

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JUNE 15TH, 2021

TIME:

6:00 PM

Via Video Conference

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Cape Breton Regional Municipality

Council Meeting

Tuesday, June 15, 2021

6:00 pm

AGENDA ITEMS

Land Acknowledgement

Roll Call

Moment of Silent Reflection

1. **APPROVAL OF MINUTES** (Previously Circulated)
 - Special Council – March 30, 2021
 - Council – May 18, 2021

2. **APPROVAL OF AGENDA:** (Motion Required)

3. **PROCLAMATIONS:**
 - 3.1 **Filipino Heritage Month:** (*for ratification*) Deputy Mayor Earlene MacMullin (See page 6)

 - 3.2 **National Indigenous History Month:** Councillor Cyril MacDonald (See page 7)

4. **PRESENTATION:**
 - 4.1 **PAL Airlines:** Stephen Short, Sales Manager, and Janine Browne, Director of Business Development & Sales of PAL Airlines (See page 8)

Continued...

**Council Meeting Agenda
June 15, 2021 (Cont'd)**

5. Street Closing - Public Hearing:

- a) **Portion of Eighth, Street New Waterford, District 11 (New Waterford Hub Project):** Sheila Kolanko, Property Manager (See page 27)

6. PLANNING ISSUES:

6.1 FINAL APPROVAL – PUBLIC HEARINGS:

- a) **Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier:** Karen Neville, Senior Planner (See page 31)
- (i) Presentation by Michael Morrison on behalf of the Ethiopian Community Club Menelik Association
 - (ii) Hearing re: Sale of Land for Less than Market Value
 - (iii) Hearing re: Zoning Amendment Application
- b) **Case 1082: Rural CBRM and Rural CBRM – No Mobile Home Zones:** Kristen Knudskov, Planner (See page 44)

6.2 APPROVAL TO ADVERTISE:

- a) **Case 1083: Request for a Three-Unit Apartment at 52 King Street, North Sydney (PID 15024383; District 2):** Kristen Knudskov, Planner (See page 63)

7. BUSINESS ARISING:

7.1 Council Meeting – May 18, 2021:

- a) **Public Report: Citizen Appointments to Various Committees:** Deborah Campbell Ryan, Municipal Clerk (See page 73)

7.2 In-Camera Council Meeting – June 15, 2021:

- a) **Report per Section 22 (2) (e) of Municipal Government Act (Contract Negotiations)** * to be circulated prior to meeting

Continued...

**Council Meeting Agenda
June 15, 2021 (Cont'd)**

8. COUNCILLOR AGENDA REQUEST:

8.1 Baile Ard Trail Flood Mitigating Project: Councillor Glenn Paruch (See page 75)

9. CORPORATE SERVICES ISSUES:

9.1 Taxi By-law – Amendment Request: Paul Burt, Manager Building Planning & Licensing Laws (See page 76)

9.2 Appointment of Development Officer: Michael Ruus, Director of Planning & Development (See page 78)

10. BY-LAWS & MOTIONS:

10.1 By-laws:

a) **Second / Final Reading – Public Hearing:**

i) N/A

b) **First Reading:**

i) **Tow Truck Licencing By-law - Proposed Amendments:** Staff Sergeant Gil Boone and Paul Burt, Manager Building Planning & Licensing Laws (See page 79)

ii) **Parking Meter By-law T-5 - Proposed Amendments:** Michael Ruus, Director of Planning & Development (See page 157)

11. Review of Action Items from the Meeting: Mayor Amanda M. McDougall

ADJOURNMENT

Proclamation

Filipino Heritage Month 2021

WHEREAS: The Filipino people have a rich and vibrant history and culture, with numerous success stories of Filipino Canadians adding to this country's narrative; and

WHEREAS: Filipino migration to Canada started in the early 30s in small numbers with Canada's Filipino community growing from less than a thousand residents to become one of the country's largest immigrant demographics in just a few short decades; and

WHEREAS: June 12th, 2021 is the 123rd Independence Day in the Philippines and 2021 marks the 72nd anniversary of diplomatic relations Between Canada and The Republic; the Canadian government Declared June to be Filipino Heritage Month; and

WHEREAS: The many contributions of Filipinos are continually recognized and greatly appreciated in all facets of our society, government, and the private sector

Be It Therefore Resolved: That CBRM Mayor Amanda M. McDougall and Council hereby declare the month of **June** as "*Filipino Heritage Month*" in the Cape Breton Regional Municipality.

Deputy Mayor Earlene MacMullin – District #2

June 15th, 2021

Proclamation
National Indigenous History Month 2021

WHEREAS: In June, Canadians celebrate National Indigenous History Month to honor the history, heritage and diversity of Indigenous peoples in Canada; and

WHEREAS: it is an opportunity to recognize the incredible strength and growth of present-day Indigenous communities; and

WHEREAS: We all need to play a role in amplifying the voices of Indigenous peoples, dismantling systemic racism, inequalities, and discrimination, and walking the path of reconciliation together; and

WHEREAS: National Indigenous History Month is a time for learning about, appreciating and acknowledging, the contributions of Indigenous people and how they have helped to shape our communities and our country; and

WHEREAS: We don't have to go far from home to see the tremendous value our Indigenous people and communities have on our day to day lives, teaching us their ways, and sharing with us their values and beliefs that have helped to build a stronger CBRM; and

WHEREAS: While celebrations and events may be different this time, I would encourage all residents to take the time to share and learn from stories, traditions and culture in new ways that keep us together and connected during these unprecedented times; and

Be It Therefore That CBRM Mayor Amanda M. McDougall and Council hereby declare the month of June as National Indigenous History Month in the Cape Breton Regional Municipality.

Councillor Cyril MacDonald – District #3

June 15th, 2021



May 21, 2021

Cape Breton Regional Municipality

City Hall
320 Esplanade
Sydney, NS
B1P 7B9

Attention: Mayor Amanda McDougall

Subject: Request for standing with Cape Breton Regional Municipality Council

Good Day,

On behalf of PAL airlines, I am writing to request standing to present to the Cape Breton Regional Municipality Council, at your earliest convenience.

As you may be aware, PAL Airlines is very excited to launch flight service from Sydney to Halifax, five days weekly, starting on June 28th, 2021. Janine Browne, Director of Business Development and Sales and myself, Stephen Short would like to meet with the CBRM Council to present details of the flight, as well as discuss how to best engage with the region to make our service a success and support the community at large.

We look forward to your response and to discussing this exciting new schedule with your council.

Thank you,

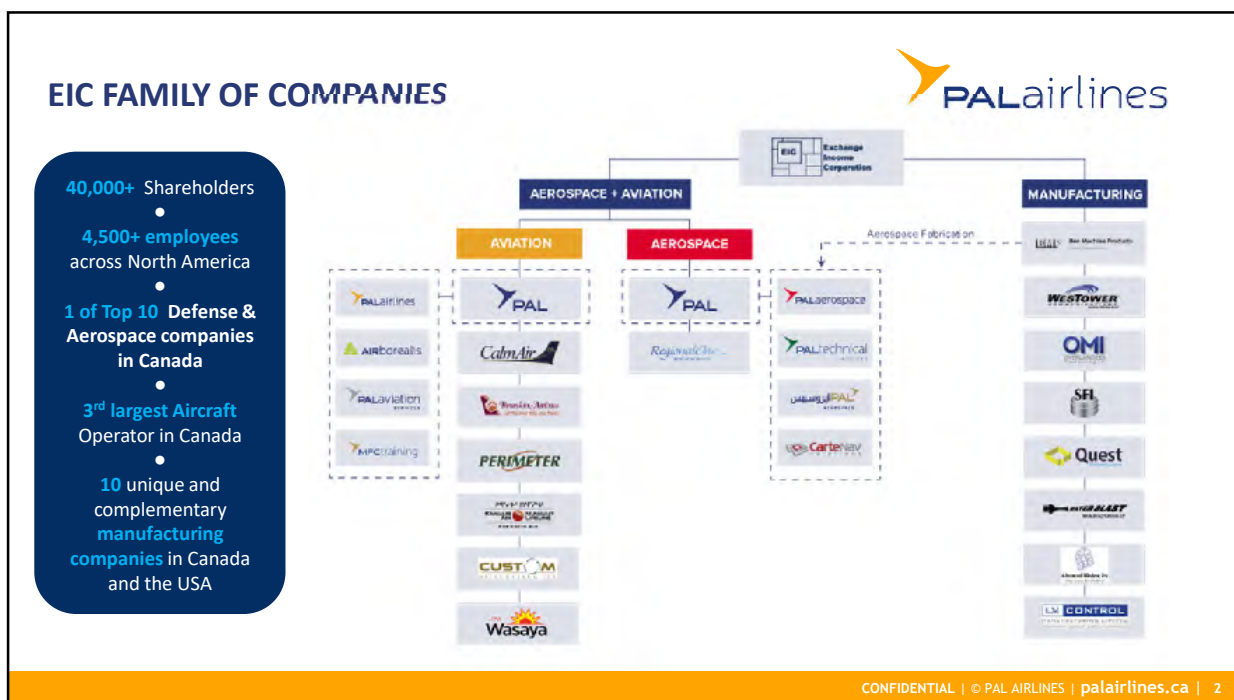
Originally Signed By

Stephen Short
Sales Manager
PAL Airlines



CBRM COUNCIL: ROUTE EXPANSION PRESENTATION

1



2

PAL Group of Companies

- PAL is a group of 10 companies with over 1,400 employees
- Businesses ranging across Canada from Newfoundland to British Columbia
- International business in the United Arab Emirates (UAE) and the Caribbean
- Owned by parent company Exchange Income Corporation (EIC)
- PAL Technical Services provides heavy maintenance and aircraft modification services for all EIC aircraft operators resulting in significant job creation in NL.

PALairlines

PAL

PALaerospace | PALairlines | PALaviation SERVICES | MFCtraining

CarteNav | AIRborealis

ايرروسبيس | PALايرروسبيس | PALtechnical SERVICES | ATLANTIC AVIONICS INC.

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3

Who We Are


- PAL Airlines is part of the Exchange Income Corp. (EIC) Group of Companies.
- Headquartered in St. John’s, NL, PAL Airlines has over 45 years operating as a full service regional airline offering commercial, charter and cargo services.
- 7 time award winner of the Bombardier On Time Performance Award.


PALairlines

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4

Who We Are






Air Borealis
 Air Borealis was born of a partnership between PAL Airlines and the Innu and Inuit of Labrador to bring more travel options to the people of Labrador. The company is dedicated to providing sustainable air transportation that respects the community, the environment and the people of the North.



Moncton Flight College
 Since 1929, Moncton Flight College has trained more than 20,000 pilots from around the world. With campuses in Moncton and Fredericton, it is the largest private flight school in Canada and is internationally recognized for its dedicated focus to quality and safety.



PAL Aviation Services
 PAL Aviation Services' two locations — in Halifax, Nova Scotia, and St. John's, Newfoundland and Labrador — have been voted the Top 2 Fixed-Base Operators in Atlantic Canada, providing exceptional services to commercial, corporate, military and private aircraft for more than 30 years. Offering refuelling, de-icing, the largest hangarage, cargo services and extensive amenities, PAL Aviation Services gets its clients in the air on schedule.

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5

Who We Are





- Leading air service provider in Eastern Canada and Quebec.
- Specializing in leisure and group travel with a significant corporate segment.
- The PAL Airlines differentiator is our customer service. PAL staff consistently go above and beyond to provide the finest hospitality to our passengers.



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6

Our Fleet

 DASH 8-Q400 4 Crew: 2 Flight Attendants: 2 Seating: 76 Lavatory: Yes In Flight Service: Yes	 DASH 8-300 7 Crew: 2 Flight Attendants: 2 Seating: 50/47 Lavatory: Yes In Flight Service: Yes	 DASH 8-100 2 Crew: 2 Flight Attendants: 1 Seating: 37/29/21 Lavatory: Yes In Flight Service: Yes	 BEECHCRAFT 1900D 2 Crew: 2 Seating: 10 Lavatory: Yes In Flight Service: No
 TWIN OTTER 9 Crew: 2 Seating: 19 Lavatory: No In Flight Service: No	 KING AIR 350 2 Crew: 2 Seating: 8 Lavatory: Yes In Flight Service: No	 CITATION X 1 Crew: 2 Seating: 8 Lavatory: Yes In Flight Service: No	

7



8



9

Scheduled Service

The map displays the flight network for PAL Airlines (indicated by blue lines) and Air Borealis (indicated by green lines) across Eastern Canada and Quebec. Key cities shown include Montreal, Quebec City, Halifax, and various regional airports like St. John's, St. Anthony, and St. John's. The routes are dense, showing extensive connectivity between major hubs and regional destinations.

- Serving 25* destinations throughout Eastern Canada and Quebec.
- Schedule and routings designed to offer the best of both worlds to business and leisure passengers.
- Schedule designed to maximize connectivity.

**31 destinations including Air Borealis*

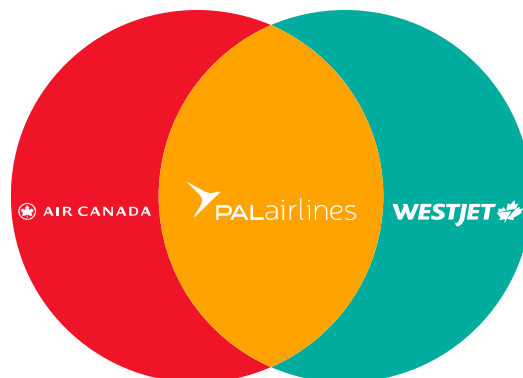
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10

PAL Airlines Connectivity



- PAL Airlines has an existing interline agreement with WestJet.
- PAL Airlines has also recently finalized an interline agreement with Air Canada.
- PAL schedule is built to maximize connectivity with national carriers for seamless travel throughout Canada and beyond.
- Diverse fleet allows us to meet market needs as demand increases.



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11

Atlantic Canada Scheduled Flights



JUNE 28

ST. JOHN'S-DEER LAKE-FREDERICTON

FLT.	FROM	TO	DEP.	ARR.	DAYS
905	St. John's	Deer Lake	7:30	8:45	Mon/Wed/Fri
905	Deer Lake	Fredericton	9:00	10:30	Mon/Wed/Fri
906	Fredericton	Deer Lake	11:00	13:25	Mon/Wed/Fri
906	Deer Lake	St. John's	13:40	14:45	Mon/Wed/Fri

HALIFAX-SYDNEY

FLT.	FROM	TO	DEP.	ARR.	DAYS
1980	Sydney	Halifax	8:30	9:30	Mon/Wed/Fri
1981	Halifax	Sydney	19:30	20:30	Sun/Tue/Thu

HALIFAX-MONCTON-WABUSH

FLT.	FROM	TO	DEP.	ARR.	DAYS
903	Halifax	Moncton	11:00	11:45	Tue/Thu
903	Moncton	Wabush	12:00	14:05	Tue/Thu
904	Wabush	Moncton	14:40	16:40	Tue/Thu
904	Moncton	Halifax	16:55	17:35	Tue/Thu

JUNE 30

GOOSE BAY-HALIFAX-DEER LAKE-GANDER

FLT.	FROM	TO	DEP.	ARR.	DAYS
1950	Goose Bay	Halifax	7:25	9:55	Sun/Tue/Thu
1953	Halifax	Deer Lake	10:30	12:45	Sun-Fri
1953	Deer Lake	Gander	13:00	13:45	Sun-Fri
1954	Gander	Deer Lake	15:35	16:25	Sun-Fri
1954	Deer Lake	Halifax	16:40	18:05	Sun-Fri
1951	Halifax	Goose Bay	18:40	21:05	Mon/Wed/Fri

JULY 30

ST. JOHN'S-DEER LAKE-MONCTON-OTTAWA

FLT.	FROM	TO	DEP.	ARR.	DAYS
924	Ottawa	Moncton	9:00	11:40	Sun
924	Moncton	Deer Lake	12:10	14:10	Sun
924	Deer Lake	St. John's	14:30	15:30	Sun
923	St. John's	Deer Lake	16:50	17:50	Sun
923	Deer Lake	Moncton	18:10	19:15	Sun
923	Moncton	Ottawa	19:45	20:45	Sun

OTTAWA-MONCTON-DEER LAKE-ST. JOHN'S

FLT.	FROM	TO	DEP.	ARR.	DAYS
924	Ottawa	Moncton	7:00	9:40	Tue/Thu
924	Moncton	Deer Lake	10:10	12:10	Tue/Thu
924	Deer Lake	St. John's	12:30	13:30	Tue/Thu
923	St. John's	Deer Lake	16:50	17:55	Tue/Thu
923	Deer Lake	Moncton	18:15	19:20	Tue/Thu
923	Moncton	Ottawa	19:40	20:40	Tue/Thu

OTTAWA-FREDERICTON-DEER LAKE-ST. JOHN'S

FLT.	FROM	TO	DEP.	ARR.	DAYS
905	Ottawa	Fredericton	7:00	9:25	Mon/Wed/Fri
906	Fredericton	Deer Lake	9:55	12:10	Mon/Wed/Fri
906	Deer Lake	St. John's	12:30	13:30	Mon/Wed/Fri
905	St. John's	Deer Lake	16:50	17:55	Mon/Wed/Fri
905	Deer Lake	Fredericton	18:15	19:35	Mon/Wed/Fri
905	Fredericton	Ottawa	19:55	20:35	Mon/Wed/Fri

HALIFAX-CHARLOTTETOWN

FLT.	FROM	TO	DEP.	ARR.	DAYS
1985	Halifax	Charlottetown	10:05	10:50	Mon/Wed/Fri
1986	Charlottetown	Halifax	11:20	12:05	Mon/Wed/Fri

HALIFAX-SAINT JOHN-FREDERICTON

FLT.	FROM	TO	DEP.	ARR.	DAYS
1983	Halifax	Saint John	14:00	14:50	Mon-Fri
1983	Saint John	Fredericton	15:05	15:40	Mon-Fri
1984	Fredericton	Saint John	16:55	17:25	Mon-Fri
1984	Saint John	Halifax	17:40	18:15	Mon-Fri

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12

Quebec Scheduled Flights



28 JUIN

BLANC-SABLON-SAINT AUGUSTIN-LA ROMAINE-SEPT-ÎLES -BAIE-COMEAU-MONTRÉAL

VOL	DE	À	DÉP.	ARR.	JOURS
8320	Blanc-Sablon	Saint-Augustin	7:00	7:25	Lun/Mer/Ven
8320	Saint-Augustin	La Romaine	7:35	8:10	Lun/Mer/Ven
8320	La Romaine	Sept-Îles	8:25	9:30	Lun/Mer/Ven
1976	Sept-Îles	Baie-Comeau	10:15	11:00	Lun/Mer/Ven
1976	Baie-Comeau	Montréal	11:15	12:55	Lun/Mer/Ven
1975	Montréal	Baie-Comeau	13:40	15:25	Lun/Mer/Ven
1975	Baie-Comeau	Sept-Îles	15:40	16:20	Lun/Mer/Ven
8321	Sept-Îles	La Romaine	16:55	17:55	Lun/Mer/Ven
8321	La Romaine	Saint-Augustin	18:10	18:45	Lun/Mer/Ven
8321	Saint-Augustin	Blanc-Sablon	18:55	19:20	Lun/Mer/Ven

BLANC-SABLON-SAINT AUGUSTIN-LA ROMAINE-SEPT-ÎLES

VOL	DE	À	DÉP.	ARR.	JOURS
8320	Blanc-Sablon	Saint-Augustin	7:45	8:10	Mar/Jeu
8320	Saint-Augustin	La Romaine	8:20	8:55	Mar/Jeu
8320	La Romaine	Sept-Îles	10:10	10:15	Mar/Jeu
8321	Sept-Îles	La Romaine	10:50	11:50	Mar/Jeu
8321	La Romaine	Saint-Augustin	12:05	12:40	Mar/Jeu
8321	Saint-Augustin	Blanc-Sablon	12:50	13:15	Mar/Jeu

MONTRÉAL-QUÉBEC-MONT-JOLI-SEPT-ÎLES-WABUSH

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	9:30	10:30	Dim
1910	Québec	Mont-Joli	10:45	11:40	Dim
1910	Mont-Joli	Sept-Îles	11:55	12:40	Dim
1910	Sept-Îles	Wabush	12:55	14:55	Dim
1909	Wabush	Sept-Îles	15:20	15:20	Dim
1909	Sept-Îles	Mont-Joli	15:35	16:20	Dim
1909	Mont-Joli	Québec	16:35	17:30	Dim
1909	Québec	Montréal	17:45	18:40	Dim

