors using their seat as a “soap box” while campaigning for the office;
3. The perception to the public of paying a councillor while he/she campaigns to be elected to a higher office; and
4. Lack of focus on council duties by a councillor/mayor who runs for higher office.

Analysis

Council derives its authority to make policies from the *Municipal Government Act*. The *Municipal Government Act* (MGA) does not specifically address the issue of councillors seeking higher office. However, Section 48(3) of the Act states:

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the Council considers conducive to the effective management of the municipality.

Therefore, generally speaking, on the face of it, Council has the authority to make such a policy.

However, municipal action cannot conflict with provincial jurisdiction. Municipal Action is considered *ultra vires* or beyond its powers when it conflicts with other provincial legislation. The conflict must be direct, however, and the policy or by-law is not invalid if the two enactments can stand together.

The *Municipal Elections Act* (MEA) specifically deals with the qualification and disqualification of persons to be a councillor.

Section 17 of the Act states:

Eligibility as councillor

17 (1) Except as otherwise provided in this Act, every person shall be qualified to be elected as councillor who

- (a) is a Canadian citizen of the full age of eighteen years at the time of nomination;
- (b) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day, and continues to so reside;
- (c) has obtained a certificate in the prescribed form from the clerk, treasurer, collector or other official having knowledge of the facts that, as of nomination day, the charges that are liens on the person's property and the taxes due to the municipality by the person have been fully paid or all instalments or interim payments that are due as of nomination day have been paid; and
- (d) is not disqualified under this Act.

(2) A councillor who is otherwise qualified shall be eligible for re-election.

Disqualified persons

18 (1) No person is qualified to be nominated or to serve as councillor who

- (a) is a member of the House of Commons or Senate of Canada;
- (b) is a member of the Legislative Assembly;
- (ba) is a village commissioner;
- (c) is a member of the council of another municipality;
- (ca) is a judge of the Nova Scotia Court of Appeal, the Supreme Court or the Provincial Court;

(d) accepts or holds office or employment in the service of the municipality, or any utility, board, commission, committee or official thereof, to which any salary, fee, wages, allowance, emolument, profit or other remuneration of any kind is attached, for so long as he holds or is engaged in the office or employment unless the person is on a leave of absence granted pursuant to subsection 17C(2), but this disqualification does not apply in respect of an office or employment

(i) as a volunteer fireman with a municipal fire fighting organization,

(ia) as a volunteer member of a board or committee of the municipality,

(ii) with a school board, or

(iii) with a joint body of two or more municipalities to which the municipality appoints at least one representative and to which the municipality provides funding; or

(e) *repealed 1994, c. 26, s. 9.*

(f) has been convicted of any corrupt practice or bribery contrary to this Act within five years preceding nomination day

(1A) *repealed 2003, c. 9, s. 9.*

(1B) Where a person who is a councillor is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, the person ceases to be a councillor.

(2) During a special election, no person is qualified to be nominated as councillor who is a member of a school board.

(3) *repealed 1991, c. 6, s. 41.*

(4) Notwithstanding subsection (1), a councillor who is elected to the Legislative Assembly or the House of Commons or who is appointed to the Senate of Canada or as a judge of the Supreme Court or a judge of the Provincial Court shall resign his office as councillor within thirty days of such election or appointment.

(5) A councillor who ceases to be ordinarily resident in the municipality shall cease to be qualified to serve as a councillor.

(5A) Notwithstanding subsection (5), where a councillor has the approval of council, a councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term.

(6) A councillor who, without leave of the council, is absent from three consecutive regular meetings of the council shall thereby vacate his office, and the office shall be declared vacant by the council, whether or not the councillor has vacated his office.

(6A) Subsection (6) does not apply where the councillor is absent for fifty-two or fewer consecutive weeks due to parental accommodation during a pregnancy or commenced within one year of a birth or adoption.

(7) A councillor who is nominated to fill a vacancy in the office of mayor where a special election is required shall thereby vacate his office as councillor.

(8) Any person who acts or sits as a councillor after becoming disqualified shall be liable to a penalty of not more than five hundred dollars for each day that he so acts or sits.

Notably, the MEA states that a person elected as an MLA or MP is ineligible to be a councillor and a person such elected has 30 days to resign his or her council office. Furthermore, the Legislature has set the bar for lack of focus on Council duties as missing three consecutive council meetings.

The Act further contemplates required leaves of absence. The Act mandates leaves of absence for municipal employees who wish to run for Council. Section 17B and 17C(1) of the Act states:

Nomination and service of employee as councillor

17B Notwithstanding Section 18 of the *Municipal Government Act*, an employee of a municipality, other than the chief administrative officer, may be nominated and serve as a councillor if the person is on a leave of absence pursuant to Section 17C.

Leave of absence

17C (1) A person who is an employee of a municipality, other than the chief administrative officer, and who intends to become a candidate shall take a leave of absence beginning not later than the day the person becomes a candidate.

However, the Act is silent on the requirement for a leave of absence for a councillor who wishes to run as a candidate for Member of the Legislative Assembly or Member of Parliament. The Legislature could have required a sitting councillor to take a leave of absence if he or she chose to run to be a member of the Legislative Assembly or Parliament, but it chose not to do so.

It does appear that the requirement for a councillor to vacate his or her office even for a short time on a leave of absence is under the jurisdiction of the Province. However, an argument could be put forth that a municipal policy that requires councillors to take a leave of absence when seeking higher office does not contradict the provincial legislation, but can coexist with it, and is therefore in the power of the Municipality to enact. It would be up to the Court to make a final determination if the policy is ultra vires.

However, public policy decisions must also be rational and must not take into account irrelevant considerations. The Court in an English case on the challenge to municipal authority made the following statement in overturning local government decision:

“...as a matter of public law, a decision of a public body may be void not simply because the body exceeded the letter of its powers, but also if the decision was taken for an improper purpose, or was substantively irrational ... or because the decision was reached taking into account irrelevant considerations or failing to take into account relevant considerations, or because the process by which the decision was arrived at was unfair.”

The reasons for implementing the policy are important and relevant. I will address the specific concerns presented as reason for the need for a policy to determine if such a policy would be reasonable.

Party Affiliation puts the Municipality in a Difficult Position

Councillors are often members of political parties. Some have been former MLA's, some serve on local provincial or national party executives. Many councillors' party affiliations are public and well known. Simply having a political affiliation does not disqualify a person from being a councillor. Furthermore, the *Nova Scotia Human Rights Act* prohibits discrimination based on political belief, affiliation, or activity.

It could be argued that being a member of a party or on the executive of a riding association or provincial party would have an equal effect of putting the municipality in a difficult position if that party was the not the governing party. The campaigning councillor would not be unique enough in that regard to necessitate a policy.

Campaigning Councillors Using Council Seat As a "Soap Box for Campaign"

Political affiliation would not be the only factor relevant to a concern over using council seats as platforms to espouse personal beliefs or the views of outside organizations. Councillors have various affiliations and beliefs. The same policy considerations would apply to a councillor who had an affiliation with a trade union, religious group or an environmental group and may be running for office within those organizations. A councillor could just as easily use his seat on council as a mechanism for promoting the views, concerns or beliefs of those organizations which would be equally offensive, and which also should be covered by a policy if one was adopted.

Public Perception of Councillors Being Paid While Campaigning for Higher Office

Public perception cannot be the motivating factor for policy implementation. The Act requires that a policy *be conducive to the effective management of the municipality*. The requirement for a councillor elected by the people to be deprived of the right to serve his or her constituents must be based on sound legal principles. There must be some evidence that a person running for higher office while elected as a councillor, effects the management of the Municipality, and somehow lessens the councillors ability to serve the district residents to which he or she was elected. Also, with respect to the residents' acceptance of such a practice, ultimately, the residents have the final say if they agree with the Councillor's decision to seek a higher office when voting in municipal elections.

Councillors Campaigning for Higher Office Are Not Focused on Municipal Duties

The argument that a person campaigning to be elected to a higher office should be required to take a leave of absence because they are not focused on their duties as mayor/councillor does not take into consideration that a councillor is a part-time position.

As stated earlier, I would submit that the Legislature has set the bar for lack of focus at missing three consecutive council meetings without excuse or permission which would result in the person being disqualified to be a councillor and would require the councillor to vacate his or her council seat.

Many councillors have other employment. It is non-sensical to require a person to take a leave of absence from council to campaign, but allow another person to maintain a council seat while he or she works at other employment or volunteers with outside organizations potentially during the exact same hours a person may be campaigning for higher office. The potential reduced focus on council duties would be the same.

If focus on council duties is a problem that is to be corrected by policy, a more rational approach would be to explore implementing a policy and requesting the Province amend legislation that requires that councillors not *engage in any occupation, business, or volunteer activity other than his or her council duties*. However, I note that this is not a recommendation nor is it presently within the scope of municipal jurisdiction.

Based on the above, in my opinion, the reasons put forth would not stand the test for rationality, relevance, and proportionality.

Conclusion

In conclusion, it is my opinion that implementing a policy requiring a councillor who runs to be elected to a higher office such as MLA or MP, is not in the purview of the Municipality to enact.

Yours truly

ORIGINAL SIGNED BY
Demetri Kachafanas, QC
Regional Solicitor

Report on Call for Expressions of Interest - Citizen Representatives on Committees

Motion:

Moved by Councillor Parsons, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to appoint to:

- **CBRM Board of Police Commissioners:**
 - Candidate # P-1 - North Division
 - Candidate # P-6 - Central Division
 - Candidate # P-11 - East Division
- **Audit Committee:**
 - Candidate #A-1
- **Heritage Advisory Committee:**
 - Candidate # H-1
 - Candidate # H-2
 - Candidate # H-3
 - Candidate # H-4
 - Candidate # H-5
- **Cape Breton Regional Library Board:**
 - Candidate # L-2
 - Candidate # L-5
- **Port of Sydney Development Corporation**
 - *Individuals with Business and Commerce Expertise:*
 - Candidate # Port-2
 - Candidate # Port-4
 - *Licensed to Practice Law:*
 - Candidate # Port-9
- **Diversity Committee:**
 - *African Nova Scotia Community*
 - Candidate # D-1
 - *Disability Community*
 - Candidate # D-8
 - *Mental Health Community*
 - Candidate # D-2
 - *First Nations Community*
 - Candidate # D-4
 - *Newcomer Community*
 - Candidate # D-3
 - *Women's Group Community*
 - Candidate # D-5
 - *Community Member at Large:*
 - Candidate # D-6
 - Candidate # P-12
 - Candidate # P-14

Motion Carried.

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Amanda M. McDougall & Council
From: Deborah Campbell Ryan, Municipal Clerk
Date: February 17, 2021
Subject: Report on Call for Expressions of Interest
– Citizen Representatives on Committees

At the February 9, 2021 meeting of the CBRM Nominating Committee, I presented the Report on the Call for Expressions of Interest for citizens to serve on various CBRM Committees and External Agencies. Attached is the motion from the Nominating Committee outlining the nominations for Council's consideration.

In terms of process, it would be in order for Council to pass a generic motion approving the nominations from the February 9th Nominating Committee meeting by candidate number. The names of the successful candidates will be publicly released at a future Council meeting once the citizens have accepted the positions and any required background checks have been completed. A draft motion to that effect is attached for Council's consideration.

I would point out that Council is well within its right to nominate alternate candidates for any of the Committees. To that end, I am also attaching the confidential matrix of applicants that was presented at the February 9th Nominating Committee. If alternate candidates are nominated, they should be referenced by number only and an election would be required.

Further, I would note that we did not receive applications from the Gay, Lesbian and Transgendered Community, Cape Breton University, or the Cape Breton Victoria Regional School Board (i.e. Cape Breton Victoria Regional Centre for Education) and staff was directed to re-advertise for those positions when we call for citizens for the Accessibility Advisory Committee.

Original signed by:

Deborah Campbell Ryan, Municipal Clerk

Attachments

Draft Motion for Council Consideration:

Report on Call for Expressions of Interest - Citizen Representatives on Committees

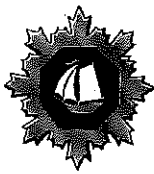
Motion:

Moved by Councillor____, seconded by Councillor _____, to approve the following recommendations from the February 9, 2021 Nominating Committee meeting for the nomination of citizens to the following Committees:

- **CBRM Board of Police Commissioners:**
 - Candidate # P-1 - North Division
 - Candidate # P-6 - Central Division
 - Candidate # P-11 - East Division
- **Audit Committee:**
 - Candidate #A-1
- **Heritage Advisory Committee:**
 - Candidate # H-1
 - Candidate # H-2
 - Candidate # H-3
 - Candidate # H-4
 - Candidate # H-5
- **Cape Breton Regional Library Board:**
 - Candidate # L-2
 - Candidate # L-5
- **Port of Sydney Development Corporation**
 - *Individuals with Business and Commerce Expertise:*
 - Candidate # Port-2
 - Candidate # Port-4
 - *Licensed to Practice Law:*
 - Candidate # Port-9
- **Diversity Committee:**
 - *African Nova Scotia Community*
 - Candidate # D-1
 - *Disability Community*
 - Candidate # D-8
 - *Mental Health Community*
 - Candidate # D-2
 - *First Nations Community*
 - Candidate # D-4
 - *Newcomer Community*
 - Candidate # D-3
 - *Women's Group Community*
 - Candidate # D-5
 - *Community Member at Large:*
 - Candidate # D-6
 - Candidate # P-12
 - Candidate # P-14

and that the names of the successful candidates will be publicly released at a future Council meeting once the citizens have accepted the positions and any required background checks have been completed.

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST TO DEEM PROPERTY SURPLUS
Portion of PID 1S01391S
Logan Street, North Sydney

DATE: February 23rd, 2021

REQUEST:

CBRM received a letter of interest asking CBRM to consider selling a portion of CBRM property located in North Sydney. The property currently owned by CBRM is outlined in green on the attached map and identified as PID 1S013915 (Attachment A).

INFORMATION:

Edith Ann Herridge is the registered owner of 3 Logan Street, North Sydney (PID 15700701 – outlined in red on attached map). Her son, Michael Herridge and his wife, Megan owned 1 Logan Street, North Sydney (PID 15700693 - outlined in blue on attached map). They are both seeking to acquire additional property for future improvement to their existing properties. While Edith Herridge is seeking to expand her green space, her son Michael, is looking to construct a garage on his property. In order for him to do so, additional land is required for a building permit.

The CBRM property contains approximately 6 acres and is currently deemed essential. The property encompasses 2 baseball fields, a portion of Logan Street and a brook, commonly referred to as *Smelt Brook*.

The Herridge family is asking CBRM to consider selling a small portion of the CBRM property for their proposed improvement and development of their existing properties. Mr. Herridge advised they have been mowing the property for some time to keep it tidy and clear from overgrowth of the plant known as "elephant ears".

An internal staff review determined that while CBRM requires a large portion of this property for municipality purposes, staff found no reason not to consider conveying a small portion of the CBRM property to the respective parties for their intention use.

Staff concluded 50 feet in the rear of PID 15700701 and PID 15700693 is not required for municipal purposes and can be deemed surplus for sale. The estimated area is shown crosshatched in red and blue on attached map (Attachment "A"). Any proposed sale would be subject to lot consolidation with existing lands of the parties noted herein and compliance with Land Use By-law and all other applicable legislation and government regulations.

RECOMMENDATION:

It is staff's recommendation to council to pass a motion declaring portion of PID 15013915, as shown crosshatched in red and blue on the attached map, surplus to the needs of the municipality. The area crosshatched in red shall be sold at market value to Edith Herridge and the area crosshatched in blue sold at market value to Michael and Megan Herridge. All costs will be the responsibilities of the purchasers.

Respectively Submitted by:

ORIGINAL SIGNED BY

**Sheila Kolanko
Property Manager**



Legend

- CBRM Property PID 15013915
- PID 15700701 (EDITH ANN HERRIDGE)
- Portion A of CBRM Property PID 15013915
- PID 15700693 (MICHAEL STEVEN HERRIDGE)
- Portion B of CBRM Property PID 15013915



CBRM

A Community of Communities

Cape Breton Regional Municipality

Memo

Date: February 17, 2021
To: CBRM Council
From: Staff Sgt. Gil Boone
Re: CBRM Tow Truck Licencing By-Law

Dear Members of Council,

The Tow Truck Licencing By-Law was passed by Council on June 23, 2020.

However as a result of a review and consultation with the Province of Nova Scotia, a few changes are required before proceeding to have it registered under the *Summary Proceedings Act*.

The noted issues were as follows;

- The required Schedule 1 was completed and added to the existing document.
- Clarification on the classification of the driver's licence.
- The authority for the By-Law to be noted with the appropriate section of the *Municipal Government Act*.