MONTRÉAL-QUÉBEC-MONT-JOLI-SEPT-ÎLES-WABUSH

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	11:00	12:00	Lun-Ven
1910	Québec	Mont-Joli	12:15	13:10	Lun-Ven
1910	Mont-Joli	Sept-Îles	13:25	14:10	Lun-Ven
1910	Sept-Îles	Wabush	14:25	16:25	Lun-Ven
1909	Wabush	Sept-Îles	17:00	17:00	Lun-Ven
1909	Sept-Îles	Québec	17:15	18:50	Lun-Ven
1909	Québec	Montréal	19:05	20:05	Lun-Ven

MONTRÉAL-QUÉBEC-SEPT-ÎLES-WABUSH-MONT-JOLI

VOL	DE	À	DÉP.	ARR.	JOURS
1902	Montréal	Québec	6:30	7:30	Lun-Ven
1902	Québec	Sept-Îles	7:45	9:15	Lun-Ven
1902	Sept-Îles	Wabush	9:30	11:30	Lun-Ven
1901	Wabush	Sept-Îles	12:05	12:05	Lun-Ven
1901	Sept-Îles	Mont-Joli	12:20	13:10	Lun-Ven
1901	Mont-Joli	Québec	13:25	14:20	Lun-Ven
1901	Québec	Montréal	14:35	15:35	Lun-Ven

MONTRÉAL-QUÉBEC-GASPÉ-ÎLES-DE-LA-MADELEINE

VOL	DE	À	DÉP.	ARR.	JOURS
1974	Montréal	Québec	9:15	10:05	Dim/Lun/Ven
1974	Québec	Gaspé	10:20	11:45	Dim/Lun/Ven
1974	Gaspé	Î.D.L.M	12:00	13:45	Dim/Lun/Ven
1973	Î.D.L.M	Gaspé	14:15	14:05	Dim/Lun/Ven
1973	Gaspé	Québec	14:20	16:00	Dim/Lun/Ven
1973	Québec	Montréal	16:15	17:15	Dim/Lun/Ven

MONTRÉAL-VAL D'OR

VOL	DE	À	DÉP.	ARR.	JOURS
1971	Val d'Or	Montréal	8:00	9:15	Lun/Mar/Ven
1972	Montréal	Val d'Or	18:35	20:00	Dim/Lun/Jeu

13

Route Launch



ATLANTIC SCHEDULE

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	9:30	10:30	Dim
1910	Québec	Mont-Joli	10:45	11:40	Dim
1910	Mont-Joli	Sept-Îles	11:55	12:40	Dim
1910	Sept-Îles	Wabush	12:55	14:55	Dim
1909	Wabush	Sept-Îles	15:20	15:20	Dim
1909	Sept-Îles	Mont-Joli	15:35	16:20	Dim
1909	Mont-Joli	Québec	16:35	17:30	Dim
1909	Québec	Montréal	17:45	18:40	Dim

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	11:00	12:00	Lun-Ven
1910	Québec	Mont-Joli	12:15	13:10	Lun-Ven
1910	Mont-Joli	Sept-Îles	13:25	14:10	Lun-Ven
1910	Sept-Îles	Wabush	14:25	16:25	Lun-Ven
1909	Wabush	Sept-Îles	17:00	17:00	Lun-Ven
1909	Sept-Îles	Québec	17:15	18:50	Lun-Ven
1909	Québec	Montréal	19:05	20:05	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1902	Montréal	Québec	6:30	7:30	Lun-Ven
1902	Québec	Sept-Îles	7:45	9:15	Lun-Ven
1902	Sept-Îles	Wabush	9:30	11:30	Lun-Ven
1901	Wabush	Sept-Îles	12:05	12:05	Lun-Ven
1901	Sept-Îles	Mont-Joli	12:20	13:10	Lun-Ven
1901	Mont-Joli	Québec	13:25	14:20	Lun-Ven
1901	Québec	Montréal	14:35	15:35	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1974	Montréal	Québec	9:15	10:05	Dim/Lun/Ven
1974	Québec	Gaspé	10:20	11:45	Dim/Lun/Ven
1974	Gaspé	Î.D.L.M	12:00	13:45	Dim/Lun/Ven
1973	Î.D.L.M	Gaspé	14:15	14:05	Dim/Lun/Ven
1973	Gaspé	Québec	14:20	16:00	Dim/Lun/Ven
1973	Québec	Montréal	16:15	17:15	Dim/Lun/Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1971	Val d'Or	Montréal	8:00	9:15	Lun/Mar/Ven
1972	Montréal	Val d'Or	18:35	20:00	Dim/Lun/Jeu

ATLANTIC SCHEDULE

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	9:30	10:30	Dim
1910	Québec	Mont-Joli	10:45	11:40	Dim
1910	Mont-Joli	Sept-Îles	11:55	12:40	Dim
1910	Sept-Îles	Wabush	12:55	14:55	Dim
1909	Wabush	Sept-Îles	15:20	15:20	Dim
1909	Sept-Îles	Mont-Joli	15:35	16:20	Dim
1909	Mont-Joli	Québec	16:35	17:30	Dim
1909	Québec	Montréal	17:45	18:40	Dim

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	11:00	12:00	Lun-Ven
1910	Québec	Mont-Joli	12:15	13:10	Lun-Ven
1910	Mont-Joli	Sept-Îles	13:25	14:10	Lun-Ven
1910	Sept-Îles	Wabush	14:25	16:25	Lun-Ven
1909	Wabush	Sept-Îles	17:00	17:00	Lun-Ven
1909	Sept-Îles	Québec	17:15	18:50	Lun-Ven
1909	Québec	Montréal	19:05	20:05	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1902	Montréal	Québec	6:30	7:30	Lun-Ven
1902	Québec	Sept-Îles	7:45	9:15	Lun-Ven
1902	Sept-Îles	Wabush	9:30	11:30	Lun-Ven
1901	Wabush	Sept-Îles	12:05	12:05	Lun-Ven
1901	Sept-Îles	Mont-Joli	12:20	13:10	Lun-Ven
1901	Mont-Joli	Québec	13:25	14:20	Lun-Ven
1901	Québec	Montréal	14:35	15:35	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1974	Montréal	Québec	9:15	10:05	Dim/Lun/Ven
1974	Québec	Gaspé	10:20	11:45	Dim/Lun/Ven
1974	Gaspé	Î.D.L.M	12:00	13:45	Dim/Lun/Ven
1973	Î.D.L.M	Gaspé	14:15	14:05	Dim/Lun/Ven
1973	Gaspé	Québec	14:20	16:00	Dim/Lun/Ven
1973	Québec	Montréal	16:15	17:15	Dim/Lun/Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1971	Val d'Or	Montréal	8:00	9:15	Lun/Mar/Ven
1972	Montréal	Val d'Or	18:35	20:00	Dim/Lun/Jeu

QUÉBEC SCHEDULE

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	9:30	10:30	Dim
1910	Québec	Mont-Joli	10:45	11:40	Dim
1910	Mont-Joli	Sept-Îles	11:55	12:40	Dim
1910	Sept-Îles	Wabush	12:55	14:55	Dim
1909	Wabush	Sept-Îles	15:20	15:20	Dim
1909	Sept-Îles	Mont-Joli	15:35	16:20	Dim
1909	Mont-Joli	Québec	16:35	17:30	Dim
1909	Québec	Montréal	17:45	18:40	Dim

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1910	Montréal	Québec	11:00	12:00	Lun-Ven
1910	Québec	Mont-Joli	12:15	13:10	Lun-Ven
1910	Mont-Joli	Sept-Îles	13:25	14:10	Lun-Ven
1910	Sept-Îles	Wabush	14:25	16:25	Lun-Ven
1909	Wabush	Sept-Îles	17:00	17:00	Lun-Ven
1909	Sept-Îles	Québec	17:15	18:50	Lun-Ven
1909	Québec	Montréal	19:05	20:05	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1902	Montréal	Québec	6:30	7:30	Lun-Ven
1902	Québec	Sept-Îles	7:45	9:15	Lun-Ven
1902	Sept-Îles	Wabush	9:30	11:30	Lun-Ven
1901	Wabush	Sept-Îles	12:05	12:05	Lun-Ven
1901	Sept-Îles	Mont-Joli	12:20	13:10	Lun-Ven
1901	Mont-Joli	Québec	13:25	14:20	Lun-Ven
1901	Québec	Montréal	14:35	15:35	Lun-Ven

FLIGHTS TO/FRONTIER AIRPORTS

VOL	DE	À	DÉP.	ARR.	JOURS
1974	Montréal	Québec	9:15	10:05	Dim/Lun/Ven
1974	Québec	Gaspé	10:20	11:45	Dim/Lun/Ven
1974	Gaspé	Î.D.L.M	12:00	13:45	Dim/Lun/Ven
1973	Î.D.L.M	Gaspé	14:15	14:05	Dim/Lun/Ven
1973	Gaspé	Québec	14:20	16:00	Dim/Lun/Ven
1973	Québec	Montréal	16:15	17:15	Dim/Lun/Ven

FLIGHTS TO/FRONTIER AIRPORTS

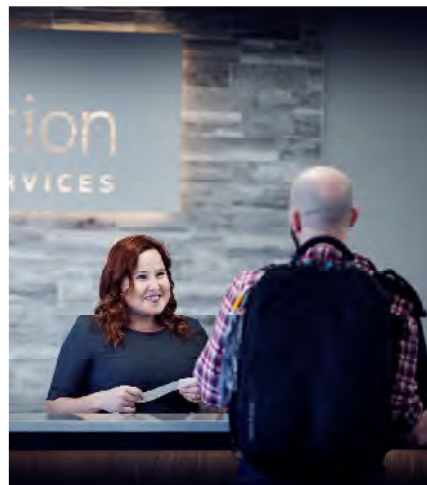
VOL	DE	À	DÉP.	ARR.	JOURS
1971	Val d'Or	Montréal	8:00	9:15	Lun/Mar/Ven
1972	Montréal	Val d'Or	18:35	20:00	Dim/Lun/Jeu

14

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 - No flight change fee
 - No name change fees
 - First bag free
 - Flights fully refundable up to 24 hours before flight
 - Unlimited number of employees under one contract
 - Secures long-term rates for your business



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18



19



20



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- Secures long-term rates for your business

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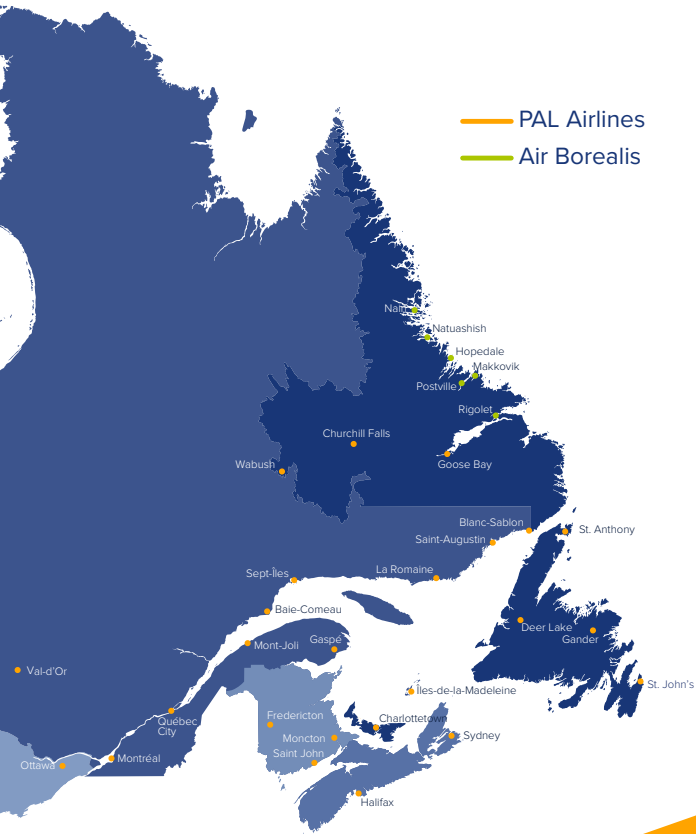
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- La Romaine, QC
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- Sydney, NS

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NEW DESTINATIONS

ACROSS EASTERN CANADA AND QUÉBEC

MAY 31

MONTRÉAL-QUÉBEC-GASPÉ-ÎLES-DE-LA-MADELEINE

FLT.	FROM	TO	DEP.	ARR.	DAYS
1974	Montréal	Québec	9:55	10:55	Sun/Mon/Fri
1974	Québec	Gaspé	11:15	12:50	Sun/Mon/Fri
1974	Gaspé	G.-Î.-M.	13:10	14:55	Sun/Mon/Fri
1973	G.-Î.-M.	Gaspé	15:40	15:30	Sun/Mon/Fri
1973	Gaspé	Québec	15:50	17:30	Sun/Mon/Fri
1973	Québec	Montréal	17:50	18:45	Sun/Mon/Fri

JUNE 28 TO AUGUST 2

HALIFAX-MONCTON-WABUSH

FLT.	FROM	TO	DEP.	ARR.	DAYS
903	Halifax	Moncton	8:00	8:45	Tue/Thu
903	Moncton	Wabush	9:00	11:05	Tue/Thu
904	Wabush	Moncton	11:40	13:40	Tue/Thu
904	Moncton	Halifax	13:55	14:35	Tue/Thu

*903/904 to depart 6:50 as of August 2, 2021

JUNE 28

ST. JOHN'S-DEER LAKE-MONCTON-FREDERICTON

FLT.	FROM	TO	DEP.	ARR.	DAYS
923	St. John's	Deer Lake	8:30	9:45	Sun/Tue/Thu
923	Deer Lake	Moncton	10:00	11:15	Sun/Tue/Thu
924	Moncton	Deer Lake	14:00	16:10	Sun/Tue/Thu
924	Deer Lake	St. John's	16:25	17:30	Sun/Tue/Thu
905	St. John's	Deer Lake	8:30	9:45	Mon/Wed/Fri
905	Deer Lake	Fredericton	10:00	11:30	Mon/Wed/Fri
906	Fredericton	Deer Lake	14:00	16:25	Mon/Wed/Fri
906	Deer Lake	St. John's	16:40	17:45	Mon/Wed/Fri

JUNE 28

GOOSE BAY-HALIFAX-DEER LAKE-GANDER

FLT.	FROM	TO	DEP.	ARR.	DAYS
1950	Goose Bay	Halifax	7:25	9:55	Sun/Tue/Thu
1953	Halifax	Deer Lake	10:30	12:45	Sun - Fri
1953	Deer Lake	Gander	13:00	13:45	Sun - Fri
1954	Gander	Deer Lake	16:35	17:25	Sun - Fri
1954	Deer Lake	Halifax	17:40	19:05	Sun - Fri
1951	Halifax	Goose Bay	19:40	22:05	Mon/Wed/Fri

JUNE 28

SYDNEY-HALIFAX

FLT.	FROM	TO	DEP.	ARR.	DAYS
1981	Halifax	Sydney	19:30	20:30	Sun/Tue/Thu
1980	Sydney	Halifax	8:30	9:30	Mon/Wed/Fri

AUGUST 2

HALIFAX-SAINT-JOHN-FREDERICTON

FLT.	FROM	TO	DEP.	ARR.	DAYS
1983	Halifax	Saint John	14:00	14:50	Mon - Fri
1983	Saint John	Fredericton	15:05	15:40	Mon - Fri
1984	Fredericton	Saint John	16:55	17:25	Mon - Fri
1984	Saint John	Halifax	17:40	18:15	Mon - Fri

AUGUST 2

ST. JOHN'S-DEER LAKE-MONCTON-FREDERICTON-OTTAWA

FLT.	FROM	TO	DEP.	ARR.	DAYS
923	St. John's	Deer Lake	8:30	9:35	Sun/Tue/Thu
923	Deer Lake	Moncton	9:55	10:55	Sun/Tue/Thu
923	Moncton	Ottawa	11:25	12:25	Sun/Tue/Thu
924	Ottawa	Moncton	13:05	15:45	Sun/Tue/Thu
924	Moncton	Deer Lake	16:15	18:05	Sun/Tue/Thu
924	Deer Lake	St. John's	18:25	19:25	Sun/Tue/Thu
905	St. John's	Deer Lake	8:30	9:35	Mon/Wed/Fri
905	Deer Lake	Fredericton	9:55	11:10	Mon/Wed/Fri
905	Fredericton	Ottawa	11:40	12:20	Mon/Wed/Fri
906	Ottawa	Fredericton	13:05	15:30	Mon/Wed/Fri
906	Fredericton	Deer Lake	16:00	18:05	Mon/Wed/Fri
906	Deer Lake	St. John's	18:25	19:25	Mon/Wed/Fri

AUGUST 2

HALIFAX-CHARLOTTETOWN

FLT.	FROM	TO	DEP.	ARR.	DAYS
1985	Halifax	Charlottetown	10:05	10:50	Mon/Wed/Fri
1986	Charlottetown	Halifax	11:20	12:05	Mon/Wed/Fri

JUNE 28

VAL-D'OR-MONTRÉAL

FLT.	FROM	TO	DEP.	ARR.	DAYS
1971	Val-d'Or	Montréal	8:00	9:15	Mon/Wed/Fri
1972	Montréal	Val-d'Or	18:35	20:00	Sun/Tue/Thu

JUNE 28

MONTRÉAL-MONT-JOLI-BAIE-COMEAU

FLT.	FROM	TO	DEP.	ARR.	DAYS
1970	Montréal	Mont-Joli	13:30	15:00	Sun/Tue/Thu
1970	Mont-Joli	Baie-Comeau	15:20	15:50	Sun/Tue/Thu
1970	Baie-Comeau	Montréal	16:10	17:50	Sun/Tue/Thu

JUNE 28

BLANC-SABLON-SAINT-AUGUSTIN-LA ROMAINE-SEPT-ÎLES

FLT.	FROM	TO	DEP.	ARR.	DAYS
8320	Blanc-Sablon	Saint-Augustin	7:25	7:50	Mon - Fri
8320	Saint-Augustin	La Romaine	8:00	8:35	Mon - Fri
8320	La Romaine	Sept-Îles	8:50	9:55	Mon - Fri
8320	Sept-Îles	Mont-Joli	11:00	11:50	Mon - Fri
8321	Mont-Joli	Sept-Îles	15:50	16:35	Mon - Fri
8321	Sept-Îles	La Romaine	17:40	18:40	Mon - Fri
8321	La Romaine	Saint-Augustin	18:55	19:30	Mon - Fri
8321	Saint-Augustin	Blanc-Sablon	19:40	20:05	Mon - Fri

Request for Street Closure - Portion of 8th Street, New Waterford

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Cyril MacDonald, that staff of the Legal Department be directed to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of 8th Street, New Waterford, outlined in the maps (Attachments “B” and “C”) of the staff Issue Paper dated May 18, 2021, with the intention of deeming it surplus and to be conveyed to the Province of Nova Scotia as part of transfer to land required for the New Waterford Hub Project.

Discussion:

Discussion took place regarding aspects of street renaming and the follow up processes regarding the same.

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Request for Street Closure – District #11
Portion of Eighth Street, New Waterford, NS
(New Waterford Hub Project)

DATE: June 15th, 2021

As presented to Council on May 18th, 2021, CBRM received a request on behalf of the Nova Scotia Lands Inc., seeking a formal street closing for a portion of Eighth Street, New Waterford in relation to land required for the New Waterford Hub Project. The subject area is identified and depicted on the attached map outlined in red (Attachment “B”).

At that time, council passed a motion directing staff to begin the process required for the closure of a public street. We have been advised by Engineering and Public Works that their department has no issue with supporting the applicant’s request.

Pursuant to the Municipal Government Act a public hearing is required at which time Council will hear those in favour and those opposed to the closing of a portion of a public street. Notice was advertised in the Cape Breton Post on June 12th, 2021 and on CBRM’s social media sites. I confirm the legal department has not been contacted nor have we received any complaints or objections from the community.

RECOMMENDATION:

My recommendation to council is as follows:

- To pass a motion to close that portion of 8th Street, New Waterford (as outlined in red on the attached map);
- To deem that portion of 8th Street, New Waterford (as outlined in red on the attached map) surplus and convey to the Province of Nova Scotia as part of the transfer of land required for the New Waterford Hub Project.

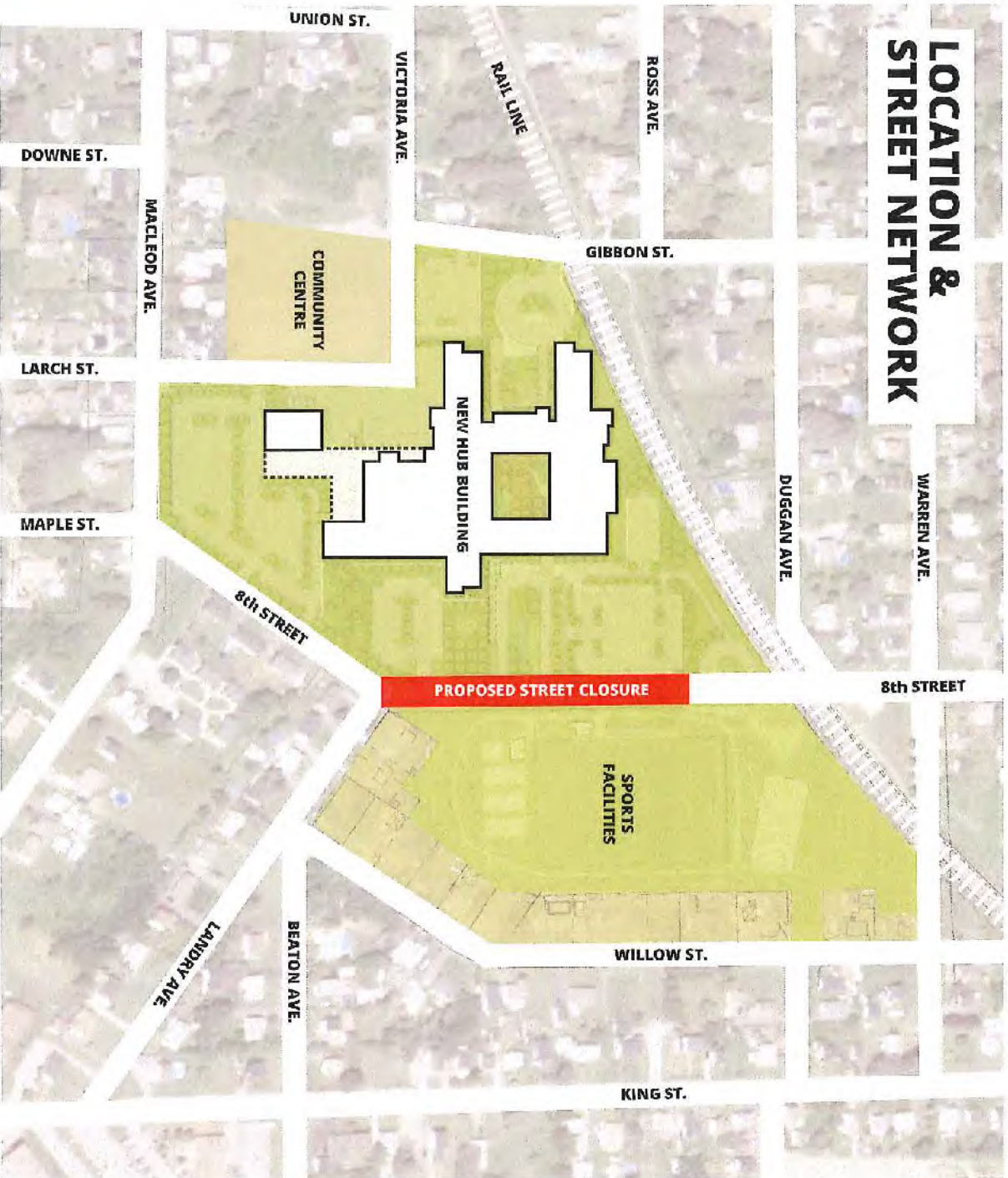
Respectively Submitted,

ORIGINAL SIGNED BY

Sheila Kolanko
Property Manager

Attachment (1)

**LOCATION &
STREET NETWORK**



**NEW WATERFORD HUB:
PROPOSED CLOSURE OF 8TH ST.**
2021.04.09



Approval to Advertise: Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier

Motion:

Moved by Councillor Green, seconded by Councillor Gillespie, that portions of PID 15547284, PID 15609902, PID 15609910 and PID 15609928 be declared **surplus** to the needs of the Municipality.

Motion Carried.

Motion:

Moved by Councillor Green, seconded by Deputy Mayor MacMullin, to schedule a Public Hearing in accordance with the *Municipal Government Act*, to sell portions of PID 15547284, PID 15609902, PID 15609910 and PID 15609928 for the sum of \$1.00 to the Menelik Hall Society.

Motion Carried.

Motion:

Moved by Councillor Green, seconded by Councillor Paruch, approval to advertise notice of a public hearing to consider the zoning amendment application by the Menelik Hall Society to expand its service, as outlined in Attachment C and Attachment E of the staff report dated April 27, 2021, at an upcoming meeting of Council.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: Request to Purchase CBRM Land and Zoning Amendment Application – (Case 1081)
Menelik Hall Society
Laurier Street and Tupper Street, Whitney Pier**

DATE: June 4th, 2021

Introduction

The Planning and Development and Legal Departments have received requests from Menelik Hall Society as it relates to their development located in Whitney Pier (Attachment C). The Society has secured funding to undertake some upgrades along with an addition to the building. This will provide the Society with increased the opportunities for the hall to serve the needs to the community. The Society proposal can be found in Attachment A and Attachment B.

As part of this project, the Society is requesting to acquire CBRM property as well as to amend the zoning on several properties (Attachment C). The additional parcels and change in zoning will enable the Society to expand its services to the community and permit outdoor programming and eventual cultural interpretation and commemoration of African Nova Scotian heritage in Cape Breton.

If Council approves the sale of the requested portion of CBRM properties (Attachment F), the Society will make an application for subdivision approval which would result in the travel way becoming a formal public street and the remaining portion of CBRM property being consolidated with the Society's property (PID 15130438, PID 15130446, PID 15130628, and PID 15130610) and PID 15130636. Currently PID 15130636 is not owned by the Society, but they have permission from the current property owner to proceed with the zone amendment request. Attachment D illustrates the proposed lots to be created after subdivision approval.

CBRM Property

The Society is interested in acquiring CBRM property (PID 15547284, PID 15609902, PID 15609910, and PID 15609928) for the sum of \$1.00 (Attachment C). The properties in question are located to the west of the Hall and currently contain a travel way and are identified as essential to the needs of the municipality. In

accordance with the Property Management Policy, prior to moving ahead with considering the sale of these properties, they would need to declare these properties as surplus.

As part of the application to purchase CBRM property, Sheila Kolanko, Property Manager, circulated the Society's request to necessary departments with CBRM for their consideration. Engineering and Public Works indicated that CBRM should retain the travel way as a public street. No other issues were raised by this circulation.

Council passed a motion on May 18th dealing the properties identified on Attachment F as surplus to the municipalities needs.

Statutory Authority

Section 51(1) of the *Municipal Government Act* (MGA) gives a municipality the authority to sell or lease property at a price less than the market value to a non-profit organization that Council considers to be carrying out an activity that is beneficial to the municipality. Prior to doing so, the MGA requires Council to hold a public hearing.

Zone Amendment

If the Society is successful in obtaining the requested portions of the CBRM property and subdivision approval is received, the newly created lot parcel would be under the jurisdiction of three separate zone categories [Central Business District (CBD) Zone, Residential Urban A Mobile Home (RUAM), and Residential Urban D (RUD)]. While all the zones permit a private service clubs (community service), the CBD Zone would allow the group more flexibility moving forward. As a result, they are requesting the area identified on Attachment C to be zoned CBD (Attachment E).

Statutory Authority

Part 10, Policy 17, of the Municipal Planning Strategy Policy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent. In this case, the zone requested is the CBD zone which is immediately adjacent to the RUAM and RUD zones; therefore, the request is in keeping with the Part 10, Policy 17.

Notification

Notice was this application was placed in the May 31st and June 7th editions of the Cape Breton Post. Notice was also mailed out to assessed property owners in the vicinity of the properties in question. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

For this application, two Motions are required from Council; therefore, there are two staff recommendations:

1. I recommend Council sell portions of PID 15547284, PID 15609902, PID 15609910, and PID 15609928 identified on Attachment F for the sum of \$1.00 to the Menelik Hall Society.
2. Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, I recommend the Council amend the zoning on PID 15130438, PID 15130446, PID 15130628, PID 15130610 and PID 15130636 to Central Business District (CBD) Zone.

Amending By-law can be found in Attachment

Submitted by:

Originally Signed By

Karen Neville

Planning and Development Department

April 15, 2021

RE: Menelik Hall Project, 88 Laurier Street Whitney Pier and PIDs 15130438, 15130446, 15130628, 15130610, 15547284, 15609902, 15609910, 5609928 and 15130636

Dear Karen Neville and Sheila Kolanko,

The Menelik Hall was built by members of the African Nova Scotian community in 1936. It has been in continuous operation since that time and serves as a vital gathering spot for African Nova Scotians and the wider Whitney Pier community. The Hall is operated by a not-for-profit society, solely for the benefit of the community.

In order to ensure the hall continues to serve the community for generations to come, the society has secured funding from the Government of Nova Scotia to undertake some much needed upgrades to the historic building, plus build an addition which will increase the opportunities for the hall to serve the needs to the community. We hope to begin work later this spring. For your reference, you will find attached the preliminary drawings prepared by Trifos Design Consultants.

As part of this project, the Society respectfully requests the following:

- I. PIDs 15547284, 15609902, 15609910 and 15609928, which abut the hall to the west, be deemed surplus as per the terms of the Municipal Government Act;
- II. that CBRM convey the above 4 parcels to the non-profit Society for consideration of \$1.00; and
- III. that the zoning for the 4 parcels noted above, plus PIDs 15130438, 15130446, 15130628, 15130610, and 15130636 be amended and rezoned to the Downtown Central Business District (CBD) zone. Currently there are three zones within these parcels. The owners of PID 15130636 consent to this request (confirmation pending).

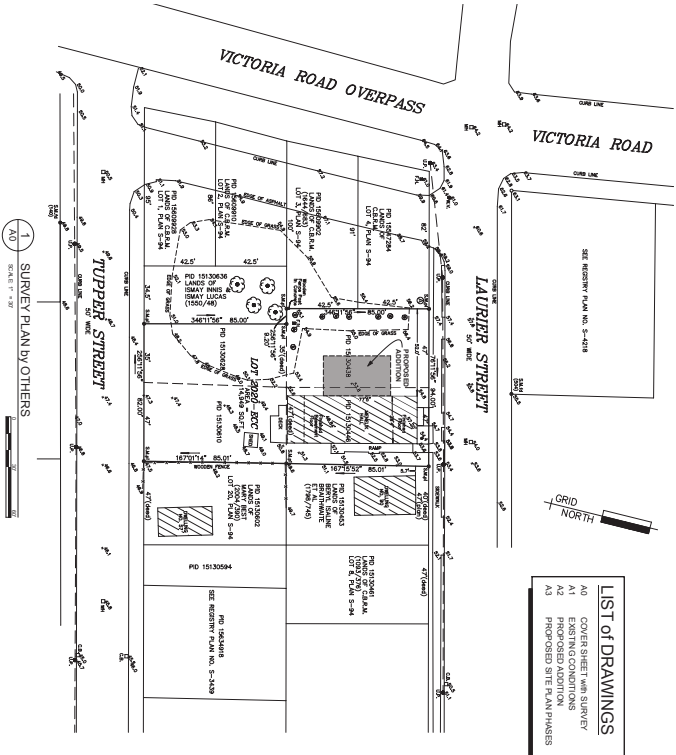
These additional parcels will enable the society to expand its service to the community and permit outdoor programming and eventual cultural interpretation and commemoration of African Nova Scotian heritage in Cape Breton.

We thank you for your consideration of this request.

Michael Morrison
Board Chair
Menelik Hall



2 KEY PLAN
SCALE: 1" = 400'



- LIST OF DRAWINGS**
- A0 COVER SHEET WITH SURVEY
 - A1 EXISTING CONDITIONS
 - A2 PROPOSED SITE PLAN PHASES

1 SURVEY PLAN BY OTHERS
SCALE: 1" = 20'



MENELIK HALL COMMUNITY CENTRE

SPACE-NEEDS ANALYSIS & PRE-DESIGN ASSESSMENT

88 Laurier Street, Whitney Pier, Nova Scotia
TDC No. 20-034
Submitted: January, 2021



EXTERIOR FRONT ENTRANCE



INTERIOR VIEW looking towards ENTRANCE



EXTERIOR FRONT VIEW from NORTH-WEST

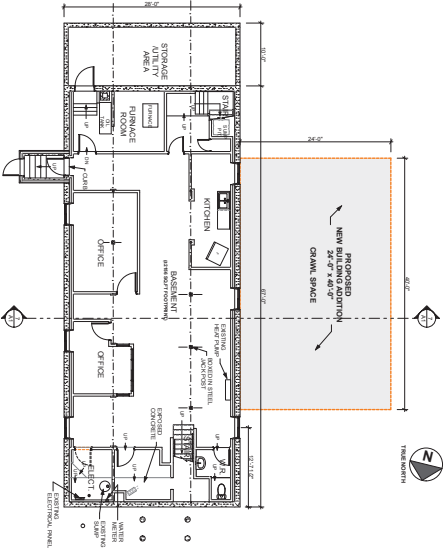


INTERIOR VIEW looking towards STAGE

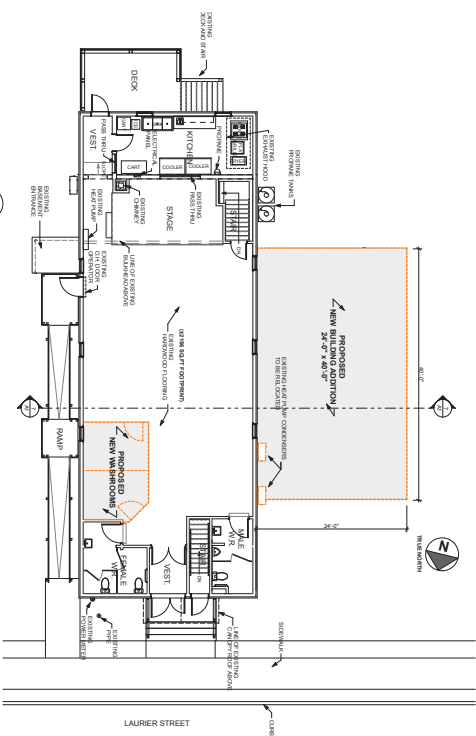


EXTERIOR REAR VIEW from SOUTH-EAST

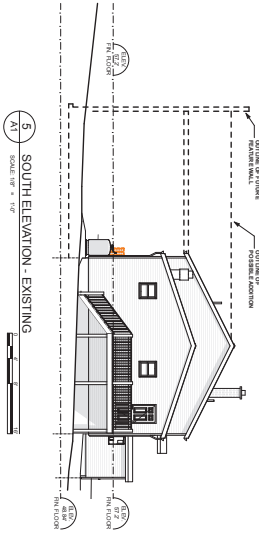
1 EXISTING CONDITIONS BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



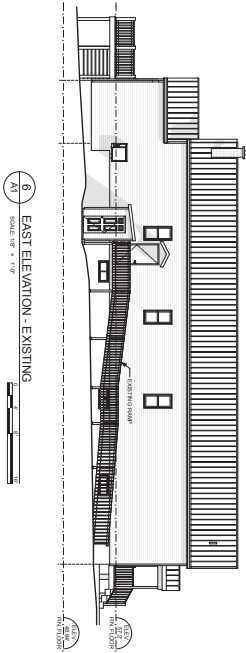
2 EXISTING CONDITIONS MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



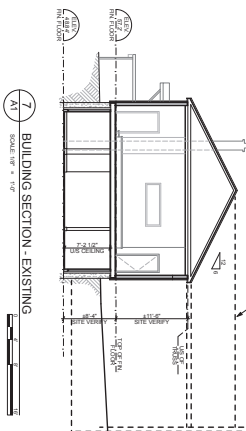
3 SOUTH ELEVATION - EXISTING
SCALE: 1/8" = 1'-0"



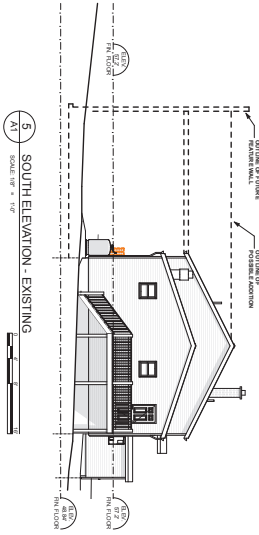
4 EAST ELEVATION - EXISTING
SCALE: 1/8" = 1'-0"



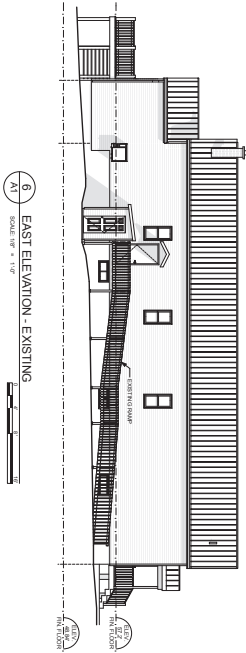
5 WEST ELEVATION - EXISTING
SCALE: 1/8" = 1'-0"



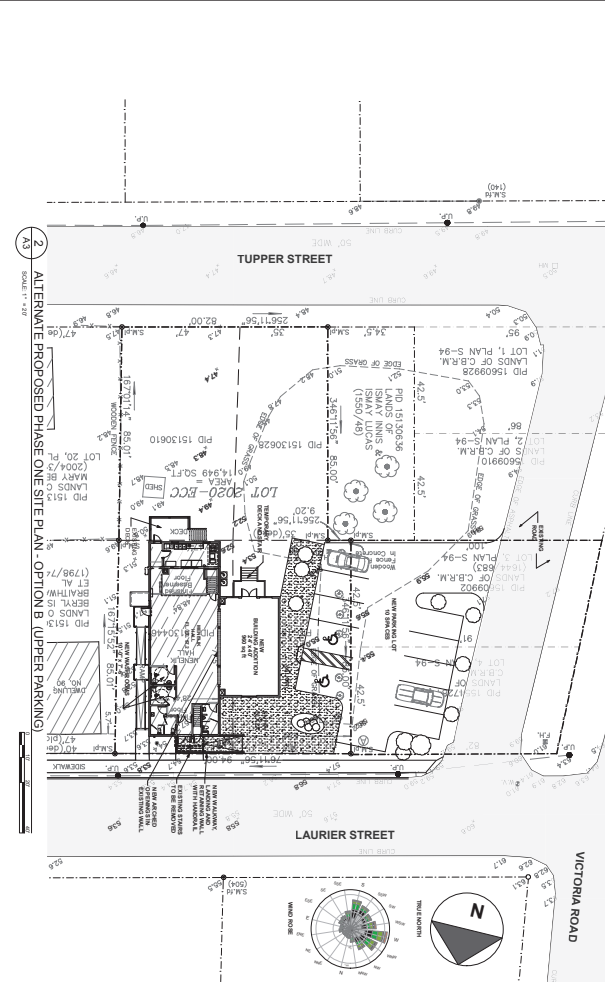
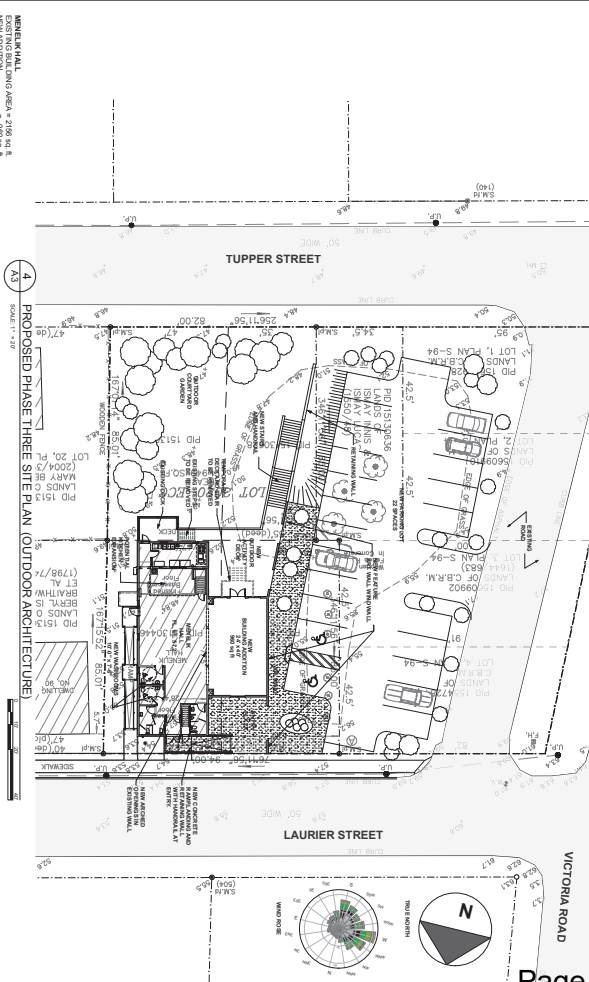
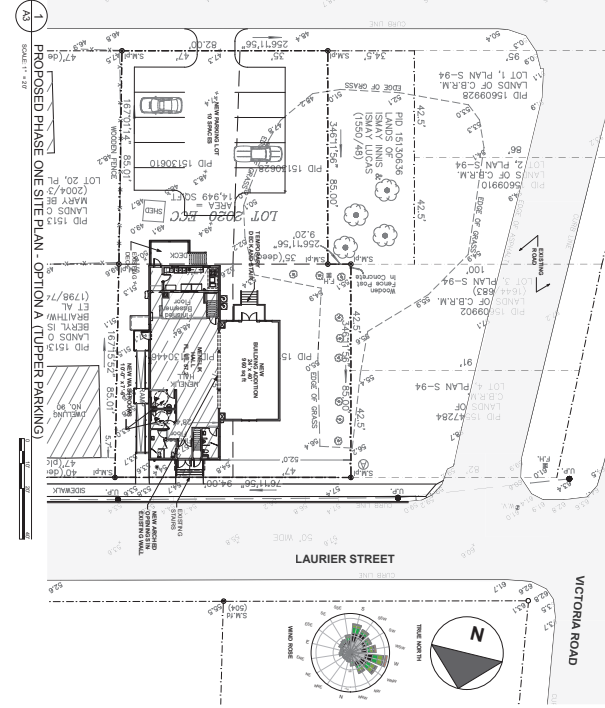
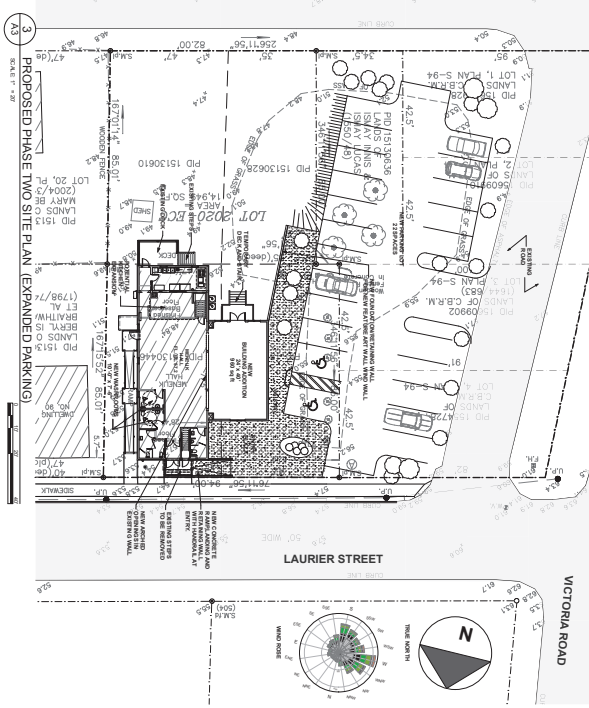
6 NORTH ELEVATION - EXISTING
SCALE: 1/8" = 1'-0"