The amendments are included in the attached By-law and are recommended to Council for approval.

Recommendation:

That Council approve the proposed amendments to the Tow Truck Licencing By-Law as outlined for first reading.

Staff Sgt. Gil Boone

CAPE BRETON REGIONAL MUNICIPALITY

By-Law No: T-200

Tow Truck Licencing By-law

BE IT ENACTED by the Council of the Cape Breton Regional Municipality, under the authority of Section 171(1)(f) and Section 172(2)(e) of the *Municipal Government Act*, as follows:

1. DEFINITION

(1) In this by-law:

"*CBRM*" means the Cape Breton Regional Municipality;

"*Collision*" means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

"*Collision Scene*" means the general location or place where a Collision occurred;

"*Collision Towing*" means the towing of a disabled Vehicle as the result of a Collision;

"*Commercial Motor Vehicle*" means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractors used for hauling purposes on the highway;

"*Council*" means the Council for CBRM;

"*Dolly*" means a four-wheeled carriage used in towing to support the trailing end of the Towed Vehicle;

"*Driver*" means any Person who Drives or operates a Tow Truck;

"*Drop Fee*" means any fee or commission paid to the Owner or Driver of a Tow Truck or to a Tow Truck Broker in return for the towing or otherwise conveying of a Vehicle to a particular place, which fee is in addition to the amount which the Owner or Driver of the Tow Truck is authorized to charge to the Hirer;

"*Flatbed*" means a platform body with a winch for loading;

"*Gross Vehicle Weight Rating (GVWR)*" means the maximum total Vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

"*Hirer*" means the Registered Owner of a Vehicle, to be towed or being towed, his/her agent or any Person lawfully in possession of the Vehicle to be towed or being towed;

"*Inspector*" means an inspection officer duly appointed by Council;

"*Licence*" means the certificate issued under this by-law as proof of licencing under this by-law;

CBRM By-Law No. T-200
Tow Truck Licencing By-law

"*Licence Renewal Sticker*" means the coloured consecutively numbered sticker issued with the renewal of the Owner's Licence, to be attached to the Owner's Plate. The sticker indicates the expiry year of the Owner's Licence;

"*Licence Sticker*" means the stamp or seal issued to an Owner under this by-law;

"*Manager*" means the Manager responsible for administration and enforcement of this By-law, as appointed by Council, and includes his or her designates.

"*Motor Vehicle*" includes an automobile, truck, trailer, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow Vehicle or motor-assisted Vehicle;

"*Municipal Boundary*" means the boundary encompassing CBRM;

"*Nuisance*" means:

(a) the obstruction or interference with Persons involved in a Motor Vehicle Collision or otherwise in need of the service of a Tow Truck,

(b) the obstruction or interference with emergency services personnel responding to a Motor Vehicle Collision, which personnel would include, but not be limited to peace officers, members of a fire department and members of an ambulance service, and

(c) the obstruction or interference with other Tow Truck Drivers or Owners and pedestrian or vehicular traffic;

"*Owner*" means the holder of the plate portion of the Permit issued under the *Motor Vehicle Act*;

"*Owner's Plate*" means a number plate issued to an Owner Licenced under this by-law;

"*Permission to Tow a Vehicle Form*" means a form supplied to a Driver or Owner by CBRM which must be completed and signed by the Tow Truck Driver and the Hirer prior to a tow commencing in CBRM where such tow is requested by the Hirer;

"*Permit*" means the Licence or certificate issued under this by-law;

"*Person*" includes a firm or Corporation to whom the context can apply;

"*Registered Owner*" means the Person shown to be the Owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicle for the Province of Nova Scotia;

"*Tow Bar*" means a device for positioning a Towed Vehicle behind a towing Vehicle;

"*Tow Sling*" means a device used for lifting and towing Vehicles with a partial load supported on rubber belts;

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"*Tow Truck*" means a Vehicle used for towing or otherwise conveying Vehicle(s) which shall include a Wrecker Body;

"*Tow Truck Broker*" means a Person who in pursuance of a trade, calling business or occupation arranges for the provision for hire to a Hirer of the services of a Tow Truck not owned by such Person;

"*Towed Vehicle*" means a Vehicle or any part thereof towed or otherwise conveyed by a Tow Truck, under an agreement between the Owner of the Vehicle to be towed and the Driver or Owner of a Tow Truck;

"*Underlift*" means a device used for towing Vehicles by lifting one end of the Towed Vehicle from under the axle or structural member of the Towed Vehicle;

"*Vehicle*" includes a Motor Vehicle, or Commercial Motor Vehicle;

"*Vehicle Pound Facility*" means land, buildings or structures or part thereof, used for the temporary storage of impounded Vehicles within a secure area which is fenced and gated or inside a building and where a storage fee is charged and may include property held under police or other government authority. An office shall be located on the property;

"*Wheel lift*" means a device used for towing Vehicles by lifting one end of the Towed Vehicle by the wheels;

"*Work Order*" includes any for, order, invoice, written authorization or any other document that when signed by a Hirer provides authorization to any Person, Vehicle Pound Facility, Licenced Automobile Service Station, or any other business or Person, to carry out any work to the Hirer's Vehicle, which includes any repair or maintenance to the Vehicle;

"*Wrecker Body*" means a manufacturer's box designed to be attached to the frame of a cab and chassis and used with an Underlift, Tow Bar or Tow Sling or Wheel lift or flat bed carrier or other similar device and which is equipped with a winching and hoisting mechanism and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;

(2) (a) For the purposes of this by-law a Person shall be acting as the Driver or Owner of a Tow Truck if that Person conveys or seeks to convey, for hire, or holds himself out, by his actions or words, as being available to convey, for hire, a Vehicle from a point within the municipality of CBRM, to either a point also within the municipality of CBRM or to any point beyond its limits whether such conveyed Vehicles are intact or inoperable;

(b) Section 1 (2) does not apply where a Vehicle is towed from a point within the municipality of CBRM to a point beyond its limits with the prior consent of the Owner of the Vehicle or that Person's authorized agent;

(c) In the absence of any evidence to the contrary, the tow will be deemed to originate in CBRM.

2. MANAGER

(1) The Manager shall:

- (a) receive, establish the material to be filed in support of an application for, and process all applications for Licences and for the renewal of Licences to be issued under this by-law;
- (b) issue Licences to and renew Licences for Persons who meet the requirements of this by-law;
- (c) impose terms and conditions on a Licence where the Manager is of the opinion that a term or condition of a Licence should be imposed;
- (d) refuse to issue, renew a Licence or revoke or suspend a Licence, where the Manager is of the opinion that the Applicant is disentitled to a Licence under Section 10;
- (e) enforce the provisions of this by-law;
- (f) generally perform all the administrative functions conferred upon it by this by-law.
- (g) issue a conditional Licence for a term of not more than six (6) months, to be reviewed by the Manager with the possibility of renewal, when an applicant has met all the requirements of Section 4 of this by-law and is awaiting decision from the Parole Board of Canada for a record suspension in accordance with Subsection 4(3)(d).

(2) When an Owners Plate is defaced, destroyed or lost, the Licenced Owner shall apply to the Manager for a replacement and on payment of the appropriate fee under Schedule 1 the Manager shall issue a replacement Owner's Plate as required.

3. LICENCING

(1) No Person shall act as or be the Owner of a Tow Truck in CBRM unless he/she is licenced as an Owner under this by-law.

(2) No Person shall drive, or act as the Driver of a Tow Truck in CBRM unless he is licenced as a Driver under this by-law.

(3) Unless provided otherwise in this by-law a Person who is the Owner of more than one Vehicle shall take out a separate Licence for each Vehicle owned by him/her which is to be used in CBRM.

4. AREAS OF JURISDICTION

The jurisdiction of this Towing By-law is the Cape Breton Regional Municipality. CBRM shall be divided into zones for the purpose of this By-Law as set out in Schedule 2. A Driver's Licence is valid throughout the Municipality, but an Owner's Licence is only valid for one zone. No Driver's Licence and/or Vehicle Owner's Licence shall be issued unless the business address of the towing business to be hiring the applicant, or owning the tow truck, is in the service area intended to be served by the driver or towing business.

5. REQUIREMENTS TO OPERATE A TOW TRUCK BUSINESS

Every person engaged in the business of operating a tow truck or owning a tow truck vehicle shall be in the employ of a towing business:

- a. which has a separate address and phone number other than the proprietor's place of residence;
- b. which has a place of business that allows for off-street parking or storage of all tow trucks operated by the business and that is in compliance with the provisions of the CBRM Land Use By-law in effect for the property on which the place of business is located;
- c. which is registered in good standing with the Nova Scotia Registry of Joint Stock Companies.

6. LICENCE

(1) (a) No person shall be licenced under this by-law unless he/she:

(i) has at least five years driving experience after completing the requirements of a full Nova Scotia **Class 5** driver's licence;

(ii) is a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a Driver; and

(iii) has a working knowledge of English.

(b) Any Driver who does not meet the requirements as stated in subsection 6(1)(a) of this By-law on or before the date that subsection 6(1)(a) was enacted and passed shall be grandfathered, provided that they maintain a clear driver abstract until they have fulfilled the requirements of subsection 6(1)(a).

(2) The provisions of subsection 1 do not apply to a Corporation.

(3) No Person shall be Licenced under this by-law as a Driver unless:

(a) He/she has a current valid **Class 5** Driver Licence issued by the Province of Nova Scotia;

(b) He/she produces a criminal record search issued within the past thirty (30) days by the Cape Breton Regional Police Service, or other police service in Nova Scotia, which contains no convictions for five (5) years prior to the date of application or renewal.

(c) He/she produces a driver's abstract issued within the past thirty (30) days which contains not more than six (6) demerit points or any one *Nova Scotia Motor Vehicle Act* conviction with a value of four (4) or more demerit points or similar convictions from outside of the Province of Nova Scotia.

(d) If applicable, he/she produces documentation proving a current application to the Parole Board of Canada for a record suspension in accordance with the *Criminal Records Act*, is actively being pursued.

(e) he/she has his/her photograph taken by the Manager.

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(4) No Person shall be licenced as an Owner unless:

(a) he/she produces for each Tow Truck to be used, a current valid Motor Vehicle Permit issued by the Registry of Motor Vehicles issued in the applicant's name; or if a Tow Truck is a leased Vehicle, provides a copy of the lease agreement for the Tow Truck;

(b) he/she produces and files with the Manager either:

(i) a Nova Scotia Motor Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days of this submission; or

(ii) a Safety Standard Certificate issued under the *Motor Vehicle Act*

within sixty (60) days of this submission.

(c) he/she produces and files with the Manager a copy of the certificate of insurance for the Tow Truck for which he/she is the Owner endorsed to provide that the Manager shall be given at least ten (10) days' notice in writing of the cancellation or expiration or variation in the amount of the policy and insuring each such Tow Truck in at least the following amounts:

(i) in respect to any one claim, in the amount of at least two million (\$2,000,000) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more Persons and loss or damage to property;

(ii) in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer's Motor Vehicle while in his/her care, custody or control and caused by Collision, upset, fire, lightning, theft or attempt thereat, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water; and

(iii) in respect of any one claim, cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of his/her legal liability indirect physical loss or damage to Vehicles and other items of property accepted by the applicant for towing or conveyance;

(d) he/she states in writing whether he/she has any interest either directly or indirectly, in a Vehicle pound, yard or building used for the storage or impounding of Vehicles, a Vehicle body shop or other kind of public garage or any other yard, shop, building or place used for the storage, repair or servicing of Vehicles, provide and filed with the Manager full information as to the location and the type of facilities in which he/she has an interest and the nature and extent of the interest.

7. REPRESENTATION

No Person shall publish or cause to be published any representation that he/she is licenced under this by-law if he/she is not.

8. SUBMISSION OF APPLICATION TO MANAGER

(1) Every Person applying to obtain or renew for a Licence under this By-law shall file with the Manager a duly completed application form provided by the Manager, in which the applicant shall provide all information sought in such application form.

(2) The applicant shall, at the time of the filing of the application form required under subsection (1), deliver to the Manager the following:

(a) a non-refundable payment in the amount of ten (10) per cent of the total Licence fee prescribed in Schedule 1 to this By-law. The minimum payment due at the time of filing a Licence application shall be ten (10) dollars. The maximum payment due at the time of filing a Licence application shall be one hundred and fifty (150) dollars;

(b) The balance of the fee prescribed in Section 1 to Schedule 1 of this By-law, that is the total Licence fee minus the deposit made at the time of filing the Licence application, plus all other applicable charges as established by Section 2 of Schedule 1 shall become due and payable prior to the issuance of the Licence;

(c) if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department; and,

(d) if the applicant is a registered partnership, a copy of the registered declaration of partnership.

(3) Every application/renewal form shall include a requirement that the applicant provide at least the following information:

(a) the name and address of the applicant;

(b) the address of the applicant to which CBRM or its Manager may send or deliver any notice or other document required or authorized by this by-law

(c) any trade or business description to be used in relation to the business;

(d) the address and telephone number used in connection with such business;

(e) a record of all offences under any by-law provincial statute or federal statute of which the applicant; if the applicant is an individual; any of the partners, if the applicant is a partnership; or any of the directors, shareholders and officers of a Corporation, if the applicant is a Corporation, has or have been convicted.

(f) a Driver's History from the Registry of Motor Vehicles at the applicant's expense.

(4) In addition to the above requirements, on an application for renewal of a Licence the previous year's Licence and, when required by the Manager, the Owner's Plate, shall be returned to the Manager.

(5) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on

behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.

(6) The provisions of this by-law relating to an application for a Licence shall apply, with necessary modifications, to an application for the renewal of a Licence or to amend a Licence or a condition of such Licence, except that where the applicant notifies the Manager that the information on file with the Manager has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

9. THE MANAGERS POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

(1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Manager and his or her delegates.

(2) Where the Manager is of the opinion that:

(a) an application for a licence ore renewal of a licence should be refused.

(b) a reinstatement should not be made,

(c) a licence should be revoked,

(d) a licence should be suspended, or

(e) a term or condition of a licence should be imposed, he or she shall make that decision

(3) After a decision is made by the Manager, written notice of that decision shall be given to the Applicant or Licencee advising the Applicant or Licencee of the Manager's decision with respect to the application or licence.

(4) The written notice to be given under subsection (1) shall:

(a) set out the grounds for the decision;

(b) give reasonable particulars of the grounds;

(c) be signed by the Manager; and

(d) state that the Applicant or Licencee is entitled to a hearing by the Appeals Standing Committee if the Applicant or Licencee delivers to the Manager, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeals Standing Committee and the appeal fee as set out in Schedule 1 of this By-law. The Manager shall forward the request for appeal to the Clerk.

(5) Where no appeal is registered within the required time period, the decision of the Manager shall be final.

(6) No Person shall re-apply with the Manager to obtain or renew a Licence for a minimum of one year from the later of:

(a) the date of the Manager's decision to refuse to issue, renew or revoke a Licence; or

(b) where the decision of the Manager is appealed, the date of the Appeals Standing Committee's decision if the Appeals Standing Committee upholds the decision to refuse to issue, renew or revoke a Licence.

(7) An applicant for a Licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a Licence, except where:

(a) there are reasonable grounds for belief that any application or other document provided to the Manager by or on behalf of the applicant contains a false statement or provides false information; or

(b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, shareholder or officer of the Corporation, if the applicant is a Corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

(c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable requirement of the CBRM Land Use By-Law; or

(d) the financial position of the applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner; or

(e) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in area of CBRM where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a Licence in respect of the business is not permitted by this By-law; or

(f) the conduct of the applicant or of one or more of the Persons referred to in paragraph (2) of this section affords reasonable grounds for belief that the carrying on of the business in respect of which the Licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or

(g) the amount payable in respect of the Licence applied for has not been paid; or

(h) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by CBRM.

(i) the applicant has failed to pay a penalty imposed by CBRM arising from a contravention of a By-law.

(j) Any driver's abstract which indicates more than six (6) demerit points or contains any one (1) conviction with a value of four (4) or more demerit points will not be approved to be Licenced.

10. THE HEARING BEFORE THE APPEAL COMMITTEE

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Tow Truck Licencing By-law

(1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to the Appeals Standing Committee.

(2) When the Applicant or Licencee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeals Standing Committee may proceed with the hearing in his absence and the Applicant or Licencee shall not be entitled to any further notice of the proceedings.

(3) At the conclusion of a hearing, the Appeals Standing Committee may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing within fourteen (14) days of the hearing to the Applicant or Licencee and the Manager.

11. COMMITTEE DECISION FINAL

(1) In making its decision the Appeals Standing Committee may uphold or vary the decision of the Manager, or make any decision that the Manager was entitled to make in the first instance. The decision of the Appeals Standing Committee issued under this By-law is final.