7 BUILDING SECTION - EXISTING
SCALE: 1/8" = 1'-0"



PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION



MENELIK HALL
EXISTING BUILDING AREA = 2100 SQ. FT.
EXISTING PARKING SPACES = 318 SPACES
TOTAL

MENELIK HALL COMMUNITY CENTRE
88 Laurier Street, Whitney Pier, Nova Scotia
PROPOSED SITE PLAN PHASES
Print Date: 2021-01-29
TDC No. 20-034



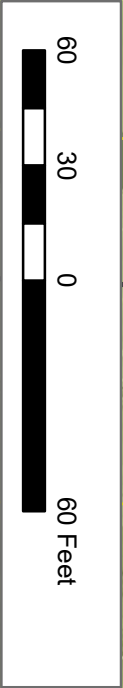
SHEET #
A3

Railroad Street

Laurier Street

Victoria Road

559



CBD

PID 15547284

PID 15609902

PID 15609910

PID 15609928

Tupper Street

Laurier Street

RUD

RUAM

PID 15130636

PID 15130438

PID 15130628

PID 15130446

PID 15130610

40

44

50

89

90

57

67

114

Legend

Properties Subject to the Zone Amendment Request

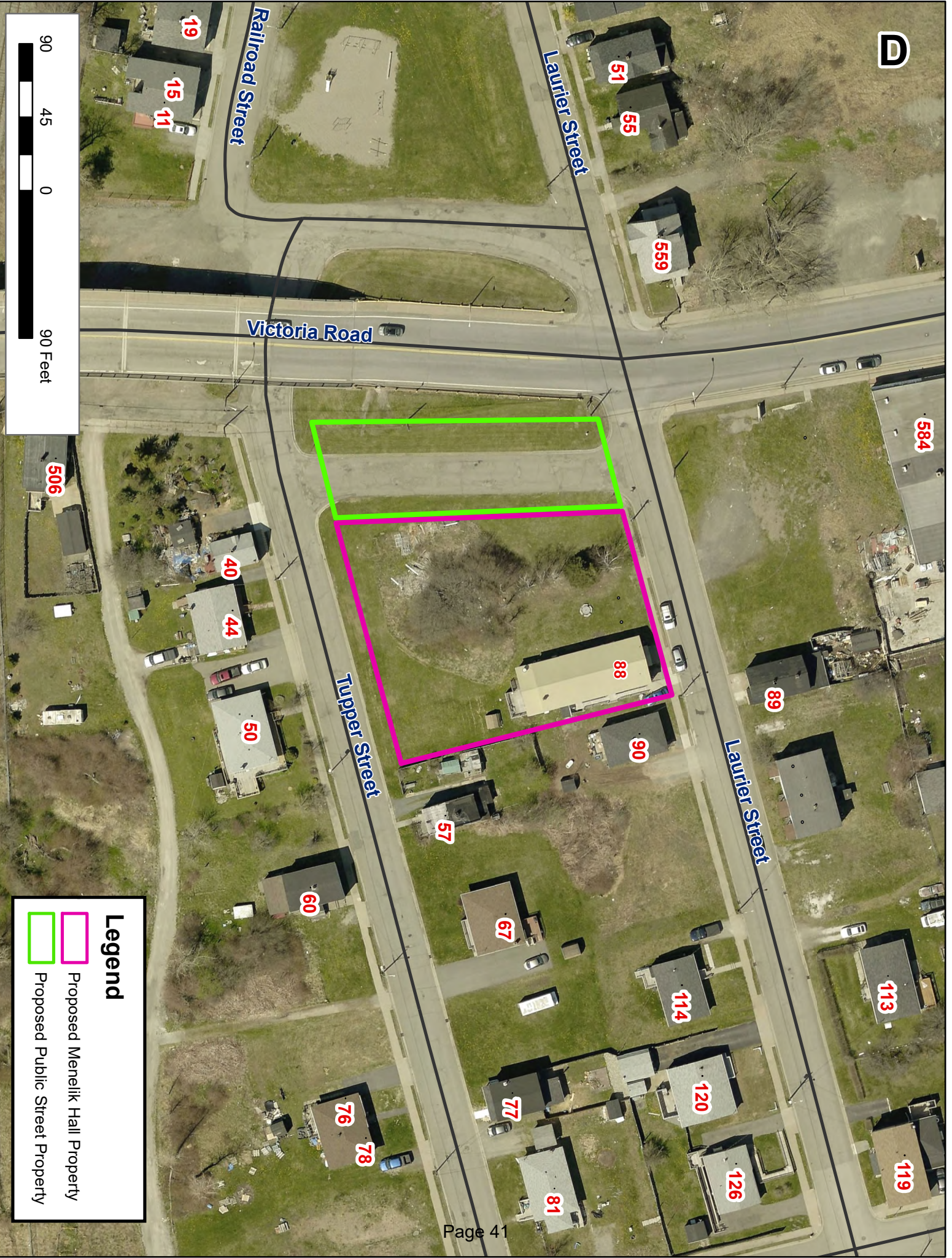
CBRM Property

CBD

RUAM

RUD

D



Legend

- Proposed Menilk Hall Property
- Proposed Public Street Property

By-law
of the Cape Breton Regional Municipality

amending the

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

Pursuant to Section 210 of the *Municipal Government Act* of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Council amends the CBRM's Land Use Bylaw map by deleting Residential Urban A in effect for PID 15130438 and PID 15130446 by replacing it with the Downtown Central Business District (CBD) Zone.

THAT: Council amends the CBRM's Land Use Bylaw map by deleting Residential Urban D (RUD) in effect for PID 15130628, PID 15130610, and PID 15130636 by replacing it with the Downtown Central Business District (CBD) Zone.

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

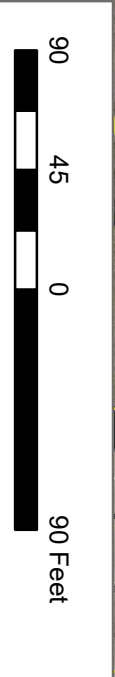
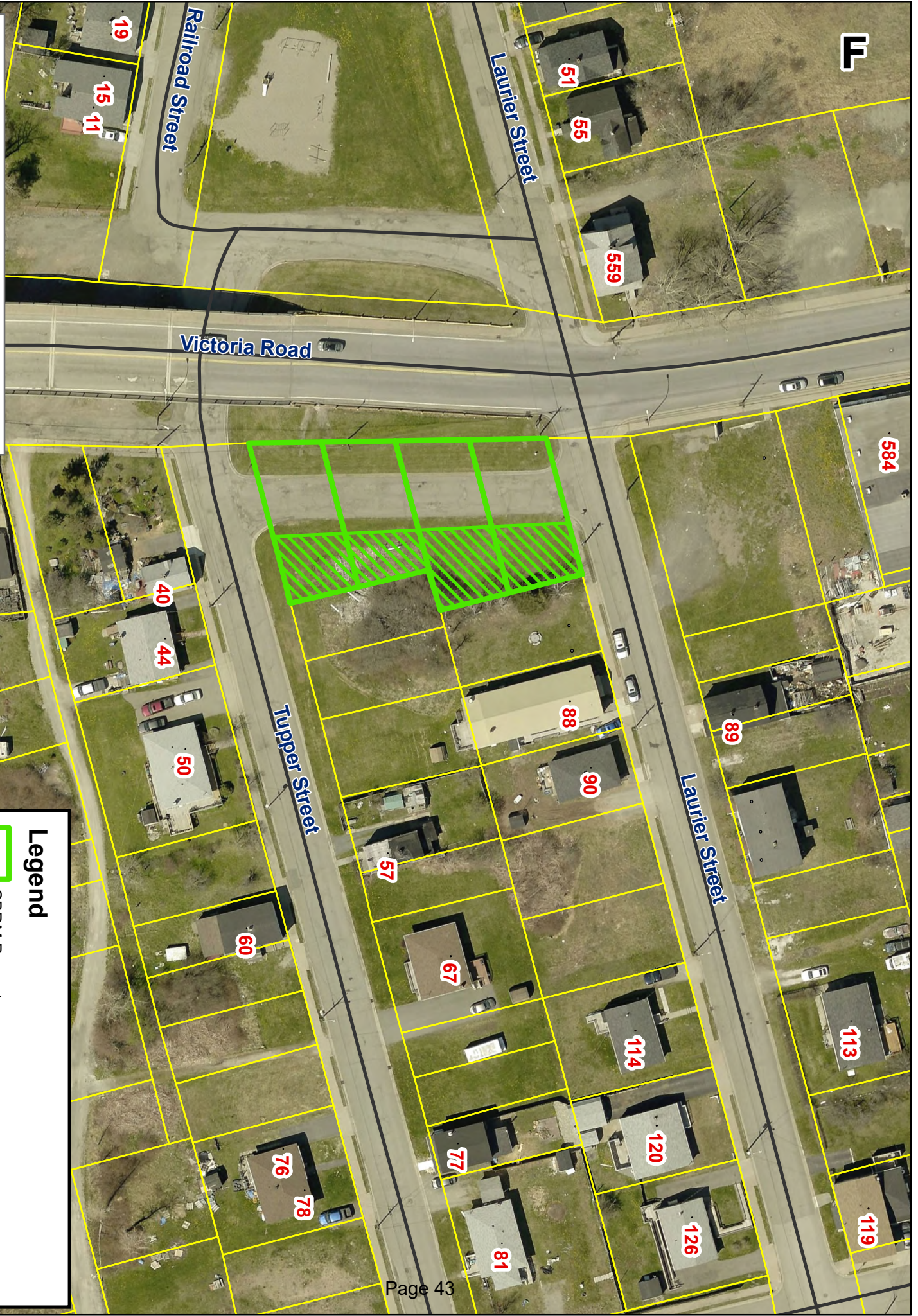
MAYOR

CLERK

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

Deborah Campbell Ryan, CLERK

F



Legend

-  CBRM Property
-  Request Area of CBRM Property to Declared Surplus

Case 1082 - Rural CBRM and Rural CBRM - No Mobile Home Zones (Staff Request)

Motion:

Moved by Councillor Gillespie, seconded by Councillor Parsons, approval to advertise Notice of a Public Hearing to be held at an upcoming meeting of Council to consider the amendment to remove the Rural CBRM - No Mobile Homes (RCB-NM) Zone from the Land Use Bylaw and to apply the Special Provision for Grand Lake Road/Sydney Road within the Rural CBRM (RCB) Zone, as outlined in Attachment C of the staff report paper dated April 22, 2021 - Case 1082.

Motion Carried.



TO: CBRM Council

FROM: Kristen Knudskov

SUBJECT: Rural CBRM and Rural CBRM - No Mobile Home Zones (Staff Request)

DATE: June 7, 2021

Background

Staff is requesting that Council consider a housekeeping amendment to clarify access provisions in the Rural CBRM – No Mobile Homes (RCB-NM) and Rural CBRM (RCB) Zones within the Land Use Bylaw.

Prior to 2019, the RCB-NM Zone was in place for properties fronting onto Grand Lake Road/Sydney Road as identified in Attachment A. To ensure that traffic flow is effectively managed in this area, the CBRM and the Department of Transportation and Infrastructure Renewal jointly commissioned a traffic study in 2004. The recommendations of the study were acknowledged in the Planning Strategy under Part 2 Policy 5.b(3) [Attachment B] and implemented in the RCB-NM Zone.

The RCB-NM Zone is essentially a mirror of the RCB Zone with the exception that it does not permit mobile homes. In 2019, CBRM Council adopted amendments to permit mobile homes in additional areas within the municipality. As a result, all RCB-NM zoned areas were designated RCB. There are no remaining areas identified as RCB-NM on the zoning map.

Attachment C includes a draft Amending Bylaw which would remove the RCB-NM Zone from the Land Use Bylaw and apply the access provisions for the Grand Lake Road/Sydney Road area within the RCB Zone.

Notice of Public Hearing

Section 210 of *Municipal Government Act* gives CBRM Council the authority to amend its Land Use Bylaw. A Public Hearing must first be held to gather input on the proposed amendment. Notice of this Public Hearing was advertised in the Cape Breton Post on May 31st and June 7th. In addition, notice was posted to the CBRM Facebook Page.

At the time this report was written, no public hearing submissions were received.

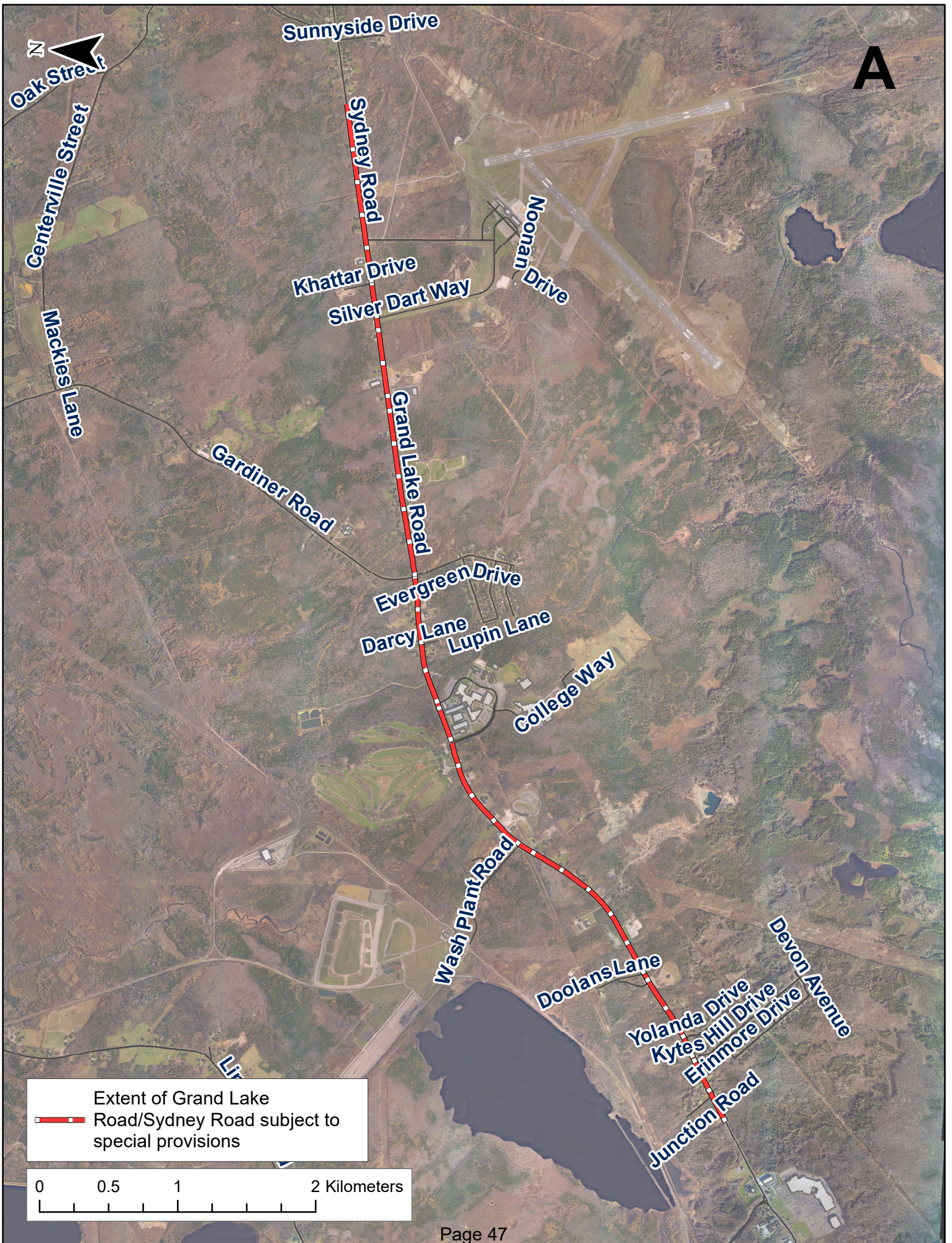
Recommendation

Approve the Amending Bylaw provided in Attachment C, which would remove the Rural CBRM – No Mobile Homes (RCB-NM) Zone from the Land Use Bylaw and to apply the Special Provision for Grand Lake Road/Sydney Road within the Rural CBRM (RCB) Zone.

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning & Development Department



A

Extent of Grand Lake
 Road/Sydney Road subject to special provisions

0 0.5 1 2 Kilometers

Municipal Planning Strategy

Part 2, Policy 5.b(3)

5.a Along urban and rural Level 1 and Level 2 public streets/roads, or the central business districts of small urban communities, where there already is a mix of land use types along the streetscape, it shall be a policy of Council to:

- permit the existing sales/service developments and a variety of similar uses, or uses more compatible with the surrounding land uses, at the site presently occupied by these developments and at the scale existing at the time this Municipal Planning Strategy comes into effect; and to
- permit expansion by site plan approval, including expansion onto adjacent lots to be consolidated into the larger site.

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.

This policy directive is implemented in Part 51 of the Land Use By-law.

Any sales/service development not identified in the list of similar or more compatible uses, or any sales/service development proposed to be located elsewhere along these designated corridors shall be by zoning amendment.

The purpose of the zoning amendment shall be to ensure:

- the site itself;
- the site plan; and
- management of the facility

mitigate any adverse affects the development will have on low density residential development in proximity.

Council shall use the following criteria to evaluate such zoning amendment proposals:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (e.g. parking spaces, driveways, utility facilities, etc.)
- The development proposal must include a traffic plan (both on-site and along the public street/road accessing it) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criteria is adhered.
- The development proposal must respect the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.

5.b The following corridors shall be designated as subject to this policy statement. Their extent is illustrated on the Municipal Planning Strategy Map.

1. Alexandra Street in Sydney

2. Main Street Sydney Mines from downtown Sydney Mines to its intersection with the Trans Canada Highway

3. The sector of Grand Lake Road/Sydney Road within the jurisdiction of a speed limit greater than 60 kilometres per hour (i.e. just west of Grand Lake Road's intersection with the Junction Road in the community of Grand Lake Road to the western extremity of the Reserve Mines sewer main). The CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal jointly commissioned a traffic study of Grand Lake Road/Sydney Road by a consultant specializing in traffic management. The purpose of the corridor study was to make recommendations on how the both levels of Government can manage the flow of motor vehicle traffic along Grand Lake Road between Sydney and Glace Bay because of the two conflicting uses of this corridor i.e.

- as a commuter route between the two largest urban communities in the CBRM; and
- as a highly sought out business development corridor because of its significant volumes of motor vehicle traffic.