(2) A Licence issued under this By-law is personal to the licensee, and cannot be transferred.

(3) Where a Licence has been revoked, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

12. NOTICE

(1) Any notice required to be given by CBRM under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the Person to whom delivery is required to be made at the last address for delivery appearing on the records of the Manager.

(2) Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing, unless the Person on whom service is being made establishes that he/she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

13. CHANGES IN INFORMATION

(1) Every licensee shall notify the Manager in writing within seven days after the event, of any change in any of the information contained in the application form.

(2) Where a change has occurred in the name or business name of a licensee, the licensee shall attend within seven days of the date of the change at the office of the Manager, to have the Licence and Licence records amended accordingly.

14. ISSUE OF LICENCE

(1) Where an application for an Owner's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Manager shall issue a Licence and an

Owner's Plate both of which shall set out the expiry date of the Licence and the applicant shall thereby be licenced.

(2) Where an application for a Driver's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Manager shall issue a Licence which shall set out the expiry date of the Licence and the applicant shall thereby be licenced.

15. RENEWAL OF LICENCE

(1) Every application for renewal of a Driver's Licence, or an Owner's Licence must be delivered to the Manager before the expiry of the term of Licence.

(2) Where a Driver's Licence is renewable, the Manager shall issue a Licence which shall set out the expiry date of the Licence and the Driver's Licence is thereby renewed.

(3) Where an Owner's Licence is renewable, the Manager shall issue a Licence and an Owner's Plate or if applicable a Licence Sticker, all of which shall set out the expiry date of the Licence and the Owner's Licence is thereby renewed.

(4) No Licence may be renewed more than sixty (60) days after the date upon which it expires.

16. OWNER LESSEE FROM MOTOR VEHICLE DEALER OR LEASING COMPANY

Where the applicant for an Owner's Licence has leased a Vehicle to be used as a Tow Truck from a Motor Vehicle dealership or leasing company, the Owner's Licence shall be issued in the applicant lessee's name provided that a copy of the lease has been filed with the Manager and the applicant shall thereby be licenced.

17. TERM OF LICENCE

(1) Every Licence issued to a Tow Truck Driver, shall be valid for a period of one year effective from his/her birthday except where:

(a) the initial Licence issued to a Driver, is issued within ninety-one (91) days prior to his/her birthday, such Licence shall be valid until the next following birthday; or

(b) the initial Licence issued to a Driver, is issued on a date which is greater than ninety-one(91) days prior to his/her birthday, such Licence shall be valid until the next birthday; or

(c) the Driver's birthday is February 29th, the expiry date for such Driver's Licence shall be February 28th, for licencing purposes only.

(2) Section 21(1) does not apply to a Driver who is also the Owner of a Tow Truck, such Driver's Licence shall expire on the same date as the Owner's Licence.

(3) Where the Licenced Owner is a Corporation, the individual Person holding the shares carrying at least 51% of the voting rights attached to all shares of the Corporation, shall be deemed to be the Owner and his/her Driver's Licence shall expire on the same date as the Corporation's Owner's Licence.

23. Every Licence issued to an Owner of a Tow Truck shall be valid for a period of one year effective from the first (1st) day of July up to and including the last day of June of the following year.

18. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

(1) When a Licence has been revoked, deemed unrenuable, cancelled or suspended, the holder of the Licence shall return the Licence to the **Licencing Unit** within twenty four (24) hours of service of written notice of the decision of the Manager or, where an appeal has been filed, the decision of the Appeals Standing Committee, and the Manager may enter upon the business Premises of the Licencee for the purpose of receiving, taking, or removing the said Licence.

(2) When a Person has had his or her Licence revoked or suspended under this by- law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Manager from obtaining the Licence in accordance with subsection (1).

19. RIGHT OF INSPECTION OF LICENCED PREMISES OR VEHICLES

(1) An Inspector or the Manager may at any reasonable time enter upon and inspect the business premises or Vehicles of any licencee to insure that the provisions of this By-law have been complied with, and an Inspector on completion of an inspection shall complete and file with the Manager a written report on the inspection.

(2) Upon an inspection under subsection (1), the Person inspecting is entitled access to the invoices, vouchers, appointment books or trip sheets or like documents of the Person being inspected provided such documents are relevant for the purposes of the inspection and the Person inspecting may remove with the licencee's consent any of the aforementioned documents for the purpose of photocopying provided a receipt is given the licencee and the documents are returned to the licencee within forty-eight (48) hours of removal.

20. VEHICLE INSPECTION

(1) The Manager may require an Owner to submit his/her Tow Truck for inspection at any time and at an appointed place and the Owner shall submit each Tow Truck for inspection when required to do so by the Manager.

(2) When a Tow Truck and its equipment have been examined by the Registry of Motor Vehicles or licenced mechanic and the Tow Truck or its equipment is found to be mechanically defective, the Tow Truck Owner shall not operate the Tow Truck or Permit it to be operated, until the Tow Truck has been reinspected and approved by the Registry of Motor Vehicles or other inspecting authority.

(3) When a Tow Truck is examined by the Registry of Motor Vehicles or licenced mechanic and a report states that the Tow Truck or equipment is dangerous or unsafe, the Owner shall remove and return to the Manager the Owner's Plate to be held until the Tow Truck and the equipment are certified to be safe by the Registry of Motor Vehicles or licenced mechanic.

(4) When an Owner is unable to obtain a Safety Standard Certificate issued under the *Motor Vehicle Act* for the Tow Truck following an inspection as required under subsection 1, the Owner shall remove and return to the Manager the Owner's Plate and the Owner shall not operate the Tow Truck until he/she obtains and produces a Safety Standard Certificate.

21. LICENCE PRODUCTION

Every Person licenced under this By-law, when requested by an Inspector, the Manager or a peace officer shall produce his/her Licence, photograph and other relevant documents required under this by-law.

22. OWNER AND DRIVER DUTIES

Every licenced Owner and Driver shall:

- (1) take due care of all Vehicles and property delivered or entrusted to him/her for towing;
- (2) comply with all reasonable instructions from the Hirer;
- (3) be civil and behave courteously;
- (4) keep a permanent daily record of work performed by the Tow Truck owned or operated by him/her or his/her behalf either in a continuous log sheet or by consecutively numbered bills or invoices showing:
 - (a) the name and address of every Hirer;
 - (b) a description of the Vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such Vehicle;
 - (c) the rate charged, and,
 - (d) the total fee collected.
- (5) keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage with a well maintained exterior paint finish;
- (6) before demanding payment for services, present to the Hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the Owner with the Manager, or as set out in Schedule 3 under this By-law;
- (7) convey the Vehicle to the Hirer's Vehicle Pound Facility or the Hirer's home and if the Hirer's desired Vehicle Pound Facility is closed, the Tow Truck Owner or Driver must take the Vehicle to the Hirer's home, if desired by the Hirer, or to the Tow Truck Owner's or Driver's Vehicle Pound Facility and may only charge

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the general mileage rate as set out in Schedule 3 of the By-law for a re-tow from the Tow Truck Owner's or Driver's Vehicle Pound Facility to the Hirer's desire Vehicle Pound Facility when it opens;

(8) register with the Manager the name of the licenced Vehicle Pound Facility used by the Owner and Driver where a Vehicle is towed when a Hirer has not directed or instructed the Owner and Driver to tow the Vehicle to a specific Vehicle Pound Facility, the Hirer's home or other location.

(9) accept payment (by way of a functioning device where applicable) for any services provided under this By-law using a payment method of the Hirer's choice including credit card, debit, cash or any other prescribed method of payment; and

(10) provide the Hirer (or his/her agent) with access to the Vehicle that is the subject of the tow services, in order to permit the removal of all property contained in the Vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police force. ~~(39-18)~~

23. OWNER AND DRIVER PROHIBITIONS

(1) No Licenced Owner or Driver shall operate or Permit to be operated a Tow Truck which lacks any of the following equipment which is in a good state of repair:

(a) a winching or hoisting device of sufficient capacity to safely lift the Vehicle to be towed;

(b) Wheel lift or an Underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;

(c) one device for securing the steering wheel of a Vehicle;

(d) two dry chemical fire extinguishers having an effective total rating equivalent to at least 4-B C, and at least each weighing 2.27 kg (approximately 5 lbs.);

(e) a minimum of two tow safety chains having a minimum length of 2.7432 metres (approximately 9 feet) each with links of at least 7.9375mm steel (5/16 inches);

(f) four (4) safety pylons;

(g) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of least 100 metres (approximately 328 feet);

(h) a broom;

(i) a shovel;

(j) a general purpose first aid kit;

(k) a crowbar/prybar at least 152.4 cm (60 inches) in length;

(l) at least two wheel blocks;

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(m) flares or reflector kits;

(n) wheel wrenches;

(o) light bar for a rear extension carrier;

(p) and any other provision as may be required under the *Motor Vehicle Act*; and

(q) a Dolly.

(2) No licenced Owner or Driver shall:

(a) interfere with any contract for hiring of a Tow Truck where a Person has hired or has indicated his/her intention to hire a Tow Truck;

(b) induce any Person to employ or hire a Tow Truck by making any false representation to any Person such as the location of or distance to any place or any other matter;

(c) use or permit to be used a Tow Truck which has been found to be unsafe or defective after examination and inspection as required under this By- law;

(d) demand or request payment for his/her services other than in accordance with the applicable schedule of rates filed with the Manager, or as set out in Schedule 3 under this by-law;

(e) demand, request or receive a Drop Fee;

(f) charge a Hirer for time lost through defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Driver;

(g) suggest or recommend to any Hirer that any Motor Vehicle in respect of which his/her services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard, Vehicle Pound Facility, or any other public garage, building or place, unless he/she has been requested to do so by the Hirer, and may at no time suggest or recommend a salvage yard, body shop, storage yard or any other public garage, building or place located outside of the Municipal Boundary;

(h) permit a Person to be a passenger in a Tow Truck, except under the following circumstances;

(i) the passenger is the Hirer of the Tow Truck; or

(ii) the passenger is either the spouse, son, daughter or parent or similar relation in law of the Tow Truck Driver and in such cases the Driver is not to solicit a tow, engage in any form of towing or have his or her Tow Truck within 200 metres (approximately 653 feet) of the scene of a Collision nor shall the Driver cause or permit his or her passenger to solicit a tow or take any actions to engage in any form of towing while the passenger is in the Tow Truck; or

- (iii) the passenger has filed any application with the Manager for a Tow Truck Driver's Licence, or has recently been issued his or her initial Tow Truck Driver's Licence, and in either of these circumstances is receiving instructions on Driver training as to the operation of a Tow Truck while a passenger.
- (i) operate or permit to be operated a Tow Truck with a Gross Vehicle Weight Rating of less than 4,536 kg (10,00 lbs.);
- (j) operate or permit to be operated a Tow Truck without a Wrecker Body;
- (k) operate or permit to be operated a Tow Truck without the Owner's Plate;
- (l) operate or permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Owner's Plate;
- (m) keep any Work Orders in the Tow Truck;
- (n) provide any Work Orders to a Hirer;
- (o) induce, pressure, suggest, recommend or in any way cause a Hirer to sign or agree to a Work Order or otherwise induce, pressure, suggest, recommend or in any way cause a Hirer to agree to any work to the Hirer's Vehicle, which work includes any repairs or maintenance.
- (p) operate or permit to be operated a Tow Truck where the windshield or any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the Tow Truck when viewed from outside the Tow Truck except where the windshield or windows are tinted as per the original manufacturer specifications for the Motor Vehicle;

24. DRIVER'S DUTIES

Every Licenced Driver shall:

- (1) drive the Tow Truck which is towing or otherwise conveying a Vehicle by the most direct route to the destination requested by the Hirer, and in the most expeditious manner, unless otherwise directed by the Hirer;
- (2) clean up any debris, fragments of glass, Vehicle parts or other materials (excluding loads dumped during the Collision) and which may be a danger to the public from any highway or roadway prior to towing the Vehicle from the Collision Scene;
- (3) At all times be neat and clean in personal appearance and properly dressed which must include but is not limited to:
- (a) a blaze orange, a blaze yellow or a combination of both orange and yellow safety vest with two fluorescent stripes, five centimetres in length in the shape of an "X" on both the front and the back of the vest;

- (b) patch green safety boots;
 - (c) pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling each leg; and
 - (d) an identification badge showing the Driver's first initial and last name.
- (4) (a) retain all signed Permission to Tow a Vehicle Form for at least ninety (90) days from the tow date indicated on the Permission to Tow a Vehicle Form; and
- (b) make available to the Manager a copy of all signed Permission to Tow a Vehicle Form to the Manager within thirty (30) days of the date indicated on the Permission to Tow a Vehicle Form and make them available for inspection upon request by a Police Officer, the Manager or an Inspector at any time.
- (5) take a minimum of four (4) photographs, digital or otherwise, of every Vehicle before commencing a tow and said photographs shall:
- (a) capture all angles of the Vehicle include the front, back and sides of the Vehicle to identify all damage; and
 - (b) be kept by the Driver for a minimum of six (6) months which shall be made available to the Manager upon request.
- (6) where the Hirer refuses to sign the Permission to Tow a Vehicle Form, indicate such on the form and retain the form for the period prescribed in subsection 4 above.

25. DRIVER PROHIBITION

No Licenced Driver shall:

- (1) commence to tow or otherwise convey or move any Vehicle, or hook, lift or connect the Vehicle to the Tow Truck, or perform any other services unless first requested so to do by a Hirer, or a peace officer or any member of a municipal fire department, or any Person authorized by law to direct the removal of the Vehicle from private or public property;
- (2) where the request to tow a Vehicle outlined in Sub-Section (1) is from a Hirer, and where the tow is required as a result of a Motor Vehicle Collision, the Driver shall not commence to tow or otherwise convey or move any Vehicles, hook, lift or connect the Vehicle to the Tow Truck unless the Tow Truck Driver has a completed Permission to Tow a Vehicle Form and it has been dated and signed by the Hirer and he/she has provided a copy thereof to the Hirer;
- (3) alter or provide any information on the Permission to Tow a Vehicle Form;
- (4) stop, or park within 200 metres (approximately 653 feet) of a Collision location but this does not apply where the Tow Truck Driver has been summoned to the location of the Collision by one of the Persons referred to in sub-section (1) or where there are fewer Tow Trucks at the Collision location than Vehicles apparently requiring the services of a Tow Truck;

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(5) ask or seek out a Hirer or allow or direct an agent to ask or seek out a Hirer, at a Collision location or within 200 metres (approximately 653 feet) of a Collision location, where the actions of the Driver or agent constitutes a Nuisance;

(6) tow or otherwise convey or move any Vehicle which is to be towed outside the Municipal Boundary unless requested by the Owner or operator of the Vehicle or a peace officer or member of the municipal fire department;

(7) drive or act as a Driver unless the Registered Owner or where applicable, the lessee, of the Tow Truck is licenced under this by-law;

(8) commence to Driver or act as a Driver for any Registered Owner or, where applicable, any lessee, without first providing the Manager with a letter from that Person stating that the Owner or, where applicable, the lessee consents to the Driver operating their Licenced Tow Truck(s);

(9) commence to tow or otherwise convey or move any Vehicle or perform any other services unless first disclosing to the Hirer any interest (either direct or indirect) that the Driver has in any location or facility to which a Vehicle may be towed for repair, storage, appraisal or similar purpose in accordance with any prescribed standards.

26. OWNER DUTIES

Every Licenced Owner shall:

(1) immediately notify the Manager in writing when he/she gives possession and control of the Tow Truck for which he/she is licenced under this By-law to another Person or Permits the use of said Tow Truck by another Person other than through a bona fide contract of hiring for a period greater than one day;

(2) charge a flat rate for Collision Towing as set out in Schedule 3;

(3) file with the Manager a schedule of rates to be charged to Hirers for the towing or other conveyance of Vehicles and for other services offered or to be performed by him/her or his/her Driver for towing services other than Collision Towing;

(4) charge the rates, as set out in the schedule of rates filed with the Manager for towing and services other than Collision Towing;

(5) keep in the Tow Truck and show to the Hirer a copy of a tariff card showing the Schedule 3 flat rate, the applicable schedule of rates filed with the Manager in accordance with **Schedule 3** ~~section 35~~ of this By-law, and also showing, if applicable that the Hirer may be charged additional fees for storage by the operator of any storage facility or business to which the Hirer's Vehicle is to be towed;

(6) in the carrying out his/her business use only stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication, which has printed therein in clearly legible figures and letters:

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his/her name, address, phone number and the name of any Tow Truck Broker (as approved by the Manager) offering the services of said Tow Truck.

(7) retain for a period of sixty (60) days copies of all advertising matter used by him/her and shall produce the same to the Manager if and when requested;

(8) have attached to or painted on both sides of the body of the Tow Truck in a location close to the middle of the body panels or as near as possible and as approved by the Manager, the name and telephone number of the business as shown on the Owner's Business Licence. The letters and figures for the name and telephone number shall be:

(a) of solid contrasting colour to the colour of the vehicle;

(b) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and

(c) a minimum of eight centimetres (approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness.

(9) only use the service of a Tow Truck Driver who is licenced as a Driver under this by-law;

(10) have affixed to the Tow Truck rear window, on the driver's side, the Owner's Plate issued for that Tow Truck and have the municipal licence number painted or attached to both front fenders in letters and figures which shall be:

(a) of solid contrasting colour to the colour of the vehicle;

(b) a minimum of eight centimetres (approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness;

(c) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and

(d) include a designation with the letters "ML" as a precursor to the number.

(11) notify forthwith the Manager in writing of the particulars of such agreement or arrangement to transfer possession and control of a Tow Truck for which he/she has an Owner's Plate to another Person and where such agreement or arrangement is in writing shall file it with the Manager;

(12) give written notice of the sale or other disposition of a Tow Truck to the Manager within seven (7) days of any such sale or disposition.

27. OWNER PROHIBITION

No Owner shall:

(1) permit any Owner's Plate issued to him/her under this by-law to be affixed to any Tow Truck, other than the Tow Truck for which the Licence was issued under this By-law;

(2) alter or amend the schedule of rates filed with the Manager under **Schedule 3** ~~Section 35~~ without first giving at least 30 days written notice to the Manager.

28. SCHEDULE OF RATES

(1) The schedule of rates filed with the Manager for all types of towing, except for those set out in Schedule 3 shall be based only on the following factors or a combination thereof:

(a) Time:

(i) time required to perform services;

(ii) standby time;

(b) Distances:

(i) distance to travel to reach scene after hiring;

(ii) distance Vehicle is towed or conveyed;

(c) Additional Services:

(i) changing more than one wheel;

(ii) disconnecting drive shaft;

(iii) moving Vehicle to towing position;

(iv) opening locked Vehicles without keys;

(v) provision and use of Dolly;

(vi) other specified services where a fee is charged.

(2) Where rates vary according to time of day or geographical zones or a combination of different factors, the exact formula for determining the rate shall be set out in the schedule of rates filed with the Manager.

(3) Notwithstanding the provisions of any other section of this By-law, where an estimate is given to the Hirer of the cost of services or equipment to be provided by a Tow Truck Owner or Driver, the charge to the Hirer shall not exceed the charges indicated in the schedule of rates filed with the Manager under this By-law or the amount of the estimate, whichever is lower.

(4) The Owner of a Tow Truck may enter into a written agreement with a Tow Truck Broker, an automobile association, motor league, a government, government agency or local board thereof, or any

limited Corporation, for the provision of towing services (hereinafter described in this section as a "towing contract") provided that the Tow Truck Owner provides a copy of all such towing contracts to the Manager prior to supplying any services thereunder.

29. NEW AND REPLACEMENT VEHICLE APPROVAL

An applicant for an Owner's Licence or an Owner licenced under this by-law who disposes of the Tow Truck or otherwise ceases to use his/her Tow Truck for the purpose permitted under this By-law, shall before using the newly acquired Tow Truck under this By-law:

(1) attend at the Manager and produce a copy of the current Motor Vehicle Permit in good standing issued by the Registry of Motor Vehicles issued in the plate Owner's name, Owner's Licence, a copy of the current Motor Vehicle Liability Insurance Card endorsed to show the change of Vehicle;

(2) if an applicant, submit the newly acquired Tow Truck for inspection and approval by the Manager forthwith;

(3) if a licenced Owner, submit the newly acquired Tow Truck for inspection by the Manager within 24 hours of replacement;

(4) produce and file with the Manager either:

(i) a Nova Scotia Registry of Motor Vehicles Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days, or

(ii) a Safety Standard Certificate issued under the Nova Scotia *Motor Vehicles Act* within thirty-six (36) days of this submission.

(5) before using the newly acquired Tow Truck, and immediately after obtaining approval from the Manager, file with the Manager all documents required to report the change.

Notwithstanding the provisions of Sections 35, 36 and 37, the Collision Tow Rates as set out in Schedule 3 to the By-law shall be the rate charged for Vehicles being towed from the Collision Scene.

30. PENALTY

(1) Every person who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$600.00 for each offence; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person/company and a mandatory Suspension on the third offence.

(2) Every person who does not have a valid Owner's Licence or Driver's Licence in compliance with this By-law who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$600.00.

(3) Every proprietor of a tow truck business who:

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(i) hires an individual to operate a tow truck who is not properly licenced in compliance with this By-law;

or

(ii) allows an independent tow truck owner to operate from their place of business using a vehicle which is not properly licenced in compliance with this By-law;

shall be liable to a penalty of not less than \$200.00 and not more than \$600.00 per individual offence.

(4) Any person who commits an offence under this By-Law shall be liable to a penalty as follows:

1st Offence -\$237.50

2nd Offence -\$352.59

3rd Offence -\$582.50

(5) The Manager may cancel or suspend the licence of any person who commits an offence under this By-Law and fails to make payment of the penalty for such offence.

(6) Upon a person's third offence under this By-Law, the Manager shall suspend such person's licence.

(7) Any person whose licence has been canceled or suspended may appeal to the Appeals Standing Committee of the Municipality which may confirm or disallow the action of the Manager responsible for this By-law.

SCHEDULES

All schedules referred to in this by-law and attached to this by-law shall be deemed to be a part of the by-law.

31. SEVERABILITY

Notwithstanding that any section or sections of this By-law, or any part or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

32. INTERPRETATION

The provisions of the Interpretation Act RSNS 1989, c 235, shall apply to this By-law as required.

33. SHORT TITLE

This By-law may be known as the Tow Truck **Licencing** By-law.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on the 23 day of June, 2020; and amended on _____, 2021.

Mayor Amanda M. McDougall

Municipal Clerk – Deborah Campbell Ryan

I, Deborah Campbell Ryan, Municipal Clerk of the Cape Breton Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Cape Breton Regional Municipal Council on June 23, 2020, and amended on _____, 2021.

Municipal Clerk – Deborah Campbell Ryan

Publication Date: January 20th, 2021
_____, 2021 (amendment)

Schedule 1

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-1 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by adding the following heading and items immediately before the heading "CBRM Tow Truck Licencing By-Law":

| | | | |
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| | CBRM Tow Truck Licencing By Law | | |
| Section 22 | OWNER AND DRIVER DUTIES | | |
| | Every licenced Owner and Driver shall complete the following duties otherwise it will be deemed an offence: | | |
| | (1) Failing to take due care of all Vehicles and property delivered or entrusted to him/her for towing; (specify) | | Fine\$ 237.50 |
| | (2) Failing to comply with all reasonable instructions from the Hirer;(specify) | | Fine\$ 352.59 |
| | (3) Failing to be civil and behave courteously; | | Fine\$ 582.50 |
| | (4) Failing to keep a permanent daily record of work performed by the Tow Truck owned or operated by him/her or his/her behalf either in a continuous log sheet or by consecutively numbered bills or invoices showing: | | |
| | (a) the name and address of every Hirer; | 1 st Offence | |
| | (b) a description of the Vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such Vehicle; | 2 nd offence | |

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| | <p>(c) the rate charged, and,</p> <p>(d) the total fee collected.</p> <p>(5) Failing to keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage with a well maintained exterior paint finish;</p> <p>(6) before demanding payment for services, Failing to present to the Hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the Owner with the Manager, or as set out in Schedule 3 under this By-law; (7) convey the Vehicle to the Hirer's Vehicle Pound Facility or the Hirer's home and if the Hirer's desired Vehicle Pound Facility is closed, the Tow Truck Owner or Driver must take the Vehicle to the Hirer's home, if desired by the Hirer, or to the Tow Truck Owner's or Driver's Vehicle Pound Facility and may only charge the general mileage rate as set out in Schedule 3 of the By-law for a re-tow from the Tow Truck Owner's or Driver's Vehicle Pound Facility to the Hirer's desired Vehicle Pound Facility when it opens;</p> <p>(8) Failing to register with the Manager the name of the licenced Vehicle Pound Facility used by the Owner and Driver where a Vehicle is towed when a Hirer has not directed or instructed the Owner and Driver to tow the Vehicle to a specific Vehicle Pound Facility, the Hirer's home or other location.</p> <p>(9) Failing to accept payment (by way of a functioning device where applicable) for any services provided under this By-law using a payment method of the Hirer's choice including credit card, debit, cash or any other prescribed method of payment; and</p> | <p>3rd offence</p> | |
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| | (10) Failing to provide the Hirer (or his/her agent) with access to the Vehicle that is the subject of the tow services, in order to permit the removal of all property contained in the Vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police force; | | |
| Owner and Driver Prohibitions | (1) No Licenced Owner or Driver shall operate or Permit to be operated a Tow Truck which lacks any of the following equipment which is in a good state of repair: (Specify) | | |
| Section 23 | (a) a winching or hoisting device of sufficient capacity to safely lift the Vehicle to be towed; | | |
| | (b) Wheel lift or an Under lift equipped and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed; | | |
| | (c) one device for securing the steering wheel of a Vehicle; | | |
| | (d) two dry chemical fire extinguishers having an effective total rating equivalent to at least 4-B C, and at least each weighing 2.27 kg (approximately 5 lbs.); | | Fine \$ 237.50 |
| | (e) a minimum of two tow safety chains having a minimum length of 2.7432 meters (approximately 9 feet) each with links of at least 7.9375mm steel (5/16 inches); | | Fine \$352.90 |
| | (f) four (4) safety pylons; | | |
| | (g) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of least 100 meters (approximately 328 feet); | | |
| | (h) a broom; | | |
| | (i) a shovel; | | |
| | (j) a general purpose first aid kit; | | |
| | | 1 st offence | |

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| | | | |
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| | <p>(k) a crowbar/pry bar at least 152.4 cm (60 inches) in length;</p> <p>(l) at least two wheel blocks;</p> <p>(m) flares or reflector kits;</p> <p>(n) wheel wrenches;</p> <p>(o) light bar for a rear extension carrier;</p> <p>(p) and any other provision as may be required under the <i>Motor Vehicle Act</i>; and</p> <p>(q) a Dolly.</p> | <p>2nd offence</p> <p>3rd offence</p> | |
| <p>Section 24(2)</p> | <p>No licenced Owner or Driver shall:</p> <p>(a) interfere with any contract for hiring of a Tow Truck where a Person has hired or has indicated his/her intention to hire a Tow Truck;</p> <p>(b) induce any Person to employ or hire a Tow Truck by making any false representation to any Person such as the location of or distance to any place or any other matter;</p> <p>(c) use or permit to be used a Tow Truck which has been found to be unsafe or defective after examination and inspection as required under this By-law;</p> <p>(d) demand or request payment for his/her services other than in accordance with the applicable schedule of rates filed with the Manager, or as set out in Schedule 3 under this by-law;</p> <p>(e) demand, request or receive a Drop Fee;</p> <p>(f) charge a Hirer for time lost through defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Driver;</p> | <p>1st offence</p> | <p>Fine \$237.50</p> <p>Fine \$352.59</p> <p>Fine \$582.50</p> |

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| | <p>(g) suggest or recommend to any Hirer that any Motor Vehicle in respect of which his/her services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard, Vehicle Pound Facility, or any other public garage, building or place, unless he/she has been requested to do so by the Hirer, and may at no time suggest or recommend a salvage yard, body shop, storage yard or any other public garage, building or place located outside of the Municipal Boundary;</p> <p>(h) permit a Person to be a passenger in a Tow Truck, except under the following circumstances;</p> <p>(i) the passenger is the Hirer of the Tow Truck; or</p> <p>(ii) the passenger is either the spouse, son, daughter or parent or similar relation in law of the Tow Truck Driver and in such cases the Driver is not to solicit a tow, engage in any form of towing or have his or her Tow Truck within 200 metres (approximately 653 feet) of the scene of a Collision nor shall the Driver cause or permit his or her passenger to solicit a tow or take any actions to engage in any form of towing while the passenger is in the Tow Truck; or</p> <p>(iii) the passenger has filed any application with the Manager for a Tow Truck Driver's Licence, or has recently been issued his or her initial Tow Truck Driver's Licence, and in either of these circumstances is receiving instructions on Driver training as to the operation of a Tow Truck while a passenger.</p> <p>(i) Operate or permit to be operated a Tow Truck with a Gross Vehicle Weight Rating of less than 4,536 kg (10,000 lbs.);</p> | <p>2nd offence</p> <p>3rd Offence</p> | |
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| | <p>(j) operate or permit to be operated a Tow Truck without a Wrecker Body;</p> <p>(k) operate or permit to be operated a Tow Truck without the Owner's Plate;</p> <p>(l) operate or permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Owner's Plate;</p> <p>(m) keep any Work Orders in the Tow Truck;</p> <p>(n) provide any Work Orders to a Hirer;</p> <p>(o) induce, pressure, suggest, recommend or in any way cause a Hirer to sign or agree to a Work Order or otherwise induce, pressure, suggest, recommend or in any way cause a Hirer to agree to any work to the Hirer's Vehicle, which work includes any repairs or maintenance.</p> <p>(p) operate or permit to be operated a Tow Truck where the windshield or any window to the direct left or right of the driver's seat has been coated with any colored spray or other colored or reflective material that substantially obscures the interior of the Tow Truck when viewed from outside the Tow Truck except where the windshield or windows are tinted as per the original manufacturer specifications for the Motor Vehicle;</p> | | |
| <p>Section 25</p> | <p>DRIVER'S DUTIES</p> <p>Every Licenced Driver shall:</p> <p>(1) Failing to drive the Tow Truck which is towing or otherwise conveying a Vehicle by the most direct route to the destination requested by the Hirer, and in the most expeditious manner, unless otherwise directed by the Hirer;</p> | <p>1st offence</p> <p>2nd offence</p> <p>3rd offence</p> | <p>Fine \$237.50</p> <p>Fine \$352.59</p> <p>Fine\$582.50</p> |

| | | | |
|--|---|--|--|
| | <p>(2) Failing clean up any debris, fragments of glass, Vehicle parts or other materials (excluding loads dumped during the Collision) and which may be a danger to the public from any highway or roadway prior to towing the Vehicle from the Collision Scene;</p> <p>(3) At all times be neat and clean in personal appearance and properly dressed which must include but is not limited to: (Specify)</p> <p>(a) a blaze orange, a blaze yellow or a combination of both orange and yellow safety vest with two fluorescent stripes, five centimeters in length in the shape of an "X" on both the front and the back of the vest;</p> <p>(b) patch green safety boots;</p> <p>(c) pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling each leg; and</p> <p>(d) an identification badge showing the Driver's first initial and last name.</p> <p>(4) (a) retain all signed Permission to Tow a Vehicle Form for at least ninety (90) days from the tow date indicated on the Permission to Tow a Vehicle Form; and</p> <p>(b) make available to the Manager a copy of all signed Permission to Tow a Vehicle Form to the Manager within thirty (30) days of the date indicated on the Permission to Tow a Vehicle Form and make them available for inspection upon request by a Police Officer, the Manager or an Inspector at any time.</p> <p>(5) take a minimum of four (4) photographs, digital or otherwise, of every Vehicle before commencing a tow and said photographs shall:</p> | | |
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|--------------------------|--|---|---|
| | <p>(a) capture all angles of the Vehicle include the front, back and sides of the Vehicle to identify all damage; and</p> <p>(b) be kept by the Driver for a minimum of six (6) months which shall be made available to the Manager upon request.</p> <p>(6) where the Hirer refuses to sign the Permission to Tow a Vehicle Form, indicate such on the form and retain the form for the period prescribed in subsection 4 above.</p> | | |
| <p>Section 25</p> | <p>DRIVER PROHIBITION</p> <p>No Licenced Driver shall:</p> <p>(1) commence to tow or otherwise convey or move any Vehicle, or hook, lift or connect the Vehicle to the Tow Truck, or perform any other services unless first requested so to do by a Hirer, or a peace officer or any member of a municipal fire department, or any Person authorized by law to direct the removal of the Vehicle from private or public property;</p> <p>(2) where the request to tow a Vehicle outlined in Sub-Section (1) is from a Hirer, and where the tow is required as a result of a Motor Vehicle Collision, the Driver shall not commence to tow or otherwise convey or move any Vehicles, hook, lift or connect the Vehicle to the Tow Truck unless the Tow Truck Driver has a completed Permission to Tow a Vehicle Form and it has been dated and signed by the Hirer and he/she has provided a copy thereof to the Hirer;</p> | <p>1st offence</p> <p>2nd offence</p> <p>3rd offence</p> | <p>Fine\$237.50</p> <p>Fine\$352.59</p> <p>Fine\$582.50</p> |

| | | |
|---|--|--|
| <p>(3) alter or provide any information on the Permission to Tow a Vehicle Form;</p> <p>(4) stop, or park within 200 meters (approximately 653 feet) of a Collision location but this does not apply where the Tow Truck Driver has been summoned to the location of the Collision by one of the Persons referred to in sub-section (1) or where there are fewer Tow Trucks at the Collision location than Vehicles apparently requiring the services of a Tow Truck;</p> <p>(5) ask or seek out a Hirer or allow or direct an agent to ask or seek out a Hirer, at a Collision location or within 200 meters (approximately 653 feet) of a Collision location, where the actions of the Driver or agent constitutes a Nuisance;</p> <p>(6) tow or otherwise convey or move any Vehicle which is to be towed outside the Municipal Boundary unless requested by the Owner or operator of the Vehicle or a peace officer or member of the municipal fire department;</p> <p>(7) drive or act as a Driver unless the Registered Owner or where applicable, the lessee, of the Tow Truck is licenced under this by-law;</p> <p>(8) commence to Drive or act as a Driver for any Registered Owner or, where applicable, any lessee, without first providing the Manager with a letter from that Person stating that the Owner or, where applicable, the lessee consents to the Driver operating their Licenced Tow Truck(s);</p> <p>(9) commence to tow or otherwise convey or move any Vehicle or perform any other services unless first disclosing to the Hirer any interest (either direct or indirect) that the Driver has in any location or facility to which a Vehicle may be towed for repair, storage, appraisal or similar</p> | | |
|---|--|--|