The following recommendations of that study are to be implemented as provisions in the CBRM Land Use Bylaw.

- Minor expansions, or an additional use, and/or a change in use, may be permitted at the sites of existing business developments provided there is no significant increase in traffic volumes generated;

- No new business developments on previously undeveloped sites, or sites unoccupied with business development, shall be permitted, unless the site can be accessed via a signalized intersection or roundabout approved by the Traffic Authority;

- No residential developments large enough to generate more than a minimum use generation of motor vehicle traffic, unless the site can be accessed via a signalized intersection or roundabout approved by the Traffic Authority;

- Flag shaped lot development is banned;

- Although the above mentioned consultant recommended a minimum lot parcel public street/road frontage of 150 meters, this Municipal Planning Strategy is advocating a significantly reduced frontage requirement in the Land Use Bylaw.

4. The sector of Kings Road from its intersection with Highway 125 southward to its intersection with the Meadows Road. This policy directive shall also include the lots that abut Kings Road within the RRS Zones in effect for residential subdivisions intersecting Kings Road along this corridor.

5. The sector of Victoria Road in Whitney Pier from the central business district designation to the Sydney community boundary

6. The sector of the Westmount Road from the Dobson yacht club and its intersection with Monteith Avenue

7. The sector of Emerald Street in New Waterford from its intersection with Mahon Street and Larch Street

8. George Street from downtown Sydney to its intersection with Argyle Street.

9. King Street from downtown New Waterford to the railroad right-of-way.

10. Main Street in Louisbourg:

- from the northeastern boundary of the downtown central business district up to and including the site of the Railway Museum; and

- from the southwestern boundary of the downtown central business district down to the brook just west of the fish processing plant.

Section 1 RCB Uses Permitted

a. Development Permits shall only be issued in the RCB Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use, **provided the development is not capable of being serviced by a CBRM sanitary sewer main.** Developments to be serviced by a sanitary sewer main shall be subject to the provisions of the Zone in effect from where the sanitary sewer main is being extended, or subject to any General Provision that would otherwise come into effect.

- **agricultural uses – (all)**
- **fishery uses – (all)**
- **forestry** all forestry uses *including*
 - sawmills
 - splitting, chunking and retailing or wholesaling of forestry products *in compliance with Section 8*
- **manufacturing – only the following**
 - assembly *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
 - forestry products manufacturing *in compliance with Section 4*
 - mining products manufacturing *in compliance with Section 9*
- **recreational – only the following**
 - all except racetracks for motor vehicles and campgrounds (existing campgrounds are listed as permitted below)
 - existing campground at PID# 15330996, 15330947, 15701568, 15331036, 15331028, and 15330947 (6136 – 6140 East Bay Highway, Ben Eoin)
 - existing campground at PID # 15072598 (10 Johnson Road Extension, Little Bras D'Or)
 - existing campground at PID# 15270234 (5781 Union Highway)
 - existing campground at PID # 15354285 (5785-5789 Highway 22, Catalone)
 - existing campground at PID # 15841273 (3241 Grand Mira North Road, Sandfield)
 - existing campground at PID# 15542848 (168 Waterpark Drive, Marion Bridge)
- **residential – only the following**
 - apartments in a converted community, educational or municipal service building at a ratio of 1 apartment per 1,000 sq. ft. of floor space
 - mobile homes
 - residential resort complex
 - single detached dwellings
 - recreational vehicles
 - two unit dwellings
- **sales – only the following**
 - bakery sales
 - boutiques
 - convenience stores *in compliance with the site plan approval provisions of Section 5*
 - sale of fishery produce *as an accessory use to a fishery use*

- warehouse *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
- wholesale *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
- **service – only the following**
 - animal (domestic) care facilities
 - artist/artisan establishment
 - arts/entertainment studio
 - boat charter
 - business offices
 - community service
 - community service residences
 - crematoriums
 - cultural service
 - day care facilities
 - educational service
 - health care
 - heavy equipment depots *in compliance with the provisions of Section 7 and the setback provisions of Section 3*
 - hotels up to a maximum of 10 rental units
 - hotels with more than 10 rental units *in compliance with the site plan approval provisions of Section 6*
 - inns
 - long term care facilities
 - marina at PID 15190614 (Long Island Road, Georges River) and PIDs 15634462 and 15289390 (Hillside Road, Albert Bridge)
 - motels *in compliance with the site plan approval provisions of Section 6*
 - motor vehicle repair service *subject to the outdoor storage provisions of Section 2 and the setback provisions of Section 3*
 - personal service businesses
 - protective *only the following*
 - coast guard stations
 - fire
 - judicial
 - military
 - police
 - repair services
 - residential care dwellings
 - restaurants *in compliance with the site plan approval provisions of Section 5*
 - self-storage facilities *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
 - tourist cottage complex up to a maximum of 10 tourist cottages
 - tourist cottage complex with more than 10 tourist cottages *in compliance with the site plan approval provisions of Section 6*

Section 2 Outdoor Display and Storage

Outdoor display is permitted.

Outdoor storage of motor vehicles displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker awaiting repair at a motor vehicle and related service shall be permitted.

Outdoor storage of derelict motor vehicles not displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker, used bodies or parts of motor vehicles, or used bodies or parts of other vehicles, machinery or equipment, shall not be permitted.

When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.

Section 3 Setback Provisions from dwellings

All land uses, buildings and structures subject to this Section shall be a minimum of 300 feet from a dwelling, other than the dwelling of the proprietor of the business.

Section 4 Forestry Products Manufacturing

- Any buildings or structures associated with a forestry products manufacturing use shall be a minimum of 1,000 feet from any dwelling other than the dwelling of the proprietor.
- The site of the forestry products manufacturing use shall front along a public street/road *owned and maintained* by the Cape Breton Regional Municipality or the Province of Nova Scotia.

Section 5 Convenience Stores and restaurants – site plan approval

All convenience stores and restaurants are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.

- b. Any outdoor lighting must be directed away from adjacent properties.
 - c. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
 - d. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
 - e. All of the items required by this Section shall be adequately maintained.
 - f. Only one ground sign shall be permitted.
 - g. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
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Section 6 Hotels and Motels – site plan approval

All land uses that reference this Section are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
 - b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
 - c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
 - d. Setbacks shall be correlated to the scale of the hotel building, the amount of existing vegetation that is capable of lessening its impact on adjacent single detached dwellings.
 - e. Signs shall be limited to one per public street/road access point.
 - f. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
-

Section 7 Heavy equipment depots

- b. Heavy equipment depots as a home business are permitted in compliance with the following provisions.

The maximum number of pieces of heavy equipment shall be 3 per depot.

No more than 1 depot per lot parcel.

Each depot must be located on the same lot parcel as the dwelling of the owner/operator.

Noise producing equipment (e.g. refrigeration units) cannot be operated.

When a trailer is not attached to a truck it is considered a separate piece of equipment.

When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.

Section 8 Splitting, Chunking and Retailing/wholesaling Forestry uses

c. Splitting, chunking and retailing/wholesaling forestry uses shall only be permitted at the harvested site unless at another location setback from any dwelling a minimum distance of 1,000 feet.

Section 9 Mining Products Manufacturing at a Construction Site

Manufacturing using raw minerals at a construction site shall be permitted only as a temporary ancillary use to the project provided:

the manufacturing occurs within 200 feet of the construction site; and

the manufacturing is at least 200 feet from a dwelling.

Section 10 Provisions when development is serviced by CBRM sewer

d. A Development Permit to permit any of the uses listed as permitted in Section 1 of this Zone shall only be issued if the use proposed is not serviced by a CBRM sanitary sewer main. Any proposed development in this Zone intended to be serviced by a CBRM sanitary sewer main must also be a permitted use in the adjacent urban zone from which the sanitary sewer main is being extended, or it is permitted as a General Provision in all zones.

Section 1 RCB-NM Uses Permitted

e. Development Permits shall only be issued in the RCB-NM Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use, **provided the development is not capable of being serviced by a CBRM sanitary sewer main.** Developments to be serviced by a sanitary sewer main shall be subject to the provisions of the Zone in effect from where the sanitary sewer main is being extended, or subject to any General Provision that would otherwise come into effect.

- **agricultural uses – (all)**
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- **forestry** all forestry uses *including*
 - sawmills
 - splitting, chunking and retailing or wholesaling of forestry products *in compliance with Section 8*
- **manufacturing – only the following**
 - assembly *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
 - forestry products manufacturing *in compliance with Section 4*
 - mining products manufacturing *in compliance with Section 9*
- **recreational – only the following**
 - all except racetracks for motor vehicles and campgrounds (existing campgrounds are listed as permitted below)
 - existing campground at 6136 – 6140 East Bay Highway
 - existing campground at PID # 15072598
 - existing campground at 5781 Union Highway
 - existing campground at PID # 15354285
- **residential – only the following**
 - apartments in a converted community, educational or municipal service building at a ratio of 1 apartment per 1,000 sq. ft. of floor space
 - residential resort complex
 - single detached dwellings *that do not have the dimensions of a mobile home as defined by this By-law*
 - two unit dwellings
- **sales – only the following**
 - bakery sales
 - boutiques
 - convenience stores *in compliance with the site plan approval provisions of Section 5*
 - sale of fishery produce *as an accessory use to a fishery use*
 - wholesale *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
 - warehouse *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*

- **service – only the following**
 - animal (domestic) care facilities
 - artist/artisan establishment
 - arts/entertainment studio
 - boat charter
 - business offices
 - community service
 - community service residences
 - crematoriums
 - cultural service
 - day care facilities
 - educational service
 - health care
 - heavy equipment depots *in compliance with the provisions of Section 7 and the setback provisions of Section 3*
 - hotels up to a maximum of 10 rental units
 - hotels with more than 10 rental units *in compliance with the site plan approval provisions of Section 6*
 - inns
 - long term care facilities
 - motels *in compliance with the site plan approval provisions of Section 6*
 - motor vehicle repair service *subject to the outdoor storage provisions of Section 2 and the setback provisions of Section 3*
 - personal service businesses
 - protective *only the following*
 - coast guard stations
 - fire
 - judicial
 - military
 - police
 - repair services
 - residential care dwellings
 - restaurants *in compliance with the site plan approval provisions of Section 5*
 - self-storage facilities *as an optional use at the site of an abandoned fishery products processing establishment or agricultural building*
 - tourist cottage complex up to a maximum of 10 tourist cottages
 - tourist cottage complex with more than 10 tourist cottages *in compliance with the site plan approval provisions of Section 6*

Section 2 Outdoor Display and Storage

- Outdoor display is permitted.

- Outdoor storage of motor vehicles displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker awaiting repair at a motor vehicle and related service shall be permitted.
- Outdoor storage of derelict motor vehicles not displaying a valid Province of Nova Scotia Vehicle Permit or displaying a valid safety inspection sticker, used bodies or parts of motor vehicles, or used bodies or parts of other vehicles, machinery or equipment, shall not be permitted.
- When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still cannot be more than 3 pieces of heavy equipment on site.”

Section 3 Setback Provisions from dwellings

All land uses, buildings and structures subject to this Section shall be a minimum of 300 feet from a dwelling, other than the dwelling of the proprietor of the business.

Section 4 Forestry Products Manufacturing

- Any buildings or structures associated with a forestry products manufacturing use shall be a minimum of 1,000 feet from any dwelling other than the dwelling of the proprietor.
- The site of the forestry products manufacturing use shall front along a public street/road *owned and maintained* by the Cape Breton Regional Municipality or the Province of Nova Scotia.

Section 5 Convenience Stores and restaurants – site plan approval

All convenience stores and restaurants are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- b. Any outdoor lighting must be directed away from adjacent properties.
- c. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.

- d. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
 - e. All of the items required by this Section shall be adequately maintained.
 - f. Only one ground sign shall be permitted.
 - g. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
-

Section 6 Hotels and Motels – site plan approval

All hotels and motels are subject to approval of a site plan (pursuant to Sections 231 and 232 of the Municipal Government Act). The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
 - b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
 - c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
 - d. Setbacks shall be correlated to the scale of the hotel building, the amount of existing vegetation that is capable of lessening its impact on adjacent single detached dwellings.
 - e. Signs shall be limited to one per public street/road access point.
 - f. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.
-

Section 7 Heavy equipment depots

f. Heavy equipment depots as a home business are permitted in compliance with the following provisions.

- The maximum number of pieces of heavy equipment shall be 3 per depot.
- No more than 1 depot per lot parcel.
- Each depot must be located on the same lot parcel as the dwelling of the owner/operator.

- Noise producing equipment (e.g. refrigeration units) cannot be operated.
 - When a trailer is not attached to a truck it is considered a separate piece of equipment.
 - When a motor vehicle repair business development is operated at the same site as a heavy equipment operation there still can not be more than 3 pieces of heavy equipment on site.”
-

Section 8 Splitting, Chunking and Retailing/wholesaling Forestry uses

g. Splitting, chunking and retailing/wholesaling forestry uses shall only be permitted at the harvested site unless at another location setback from any dwelling a minimum distance of 1,000 feet.

Section 9 Mining Products Manufacturing at a Construction Site

Manufacturing using raw minerals at a construction site shall be permitted only as a temporary ancillary use to the project provided:
the manufacturing occurs within 200 feet of the construction site; and
the manufacturing is at least 200 feet from a dwelling.

Section 10 Special Provision for Grand Lake Road/Sydney Road

- a. The existing business developments and the properties they are located on which are mutually:
- in this Zone; and
 - along the sectors of Grand Lake Road and Sydney Road where the speed limit is greater than 60 kilometers per hour;
- are listed in Part 51 of this Bylaw under the title “Grand Lake Road/Sydney Road Greater than 60 Kilometres Per Hour”. Pursuant to Policy 5.b.3 of Part 2 of the Municipal Planning Strategy, Development Permits for the expansion of these business developments, or change in the use of the property, shall only be permitted in compliance with the provisions in Part 51 specific to each site. However, no Development Permits shall be issued for any of the types of land uses listed below on lot parcels on which are not identified in Part 51 as referenced above:
- all sales
 - all service
 - recreational business establishment
 - all manufacturing
 - sales as an accessory use to an agricultural use, forestry, or fishery.
- b. **Minimum lot parcel frontage** = 150 ft. *unless* the lot parcel existed on the effective date of this Bylaw provision (i.e. May 28th, 2012), or was approved by the Development Officer in compliance with the Subdivision Bylaw to alter boundaries or consolidate lot parcels.
- c. In a plan of subdivision approved by the Development Officer after May 28th, 2012 that provides access to lot parcels by means of a public street/road (which became a public

street/road when the plan of subdivision was approved) intersecting with either Grand Lake Road or Sydney Road, the maximum number of dwelling units shall be 5.

Section 11 Provisions when development is serviced by CBRM sewer

h. A Development Permit to permit any of the uses listed as permitted in Section 1 of this Zone shall only be issued if the use proposed is not serviced by a CBRM sanitary sewer main. Any proposed development in this Zone intended to be serviced by a CBRM sanitary sewer main must also be a permitted use in the adjacent urban zone from which the sanitary sewer main is being extended, or it is permitted as a General Provision in all zones.

Section 12 Prohibiting the use of mobile homes for any use in this Zone

Pursuant to Part 4, Policy 3.b of the Planning Strategy, the use of a mobile home converted to operate any use permitted in this Zone is banned throughout the jurisdiction of this Zone.

By-law
of the
Cape Breton Regional Municipality
amending the
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 Land Use Bylaw in the following manner:

THAT: Council removes the Rural CBRM (RCB-NM) Zone from the CBRM Land Use Bylaw.

THAT: Council inserts the following into the Rural CBRM (RCB) Zone:

Section 11 Special Provision for Grand Lake Road/Sydney Road

a. The existing business developments and the properties they are located on which are mutually:

- in this Zone; and
- along the sectors of Grand Lake Road and Sydney Road where the speed limit is greater than 60 kilometers per hour;

are listed in Part 51 of this Bylaw under the title "Grand Lake Road/Sydney Road Greater than 60 Kilometres Per Hour". Pursuant to Policy 5.b.3 of Part 2 of the Municipal Planning Strategy, Development Permits for the expansion of these business developments, or change in the use of the property, shall only be permitted in compliance with the provisions in Part 51 specific to each site. However, no Development Permits shall be issued for any of the types of land uses listed below on lot parcels on which are not identified in Part 51 as referenced above:

- all sales
- all service
- recreational business establishment
- all manufacturing
- sales as an accessory use to an agricultural use, forestry, or fishery.

b. **Minimum lot parcel frontage** = 150 ft. *unless* the lot parcel existed on the effective date of this Bylaw provision (i.e. May 28th, 2012), or was approved by the Development Officer in compliance with the Subdivision Bylaw to alter boundaries or consolidate lot parcels.

c. In a plan of subdivision approved by the Development Officer after May 28th, 2012 that provides access to lot parcels by means of a public street/road (which became a public street/road when the plan of subdivision was approved) intersecting with either Grand Lake Road or Sydney Road, the maximum number of dwelling units shall be 5.

THAT: Council remove “All uses permitted in the RCB-NM Zone” from:

- Part 48 Rural General Store and Service (GSS) Zone, Section 1 GSS Uses Permitted
- Part 77 1248 Lingan Road Trucking Depot (LTD) Zone, Section 1 LTD Uses Permitted

• **All uses permitted in the RCB-NM Zone**

THAT: Council insert “All uses permitted in the RCB Zone” into:

- Part 48 Rural General Store and Service (GSS) Zone, Section 1 GSS Uses Permitted
- Part 77 1248 Lingan Road Trucking Depot (LTD) Zone, Section 1 LTD Uses Permitted

THAT: Council remove the following from the table within Tier A of Section 25 Nursing Homes a.k.a. Long Term Care Facilities:

Rural CBRM No Mobile (RCB-NM) Zone if not serviced by a CBRM sanitary sewer main

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

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 DATE to amend the Cape Breton Regional Municipality’s Land Use By-law.

Deborah Campbell Ryan, CLERK



TO: CBRM Council

FROM: Kristen Knudskov

SUBJECT: Case 1083 Request for a Three-Unit Apartment at 52 King Street, North Sydney (PID 15024383; District 2)

DATE: June 7, 2021

Background

The Planning and Development Department has received a zoning amendment application from Lisa Penny requesting permission for a 3-unit apartment at 52 King Street, North Sydney (PID 15024383) [Attachment A]. Mrs. Penny would like the opportunity for an additional rental unit within the existing two-unit building.

The property is zoned Residential Urban C (RUC) which only permits one- and two-unit residential dwellings; as a result, Mrs. Penny has requested the zoning on the property be amended.

Discussion

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments like apartment buildings under a variety of circumstances. When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

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

Generally, higher density development is encouraged along higher street levels. The property in question is situated on King Street, which connects North Sydney's downtown and arterial business corridor [Attachment B]. The MPS classifies King Street as a level 2 street (major urban/suburban collector), the second highest urban street class. The property in question also lies directly on a Transit Cape Breton route.

While the surrounding area (outlined in blue on Attachment A) consists of predominantly low-density residential development, there is a mix including some higher-density residential buildings and non-residential uses. According to CBRM records, 61% of buildings in the surrounding area are single detached dwellings and 18% are two-unit dwellings. There are 12 mid-sized apartments (i.e. consisting of three to eight units) and one 40-unit senior's apartment building. According to CBRM records, non-residential uses

include three bed and breakfasts, a contractor, 2 convenience stores, a denturist, electronics repair, a massage therapist, manufacturing and sales, an upholsterer, and a private club.

When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. Part 4 Policy 1. d. 9 of the MPS provides a list of six criteria Council must use to evaluate the merits of each application. The criteria are listed below along with an evaluation of this application.

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- An on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

Three parking spaces must be provided in compliance with parking standards of the CBRM Land Use Bylaw. The driveway and parking area to service the existing two-unit is located on the northeast side of the property. The applicant intends to add an additional driveway and parking area to the west side of the building [Attachment C].

One purpose of the criteria is to screen unsightly components from view of neighbouring properties. This criteria is more applicable to large parking areas. Many of the properties in the surrounding area have unscreened parking areas which can accommodate three or more vehicles.

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

The applicant is requesting one additional unit which would not result in a significant increase in traffic onto King Street. The criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

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

No additions are proposed to accommodate the third unit; from the exterior, the building will appear unchanged. The scale of the existing building is relatively comparable to buildings in the streetscape (the area in yellow on Attachment A); it consists of 2 stories and approximately 2,450 sq. ft. of living space. Most buildings in the streetscape have two stories and the average living space is approximately 2,150 sq. ft. Zone provisions can be implemented to ensure that if the site is redeveloped in the future, the scale of the building is limited.

While the area consists of predominantly single unit dwellings there is a range of higher density residential buildings as well as non-residential uses in the area. Mrs. Penny is requesting to convert an existing two-unit dwelling to contain an additional unit. After the conversion the building will appear unchanged and will remain in keeping with the scale of the surrounding buildings. Based on the above discussion, the

proposed zone amendment to permit a three-unit building on PID 15024383 would meet the intent of the MPS.