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|--------------------------|---|---|---|
| | <p>purpose in accordance with any prescribed standards.</p> | | |
| <p>Section 26</p> | <p>OWNER DUTIES</p> <p>Every Licenced Owner shall:</p> <p>(1) immediately notify the Manager in writing when he/she gives possession and control of the Tow Truck for which he/she is licenced under this By-law to another Person or Permits the use of said Tow Truck by another Person other than through a bona fide contract of hiring for a period greater than one day;</p> <p>(2) charge a flat rate for Collision Towing as set out in Schedule 3;</p> <p>(3) file with the Manager a schedule of rates to be charged to Hirers for the towing or other conveyance of Vehicles and for other services offered or to be performed by him/her or his/her Driver for towing services other than Collision Towing;</p> <p>(4) charge the rates, as set out in the schedule of rates filed with the Manager for towing and services other than Collision Towing;</p> <p>(5) keep in the Tow Truck and show to the Hirer a copy of a tariff card showing the Schedule 3 flat rate, the applicable schedule of rates filed with the Manager in accordance with Schedule 3 of this By-law, and also showing, if applicable that the Hirer may be charged additional fees for storage by the operator of any storage</p> | <p>1st offence</p> <p>2nd offence</p> <p>3rd offence</p> | <p>Fine\$237.50</p> <p>Fine\$352.59</p> <p>Fine\$582.50</p> |

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| | <p>facility or business to which the Hirer's Vehicle is to be towed;</p> <p>(6) in the carrying out his/her business use only stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication, which has printed therein in clearly legible figures and letters: his/her name, address, phone number and the name of any Tow Truck Broker (as approved by the Manager) offering the services of said Tow Truck.</p> <p>(7) retain for a period of sixty (60) days copies of all advertising matter used by him/her and shall produce the same to the Manager if and when requested;</p> <p>(8) have attached to or painted on both sides of the body of the Tow Truck in a location close to the middle of the body panels or as near as possible and as approved by the Manager, the name and telephone number of the business as shown on the Owner's Business Licence. The letters and figures for the name and telephone number shall be:</p> <p>(a) of solid contrasting color to the color of the vehicle;</p> <p>(b) of material which will be visible in low light conditions from a distance of 15 meters (approximately 50 feet); and</p> <p>(c) a minimum of eight centimeters (approximately three inches) in height and a minimum of two centimeters (approximately .78 inch) in thickness.</p> <p>(9) only use the service of a Tow Truck Driver who is licenced as a Driver under this by-law;</p> | | |
|--|---|--|--|

CBRM By-Law No. T-200
Tow Truck Licencing By-law

| | | | |
|--|--|-------------------------------|---------------------|
| | <p>other than the Tow Truck for which the Licence was issued under this By-law;</p> <p>(2) alter or amend the schedule of rates filed with the Manager under Schedule 3 without first giving at least 30 days written notice to the Manager.</p> | <p>3rd offence</p> | <p>Fine\$582.50</p> |
|--|--|-------------------------------|---------------------|

SCHEDULE 2 - ZONES

Zone #1 Central Sydney area

Sydney area to Grand Lake Rd at the Lights

Hwy #22 to Louisbourg

Hwy #4 to Irish Vale

Hwy #216 from Hwy #4 to Eskasoni

Hwy #28 up to and including Victoria Mines.

Keltic Drive to Frenchvale Road

Lingan Road to the Sydney Side of the tracks

Zone#2 East #1 Glace Bay area

Glace Bay /Dominion /Reserve and surrounding areas. Including

Grand Lake Rd at Gardiner Road

Seaside Drive Gardiner Mines to the bridge.

Zone#3 East #2 New Waterford area

New Waterford , Scotchtown, Lingan

HWY 28 up to and including New Victoria

Lingan Rd to the New Waterford side of the tracks.

Union Hwy to the bridge.

Zone#4 Northside area

North Sydney, Sydney Mines

Bras d'Or , Florence , Boularderie

Hwy #105 to St James Road

Hwy #223 to Christmas Island.

Hwy #216 to Eskasoni.

Fee structure

SCHEDULE 3 - Fees –Maximum Rates permitted to charged

| Towing Recovery, Storage. | Light Duty under 3000kg | Medium Duty 3000-6300kg | Heavy Duty 6300kg -9072 | Heavy Duty 9073kg |
|---------------------------|-------------------------|-------------------------|-------------------------|-------------------|
| Towing within 5 km | \$105.30 | \$142.90 | \$230.38 | 263.84 |
| Mileage over 5k | \$2.50 per km | \$2.65 per km | \$4.73 per km | \$5.00 per km |
| Winching | \$104.70 per hour | 157.65 per hour | \$250 per hour | \$260.39 per hour |
| Dollies | \$40.25 | \$40.25 | Nil | Nil |
| Flatbed Fee | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Daily Storage rate | \$30.00 | \$30.00 | \$45.00 | \$45.00 |
| Administration fee | \$35.00 | \$35.00 | \$35.00 | \$35.00 |
| Disposal Fee | \$123.64 | \$123.64 | \$440.00 | \$440.00 |

CBRM By-Law No. T-200
Tow Truck Licencing By-law

Fees (cont'd)

| Motor Vehicle collisions | Light Duty under 3000kg | Medium Duty 3000-6300kg | Heavy Duty 6300kg -9072 | Heavy Duty 9073kg |
|------------------------------|-------------------------|-------------------------|-------------------------|-------------------|
| Towing Single unit within 5k | \$254.17 | 270.25 | \$278.75 | \$293.34 |
| Mileage over 5km | \$2.61 per km | \$2.75 per km | \$5.00 per km | \$5.23 per km |
| Winching per 30min | \$148.24 | \$176.25 | \$189.07 | \$189.07 |
| Debris clean up | \$60 | \$60 | \$60 | \$60 |
| Dollies | \$30 | \$30 | \$30 | \$30 |
| Flatbed | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Storage per calendar day | \$30.00 | \$30.00 | \$45.00 | \$45.00 |
| Administration fee | \$36.67 | \$36.67 | \$36.67 | \$36.67 |
| Disposal fee | \$120.00 | \$120.00 | \$120.00 | \$120.00 |

Summary

Statement of Revenue

December 31, 2020

| Revenue | Year To Date Assigned | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|--|-----------------------|-----------------------|-------------------------|-----------------------|-------------------------|
| Total Taxes | 85,832,418 | 84,291,730 | \$ 1,540,689 | \$ 112,388,973 | \$ 26,556,555 |
| Total Federal Government | 2,362,894 | 2,362,894 | - | 3,150,525 | 787,631 |
| Total Federal Government Agencies | 578,376 | 578,376 | - | 771,168 | 192,792 |
| Total Provincial Government | 1,725,213 | 1,725,213 | (0) | 2,300,284 | 575,071 |
| Total Provincial Government Agencies | 2,486,611 | 2,486,611 | 0 | 3,315,481 | 828,870 |
| Total Services to Other Local Government | 718,811 | 718,811 | 0 | 958,415 | 239,604 |
| Total Transit | 146,168 | 103,275 | 42,893 | 165,000 | 18,832 |
| Total Environmental Development Services | 297,931 | 184,650 | 113,281 | 246,200 | (51,731) |
| Total Licenses & Permits | 99,087 | 113,250 | (14,163) | 151,000 | 51,913 |
| Total Fines & Fees | 518,434 | 542,330 | (23,896) | 754,218 | 34,994 |
| Total Rentals | 437,517 | 440,372 | (2,854) | 587,162 | 149,645 |
| Total Concessions & Franchises | 47,796 | - | 47,796 | 645,000 | 200,789 |
| Total Interest on Taxes | 1,094,907 | 1,462,275 | (367,368) | 1,949,700 | 854,793 |
| Total Finance Revenue | 23,453 | 16,875 | 6,578 | 22,500 | (953) |
| Total Solid Waste Revenue | 1,937,506 | 1,612,500 | 325,006 | 2,050,000 | 112,494 |
| Total Recreation & Cultural Service Programs | 293,390 | 33,750 | 259,640 | 499,000 | 802,814 |
| Total Water Utility Charges | 3,713,632 | 3,713,633 | (0) | 4,951,510 | 1,237,878 |
| Total Unconditional Transfers | 11,841,838 | 11,876,879 | (35,041) | 15,835,838 | 3,994,000 |
| Total Conditional Transfers | - | - | - | 3,474,797 | 3,474,797 |
| Total Extraordinary Revenue | 3,929,632 | - | 3,929,632 | - | (3,929,632) |
| Year To Date Assigned | \$ 118,085,615 | \$ 112,263,422 | \$ 5,822,193 | \$ 154,216,771 | \$ 36,131,156 |

Reviewed

Departmental

| Legislative | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 723,744 | \$ 761,061 | \$ 37,317 | \$ 1,014,748 | \$ 291,004 |
| 6010 BENEFITS | 90,681 | 101,860 | 11,179 | 135,813 | 45,132 |
| 6030 TRAVEL/CONFERENCES | 15,128 | 59,227 | 44,099 | 78,969 | 63,841 |
| 6040 PROF MEM/DUES & FEES | 20,724 | 18,999 | (1,725) | 72,342 | 51,618 |
| 6050 OFFICE SUPPLIES | 8,990 | 11,550 | 2,560 | 15,400 | 6,410 |
| 6060 OFFICE EQUIPMENT | 3,371 | 3,750 | 379 | 5,000 | 1,629 |
| 6080 ADVERTISING | 12,006 | 10,875 | (1,131) | 14,500 | 2,494 |
| 6100 COURIER | - | 188 | 188 | 250 | 250 |
| 6110 TELEPHONE/FAX | 18,992 | 18,420 | (572) | 24,560 | 5,568 |
| 6120 PUBL./SUBSCRIPTIONS | 1,727 | 1,378 | (349) | 1,837 | 110 |
| 6130 COMPUTER HARDWARE | 11,696 | 5,780 | (5,916) | 6,600 | (5,096) |
| 6150 MEETING EXPENSES | 15,885 | 18,750 | 2,865 | 25,000 | 9,115 |
| 6170 PROMOTION | 16,628 | 16,500 | (128) | 22,000 | 5,372 |
| Total expended to date | \$ 939,572 | \$ 1,028,337 | \$ 88,764 | \$ 1,417,019 | \$ 477,447 |

 Departmental

 Finance

| CAO | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|-------------------|-------------------------------|-------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 208,015 | \$ 208,632 | \$ 617 | \$ 276,843 | \$ 68,828 |
| 6010 BENEFITS | 27,854 | 35,393 | 7,539 | 47,191 | 19,337 |
| 6020 TRAINING/EDUCATION | - | 3,300 | 3,300 | 3,300 | 3,300 |
| 6030 TRAVEL/CONFERENCES | - | 3,750 | 3,750 | 5,000 | 5,000 |
| 6040 PROF MEM/DUES & FEES | 636 | 1,800 | 1,164 | 1,800 | 1,164 |
| 6050 OFFICE SUPPLIES | 889 | 2,100 | 1,211 | 2,800 | 1,911 |
| 6110 TELEPHONE/FAX | 2,107 | 2,250 | 143 | 3,000 | 893 |
| 6120 PUBL./SUBSCRIPTIONS | 338 | 475 | 137 | 475 | 137 |
| 6130 COMPUTER HARDWARE | 5,227 | - | (5,227) | - | (5,227) |
| 6150 MEETING EXPENSES | 2,298 | 3,375 | 1,077 | 4,500 | 2,202 |
| 6170 PROMOTION | 1,460 | 3,750 | 2,290 | 5,000 | 3,540 |
| 8100 PROFESSIONAL SERVICE | 78,510 | 78,750 | 240 | 105,000 | 26,490 |
| Total expended to date | \$ 327,333 | \$ 343,576 | \$ 16,242 | \$ 454,909 | \$ 127,576 |

Departmental

Finance

| Finance | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 1,420,262 | \$ 1,486,019 | \$ 65,756 | \$ 1,981,358 | \$ 561,096 |
| 6010 BENEFITS | 283,391 | 287,891 | 4,500 | 383,855 | 100,464 |
| 6020 TRAINING/EDUCATION | 3,212 | 12,998 | 9,786 | 16,290 | 13,078 |
| 6030 TRAVEL/CONFERENCES | 159 | 11,755 | 11,596 | 12,500 | 12,341 |
| 6040 PROF MEM/DUES & FEES | 4,365 | 6,625 | 2,260 | 6,625 | 2,260 |
| 6050 OFFICE SUPPLIES | 6,096 | 10,975 | 4,879 | 14,500 | 8,404 |
| 6060 OFFICE EQUIPMENT | 2,832 | 7,875 | 5,043 | 10,500 | 7,668 |
| 6080 ADVERTISING | 17,886 | 21,568 | 3,682 | 28,150 | 10,264 |
| 6090 POSTAGE | 134,166 | 143,750 | 9,584 | 170,000 | 35,834 |
| 6100 COURIER | 16,765 | 17,990 | 1,225 | 23,900 | 7,135 |
| 6110 TELEPHONE/FAX | 12,069 | 12,075 | 7 | 16,100 | 4,032 |
| 6130 COMPUTER HARDWARE | 8,981 | 8,900 | (81) | 10,900 | 1,919 |
| 6140 COMPUTER SOFTWARE | - | - | - | 48,000 | 48,000 |
| 6180 COST RECOVERY | (212,685) | (140,779) | 71,906 | (173,000) | 39,685 |
| 8010 OPERATIONAL MAT/SUPP | 2,989 | 3,375 | 386 | 4,500 | 1,511 |
| 8100 PROFESSIONAL SERVICE | 49,385 | 50,000 | 615 | 50,000 | 615 |
| 8110 CONTRACTS/AGREEMENTS | 32,566 | 41,491 | 8,925 | 47,850 | 15,284 |
| 8120 LEASES | 8,499 | 9,980 | 1,481 | 13,300 | 4,801 |
| 8180 TAX EXEMPT/WRITE OFF | 112,465 | 140,000 | 27,535 | 140,000 | 27,535 |
| Total expended to date | \$ 1,903,403 | \$ 2,132,487 | \$ 229,084 | \$ 2,805,328 | \$ 901,925 |

Departmental

Finance

| Legal | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 309,383 | \$ 309,679 | \$ 295 | \$ 412,905 | \$ 103,522 |
| 6010 BENEFITS | 58,931 | 62,501 | 3,569 | 83,334 | 24,403 |
| 6020 TRAINING/EDUCATION | 196 | 3,000 | 2,804 | 3,250 | 3,054 |
| 6030 TRAVEL/CONFERENCES | - | 1,240 | 1,240 | 2,125 | 2,125 |
| 6040 PROF MEM/DUES & FEES | 11,756 | 13,100 | 1,344 | 13,100 | 1,344 |
| 6050 OFFICE SUPPLIES | 2,135 | 2,625 | 490 | 3,500 | 1,365 |
| 6060 OFFICE EQUIPMENT | 2,478 | 4,200 | 1,722 | 4,200 | 1,722 |
| 6070 PHOTOCOPIER LEASE | 3,261 | 2,325 | (936) | 3,100 | (161) |
| 6080 ADVERTISING | 1,398 | 750 | (648) | 1,000 | (398) |
| 6100 COURIER | 699 | 600 | (99) | 800 | 101 |
| 6110 TELEPHONE/FAX | 2,281 | 2,550 | 269 | 3,400 | 1,119 |
| 6120 PUBL./STATUTES | 12,114 | 7,500 | (4,614) | 10,000 | (2,114) |
| 6130 COMPUTER HARDWARE | 97 | 2,250 | 2,153 | 3,000 | 2,903 |
| 6140 COMPUTER SOFTWARE | - | 1,875 | 1,875 | 2,500 | 2,500 |
| 6150 MEETING EXPENSE | 47 | 375 | 328 | 500 | 453 |
| 6160 LIABILITY INSURANCE | 1,347,077 | 1,344,305 | (2,772) | 1,344,305 | (2,772) |
| 8100 PROFESSIONAL SERVICE | 32,293 | 115,875 | 83,582 | 154,500 | 122,207 |
| Total expended to date | \$ 1,784,147 | \$ 1,874,749 | \$ 90,602 | \$ 2,045,519 | \$ 261,372 |

Departmental

Finance

| Human Resources | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|-------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 584,699 | \$ 581,051 | \$ (3,649) | \$ 774,734 | \$ 190,035 |
| 6010 BENEFITS | 125,779 | 127,411 | 1,631 | 169,881 | 44,102 |
| 6020 TRAINING/EDUCATION | - | 5,250 | 5,250 | 7,000 | 7,000 |
| 8030 TRAVEL/CONFERENCES | 1,852 | 13,125 | 11,273 | 17,500 | 15,648 |
| 6040 PROF MEM/DUES & FEES | 1,334 | 1,725 | 391 | 2,300 | 966 |
| 6050 OFFICE SUPPLIES | 9,484 | 11,250 | 1,766 | 15,000 | 5,516 |
| 6080 OFFICE EQUIPMENT | 188 | 1,875 | 1,687 | 2,500 | 2,312 |
| 6080 ADVERTISING | 1,768 | 2,250 | 482 | 3,000 | 1,232 |
| 6110 TELEPHONE/FAX | 6,471 | 10,031 | 3,560 | 13,375 | 6,904 |
| 6120 PUBL./SUBSCRIPTIONS | - | 3,000 | 3,000 | 4,000 | 4,000 |
| 6130 COMPUTER HARDWARE | 4,268 | 4,500 | 232 | 6,000 | 1,732 |
| 6140 COMPUTER SOFTWARE | - | 375 | 375 | 500 | 500 |
| 8150 MEETING EXPENSE | 1,725 | 3,375 | 1,650 | 4,500 | 2,775 |
| 8100 PROFESSIONAL SERVICE | 75,185 | 210,000 | 134,815 | 280,000 | 204,815 |
| 8110 CONTRACTS/AGREEMENTS | 3,163 | 9,375 | 6,212 | 12,500 | 9,337 |
| Total expended to date | \$ 815,916 | \$ 984,593 | \$ 168,677 | \$ 1,312,790 | \$ 496,874 |

Departmental

Finance

Technology Including
911 Comm Centre

Statement of Expenditures

December 31, 2020

| Technology/Communications | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 1,362,379 | \$ 1,341,817 | \$ (20,562) | \$ 1,789,089 | \$ 426,710 |
| 6010 BENEFITS | 247,473 | 283,172 | 35,699 | 377,562 | 130,089 |
| 6020 TRAINING/EDUCATION | 4,745 | 8,250 | 3,505 | 9,750 | 5,005 |
| 6030 TRAVEL/CONFERENCES | 10,670 | 4,375 | (6,295) | 5,625 | (5,045) |
| 6040 PROF MEM/DUES & FEES | 688 | 750 | 62 | 1,000 | 312 |
| 6050 OFFICE SUPPLIES | 7,165 | 3,750 | (3,415) | 5,000 | (2,165) |
| 6060 OFFICE EQUIPMENT | 1,799 | 9,750 | 7,951 | 13,000 | 11,201 |
| 6080 ADVERTISING | 5,875 | 6,000 | 125 | 8,000 | 2,125 |
| 6100 COURIER | - | 225 | 225 | 300 | 300 |
| 6110 TELEPHONE/FAX | 97,178 | 115,050 | 17,872 | 153,400 | 56,222 |
| 6120 PUBL./SUBSCRIPTIONS | - | 750 | 750 | 1,000 | 1,000 |
| 8130 COMPUTER HARDWARE | 105,591 | 106,250 | 659 | 135,000 | 29,409 |
| 6140 COMPUTER SOFTWARE | 257,892 | 277,592 | 19,700 | 368,830 | 110,938 |
| 6150 MEETING EXPENSE | 115 | 750 | 635 | 1,000 | 885 |
| 7010 ELECTRICAL | 6,673 | 7,238 | 564 | 9,650 | 2,977 |
| 7070 BLDG/FACILITY RENTAL | 41,399 | 33,675 | (7,724) | 44,900 | 3,501 |
| 8010 OPERATIONAL MAT/SUPP | 2,444 | - | (2,444) | - | (2,444) |
| 8040 COMM EQUIPMENT LINES | 8,291 | 5,625 | (2,666) | 7,500 | (791) |
| 8100 PROFESSIONAL SERVICES | 11,981 | 7,500 | (4,481) | 10,000 | (1,981) |
| 8110 CONTRACTS/AGREEMENTS | 48,773 | 47,488 | (1,286) | 57,000 | 8,227 |
| 8120 LEASES SAP | - | - | - | 108,243 | 108,243 |
| 8130 LICENSES/PERMITS | - | - | - | 110,161 | 110,161 |
| Total expended to date | \$ 2,221,131 | \$ 2,260,005 | \$ 38,875 | \$ 3,216,010 | \$ 994,879 |

Departmental

Finance

| Municipal Clerk | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|-------------------|-------------------------------|-------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 206,789 | \$ 206,164 | \$ (625) | \$ 274,885 | \$ 68,096 |
| 6010 BENEFITS | 47,613 | 43,835 | (3,778) | 58,447 | 10,834 |
| 6020 TRAINING/EDUCATION | 391 | 2,063 | 1,671 | 2,750 | 2,359 |
| 6030 TRAVEL/CONFERENCES | 67 | 1,219 | 1,151 | 1,625 | 1,558 |
| 6040 PROF MEM/DUES & FEES | 636 | 750 | 114 | 750 | 114 |
| 6050 OFFICE SUPPLIES | 867 | 3,000 | 2,133 | 4,000 | 3,133 |
| 6060 OFFICE EQUIPMENT | 1,171 | 3,000 | 1,829 | 4,000 | 2,829 |
| 6070 PHOTOCOPY SUPPLIES | 8,887 | 9,563 | 676 | 12,750 | 3,863 |
| 6080 ADVERTISING | - | 563 | 563 | 750 | 750 |
| 6100 COURIER | 767 | 750 | (17) | 750 | (17) |
| 6110 TELEPHONE/FAX | 1,811 | 2,625 | 814 | 3,500 | 1,689 |
| 6120 PUBL./SUBSCRIPTIONS | 1,542 | 1,800 | 258 | 1,800 | 258 |
| 6130 COMPUTER HARDWARE | 3,600 | 4,875 | 1,275 | 6,500 | 2,900 |
| 6140 COMPUTER SOFTWARE | 10,177 | 11,500 | 1,323 | 12,500 | 2,323 |
| 6150 MEETING EXPENSES | 2,678 | 2,719 | 41 | 3,625 | 947 |
| 8110 CONTRACTS/AGREEMENTS | 347,059 | 347,059 | - | 480,000 | 132,941 |
| Total expended to date | \$ 634,057 | \$ 641,483 | \$ 7,426 | \$ 868,632 | \$ 234,575 |

 Departmental

 Finance

| Fiscal Services | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|---------------------------------|--------------------------|----------------------|-------------------------------|----------------------|-------------------------------|
| 9010 INT SHRT TERM BORROW | \$ 239,490 | \$ 646,500 | \$ 407,010 | \$ 746,500 | \$ 507,010 |
| 9020 INT ON DEBT | 1,430,526 | 1,430,526 | - | 1,430,526 | 0 |
| 9051 PRINC ON DEBT | 10,089,869 | 10,089,869 | - | 10,089,869 | - |
| 9052 DEBT/CAP BOND DISC | - | - | - | 94,000 | 94,000 |
| 9090 BANK CHARGES | 47,203 | 37,500 | (9,703) | 50,000 | 2,797 |
| 9200 ALLOWANCE FOR UNCOL. TAXES | - | - | - | 800,000 | 800,000 |
| 9420 APPROP TO CAPITAL FUND | 67,500 | 67,500 | - | 90,000 | 22,500 |
| 9430 APPROP TO B.I.D.C. | 118,787 | 118,787 | - | 158,382 | 39,596 |
| 9600 PROV. CORRECTIONS | 802,850 | 802,850 | - | 1,070,466 | 267,617 |
| 9610 CB REG. HOUSING | 1,384,087 | 1,384,087 | - | 1,845,449 | 461,362 |
| 9620 REGIONAL LIBRARY | 526,500 | 526,500 | - | 702,000 | 175,500 |
| 9630 CB/VIC. SCHOOL BOARD | 11,153,745 | 11,153,745 | - | 14,871,660 | 3,717,915 |
| 9640 PROPERTY ASSESSMENT | 1,055,882 | 1,055,882 | - | 1,407,843 | 351,961 |
| Total expended to date | \$ 26,916,437 | \$ 27,313,745 | \$ 397,307 | \$ 33,356,695 | \$ 6,440,258 |

Departmental

Finance

Police Services

Statement Expenditures

December 31, 2020

| Police Services | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|--|--------------------------|----------------------|-------------------------------|----------------------|-------------------------------|
| GL 6000, 6010 , & 6011 WAGES & BENEFITS NET OF COST RECOVERY | \$ 15,538,850 | \$ 16,976,284 | \$ 1,437,434 | \$ 22,669,362 | \$ 7,130,512 |
| 6020 TRAINING/EDUCATION | 56,416 | 63,758 | 7,342 | 85,010 | 28,594 |
| 6030 TRAVEL/CONFERENCES | 4,366 | 16,406 | 12,040 | 21,875 | 17,509 |
| 6040 PROF MEM/DUES & FEES | 1,095 | 3,750 | 2,655 | 5,000 | 3,905 |
| 6050 OFFICE SUPPLIES | 25,164 | 33,750 | 8,587 | 45,000 | 19,837 |
| 6060 OFFICE EQUIPMENT | 64,233 | 30,000 | (34,233) | 30,000 | (34,233) |
| 6070 PHOTOCOPY SUPPLIES | 11,663 | 13,500 | 1,837 | 18,000 | 6,337 |
| 6080 ADVERTISING | 3,420 | 3,750 | 330 | 5,000 | 1,580 |
| 6090 POSTAGE & 6100 COURIER | 9,879 | 9,000 | (879) | 12,000 | 2,121 |
| 6110 TELEPHONE/FAX | 168,061 | 137,100 | (30,961) | 182,800 | 14,739 |
| 6120 PUBL./SUBSCRIPTIONS | 4,685 | 4,500 | (185) | 6,000 | 1,315 |
| 6130 COMPUTER HARD/SOFTWARE | 221,252 | 243,000 | 21,748 | 324,000 | 102,748 |
| 6150 MEETING EXPENSES | 7,724 | 8,625 | 901 | 11,500 | 3,776 |
| 6170 PROMOTION | 3,218 | 8,250 | 5,032 | 11,000 | 7,782 |
| 7000 HEAT | 11,408 | 37,500 | 26,092 | 50,000 | 38,592 |
| 7010 ELECTRICAL | 79,585 | 82,763 | 3,177 | 110,350 | 30,765 |
| 7020 WATER | 5,822 | 7,500 | 1,678 | 10,000 | 4,178 |
| 7030 BLDG/FACILITY MAINT | 57,600 | 62,250 | 4,650 | 83,000 | 25,400 |
| 7040 BLDG/FACILITY REPAIR | 23,027 | 15,000 | (8,027) | 15,000 | (8,027) |
| 7060 BLDG/FACILITY RENOV | 6,493 | 13,125 | 6,632 | 17,500 | 11,007 |
| 7070 BLDG/FACILITY RENTAL | 14,260 | 18,750 | 4,490 | 25,000 | 10,740 |
| 7110 SECURITY | 939 | 2,775 | 1,836 | 3,700 | 2,761 |
| 7500 VEH/EQUIP MAINT | 51,292 | 10,000 | (41,292) | 10,000 | (41,292) |
| 7505 GASOLINE & DIESEL | 209,253 | 258,188 | 48,934 | 344,250 | 134,997 |
| 7510 VEH/EQUIP REPAIRS | 265,187 | 215,788 | (49,399) | 287,717 | 22,530 |
| 7530 VEH/EQUIP REPLACEMENT | 343,525 | 343,525 | - | 580,000 | 236,475 |
| 7540 VEH/EQUIP RENTAL | 26 | 1,500 | 1,474 | 2,000 | 1,974 |
| 7550 VEH/EQUIP TOWING | 1,912 | 3,750 | 1,838 | 5,000 | 3,088 |
| 8000 OPERATIONAL EQUIP | 108,547 | 90,000 | (18,547) | 120,000 | 11,453 |
| 8010 OPERATIONAL MAT/SUPP | 119,390 | 117,000 | (2,390) | 156,000 | 36,610 |
| 8020 MAINTENANCE EQUIP | 5,491 | 5,678 | 187 | 7,570 | 2,079 |
| 8090 UNIFORMS/CLOTHING | 138,253 | 131,250 | (7,003) | 175,000 | 36,747 |
| 8100 PROFESSIONAL SERVICE | 118,991 | 97,500 | (21,491) | 130,000 | 11,009 |
| 8110 CONTRACTS/AGREEMENTS | 22,899 | 21,000 | (1,899) | 28,000 | 5,101 |
| 8125 MAJOR INVESTIGATIONS | 86,665 | 96,876 | 10,211 | 129,168 | 42,503 |
| 8150 GRANTS/SUBS TO ORG | 42,178 | 42,178 | - | 50,000 | 7,822 |
| Total expended to date | 17,832,772 | \$ 19,225,567 | \$ 1,392,794 | \$ 25,765,802 | \$ 7,933,030 |

Departmental

Finance

Police Services

Statement of Revenue

December 31, 2020

| Police Services Revenue | Year to date Assigned | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|------------------------------|--------------------------|-------------------|-------------------------------|-------------------|-------------------------------|
| 4751 RECORDS INQUIRIES | \$ 63,772 | \$ 52,500 | \$ 11,272 | \$ 70,000 | \$ 6,228 |
| 5151 FINES | 175,413 | 103,125 | 72,288 | 137,500 | (37,913) |
| Total Revenue to date | \$ 239,185 | \$ 155,625 | \$ 83,560 | \$ 207,500 | \$ (31,685) |