Next Steps

Under the *Municipal Government Act*, a Public Hearing must be held to obtain feedback prior to any decision to amend the CBRM Land Use Bylaw. If Council agrees, a Public Hearing could be scheduled for an upcoming meeting. Notice of the Public Hearing would be advertised in the Cape Breton Post in accordance with requirements of the *Municipal Government Act*. In addition, notice would be posted to the CBRM Facebook page and mailed to assessed property owners in the vicinity of the site.

Recommendation

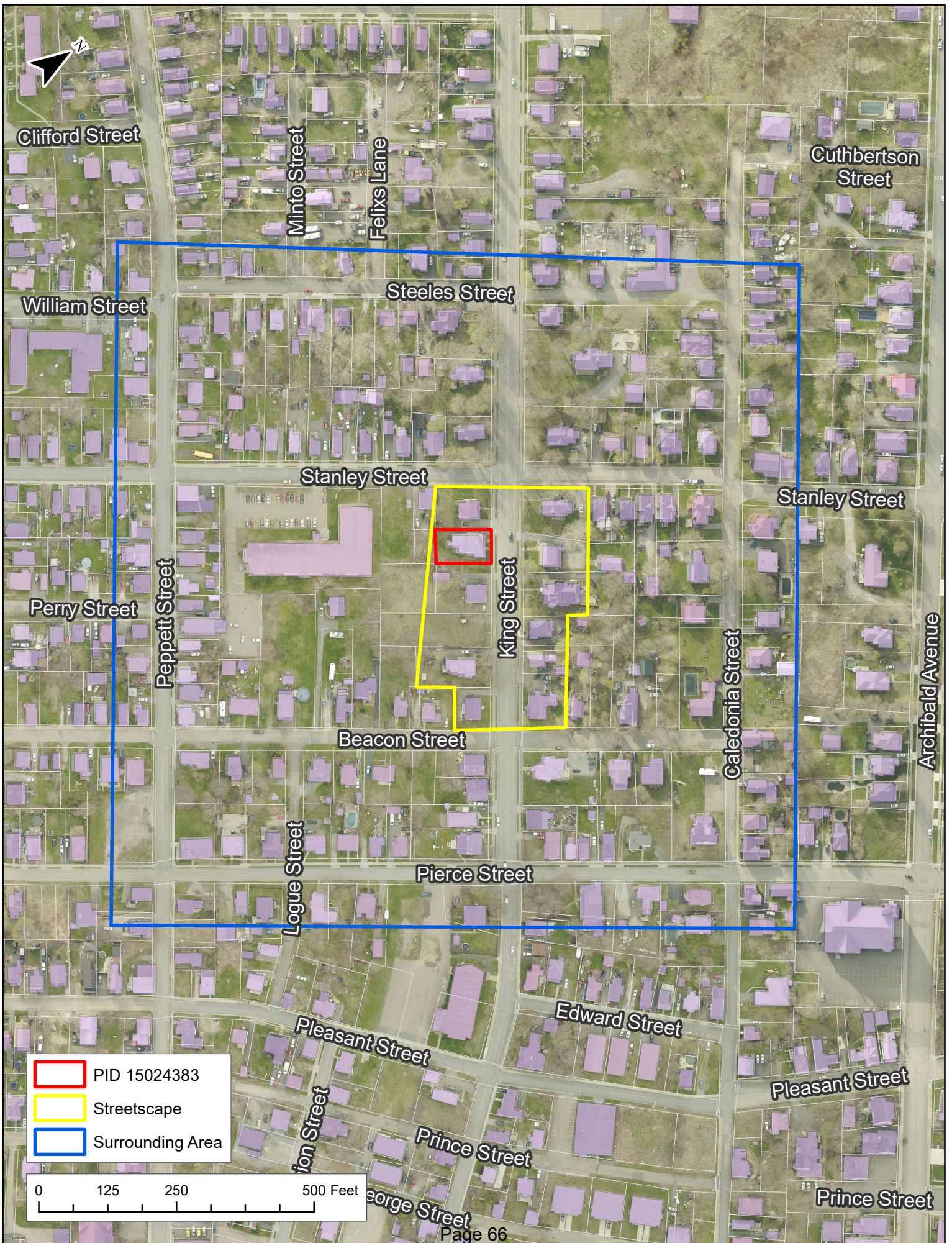
As discussed above, the proposed amendment is in keeping with Part 4 Policy 1.d.9 of the MPS. For that reason, I recommend that Council amend the zoning for PID 15024383 from Residential Urban C (RUC) to Residential Urban 3-Unit (RU3).

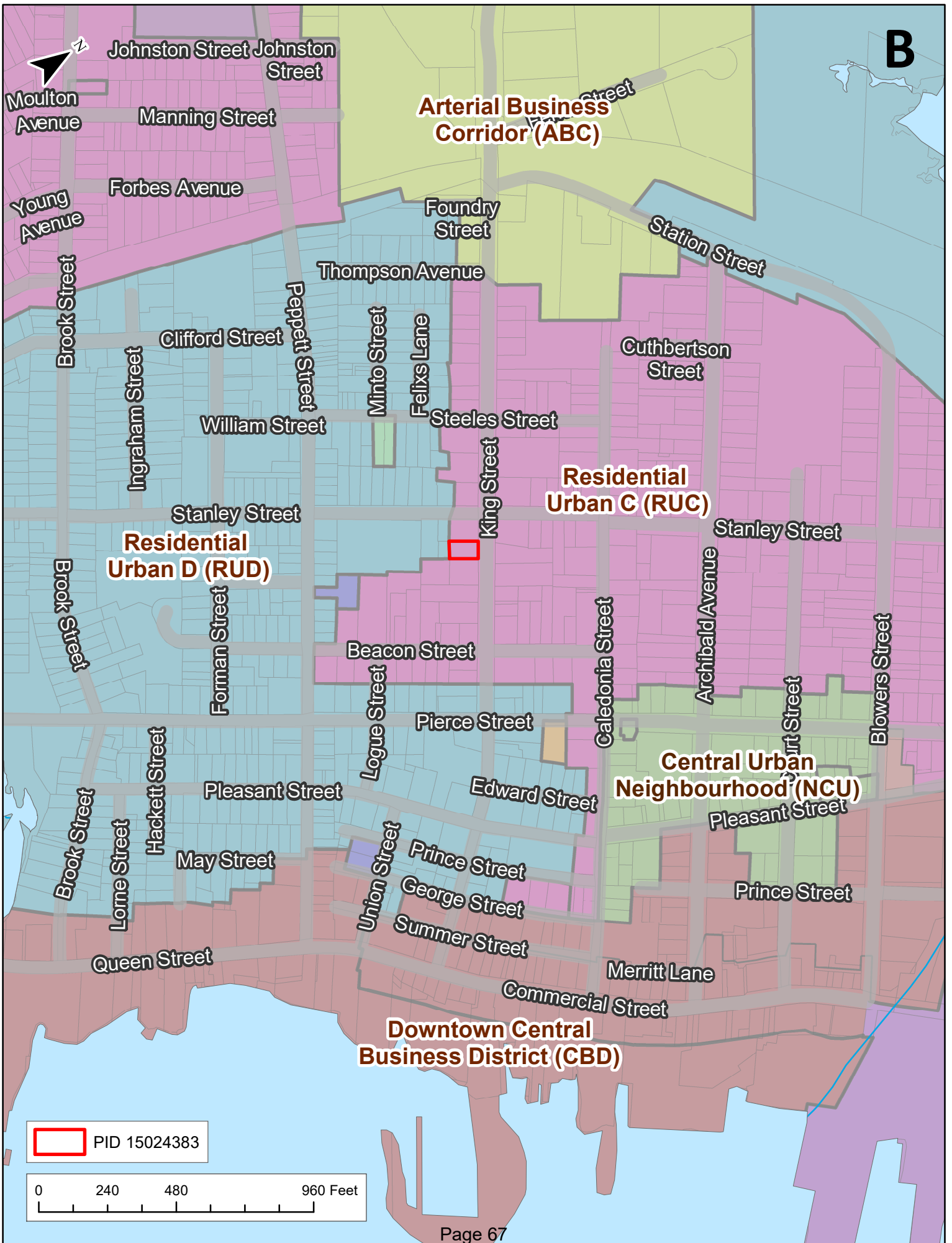
The Amending By-law can be found in Attachment E.

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning and Development Department





Johnston Street Johnston Street

Moulton Avenue

Manning Street

Arterial Business Corridor (ABC)

Young Avenue

Forbes Avenue

Foundry Street

Thompson Avenue

Station Street

Brook Street

Clifford Street

Peppett Street

Minto Street

Felixs Lane

Cuthbertson Street

Ingraham Street

William Street

Steeles Street

Residential Urban C (RUC)

Stanley Street

Residential Urban D (RUD)

Stanley Street

Brook Street

Forman Street

Beacon Street

Caledonia Street

Archibald Avenue

Logue Street

Pierce Street

Central Urban Neighbourhood (NCU)

Brook Street

Hackett Street

Pleasant Street

Edward Street

Pleasant Street

Lorne Street

May Street

Union Street

Prince Street

George Street

Prince Street


Queen Street

Summer Street

Merritt Lane

Downtown Central Business District (CBD)

Commercial Street

 PID 15024383

0 240 480 960 Feet

C




Stanley Street

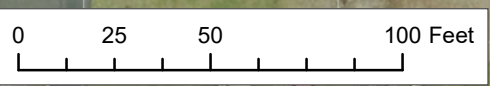
Existing parking area



King Street

New driveway and parking area to be added

 PID 15024383



Municipal Planning Strategy

Part 4 Policy 1

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

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

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

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

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

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

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

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

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

that allows for increasingly higher densities as:

- the level of the public street/road increases in the CBRM's road network hierarchy; combined with
- the higher the existing density of the neighbourhood; and
- the variety of land use types in the vicinity.

1.d A scale of acceptability is established based on the suppositions and criteria above.

1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment. The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

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

By-law
of the
Cape Breton Regional Municipality
amending the
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 Land Use Bylaw in the following manner:

THAT: Council inserts the following:

PART 102 RESIDENTIAL URBAN 3-UNIT (RU3) ZONE

Section 1 RU3 Uses Permitted

Development Permits shall only be issued in the RU3 Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- One three-unit apartment building *in compliance with the provisions of Section 2*
 - All uses permitted in the RUC Zone subject to the RUC Zone requirements
-

Section 2 Three-Unit Apartment Building

- The maximum number of storeys shall be two;
 - The total maximum lot parcel coverage for all main uses in this zone shall be 1/3rd (i.e. 33%) of the lot parcel area. The part of a building used to calculate this maximum lot parcel coverage is the roof to the edge of the eave (i.e. dripline).
 - Notwithstanding the total maximum lot parcel coverage provision, to facilitate the inclusion of additions demanded by other regulations or by-laws, and/or voluntary design improvements, the construction work involved in a conversion may include an addition no greater than 5% of the floor area of the building;
 - All areas of the lot parcel subject to this Zone not occupied by the building footprint, parking area, or deck shall be in compliance with the definition for landscaped open area in this Bylaw.
-

THAT: Council amends the zoning of PID 15024383 from Residential Urban C (RUC) to Residential Urban 3-Unit (RU3).

THAT: Council renumbers Part 102 Definitions to Part 103.

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

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 DATE to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

DRAFT

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Amanda M. McDougall and Members of Council
From: Deborah Campbell Ryan, Municipal Clerk
Date: June 7, 2021
Subject: Public Report: Citizen Appointments to various Committees

At the May 18, 2021 Council meeting, a motion was passed approving the recommendations of the Nominating Committee for the appointment of citizens to various Committees and Boards with reference by number, subject to their acceptance of the positions and any required background checks to be completed. (copy attached)

I am pleased to advise that all successful applicants have accepted the positions and the required background checks are complete and in order.

Therefore I am now providing Council with a public report on the successful candidates, as follows:

- **Accessibility Advisory Committee (2-year term):**
 - Louise Gillis (Candidate #1)
 - Douglas Foster (Candidate #2)
 - Jenny Rachel-Lind (Candidate #3)
 - Sarah MacPherson (Candidate #4)
 - Veronica Merryfield (Candidate #5)
 - Dr. Linda Murray (Candidate #6)
 - Marcie Shwery-Stanley (Candidate #7)
 - Elaine Schwartz (Candidate #8)

- **Diversity Committee (2-year term):**
 - *Gay, Lesbian and Transgender Community*
 - Veronica Merryfield (Candidate #10)

This is for information purposes only.

Original signed by:

Deborah Campbell Ryan, Municipal Clerk

Encl.

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

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Gillespie, to appoint the following eight (8) citizens to the Accessibility Advisory Committee:

- Candidate #1
- Candidate #2
- Candidate #3
- Candidate #4
- Candidate #5
- Candidate #6
- Candidate #7
- Candidate #8

Motion Carried.

Motion:

Moved by Councillor Tracey, seconded by Councillor Gillespie, to appoint Candidate #10 to the Diversity Committee as the Gay, Lesbian and Transgender Community representative.

Motion Carried.



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form – Staff Report	
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)
<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion	
Date of Council/Committee Meeting: June 15, 2021	
Subject: Baille Ard Trail Flood Mitigating Project	
<p>Motion requesting staff to prepare an issue paper on the progress of the Baille Ard trail flood mitigation project and an update on what benefits and impacts are expected in the affected areas. As well to request all movement towards the next phase be paused until the issue paper comes back to Council for further discussion and additional considerations.</p> <p>Stakeholders from the community are not happy with phase 3 planning of the Baille Ard Trail Flood Mitigation. Many community members are pleading with the CBRM and Council members to recognize the social value of this trail while also considering the broader community and wash brook. A few years have passed since the decision to move ahead so it is the perfect opportunity to stop, review and discuss the impact on this eco system and what benefit we have seen to date with our flood mitigation efforts. This is not a small, insignificant space and is used regularly by residents from all across the CBRM and we need to make sure we do our best to protect it.</p> <p>Outcome Sought: Council be briefed on the current state of the project and future phases and to open discussion to ensure we are moving in a direction ratified by the current council.</p>	
<i>Councillor Glenn Paruch</i>	<i>District 6</i>
<i>Date:</i>	<i>Received by Clerk's Department (date):</i>

Issue has been discussed with Director of Responsible Department

Taxi Bylaw Zone Review

Motion:

Moved by Councillor Gillespie, seconded by Councillor Coombes, that staff be directed review and update the Taxi Bylaw, including but not restricted to zone restrictions, safety concerns, communication requirements, and stricter enforcement as outlined in the Councillor Agenda Request Form dated October 15th, 2019.

Motion Carried.



TO: CBRM Council

DATE: April 20, 2021

FROM: Paul Burt, Manager of Building, Planning & Licensing Laws

RE: Taxi By-law Amendment Request

BACKGROUND

The Planning and Development Department has received a request to amend CBRM's Taxi By-law to allow for the use of new technology for the taxi industry.

The applicant's request include:

- Amend the definition of taxi to include hatchbacks
- Eliminate the service areas
- Allow for different dispatch options
- Allow the use of software to calculate rates

Many of the applicant's amendments being requested were raised during a discussion of the General Committee back in November 2019, at which time the General Committee approved a motion to review and update the Taxi By-law in its entirety.

AUTHORITY

The *Motor Vehicle Act* gives Council the authority to regulate and licence the taxi industry.

Options

1. Uphold the existing bylaw and decline the request.
2. Direct Staff to draft an issue paper outlining potential options for applicant's amendments.
3. Direct Staff to initiate a review of the Taxi By-law in its entirety. This would involve the establishment of a Working Group consisting of representatives of the taxi industry, taxi users, interested parties, members of the public, CBRM Staff, and a member of Council.

Respectfully submitted by: 

Original Signed By

Paul Burt

Manager of Building, Planning & Licensing Laws



MEMO

TO: CBRM Council

DATE: June 01, 2021

FROM: Director, Planning and Development

RE: **APPOINTMENT OF DEVELOPMENT OFFICER**

BACKGROUND

The Planning Department has recently hired a new Development Officer, Colleen Clare, who will require an appointment to perform duties within the Planning & Development Department. Colleen replaces Sandra Bobyk, who retired last year.

DISCUSSION

Section 243 of the *Municipal Government Act* requires Council to appoint a Development Officer to administer its land use bylaw and subdivision bylaw. CBRM's Development Officer is responsible for the day-to-day administration of its Land Use Bylaws and Subdivision Bylaw. This includes processing development permits and subdivision approval in compliance with these bylaws.

RECOMMENDATION

That Council appoint Colleen Clare as a Development Officer for CBRM.

Respectfully submitted by:

Original Signed By

Michael Ruus
Director, Planning and Development

CBRM Tow Truck Licencing By-law

Motion:

Moved by Councillor Parsons, seconded by Councillor Bruckschwaiger, to approve for first reading the proposed amendments to the CBRM Tow Truck Licencing By-Law as presented.

Discussion:

In response to questions, it was clarified by the Staff Sergeant Boone that there would be opportunity for input regarding the bylaw prior to the second reading. He also discussed the current towing contract and the process followed prior to the by-law being initiated.

Motion Carried.

Mayor McDougall advised that item 6.1 a) *Second / Final Reading – Public Hearing: Tow Truck Licencing By-law Amendments* will require additional public consultation and will therefore be postponed until a later date.

Motion:

Moved by Councillor Green, seconded by Councillor Parsons, to approve the March 23rd, 2021 Council Agenda, noting the postponement of the Tow Truck Licencing by-law.

Motion Carried.



TO: CBRM Council

FROM: Paul Burt/Gil Boone

SUBJECT: CBRM Tow Truck Licencing By-law

DATE: June 7, 2021

Background/Introduction

Cape Breton Regional Police Service (CBRPS) had administered a Towing Tender since 2005. This administration translated into a great deal of time and administrative costs for the CBRPS. Over the years, this approach had led to disputes between the CBRPS and the various towing companies over rates charged for towing and storage.

The towing industry has also evolved from a local service station providing services for the police to a full-fledged industry of its own. At one time, tow operators could operate free from government compliance such as environmental regulations, OHS, vehicle compliance rules and Department of Labour requirements; however, this is no longer the case.

Prior to the towing tender and with no policies and procedures in place, towing companies were placed on a rotation list on a call-by-call basis. This had resulted in one tow operator with one business establishment receiving multiple spots on the rotation making it infeasible for the others to participate. As a result, CBRM's Towing Tender was formed to combat this issue. CBRM recognizes that neither of these approaches worked and there is no longer a tender for towing in CBRM.

The greater issue being experienced due to the lack of regulations is around the fees charged for towing and storage of vehicles and insurance claims around damaged vehicles. Because of all this CBRPS saw the immediate need to create a by-law, as well as policies and procedures for established towing operators, to better work with the police and to provide more consistency and professionalism within the local towing industry.

The CBRPS Police Chief and his or her designates will be the Manager responsible for the administration and enforcement of this bylaw. The CBRPS have acknowledged past problems with both the towing tender and rotation lists and have committed to improving their internal processes to create a more open, transparent, and fair system of requesting towing services for collisions they are responding to.

History

March 2019

In March 2019, a meeting was held in relation to CBRM's Towing Tender, and its administration. This meeting was attended by the CAO, CBRM Legal, CFO, Deputy Chief of Police and Purchasing. The threshold for cost of the tender is \$10,000 which meant no tender was required for towing services and was subsequently removed. With no tender in place and no regulations pertaining to towing vehicles under *Motor Vehicle Act* meant the towing industry in CBRM was unregulated. As a result, a committee was formed to create a Towing By-law to regulate towing and storage fees along with a storage compound yard at CBRPS headquarters to reduce costs related to the storage of vehicles requiring further investigation.

June 2020

Staff Sergeant Joe Farrell presented an issue paper on a proposed Tow Truck Licencing By-law to CBRM Council on June 9, 2020. During this meeting, first reading of the By-law was held. After the June 9th Council meeting, Staff Sergeant Joe Farrell provided the owners of each towing company in the CBRM with a copy of the proposed By-law and informed them of their opportunity to provide comments at the Public Hearing. In a memo dated June 19th, 2020, Staff Sergeant Joe Farrell indicated he had not received any input. Final reading of the Tow Truck Licencing By-law was approved by Council on June 23, 2020.

February 2021

During the Provincial review of the By-law, Provincial staff identified areas where the wording of the By-law could be improved for better enforceability by way of Summary Offence Tickets. Based on the Province's suggestions, Staff Sergeant Gil Boone prepared amendments to the By-law to improve its enforceability which Provincial staff have indicated would be acceptable. The proposed changes included:

- The addition of Schedule 1 (fees to be charged by CBRM to Tow Truck owners and drivers)
- 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*

During the February 23, 2021 meeting of council, first reading of the Amending By-law was held. After this first reading it became clear to staff that there were still issues with the by-law and proposed amendments and that there was no meaningful consultation with the tow operators who are impacted by this by-law.

March 2021

Final reading of the Amending By-law was scheduled for the March 23, 2021 Council meeting. However, at that time Council passed a motion to postpone final reading of the proposed Amending By-law to undertake more public consultation and to review and make further amendments to the by-law.

On March 22, 2021 Manager of Building Planning & Licencing Laws Paul Burt and Staff Sergeant Gil Boone of the Cape Breton Regional Police Service met with a large group of tow truck operators at C-200 to review the proposed amendments to the by-law and to get their feedback. At this time the tow operators agreed to form a working group to present their own proposals concerning amendments to the tow truck bylaw. A list of their concerns and a copy of their proposals are included in this issue paper (Attachment # 1).

Based on our review, the consultation with the tow operators and the completion of a jurisdictional scan of other similar towing by-laws additional amendments to the by-law were made. A summary of the significant changes are as follows:

- Removal of geographic zones within CBRM
- Removal of minimum age requirement to be licensed as a tow truck driver
- Recognition that the mileage rate for a second tow from the tow companies depot to the desired location of the hirer was insufficient and this will now be considered as a completely separate tow call subject to the same table of rates as the initial call
- Licensing and inspection fees to be charged by CBRM are now added (Schedule 1)
- Rates the tow companies can charge for collision towing services have been updated.

It was also agreed that the final proposed amendments would be taken back to the tow operators for their information and comments prior to bringing back to council.

Other Stakeholder Input

Insurance Bureau of Canada

Insurance Bureau of Canada (IBC) submitted a letter to the Clerk's Department indicating that it strongly supports the Cape Breton Regional Municipality's creation of a Towing bylaw to establish municipal regulation of the towing and storage industry (Attachment # 2).

Roadside Responders Association of Nova Scotia

Roadside Responders Association of Nova Scotia have raised concerns over the By-law requiring at least five year's driver experience after the completion of a full Class 4 license before they can be licensed to operate a tow truck.

The association has also requested measures be put in place to guarantee payment to tow truck operators for the removal of worthless unclaimed vehicles removed on behalf of the police department (Attachment # 3).

Recommendation

I recommend that Council pass first reading of the amended Tow Trucking Licencing By-law as presented today and schedule the second/final reading of the Tow Trucking Licencing By-law at an upcoming meeting of Council which will also be a public hearing to allow the tow companies and any other interested parties to provide their comments before approving.

A copy of the proposed Tow Trucking By-law can be found in Attachment 5.

Attachment 1

Information and comments received from Towing Companies:

- Minutes of March 28, 2021 meeting of Tow operators
- Tow Operators proposed fares
- Tow Operators proposed Policy and Procedure Bylaw
- Tow Operators concerns for CBRM Council
- Tow Operators' letter to MLAs

MEETING MINUTES FROM MARCH 28,2021

TOWING COMPANIES CONCERNING THE TOWING BYLAWS

MEETING WAS HELD AT R. SMITHS TOWING GARAGE AT 276 WASH PLANT ROAD

THE MEETING OPENED AT 5:17PM

ALL PRESENT EXCEPT FOR KEVINS TOWING, NO ONE SHOWED UP FROM THAT TOWING COMPANY.

FIRST ONE TO TALK WAS STEPEHN JAMEAL LLB, ABOUT WHAT EVIDENCE WE NEED TO GET TOGETHER IN CASE WE NEED TO TAKE CBRM TO COURT OVER THE TOWING BYLAWS.

HE TOLD US TO GET LETTERS FROM OUR ROADSIDES STATING THAT THEY WILL NOT DIVULGE ANY INFORMATION ABOUT THE CONTRACTS THEY HAVE WITH TOW COMPANIES TO THE CBRM AS EACH COMPANY HAS PERSONAL CONTRACT WITH THE ROADSIDES.

HE ASKED ALL THE COMPANIES TO SEE IF THEY CAN COME UP WITH PRICINGS FROM THE INSURANCE COMPANIES OF WHAT THEY ARE WILLING TO PAY FOR AN ACCIDENT.

HE ALSO SAID THAT IF WE CAN GET LETTERS FROM DIFFERENT TOW COMPANIES IN OTHER MUNICIPALITIES THEIR AVERAGE PRICES FOR ACCIDENT TOWS.

HE WANTS US TO SEE IF WE CAN FIND OUT, WITHIN CANADA, THE EFFECTS OF TOWING COSTS.

MOSTLY THAT IF WE HAVE TO GO TO COURT WE NEED FOR CBRM TO TAKE ACCOUNTABILTY FOR THE BYLAWS. IN THE PROPOSED BYLAWS, CBRM WILL NOT BE HELD RESPONSIBLE FOR US BEING CHARGED, FOR VEHICLES LEFT AT OUR COMPOUNDS. IN OTHER WORDS, IF A VEHICLE IS LEFT IN THE COMPOUND AND SOMEONE DECIDES AFTER TWO YEARS TO COME FOR IT AND WE GOT RID OF THE VEHICLE BY SELLING IT OR CRUSHING IT, TO RECOVER SOME OF OUR COSTS, AND THE OWNER SUES YOU, CBRM WILL NOT BE HELD RESPONSIBLE.

WE NEED TO HAVE A SEPARATE CLAUSE ADDED TO THE TOWING BYLAWS THAT STATES IF WE ARE STUCK WITH A VEHICLE THEN THE CBRM BECOMES THE BUYER. IN HALIFAX AFTER 90 DAYS THE POLICE CONTACT THE OWNER OF THE VEHICLE TO SEE IF THEY ARE COMING FOR THE VEHICLE AND IF NOT THEY TELL THE TOW COMPANY THEY CAN GET RID OF IT BY SELLING IT OR CRUSHING.

WE ALSO AGREED THAT ALL PICTURES OF THE VEHICLES SHOULD BE TAKEN WHEN THE VEHICLE IS ON THE TRUCK, SO THAT YOU ARE NOT TYING UP THE SCENE ANY LONGER THAN WE NEED TO.

WE ARE WRITING A LETTER AND SENDING IT TO EACH OF THE CONCILLORS IN THE CBRM, ABOUT OUR CONCERNS WITH THE TOWING BYLAWS.

AFTER STEPHEN LEFT, WE AS A GROUP WENT OVER THE PRICING FOR ACCIDENT TOWS AND SET UP A PROPOSED LIST OF PRICES TO TAKE TO CBRM BYLAWS AND CBRP.

THE FOLLOWING ARE THE PRICES WE WANT TO SET FORTH TO THEM. THESE ARE THE PRICES WE DISCUSSED AFTER THE MEETING ON THE PHONE. SEE PAGE TWO.

LASTLY THERE WAS A CONVERSATION DEALING WITH THE BOUNDARIES. THE MAJORITY WANT THE BOUNDARIES TO STAY THE SAME, BUT IT IS OPEN TO NEGOTIATIONS. AS JL SYMMS FEELS AS HE HAS THE SMALLEST AREA.

NEW BOSTONS TOWING AREA WILL COVER HORNES ROAD TO LOUISBOURG, AS MOST PEOPLE REQUEST HIM IN THAT AREA AND HE WILL NOT COME INTO SYDNEYS AREA.

WE ALL HAVE ROADSIDE CONTRACTS AND PEOPLE THAT CALL FOR TOWING NEEDS THAT INVOLVE AREAS IN CBRM OTHER THAN THEIR OWN BOUNDARY. THE BY-LAWS SHOULD ONLY BE POLICE RELATED.

IF A COMPANY GETS AN OWNER'S REQUEST AND CAN NOT ATTEND WITHIN THE HALF HOUR STANDARD, THEY CAN CALL SOMEONE IN THAT AREA TO ASK THEM TO PICK IT UP FOR THEM AND BRING IT TO THEIR COMPOUND UNTIL THEY ARE AVAILABLE TO PICK IT UP. IF THIS IS AGREEABLE TO EVERYONE, PLEASE LET US KNOW.

IF YOU HAVE ANY CONCERNS OR QUESTIONS PLEASE EMAIL US AT r.smithstowing@hotmail.com

SINCERELY,

R. SMITH'S TOWING LTD

902-539-2939

MEETING MINUTES TAKEN BY

R. SMITHS TOWING LTD.

MOTOR VEHICLE COLLISIONS	CBRM PRICES	R.SMITH'S TOWING	NORTHSIDE	JL SYMMS	STEVES TOWING	NEW BOSTON	JAMEALS/FRANKIE	ROBBY'S
TOWING SINGLE UNIT WITHIN 5KM	\$254.17	400.00	350-400.00	400.00	400.00	400.00	400.00	400.00
MILEAGE OVER 5KM	\$2.61 PER KM	3.00/KM	3.00/KM	3.00/KM	3.00/KM	3.00/KM	3.00KM	3.00/KM
WINCHING PER 30 MINUTES	\$148.24	150.00	150.00	150.00	150.00	150.00	150.00	150.00
DEBRIS CLEAN UP	\$60.00	50.00	60.00	60.00	60.00	75.00	60.00	60.00
DOLLIES	\$30.00	40.00	N/A	N/A	N/A	N/A	40.00	N/A
FLATBED	\$50.00	80.00	80.00	60.00	60.00	75.00	70.00	70.00
STORAGE PER CALENDAR DAY	\$30.00	60.00	60.00	50.00-60.00	60.00	60.00	60.00	60.00
ADMIN FEES	\$36.67	50.00	50.00	50.00	50.00	50.00	50.00	50.00
DISPOSAL FEE	\$120.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00

- WE ARE REQUESTING THAT A PRICE OF 125.00 TO 150.00 FOR THE SECOND TOW TO THE BODY SHOPS.

- WE ARE ALSO REQUESTING THAT A FEE OF \$50.00 CAN BE INCLUDED FOR TAKING PICTURES AND SENDING SAID PICTURES TO THE INSURANCE COMPANIES.

TOWING BYLAW CONCERNS

The Hirer is the Police

Permission to Tow Form- 2 copies, one for us and one for the owner of the vehicle, both signed & taking four pictures of said vehicle will take longer to clear road.

Solution:

The bylaw requires the tow operator to get a the permission to tow form signed by the hirer and to take four photos of the vehicle(s) prior to commencing tow.

Section 3- Licencing

Subsection 1&2

Subsection 1- No person shall act as or be the owner of a tow truck in CBRM unless he\she is licensed under this bylaw.

Does this mean you cannot own a tow truck and do calls in the CBRM, unless you are licensed by the Bylaw or just for police calls.

On CBC with Dan Sullivan the acting Chief Robert Walsh said, "If you weren't doing Police tows, you didn't need to be licensed under the bylaw."

The proposed towing bylaw will require all companies towing for hire in CBRM to be licensed regardless of whether it is a police call or not. Trucks being used by scrap yards, dealerships and other businesses "not operating for hire" will not have to be licenced or be regulated under this bylaw.

Subsection 2:

No person shall drive or act as a driver of a tow truck in CBRM unless he\ she is licensed under the Bylaw.

Or drive a tow truck unless you have a license with the Bylaws or just for Police calls.

No person shall be permitted to drive/operate a tow truck for hire unless they are licenced as a tow truck driver as per the bylaw.

Section 4-Areas of Jurisdiction

Paul said, You need to get permission from tow operators in other areas to tow there.

Are they meaning, you can do calls in other areas but not Police calls?

What about Owners requests?

Paul told us at a meeting with him and Gil Boone that we could only do calls in our area. We have contracts and people we know in other areas that call us for tows.

We are removing geographic zones from the towing bylaw meaning if you are a licensed tow truck and operator you can work in any area within CBRM provided you are in compliance with the bylaw.

Section 6-

Subsection 1) a- NS issues a drivers license at 16-17 years of age with restrictions, so that person should be able to work driving a truck from that moment. Example: Family members in a family business.

Can it be clarified that a corporation, does not apply to Section 1a.

We are removing the minimum age requirement from the bylaw.

Subsection 3) b- If working for the Police, you should not have a criminal record for 10 years.

It says five but it should be ten years because that is when it can be erased from your record.

The bylaw says 5 years

Section 9-

Subsection 7b- The past or present conduct of the applicant or any partner, in case of an applicant which is a partnership, or 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 honest: or

Subsection 7) b- That is like saying that person walking into a store is going to steal and arrest them before they get into the doors.

The Manager in this whole section seems to have a lot of authority. If they ever had any issues with anyone, they have the power to say you can not be licensed.

If you pay for your license with the Bylaw and if you get any fines and they get paid, it should be based on the Code of Conduct, not what he or she feels.

A criminal records check is part of the requirements of the bylaw to be licenced

Section 17- Term of Licence

Section 17-(1)- Every License issued to a Tow Truck Driver, shall be valid for a period of one year effective from his/ her birthday.

The license should be the same for all companies as of the first day the Bylaw begins, not by a person's birthday.

So, if the Bylaw comes into effect on September 1,2021, then it should be good until August 31,2022, unless you hire another new driver, it should still end n August 31,2022.

These terms are to ensure CBRM can efficiently process applications and inspections year round instead of all at once.

Section 22

Subsection 7-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 desire Vehicle Pound Facility when it opens;

It is not fair to only charge mileage for the re tow. We still need to pay a driver &fuel.

We have reconsidered this section and agree that this will now be considered a second and separate tow subject to the same charges as permitted by the schedule of fares for collision towing.

Subsection 8-

Who pays for the tow if the person is gone to hospital and Police tell you to take the vehicle to their home?

This is and always was the responsibility of the hirer.

Subsection 9-

We have a debit/ credit machine available at the office, but we have had cheques bounce and never received payments. No Cheques.

The bylaw does not dictate what type of payment method is required

Subsection 10-

Office hours 9 am to 5 pm- Monday to Friday. On weekends with one hour notice.

The bylaw does not dictate office hours and only requires that the tow company give the hirer reasonable and timely access to the vehicle for the removal of personal contents, etc.

Section 26-

Subsection 3-

All towing companies have Roadside Contract and public that use our services, and it is no one's business what the charges are. The Competition Act states this.

The bylaw sets rates for collision towing and requires companies to file their non-collision towing and other service rates as well as filing all agreements with the manager. These rates are to be held in confidence and are not publicized or otherwise shared amongst the industry or the public.

Section 28- Schedule of Rates

Some things on the schedule of rates, some things are not.

Subsection 4-

We are not allowed to disclose our rates of our Roadsides or other contracts. These are personal contracts between two companies & Roadsides or businesses.

See previous comment

Amended By Law

Section 22-

Subsection 4) a- we do not need the address of the RO, unless we are towing it to their residence.

You have the right and responsibility to get the hirer's name and address. As indicated if the hirer is unable to provide this because they are on their way to the hospital or not on scene or is unwilling to provide this info then the tow operators just needs to note this on the permission to hire form.

4) b- we have no right to go into someone's vehicle to get a permit number.

No you do not

The Hirer is CBRP (Cape Breton Regional Police)

The CBRPS is not the hirer, they are just another responding agency in charge of the accident scene.

The Registered Owner owns the vehicle, they are not the Hirer.

The registered owner or driver of the vehicle involved in the collision is the hirer, regardless of their willingness or capacity to authorize or sign the form (see previous comment).

**CAPE BRETON REGIONAL MUNICIPALITY REVISED TOWING
POLICY AND PROCEDURE BYLAW**

BE IT ENACTED BY THE Council of the Cape Breton Regional Municipality, under the authority of Section 171(109f0 AND Section 172(2)(e) of the Municipal Government Act, as follows.

1. DEFINITION

In this By-Law

“CBRM” means Cape Breton Regional Municipality; ``

“Collision” means the unintended contact resulting from the 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 because 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 tractor used for hauling purposes on the highway.

“Council” means 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 the owner of the Vehicle.

“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.

“RO” 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 of the Department of Transportation.

“Licence” means the Certificate issued under this by-law as proof of Licencing under this by-law.

CBRM BY_LAW NO. T200
Tow Truck Licencing By-Law

“Licence Renewal Sticker” means the coloured consecutively numbered sticker issued with the renewal of the Owners Licence, to be attached to the Owners Plate. The sticker indicates the expiry year of the Owners 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/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 service 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 which includes the RO’s name, Make and Model, colour of Vehicle to be towed and the Plate number, Where the Collision happened and where it was towed.

“Permit” means the Licence or Certificate issued under this by-law.

“Person” means 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 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.

CBRM By-Law No. T200

Tow Truck Licensing By-Law

“Tow Truck” means a Vehicle used for towing or otherwise conveying Vehicle(s) which shall included 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 RO 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.

“Under lift” 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 Vehicle.

“Vehicle Pound facility” means land, building or structures of 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 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.

(2)(a) For the purpose 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.

MANAGER:

- a) Issues applications & processes all applications for licenses and for renewal of licenses under this bylaw.
- b) Issues licenses or renew licenses for persons who meet the requirements of this bylaw.
- c) Imposes terms and conditions on a license that a term or condition of a license should be imposed.

d)Refuse to issue, renew a license, or revoke a license that the applicant is disentitled to a license under section 10 with no good reason. This is profiling.

e) Enforce the provisions of this bylaw.

f) Perform all administrative functions conferred upon by this bylaw.

g) Issue a conditional license for a term of not more than six (6) months.

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 bylaw for Police calls only.
- 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 bylaw for Police calls only.
- 3) Unless provided otherwise in this bylaw 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.

OWNER & DRIVERS DUTIES:

- 1) Take care of all vehicles and property entrusted to him/her for towing.
- 2) Comply with reasonable instruction from the RO.
- 3) Be civil and courteous.
- 4) Keep records of all Police calls performed daily.
 - a) Record the owner's name.
 - b) Record make, model, plate number & color of vehicle.
 - c) Record where collision was located and where it was taken.
 - d) Let Ro know the rates charged and have the price list in the Tow truck.
- 5) Keep Tow Truck clean, equipment free of body damage & well-maintained exterior finish.
- 6) Tow vehicle to compound facility, body shop or owner's residence.
- 7) If taken to compound charge the retow rate.
- 8) Pass into Office daily records of police calls, so if requested by CBRM, we have the information, name, vehicle and where it was taken.
- 9) Accept payment of cash, debit, and credit card. No Cheques.
- 10) Provide the RO access to the vehicle in the hours of 9:00am to 5:00pm weekly & weekends with one hour notice unless directed by Police Officer not to do so.

OWNER & DRIVER PROHIBITIONS:

- 1) No licenced Owner or Driver shall operate or permit to be operated a tow truck if it lacks any of the following equipment which is in a good state of repair.
 - Winching or hoisting device
 - Wheel lift
 - One device for securing steering wheel.
 - Two dry chemical fire extinguishers
 - A minimum of 2 tow safety chains
 - 4 safety pylons
 - Amber warning light system
 - Broom
 - Shovel
 - First aid kit

- 5-foot crowbar
- 2-wheel blocks
- Flares or reflector kits
- Wheel wrenches
- Light bar for rear extension carrier
- And any other provision as required under the Motor Vehicle Act
- Dolly

- 2) No Driver shall chase accidents or interfere with an accident scene.
- b) Tow truck must stay at least 600 ft. from an accident unless requested by Police.
- c) Use a Tow truck that has been deemed unsafe.
- d) Demand payment higher than the set rates.
- e) Charge a RO for a drop fee.
- f) Charge for time lost because of defects.
- g) Suggest any company or garage to the RO.
- h) Take passengers unless a relative or the RO of vehicle being towed.
- i) Operate or permit to operate a Tow truck with a gross weight less than 4536 kg.
- j) Operate or permit to be operated a Tow truck without the owner's plate.
- k) Operate or permit to be operated a Tow truck without the Licence Renewal sticker attached to the owner's plate.
- l) Keep work orders in truck until end of the day.
- m) Operate or permit to be operated a Tow truck with any window to the direct left or right of the driver's seat or the windshield has been coated with any colored spray, colored or reflective material that obscures the interior of the Tow truck when viewed from outside.
- n) Post pictures or info on social media of any Police calls or seizures or driver will get fined no less than 200.00 and no more than 600.00 and suspended for 1 week for 1st offence. 2nd offence is maximum fine and fired and not working for Tow Company licenced under this bylaw.

DRIVERS DUTIES:

Every Licenced Driver Shall:

1. Drive the Tow truck which is towing or conveying a vehicle by the most direct route to the destination.
2. Clean up any debris, fragments of glass and vehicle parts which are danger to the public.
3. Be neat & clean in personal appearance.
4. Wear a reflective vest or jacket with a X on it.
5. Wear safety boots.
6. Wear pants with reflective stripes down legs or around legs.

7. A name tag with first initial and last name.
8. Get name of RO, make, model and plate number of vehicles being towed and keep in office for 30 days.
9. Take 4 photos, all angles before or after on truck, weather and scene permitting.
 - i) Keep photos on office computer, labelled for 6 months.
 - ii) If RO does not give name reason on paperwork.