Departmental

Finance

Fire Services

Statement of Expenditures

December 31, 2020

| | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|------------------------------------|--------------------------|----------------------|-------------------------------|----------------------|-------------------------------|
| Fire Services Including EMO | | | | | |
| 6000 WAGES/SALARIES | \$ 4,997,545 | \$ 4,500,314 | \$ (497,231) | \$ 6,000,418 | \$ 1,002,873 |
| 6010 BENEFITS | 799,280 | 890,007 | 90,727 | 1,186,676 | 387,396 |
| 6011 MISC. BENEFITS | 100,239 | 100,625 | 386 | 134,166 | 33,927 |
| 6020 TRAINING/EDUCATION | 25,139 | 96,631 | 71,492 | 128,841 | 103,702 |
| 6030 TRAVEL/CONFERENCES | 13,207 | 22,885 | 9,678 | 27,175 | 13,968 |
| 6040 PROF MEM/DUES & FEES | 9,726 | 8,560 | (1,167) | 11,732 | 2,006 |
| 6050 OFFICE SUPPLIES | 6,828 | 9,075 | 2,247 | 12,100 | 5,272 |
| 6060 OFFICE EQUIPMENT | - | 9,713 | 9,713 | 12,950 | 12,950 |
| 6080 ADVERTISING | 3,030 | 4,013 | 983 | 5,350 | 2,320 |
| 6110 TELEPHONE/FAX | 25,457 | 33,749 | 8,292 | 44,999 | 19,542 |
| 6120 PUBL./SUBSCRIPTIONS | 181 | 2,025 | 1,844 | 2,700 | 2,519 |
| 6130 COMPUTER HARDWARE | 10,754 | 11,857 | 1,103 | 11,507 | 753 |
| 6140 COMPUTER SOFTWARE | - | 12,005 | 12,005 | 16,006 | 16,006 |
| 6150 MEETING EXPENSES | 2,657 | 3,303 | 646 | 4,404 | 1,747 |
| 6170 PROMOTION | 9,039 | 24,375 | 15,336 | 32,500 | 23,461 |
| 7000 HEAT | 32,939 | 76,763 | 43,824 | 102,351 | 69,412 |
| 7010 ELECTRICAL | 26,964 | 48,402 | 21,438 | 64,536 | 37,572 |
| 7020 WATER | 20,832 | 19,055 | (1,777) | 25,407 | 4,575 |
| 7030 BLDG/FACILITY MAINT | 27,694 | 47,797 | 20,102 | 63,729 | 36,035 |
| 7040 BLDG/FACILITY REPAIR | 4,388 | 16,690 | 12,301 | 22,253 | 17,865 |
| 7060 BLDG/FACILITY RENOV | - | 7,500 | 7,500 | 10,000 | 10,000 |
| 7500 VEH/EQUIP MAINT. | 142,810 | 144,413 | 1,602 | 192,550 | 49,740 |
| 7505 GASOLINE/DIESEL | 33,151 | 53,615 | 20,464 | 71,486 | 38,335 |
| 7510 VEH/EQUIP REPAIRS | 5,439 | 4,000 | (1,439) | 4,000 | (1,439) |
| 7530 VEH/EQUIP REPLACEMENT | 50,969 | 74,375 | 23,406 | 87,500 | 36,531 |
| 7550 VEH/EQUIP TOWING | 482 | 1,500 | 1,018 | 2,000 | 1,518 |
| 7560 VEH/EQUIP GEN SUPPLY | 12,421 | 12,000 | (421) | 16,000 | 3,579 |
| 8000 OPERATIONAL EQUIP | 275,294 | 277,679 | 2,385 | 370,238 | 94,944 |
| 8010 OPERATIONAL MAT/SUPP | 49,628 | 79,689 | 30,060 | 105,870 | 56,242 |
| 8020 MAINTENANCE EQUIP | 47,994 | 39,449 | (8,545) | 52,599 | 4,605 |
| 8040 COMM EQUIPMENT LINES | 2,920 | - | (2,920) | - | (2,920) |
| 8090 UNIFORMS/CLOTHING | 54,565 | 63,958 | 9,393 | 85,277 | 30,712 |
| 8100 PROFESSIONAL SERVICE | 2,243 | 6,404 | 4,160 | 8,538 | 6,295 |
| 8110 CONTRACTS/AGREEMENTS | 64,435 | 67,979 | 3,543 | 90,638 | 26,203 |
| 8120 LEASES | 96,669 | 96,697 | 28 | 128,929 | 32,260 |
| 8130 LICENSES/PERMITS | 17,397 | 17,335 | (62) | 17,335 | (62) |
| 8150 GRANTS/SUBS TO ORG | 1,709,273 | 1,709,273 | - | 1,753,851 | 44,578 |
| 8195 WATER SUPPLY & HYDR | 5,307,288 | 5,307,288 | - | 7,076,384 | 1,769,096 |
| Total expended to date | \$ 13,988,877 | \$ 13,900,992 | \$ (87,885) | \$ 17,982,995 | \$ 3,994,118 |

Departmental

Finance

Engineering and Public Works Actuals to December 31, 2020

| REVENUE | Actual & Committed | | Budget | | Variance | | Total Annual | | Annual Budget | | % of Annual Budget |
|------------------------------|---------------------|---------------------|--------------------|---------------------|---------------------|--------------------|--------------|--------|---------------|--------|--------------------|
| | Y-T-D Dec 31, 2020 | Y-T-D Dec 31, 2020 | Y-T-D Dec 31, 2020 | Y-T-D Dec 31, 2020 | Y-T-D Dec 31, 2020 | Y-T-D Dec 31, 2020 | Budget | Budget | Remaining | Budget | |
| TRANSIT | \$146,168 | \$103,275 | \$42,893 | \$1,100,000 | -\$953,832 | 13.29% | | | | | |
| SOLIDWASTE TIP FEES | 1,572,960 | 1,312,500 | 260,460 | 2,400,000 | -827,040 | 65.54% | | | | | |
| SOLIDWASTE COST RECOVERIES | 364,546 | 300,000 | 64,546 | 300,000 | 64,546 | 121.52% | | | | | |
| SEWER PERMIT FEES | 76,385 | 75,000 | 1,385 | 100,000 | -23,615 | 76.38% | | | | | |
| WATER UTILITY ADMIN FEE | 3,713,632 | 3,713,633 | 0 | 4,951,510 | -1,237,878 | 75.00% | | | | | |
| TOTAL PW REVENUES | \$5,873,691 | \$5,504,408 | \$369,284 | \$8,851,510 | -\$2,977,819 | 66.36% | | | | | |
| EXPENDITURES | | | | | | | | | | | |
| ADMINISTRATION | 4,161,378 | 3,224,874 | -936,504 | 4,506,923 | 345,545 | 92.33% | | | | | |
| ENGINEERING | 570,044 | 592,463 | 22,419 | 757,778 | 187,734 | 75.23% | | | | | |
| CENTRAL DIVISION | 5,274,574 | 5,621,023 | 346,449 | 7,324,613 | 2,050,039 | 72.01% | | | | | |
| EAST DIVISION | 4,778,799 | 5,126,496 | 347,697 | 6,677,089 | 1,898,290 | 71.57% | | | | | |
| NORTH DIVISION | 2,159,685 | 2,479,017 | 319,332 | 3,234,929 | 1,075,244 | 66.76% | | | | | |
| SOLID WASTE | 9,685,233 | 9,818,573 | 133,340 | 13,053,166 | 3,367,933 | 74.20% | | | | | |
| MECHANICAL FLEET | 2,520,561 | 2,762,039 | 241,478 | 3,872,765 | 1,352,204 | 65.08% | | | | | |
| TRANSIT | 4,331,492 | 4,270,385 | -61,107 | 4,560,582 | 229,090 | 94.98% | | | | | |
| QUALITY CONTROL | 2,048,442 | 2,054,276 | 5,834 | 3,092,211 | 1,043,769 | 66.25% | | | | | |
| TOTAL PW EXPENDITURES | \$35,530,207 | \$35,949,146 | \$418,939 | \$47,080,056 | \$11,549,849 | 75.47% | | | | | |

Signature:

Director of Engineering & Public Works

Chief Financial Officer

| Planning Department | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|-------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 987,360 | \$ 1,079,219 | \$ 91,860 | \$ 1,438,959 | \$ 451,599 |
| 6010 BENEFITS | 212,489 | 226,706 | 14,217 | 302,274 | 89,785 |
| 6020 TRAINING/EDUCATION | 6,916 | 12,375 | 5,459 | 16,500 | 9,584 |
| 6030 TRAVEL/CONFERENCES | 6,313 | 10,750 | 4,437 | 13,000 | 6,687 |
| 6040 PROF MEM/DUES & FEES | 1,181 | 6,300 | 5,119 | 8,400 | 7,219 |
| 6050 OFFICE SUPPLIES | 7,637 | 14,625 | 6,988 | 19,500 | 11,863 |
| 6060 OFFICE EQUIPMENT | 5,755 | 10,875 | 5,120 | 14,500 | 8,745 |
| 6080 ADVERTISING | 3,789 | 18,375 | 14,586 | 24,500 | 20,711 |
| 6110 TELEPHONE/FAX | 12,427 | 15,375 | 2,948 | 20,500 | 8,073 |
| 6120 PUBL./SUBSCRIPTIONS | - | 975 | 975 | 1,300 | 1,300 |
| 6130 COMPUTER HARDWARE | 11,611 | 10,500 | (1,111) | 10,500 | (1,111) |
| 6140 COMPUTER SOFTWARE | 9,869 | 9,000 | (869) | 9,000 | (869) |
| 6150 MEETING EXPENSE | 170 | 1,463 | 1,293 | 1,950 | 1,780 |
| 6170 PROMOTION | 7,310 | 30,000 | 22,690 | 40,000 | 32,690 |
| 7130 DEMOLITIONS | 90,000 | 90,000 | - | 120,000 | 30,000 |
| 8000 OPERATIONAL EQUIPMENT | 2,667 | 24,750 | 22,083 | 33,000 | 30,333 |
| 8010 OPERATIONAL MAT/SUPP | 1,725 | 3,000 | 1,275 | 4,000 | 2,275 |
| 8090 UNIFORMS / CLOTHING | 1,653 | 6,375 | 4,722 | 8,500 | 6,847 |
| 8100 PROFESSIONAL SERVICE | 2,531 | 98,250 | 95,719 | 131,000 | 128,469 |
| 8110 CONTRACTS/AGREEMENTS | 289,800 | 316,050 | 26,250 | 421,400 | 131,600 |
| 8130 LICENSES/PERMITS | 78,147 | 74,500 | (3,647) | 74,500 | (3,647) |
| 8135 REGULATORY FEES | 38,323 | 37,500 | (823) | 41,000 | 2,677 |
| 8150 GRANTS /SUBS TO ORG | 523,088 | 523,753 | 665 | 565,000 | 41,912 |
| Total expended to date | \$ 2,300,760 | 2,620,715 | \$ 319,955 | \$ 3,319,283 | \$ 1,018,523 |

Departmental

Finance

| | Year to date Assigned | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|---|--------------------------|-------------------|-------------------------------|-------------------|-------------------------------|
| Bylaw Revenue | | | | | |
| 5112 Vendor Licenses | \$ 5,475 | \$ 10,875 | \$ (5,400) | \$ 14,500 | \$ 9,025 |
| 5113 Animal Licenses | 2,300 | 8,250 | (5,950) | 11,000 | 8,700 |
| 5114 Taxi Licenses | 14,658 | 13,500 | 1,158 | 18,000 | 3,343 |
| 5115 Vending Machine Licenses | 270 | 5,625 | (5,355) | 7,500 | 7,230 |
| 5301 Parking Meter Revenue | 79,211 | 186,667 | (107,456) | 280,000 | 200,789 |
| Total Bylaw Revenue | \$ 101,913 | \$ 224,917 | \$ (123,003) | \$ 331,000 | \$ 229,087 |
| Development / Planning Revenue | | | | | |
| 5496 Mapping Sales | \$ - | \$ 1,575 | \$ (1,575) | \$ 2,100 | \$ 2,100 |
| 5495 Other Sales | 2,263 | 3,075 | (812) | 4,100 | 1,837 |
| 5101 Building Permits | 260,704 | 150,000 | 110,704 | 200,000 | (60,704) |
| 5102 Subdivision Fees | 34,965 | 30,000 | 4,965 | 40,000 | 5,035 |
| 5103 Development Permits | - | - | - | - | - |
| Total Develop / Planning Rev | \$ 297,931 | \$ 184,650 | \$ 113,281 | \$ 246,200 | \$ (51,731) |
| Total Bylaw / Dev / Planning Revenue | \$ 399,844 | \$ 409,567 | \$ (9,723) | \$ 577,200 | \$ 177,356 |

Departmental

Finance

Facilities (C200 / Arenas) Statement of Expenditures

December 31, 2020

| | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 885,474 | \$ 1,036,757 | \$ 151,283 | \$ 1,382,343 | \$ 496,869 |
| 6010 BENEFITS | 173,634 | 198,199 | 24,565 | 264,265 | 90,631 |
| 6020 TRAINING | 1,884 | 2,625 | 941 | 3,500 | 1,816 |
| 6030 TRAVEL/CONFERENCES | 1,284 | 3,000 | 1,716 | 4,000 | 2,716 |
| 6040 PROF MEM/DUES & FEES | 3,073 | 2,000 | (1,073) | 2,000 | (1,073) |
| 6050 OFFICE SUPPLIES | 1,543 | 3,375 | 1,832 | 4,500 | 2,957 |
| 6060 OFFICE EQUIPMENT | 2,060 | 2,000 | (60) | 2,000 | (60) |
| 6080 ADVERTISING | 169 | 5,625 | 5,456 | 7,500 | 7,331 |
| 6100 COURIER | 320 | 750 | 430 | 1,000 | 680 |
| 6110 TELEPHONE/FAX | 15,372 | 14,250 | (1,122) | 19,000 | 3,628 |
| 6130 COMPUTER HARDWARE | 8,168 | 2,500 | (5,668) | 2,500 | (5,668) |
| 6140 COMPUTER SOFTWARE | 750 | 1,875 | 1,125 | 2,500 | 1,750 |
| 6150 MEETING EXPENSES | 347 | 750 | 403 | 1,000 | 653 |
| 7000 HEAT | 31,625 | 39,542 | 7,916 | 52,500 | 20,875 |
| 7010 ELECTRICAL | 260,635 | 303,750 | 43,115 | 405,000 | 144,365 |
| 7020 WATER | 24,778 | 21,375 | (3,403) | 28,500 | 3,722 |
| 7030 BLDG/FACILITY MAINT | 31,964 | 57,000 | 25,036 | 76,000 | 44,036 |
| 7040 BLDG/FACILITY REPAIR | 41,471 | 49,750 | 8,279 | 65,000 | 23,529 |
| 7080 PLANT MAINTENANCE | 40,141 | 44,875 | 4,734 | 61,500 | 21,359 |
| 7110 SECURITY | 63,491 | 67,500 | 4,009 | 90,000 | 26,509 |
| 7510 VEH/EQUIP REPAIRS | 9,812 | 7,875 | (1,937) | 10,500 | 688 |
| 7540 VEH/EQUIP RENTAL | - | 5,500 | 5,500 | 6,500 | 6,500 |
| 8000 OPERATIONAL EQUIPMENT | 24,577 | 2,500 | (22,077) | 2,500 | (22,077) |
| 8010 OPERATIONAL MAT/SUPP | 100,358 | 113,500 | 13,142 | 227,000 | 126,642 |
| 8050 COST OF SALES | 113,556 | 137,500 | 23,944 | 275,000 | 161,444 |
| 8090 UNIFORMS/CLOTHING | 894 | 6,375 | 5,481 | 8,500 | 7,606 |
| 8100 PROFESSIONAL SERVICE | 12,831 | 20,625 | 7,794 | 27,500 | 14,669 |
| 8110 CONTRACTS/AGREEMENTS | 12,707 | 39,375 | 26,668 | 52,500 | 39,793 |
| Total expended to date | \$ 1,862,717 | \$ 2,190,748 | \$ 328,031 | \$ 3,084,608 | \$ 1,221,891 |

Departmental

Finance

| | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|------------------------------|--------------------------|-------------------|-------------------------------|---------------------|-------------------------------|
| GL 5001 Ice Rentals | \$ 253,825 | \$ - | \$ 253,825 | \$ 310,500 | \$ 56,675 |
| GL 5002 Public Skating | - | - | - | 2,500 | 2,500 |
| GL 5004 Arena Rental | - | - | - | 105,000 | 105,000 |
| GL 5005 Gym Rental | 6,957 | - | 6,957 | 5,000 | (1,957) |
| GL 5006 Canteen Sales | 43,953 | - | 43,953 | 362,500 | 318,547 |
| GL 5009 Major Events | - | - | - | 5,000 | 5,000 |
| GL 5010 Other Revenue | 3,842 | - | 3,842 | 282,500 | 278,658 |
| GL 5033 Program Equipment | 534 | - | 534 | 24,250 | 23,716 |
| GL 5034 Facility Rentals | 2,075 | - | 2,075 | 11,750 | 9,675 |
| Total Revenue To Date | \$ 311,186 | \$ - | \$ 311,186 | \$ 1,109,000 | \$ 797,814 |