DRIVER PROHIBITION:

No licenced Driver shall:

- 1) Move a vehicle until the Police say he can. Fire & Ambulance can only say if a life is in danger.
- 2) Stop or park within 200 meters of a collision unless requested by Police.
- 3) Drivers should not get out of Tow truck to talk to the RO.
- 4) Drive or act as a driver unless licenced under the bylaw.
- 5) Suggest to the RO where they should take their vehicle.

OWNERS DUTIES:

Every licenced owner shall.

1. Notify the Manager in writing when giving possession and control of the Tow truck that he/ she is licenced under by this bylaw to another person or permits another person to use said Tow truck for a period greater than one (1) day.
2. Charge a flat rate as set out in Schedule 3.
3. File with the Manager a schedule of rates for services other than collisions for all other Police calls.
4. Charge the rates set out in Schedule of rates for services other than collisions for Police calls.
5. Keep in truck and show RO the tariff card with the prices and if applicable the RO may be charged additional fees for storage for any storage facility or business where the RO's vehicle is to be towed.
6. Use only stationary which has company name, address, and phone number on it.
7. Retain for 60 days, copies of all advertising matter used by him/her and produce same to the Manager.
8. Have attached or painted on both sides of the body of the Tow truck close to the middle of body panels, the name and phone number of the business as shown on Business Licence. The letters and figures for the name and phone number shall be:
 - i) Solid contrasting colour of Tow truck.
 - ii) Material that is visible in low light conditions from 50 feet.
 - iii) Minimum 3 inches high and 2 centimeters in thickness.
9. Only use the service of a driver who is licenced under the bylaw for Police calls.
10. Have affixed to the rear window on the drivers side the Owners plate issued for that truck and have Municipal number painted or attached to both front fenders in letters & figures which shall be:
 - Of solid contrasting colour to the colour of Tow truck
 - Minimum 3 inches high, 2 centimeters thick.

- Of material visible in low light conditions from 50 feet away
- Include a designation with the letter ML as a precursor to the number.
- Notify written notice the sale of or disposition of a Tow truck within 7 days of such sale or disposition.

OWNER PROHIBITION:

No Owner shall.

- 1) Permit any owners plate issued to him/her under this bylaw to be affixed to any Tow truck, other than the one which the licence was issued under this bylaw.
- 2) Alter or amend the schedule of rates filed with the Manager under Schedule 3 without first giving at least 30 days notice to the Manager.

SCHEDULE OF RATES:

- 1) The schedule of rates filed with the Manager for all types of towing for the Police except for those set out in Schedule 3 shall be based only on the following factors or a combination thereof.
 - i) Time
 - ii) Time required to perform services.
 - iii) Standby time
 - iv) Distance
 - v) Distance to travel to reach scene when dispatch calls.
 - vi) Distance vehicle is towed or conveyed.
 - vii) Additional services.
 - viii) Changing more than one wheel
 - ix) Disconnecting driveshaft
 - x) Moving vehicle to towing position
 - xi) Opening locked vehicles without keys
 - xii) Provision and use of dollies.
 - xiii) Other specified services where a fee is charged.
- 2) Where rates vary according to the time of day or geographical zones or a combination of different factors, the exact formula for determining the rates shall be set out in the schedule of rates to the Manager.
- 3) Where an estimate is given to the RO of the cost of service it must not exceed the charges indicated in the schedule of rates filed with the Manager.
- 4) The owner of a Tow truck is to tell the Manager the name of the Roadside companies or company contact they may deal with.

NEW AND REPLACEMENT VEHICLE APPROVAL:

If an applicant disposes of a Tow truck they must:

- i. Produce a copy of the current Motor Vehicle Permit in good standing issued by the Registry of Motor Vehicles in the plate owners name, owners' licence, a copy of the Liability insurance card endorsed to show the change of vehicle.
 - ii. If the owner purchases a Tow truck, he/she must submit the new Tow truck for inspection by the Manager.
 - iii. Produce and file with the Manager either a Nova Scotia Registry of Motor Vehicles inspection report showing the Tow truck has been accepted within the previous 60 days or
 - iv. A Safety Standard Certificate issued under the Nova Scotia |Motor Vehicles Act within 36 days of submission.
- 2) Before using the new Tow truck and after getting approval of Manager, file all documents required to report the change.

PENALTY

1. Every person who fails to comply with any provisions of this bylaw for each offense is liable for a penalty not less than 200.00 not more than 600.00. if failure to pay the penalty, the Manager may suspend or revoke your bylaw licence.
2. If you hire an individual to operate a Tow truck if they are not properly licenced in compliance with the bylaw.
3. Upon a persons third offense under this bylaw the Manager shall suspend such persons' licence.
4. If an owner's licence is cancelled or suspended, he/she can appeal to the Appeals Standing Committee of the Municipality which may confirm or disallow the action of the Manager of this bylaw.

SEVERABILITY:

Notwithstanding that any section or sections of this bylaw, 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 bylaw or parts thereof, are separate and independent therefrom and enacted as such.

THIS BYLAW MAY BE KNOWN AS THE TOW TRUCK LICENCING BYLAW.

TOWING POLICY AND PROCEDURED FOR CAPE BRETON POLCE DEPARTMENT

All Tow Companies in CBRM that wish to Tow for the Police must.

- Apply for a bylaw licence.
- Have all proper equipment for the trucks.
- Have all proper insurance.
- Have an Owners bylaw sticker.
- Have a driver's bylaw plate.
- Have a driver tag with first initial and last name.
- Have a number on truck with ML initials.
- Have exterior trucks painted and free of damage.
- Have interior of trucks clean and tidy.
- Have all drivers abstracts with no more than 6 demerits
- Have all criminal checks with no charges for 10 years.
- Companies should work for Roadsides for at least 5 years, to ensure the drivers have experience & knowledge of the job.
- Be a member of the Nova Scotia Roadside Responders, as they have training and keep us up to date on new procedures and everything that is going on in the Towing Industry.
- Have random drug tests and any given time.
- When a Driver is Licenced under this by-law and quits or is fired their licence under this by-law is Null and Void.

Dear

We are writing to you about the Towing Bylaw that has been put forward to you in CBRM Council on June 09, 2020. The Towing Bylaws first reading was in June 09, 2020. S/Sgt. Joe Farrell of the Cape Breton Regional Police Services told the CBRM that he was getting in contact with the Towing Companies that this would affect in a letter on June 18, 2020. In fact, he did send us a copy of the proposed Bylaws and stated he was going to have a meeting. S/Sgt Joe Farrell never did meet with any of the tow companies, and we have the emails from him to prove it never happened. When S/Sgt Farrell talked to the Roadside Responders of Nova Scotia, he ended up leaving a bad taste in their mouth, saying we have lawyers to deal with this. If we did not see it on Facebook no one would have ever known this Towing Bylaw was going to happen.

When the bylaw was revamped and read again on February 09, 2021, by S/Sgt Gil Boone. CBRM council did not know that he and Paul Burt would be meeting with the Tow Companies on March 22, 2021 about their concerns in the Mac Donald Room at C200 at 1: 00pm. It was a fast meeting put together because of our concerns and we were not given much notice, which was not to say the least frustrating when you are trying to run a small business. Mayor Mac Dougal did not put the bylaws up for discussion as she is waiting for more information on our concerns sent to the CBRM bylaws office.

During this meeting, on March 22, 2021, no one could properly answer the question for CBRM bylaws or CBRP. We were told that the bylaw would not be put to a reading the next night until they investigated our concerns. Paul Burt also told us no matter what this Towing Bylaw is going to be put through. The bylaws were not put through to a second reading and our concerns have been addressed that were sent into the Clerks office. We were acknowledged that our emails were received and only some of our concerns were read at this meeting. Therefore, we are writing to you so that you may hear our concerns about these bylaws and our livelihood.

We as a group feel that this Bylaw, is being done behind our backs, with no consultation with any of the tow companies involved. There is no one involved from the Towing industry in helping to make up these Bylaws. Anyone can read about towing, but until you do the job, you never know what is involved in it. We believe there should be something in place, but what CBRM wants is not the right way. Saying we have no rules to follow is false. We do follow rules set out by Department of Transportation, the Labour Board, just so you are told the correct information.

There has always been trouble in each industry, but nothing as bad as the Towing Industry. We feel it is the CBRP that has brought this upon themselves. CBRP does not want to make this fair, they are going back years to the old way of favoring one company over the other and continues to do so to this very day.

S/Sgt Joe Farrell stated that there was price gouging and double billing being done in the CBRM. If you check over the last 15 years, you can see where the problem lies with a certain company. This paints, the rest of us with the same brush and that is not fair. We feel as a group, that CBRM bylaws and CBRP are dictating to us what we can and can not do in our companies. The Competition Act in Canada is

there to protect businesses and the public, which no one seems to want to follow under these proposed bylaws.

A prime example of this, we were told now, that there is no contract, but they are honouring the old contract. This is not true as we had a customer who made an owner's request, and we were kicked off the scene and told it was going to the on-call company (Kevin's Towing) because it was being investigated which was all false. Certain Officers will only use Kevin's Towing, and if there is no contract, how can the other towing companies be placed on the list, so that it is fair to all who work within the CBRM.

The old days are over, everyone wants a piece of the action. We should not have to pay people off or feel like you need to sleep with anyone to get ahead. After all this is 2021 not the beginning of the 19th century. We feel that no one wants to work with us over this Bylaw and no matter what is said or done, it will be passed regardless. We feel that this Bylaw should be investigated by people who know the Towing Industry. In Canada, 80% of Towing Companies and The Police Departments, work together when it came to making up Bylaws and it is working out. We fell like we are behind, at least 30 years, as the old mentality that we have here in CBRM, and that is why we can not move forward.

We do have some Suggestions that we have listed in another part of this letter, as well as a fair price list, that we have agreed upon. That is all the Towing Companies that already exists in the Cape Breton Regional Municipality.

We as a group, feel these prices are very reasonable. As you do realize it is us who are putting our lives on the line when dealing with certain accidents. So please do not make us feel like we are back in the old days and take into consideration what we must do and deal with when it comes to recovering a vehicle. We still need to pay our bills and feed our families, the same as you do.

If the CBRM Bylaws would like to know more about the Towing industry, they should get a hold of Heather Llewellyn, the Director of Roadside Responders Association of Nova Scotia at rra@hotmail.ca. She will be happy to answer any questions that you have.

Thank you for taking the time in reading this and we hope you can now see how we want to be involved in making this Bylaw and not put on the back burner.

Yours Truly,

R. Smith's Towing Ltd.

Jameal's Towing Service

Symm's Towing & Recovery

Steve's 24 -Hour Towing service

New Boston Auto Salvage

Northside Auto Salvage Ltd

Robbie's Tractor- Trailer Service

R. Smith's Towing Ltd.

1341 George Street

Sydney, NS B1P 1N7

902-539-2939

r.smithstowing@hotmail.com

TO WHOM IT MAY CONCERN,

MY NAME IS RONNIE SMITH AND I AM THE OWNER OF R. SMITHS TOWING. I OPENED MY COMPANY IN 2007 BUT BEFORE THAT I WORKED FOR KINGS ROAD TOWING ON & OFF SINCE THE EIGHTIES. AFTER KINGS ROAD TOWING I WORKED AT JAMAELS TOWING FOR A FEW YEARS. I AM A HARD WORKING MAN WITH A FAMILY. TOWING IS IN MY BLOOD.

THAT BEING SAID I WOULD LIKE TO TALK TO YOU ABOUT THIS TOWING EGULATION. IT HAS A TOW FOR THE POLICE LISTED AT \$65.00. IN 1987 A TOW FOR THE POLICE WAS \$75.00, IN THE NINETIES WENT UP TO \$75.00 AND NOW THE GOVERNMENT WANTS TO GO BACKWARDS. IN 1984 MINIMUM WAGE WAS \$4.25 PER HOUR AND NOW IS \$13.00. EVERYTHING HAS GONE UP IN PRICE, FUEL, PARTS, WAGES, RENT, HEAT, LIGHTS, VEHICLES, FOOD, TAXES, EVERYTHING. BUT YET AGAIN THE GOVERNMENT WANTS TOW COMPANIES TO GO BACK IN TIME.

POLICE, AMBULANCE PERSONNEL, FIREMEN ARE ALL ROADSIDE RESPONDERS, WELL SO ARE TOWTRUCKS. IF YOU FALL ON THE SIDE OF THE ROAD AND SPLIT YOUR HEAD OPEN AND AN AMBULANCE IS CALLED AND TAKES YOU TO THE HOSPITAL YOU PAY \$150 BUT BE IN AN ACCIDENT AND SPLIT YOUR HEAD OPEN ON THE STEERING WHEEL AND AN AMBULANCE IS CALLED AND THEY TAKE YOU TO THE HOSPITAL AND YOUR INSURANCE BILL IS \$850. WHEN A TOW TRUCK COMPANY PICKS UP A CAR ON THE SIDE OF THE ROAD AND CHARGES \$60.00. THEN A TOW TRUCK COMPANY GETS CALLED TO AN ACCIDENT AND HAS TO DEAL WITH SHARP VEHICLE PARTS, BROKEN GLASS, FLUIDS, BATTERY ACID AND NOW A DAYS NEEDLES IN VEHICLES NOT TO MENTION CARS WHIZZING BY LOOKING AT THE ACCIDENT INSTEAD OF PAYING ATTENTION TO THE ROAD AND IN ALL WEATHER, THEN WE HAVE TO CLEAN UP THE SCENE TAKE THE VEHICLE TO OUR FACILITY, DO PAPERWORK, DEAL WITH THE VEHICLE OWNER, DEAL WITH THE INSURANCE COMPANY, POSSIBLY TOW THE VEHICLE AGAIN SOMEWHERE ELSE OR GET STUCK WITH THE VEHICLE AND NOT EVEN GET PAID.

HERE IS AN EXAMPLE FOR YOU TO CONSIDER:

CBRP HAS ON AVERAGE 1200 CARS PER YEAR TOWED FOR ONE REASON OR ANOTHER, MVA'S DUI'S NO INSURANCE AND WHAT HAVE YOU. LET'S SAY 900 OF THE 1200 ARE PICKED UP BY THE OWNERS AND THE TOW COMPANY CHARGES \$200 EACH TOTALING \$180,000 PER YEAR.

COSTS FOR TO COMPANY PER YEAR:

BUILDING-\$1500.00 PER MONTH.....\$18000.00
 INSURANCE FOR ONE TRUCK AND BUILDING.....\$12000.00
 LICENSE FOR ONE TRUCK.....\$884.00
 FUEL AVERAGE PER CALL \$16.00\$19200.00
 THREE DRIVERS PER WEEK AT MINIMUM WAGE \$312.00 PER DAY.....\$113880.00
 TWO PEOPLE IN OFFICE \$819.00 PER WEEK FOR BOTH.....\$42588.00
 MAINTENANCE ON TRUCK, PARTS, OIL, GREASE.....\$19200.00
 HEAT AND LIGHTS FOR FACILITY AND OFFICE \$300.00 PER MONTH.....\$3600.00
 PHONES \$200.00 PER MONTH.....\$2400.00

EXPENSES PER YEAR: \$231,752.00

THE TOW COMPANY WOULD BE IN THE NEGATIVE AT \$51,752.00

AND THIS IS AT 900 VEHICLES AT \$200.00. AND THE GOVERNMENT WANTS US TO CHARGE \$65.00. IN THIA NEW REGULATION, THE REMAINING 300 VEHICLES ARE TO BE GIVEN TO THE GOVERNMENT WHICH IS ANOTHER LOSS FOR THE TOW COMPANIES.

WITHOUT THE POLICE CALLS, TOW COMPANIES DON'T NEED A FACILITY OR OFFICE SO IT MAY BE HARD TO GET ANY TOW COMPANY TO DO POLICE CALLS AT THESE REGULATED RATES. THERE WILL BE A LOT OF GUYS OUT OF WORK. THE NS GOVERNMENT SHOULD GET THEIR OWN TRUCKS AND I'LL BE THE FIRST ONE AT THEIR DOOR WITH MY RESUME.

SINCERELY YOURS,
 RONNIE SMITH
 R. SMITHS TOWING

Attachment 2
Letter from Insurance Bureau of Canada

Amanda Dean, BPR, MBA

Vice-President, Atlantic | Vice-présidente, Atlantique

1969 Upper Water St., Suite 1706, Purdy's Wharf, Tower II, Halifax, NS B3J 3R7
902-429-2730 ext. 225 | fax: 902-420-0157

April 13, 2021

CBRM Clerk's Department 320
Esplanade
Sydney, NS B1P 7B9

To Whom It May Concern:

Introduction

As the national industry association representing 90% of Canada's property and casualty insurers, Insurance Bureau of Canada (IBC) strongly supports the Cape Breton Regional Municipality's creation of a Towing bylaw to establish municipal regulation of the towing and storage industry. The insurance industry recognizes the value of the service provided by towing operators, and that sometimes, the time of day or situations in which tow truck operators find vehicles, warrants additional charge for additional challenges. However, the insurance industry is finding that the invoices it is receiving from its customers are beyond the scope of reasonable in many instances, and without explanation. This is troubling from a consumer perspective.

There is no alignment across the municipal boundaries nor is there provincial consumer protection legislation in Nova Scotia to address this growing problem. For this reason, IBC wants to congratulate CBRM for pioneering a by-law that puts in place regulations governing the towing industry. The measures your municipality is proposing should help to reduce these excessive costs and inevitably help control auto insurance premiums for drivers.

It should be noted that Nova Scotia is not alone in its experience with this issue. Currently, the void in regulation in other jurisdictions has allowed what is an essential component of transportation services to become the feeding ground for the unscrupulous. Increasingly, across, Canada, and the United States, the scene of a vehicle collision is no longer about helping individuals in need. It is about the cascading opportunities arising from that first tow; kick backs, referral fees, and secret payments that all work to inflate insurance claims. Tow truck operators that get that first tow gain control of the vehicle from the outset and they can then pass it through a chain of complicit vehicle storage yards, body shops, car rental agencies, medical rehabilitation providers, and legal professionals all positioned to profit from a driver's misfortune.

Here in Nova Scotia, it is not uncommon for drivers to find themselves with very expensive invoices with little to no explanation or detail for towing and storage fees. Following a collision, many owners of vehicles do not understand that they have the right to tell the towing company where to take the vehicle (if they are conscious and if the collision is not blocking traffic on a 100 series highway). With no standard rate for towing, or storage of such vehicles, the invoices that insurers receive through their customers vary greatly with some being extraordinarily exorbitant. IBC has spoken with the Department of Justice on this matter, as it is responsible for the *Liens Act*, which applies to services relating to towing and storing vehicles. IBC has also spoken with the Department of Service Nova Scotia and Internal Services as it has responsibility through the *Consumer Protection Act*. That Department had recently begun a review of the extent of the

problem, but one of the challenges for them is that they are not hearing from individuals who receive such invoices. That is due to the fact that in most circumstances, the invoices along with the complaints, are handed over to the drivers insurer.

Tow truck operators have no pre-existing contractual relationship with drivers or owners of damaged vehicles and they have no prescribed duty of good faith to operate in the best interests of the vehicle owner. The only party who has a contractual obligation to deal with repairs and tows is the vehicle's insurer. However, tow operators who arrive on the scene of the collision disrupt the insurer's ability to assist owners with the tow and repair of their vehicle. Once the vehicle is towed to a storage location, it is sometimes both a lengthy and expensive process to obtain the vehicle in order to conduct repairs and service, the insurer's ability to provide repairs and services under the contract to the customer becomes increasingly difficult, with customers caught up in a potentially dangerous and expensive journey of trying to regain control of their vehicle.

Given the unique contractual relationship between the insurer and the customer, and the obligations arising from it, IBC on behalf of its member companies recommends that CBRM consider the following improvements or amendments to its tow-truck licensing by-laws.

The following sections of the by-law are areas that our industry supports and applauds; in some cases a minor improvement may be needed.

- **Imposition of Conditions/Licence Revocation** (i.e. s.2(1)(c); s.9) – IBC supports the ability of the bylaw manager is to impose conditions on a tow operator licence, up to and including revocation/refusal to renew. While strong on paper, however, it is important to remember that a towing and storage regime is only as strong as it is enforced. Our experience in other jurisdictions, and the National Insurance Crime Bureau's experience in the United States, tells us that strong laws, regulations, and bylaws do not provide adequate consumer protection on their own. Proper enforcement is required.
- **Zones** (i.e. s.4; s.24(1); Schedule 2) – That the municipality intends on having tow-truck operators (towers) providing service in the area they are licenced in should, in theory, limit the fraudulent practices some operators conduct in order to increase their tow bill, such as unnecessarily bringing vehicles across the city rather than to the nearest repair facility.
- **Minimum Qualifications** (s.6) – Insurers would support the minimum experience requirement and an above G class licence, both from a consumer safety and an insurability perspective.
- **Disclosure of Interest/