Departmental

Finance

**Parks and Grounds
Operations**

Statement of Expenditures

December 31, 2020

| Parks & Grounds | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 1,085,241 | \$ 1,194,023 | \$ 108,782 | \$ 1,592,031 | \$ 506,790 |
| 6010 BENEFITS | 265,634 | 259,036 | (6,598) | 345,381 | 79,747 |
| 6011 MISC BENEFITS | 3,480 | 2,500 | (980) | 2,500 | (980) |
| 6020 TRAINING/EDUCATION | 232 | 3,750 | 3,518 | 5,000 | 4,768 |
| 6030 TRAVEL/CONFERENCES | 5,151 | 9,625 | 4,474 | 12,750 | 7,599 |
| 6040 PROF MEM/DUES & FEES | 62 | 150 | 88 | 200 | 138 |
| 6050 OFFICE SUPPLIES | 80 | 1,125 | 1,045 | 1,500 | 1,420 |
| 6060 OFFICE EQUIPMENT | 899 | 400 | (499) | 400 | (499) |
| 6080 ADVERTISING | - | - | - | - | - |
| 6110 TELEPHONE/FAX | 6,130 | 5,400 | (730) | 7,200 | 1,070 |
| 6130 COMPUTER HARDWARE | 361 | 250 | (111) | 250 | (111) |
| 7000 HEAT | 1,844 | 4,013 | 2,168 | 5,350 | 3,506 |
| 7010 ELECTRICAL | 50,143 | 58,125 | 7,982 | 77,500 | 27,357 |
| 7020 WATER | 15,796 | 18,750 | 2,954 | 25,000 | 9,204 |
| 7030 BLDG/FACILITY MAINT | 2,203 | 3,750 | 1,547 | 5,000 | 2,797 |
| 7040 BLDG/VACILITY REPAIR | 179 | - | (179) | - | (179) |
| 7060 BLDG/FACILITY RENOV | 41 | - | (41) | - | (41) |
| 7080 PLANT MAINTENANCE | 397 | - | (397) | - | (397) |
| 7110 SECURITY | 6,528 | - | (6,528) | - | (6,528) |
| 7510 VEH/EQUIP REPAIRS | - | 1,013 | 1,013 | 1,350 | 1,350 |
| 7530 VEH/EQUIP REPLACEMENT | 30,452 | 25,000 | (5,452) | 25,000 | (5,452) |
| 7540 VEH/EQUIP RENTAL | 15,757 | 7,500 | (8,257) | 7,500 | (8,257) |
| 8000 OPERATIONAL EQUIP | 16,086 | 21,000 | 4,914 | 28,000 | 11,914 |
| 8010 OPERATIONAL MAT/SUPP | 170,380 | 262,500 | 92,120 | 350,000 | 179,620 |
| 8020 MAINTENANCE EQUIP | 45,616 | 35,000 | (10,616) | 35,000 | (10,616) |
| 8040 COMM EQUIP LINES (GPS) | 8,152 | 6,000 | (2,152) | 6,000 | (2,152) |
| 8080 STREET LIGHTS | 3,543 | - | (3,543) | - | (3,543) |
| 8090 UNIFORMS/CLOTHING | 8,235 | 9,000 | 765 | 12,000 | 3,765 |
| 8100 PROFESSIONAL SERV | - | 3,750 | 3,750 | 5,000 | 5,000 |
| 8110 CONTRACTS & AGRMNT | 369,230 | 350,000 | (19,230) | 350,000 | (19,230) |
| Total expended to date | 2,111,851 | \$ 2,281,659 | \$ 169,808 | \$ 2,899,912 | \$ 788,061 |

Departmental

Finance

Building Operations

Statement of Expenditures

December 31, 2020

| Buildings | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| 6000 WAGES/SALARIES | \$ 1,033,930 | \$ 1,042,524 | \$ 8,594 | \$ 1,390,032 | \$ 356,102 |
| 6010 BENEFITS | 235,845 | 231,209 | (4,636) | 308,279 | 72,434 |
| 6020 TRAINING/EDUCATION | 2,032 | 3,188 | 1,155 | 4,250 | 2,218 |
| 6030 TRAVEL/CONFERENCES | - | 938 | 938 | 1,250 | 1,250 |
| 6040 PROF MEM/DUES & FEES | - | - | - | - | - |
| 6050 OFFICE SUPPLIES | 127 | 750 | 623 | 1,000 | 873 |
| 6060 OFFICE EQUIPMENT | 27 | 1,875 | 1,848 | 2,500 | 2,473 |
| 6110 TELEPHONE/FAX | 5,852 | 5,850 | (2) | 7,800 | 1,948 |
| 6130 COMPUTER HARDWARE | 3,919 | 3,000 | (919) | 3,000 | (919) |
| 6140 COMPUTER SOFTWARE | - | 4,875 | 4,875 | 6,500 | 6,500 |
| 7000 HEAT | 30,955 | 43,709 | 12,753 | 90,000 | 59,045 |
| 7010 ELECTRICAL | 336,890 | 332,320 | (4,570) | 471,000 | 134,110 |
| 7020 WATER | 20,505 | 17,738 | (2,767) | 23,650 | 3,145 |
| 7030 BLDG/FACILITY MAINT | 23,753 | 30,750 | 6,997 | 41,000 | 17,247 |
| 7040 BLDG/VACILITY REPAIR | 1,290 | - | (1,290) | - | (1,290) |
| 7060 BLDG/FACILITY RENOV | 1,892 | 75,000 | 73,108 | 100,000 | 98,108 |
| 7070 BLDG/FACILITY RENTAL | 153,954 | 135,200 | (18,754) | 178,950 | 24,996 |
| 7080 PLANT MAINTENANCE | 1,167 | 11,625 | 10,458 | 15,500 | 14,333 |
| 7100 MAINT. TOOLS/EQUIP | 4,744 | 3,500 | (1,244) | 3,500 | (1,244) |
| 7110 SECURITY | 88,130 | 91,125 | 2,995 | 121,500 | 33,370 |
| 7120 PROPERTY TAXES | 3,061 | - | (3,061) | - | (3,061) |
| 7540 VEH/EQUIP RENTAL | 457 | 1,875 | 1,418 | 2,500 | 2,043 |
| 8000 OPERATIONAL EQUIP | - | 1,875 | 1,875 | 2,500 | 2,500 |
| 8010 OPERATIONAL MAT/SUPP | 99,678 | 90,375 | (9,303) | 120,500 | 20,822 |
| 8020 MAINTENANCE EQUIP | - | 2,250 | 2,250 | 3,000 | 3,000 |
| 8040 COMM EQUIP LINES (GPS) | 2,634 | 2,400 | (234) | 3,200 | 566 |
| 8090 UNIFORMS/CLOTHING | 1,416 | 3,375 | 1,959 | 4,500 | 3,084 |
| 8100 PROFESSIONAL SERVICE | 8,945 | 45,000 | 36,055 | 60,000 | 51,055 |
| 8110 CONTRACTS/AGREEMENTS | 150,809 | 183,750 | 32,941 | 245,000 | 94,191 |
| 8120 LEASES | 1,049 | 1,875 | 826 | 2,500 | 1,451 |
| 8130 LICENSES/PERMITS | - | 1,500 | 1,500 | 2,000 | 2,000 |
| 8150 GRANTS/SUBS TO ORG | 45,000 | 45,000 | - | 60,000 | 15,000 |
| Total expended to date | \$ 2,258,060 | \$ 2,414,449 | \$ 156,389 | \$ 3,275,411 | \$ 1,017,351 |

Departmental

Finance

Recreation Cultural Services

Statement of Expenditures

December 31, 2020

| Recreation/Cultural Services | Year to date Expended | 9 Month Budget | 9 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|--|--------------------------|---------------------|-------------------------------|---------------------|-------------------------------|
| GL 6000, 6010, & 6011 Wages & Benefits Including Summer Students | \$ 773,870 | \$ 886,295 | \$ 112,425 | \$ 1,105,060 | \$ 331,190 |
| 6020 TRAINING/EDUCATION | 5,203 | 12,000 | 6,797 | 16,000 | 10,797 |
| 6030 TRAVEL/CONFERENCES | 6,582 | 18,750 | 12,168 | 25,000 | 18,418 |
| 6040 PROF MEM/DUES & FEES | 1,223 | 2,625 | 1,402 | 3,500 | 2,277 |
| 6050 OFFICE SUPPLIES | 2,834 | 6,000 | 3,166 | 8,000 | 5,166 |
| 6060 OFFICE EQUIPMENT | 3,735 | 8,000 | 4,265 | 8,000 | 4,265 |
| 6080 ADVERTISING | 15,250 | 52,500 | 37,250 | 70,000 | 54,750 |
| 6110 TELEPHONE/FAX | 6,006 | 8,250 | 2,244 | 11,000 | 4,994 |
| 6120 PUBL./SUBSCRIPTIONS | 34 | 150 | 116 | 200 | 166 |
| 6130 COMPUTER HARD/SOFTWARE | 3,046 | 5,250 | 2,204 | 7,000 | 3,954 |
| 7070 BLDG/FACILITY RENTAL | 29,779 | 34,500 | 4,721 | 46,000 | 16,221 |
| 8000 OPERATIONAL MAT/SUPPLY | 88,138 | 112,500 | 24,362 | 150,000 | 61,862 |
| 8025 COMMUNITY EVENTS | 124,760 | 225,000 | 100,240 | 300,000 | 175,240 |
| 8150 SCHOLORSHIPS | 20,000 | 20,000 | - | 20,000 | - |
| 8160 SPECIAL EVENTS & FESTIVALS | 132,845 | 264,058 | 131,213 | 356,562 | 223,717 |
| 8170 OPERATING GRANTS POLICY | 631,713 | 500,500 | (131,213) | 500,500 | (131,213) |
| Total expended to date | \$ 1,845,019 | \$ 2,156,378 | \$ 311,359 | \$ 2,626,822 | \$ 781,803 |

Departmental

Finance

Recreation /
Cultural Services

Statement of Revenue

December 31, 2020

| Recreation/Cultural Services | Variance | | | | Remaining | |
|------------------------------|------------------|------------------|-------------------|------------------|------------------|--|
| 5031 PROGRAM REVENUE | \$ 30,000 | \$ 30,000 | \$ - | \$ 30,000 | \$ - | |
| 5034 FACILITY RENTALS | - | 3,750 | (3,750) | 16,750 | 16,750 | |
| Total Revenue To Date | \$ 30,000 | \$ 33,750 | \$ (3,750) | \$ 46,750 | \$ 16,750 | |

Departmental

Finance

Cape Breton Regional Municipality Water Utility
Statement of Operations - period ending December 31st, 2020

| | Actual Dec 31st, 2020 | Budget Dec 31st, 2020 | Variance Dec 31st, 2020 | Total Annual Budget 2020-2021 |
|---------------------------------|--------------------------|--------------------------|----------------------------|----------------------------------|
| Revenue | | | | |
| Operating: | | | | |
| Metered Sales | 14,634,010 | 14,681,642 | (47,632) | 19,575,523 |
| Public Fire Protection | 5,307,290 | 5,307,293 | (4) | 7,078,384 |
| Interest on Overdue Accounts | 402,790 | 262,500 | 140,290 | 350,000 |
| Other Operating Revenue | 4,640 | 49,500 | (44,861) | 66,000 |
| Total Operating Revenue | 20,348,729 | 20,300,935 | 47,794 | 27,069,907 |
| Expenditures | | | | |
| Operating Expenses | | | | |
| Source of Supply | 289,471 | 395,095 | 105,624 | 526,793 |
| Power and Pumping | 1,205,261 | 1,605,684 | 400,423 | 2,140,912 |
| Water Treatment | 3,102,000 | 3,197,082 | 95,082 | 4,262,776 |
| Transmission & Distribution | 3,215,168 | 3,610,608 | 395,440 | 4,814,145 |
| Administration & General | 1,909,257 | 2,309,114 | 399,857 | 3,078,819 |
| Depreciation | 2,887,500 | 2,887,500 | - | 3,850,000 |
| Taxes | 1,490,201 | 1,500,000 | 9,799 | 2,000,000 |
| Total Operating Expenses | 14,098,858 | 15,505,083 | 1,406,225 | 20,673,445 |
| Operating Profit/(Loss) | 6,249,871 | 4,795,852 | 1,454,018 | 6,396,462 |

Cape Breton Regional Municipality Water Utility
Statement of Operations - period ending December 31st, 2020

| | Actual Dec 31st, 2020 | Budget Dec 31st, 2020 | Variance Dec 31st, 2020 | Total Annual Budget 2020-2021 |
|--|--------------------------|--------------------------|----------------------------|----------------------------------|
| Non Operating Revenue | | | | |
| Debt Charge Income | - | - | - | - |
| Interest Income | - | - | - | - |
| Amortization of Deferred Capital contribution | 215,378 | 215,378 | 0 | 287,171 |
| Total Non Operating Revenue | 215,378 | 215,378 | 0 | 287,171 |
| Non Operating Expenses | | | | |
| Short term interest charges | 150,000 | 150,000 | (0) | 200,000 |
| Debt Charges | | | | |
| Principal | 2,673,375 | 2,673,375 | 0 | 3,564,500 |
| Interest | 929,363 | 906,863 | (22,500) | 1,209,151 |
| Amortization of Debt Discount | 24,409 | 24,000 | (409) | 32,000 |
| Capital Expenditures out of operations | 112,500 | 112,500 | - | 150,000 |
| Total Non Operating Expenses | 3,889,647 | 3,866,738 | (22,909) | 5,155,651 |
| Non- Operating Profit/(Loss) | (3,674,269) | (3,651,360) | (22,909) | (4,868,480) |
| TOTAL UTILITY REVENUES (OPERATING & NON-OPERATING) | 20,564,107 | 20,516,314 | 47,794 | 27,357,078 |
| TOTAL UTILITY EXPENSES (OPERATING & NON-OPERATING) | 17,988,505 | 19,371,821 | 1,383,316 | 25,829,096 |
| CBRM WATER UTILITY PROFIT/(LOSS) | 2,575,602 | 1,144,492 | 1,431,110 | 1,527,982 |

Prepared by Amanda R. Carroll
Review by _____
Date _____

Port of Sydney Development Corporation

December 31, 2020 Income Statement

| | This Year Actual | This Year Budget | Variance to Budget | Annual Budget |
|--------------------------|---------------------|---------------------|-----------------------|---------------------|
| Wharfage and Berthage | 289,896.95 | 524,286.12 | (284,389.17) | 630,489.90 |
| Event Revenue | 14,015.91 | 79,185.00 | (65,169.09) | 88,135.00 |
| Miscellaneous Revenue | 4,115.60 | 3,550.00 | 565.60 | 55,300.00 |
| Storage and Rental | 77,805.27 | 283,511.43 | (205,706.16) | 309,370.67 |
| Passenger tax | 0.00 | 1,426,130.88 | (1,426,130.88) | 1,426,130.88 |
| Security/Traffic Control | 43,807.08 | 297,147.75 | (253,340.67) | 319,081.75 |
| Government Grants | 46,640.32 | 9,000.00 | 37,640.32 | 9,000.00 |
| Craft Market Revenue | 0.00 | 87,945.00 | (87,945.00) | 87,945.00 |
| | <u>446,281.13</u> | <u>2,710,756.18</u> | <u>(2,264,475.05)</u> | <u>2,925,453.20</u> |
| Wages and Salaries | 390,002.44 | 763,115.19 | (373,112.75) | 996,793.40 |
| Professional Fees | 55,117.76 | 92,300.00 | (37,182.24) | 105,800.00 |
| Advertising & Promotions | 7,774.86 | 47,730.00 | (39,955.14) | 63,930.00 |
| Cruise Activities | 1,587.60 | 104,550.00 | (102,962.40) | 111,550.00 |
| Dues & Membership Fees | 12,682.76 | 37,601.00 | (24,918.24) | 39,226.00 |
| Event Expense | 326.85 | 5,500.00 | (5,173.15) | 4,100.00 |
| Insurance | 42,125.26 | 77,500.00 | (35,374.74) | 107,000.00 |
| Interest & Bank Charges | 2,125.43 | 5,220.00 | (3,094.57) | 6,870.00 |
| Office & Admin | 5,305.13 | 34,499.00 | (29,193.87) | 41,245.00 |
| Office Rent | 39,240.00 | 39,240.00 | 0.00 | 52,320.00 |
| Miscellaneous | 900.00 | 3,600.00 | (2,700.00) | 57,800.00 |
| Repairs & Maintenance | 77,828.38 | 327,503.00 | (249,674.62) | 376,951.00 |
| Repairs -JHCP | 0.73 | 343,500.00 | (343,499.27) | 343,500.00 |
| Travel | 0.00 | 42,450.00 | (42,450.00) | 45,755.00 |
| Utilities | 80,082.95 | 176,350.00 | (96,267.05) | 227,200.00 |
| Bad Debts | 0.00 | 1,500.00 | (1,500.00) | 1,500.00 |
| Security Expense | 25,563.41 | 213,988.50 | (188,424.89) | 227,460.60 |
| Leasehold Improvements | 15,461.15 | 10,000.00 | 5,461.15 | 10,000.00 |
| | <u>756,124.71</u> | <u>2,326,146.49</u> | <u>(570,021.78)</u> | <u>2,818,001.00</u> |
| Less Amortization | (309,843.58) | 384,609.69 | (694,453.27) | 107,452.20 |
| | <u>(350,000.00)</u> | <u>(350,000.00)</u> | <u>0.00</u> | <u>(350,000.00)</u> |
| | <u>(659,843.58)</u> | <u>34,509.69</u> | <u>(694,453.27)</u> | <u>(242,547.80)</u> |

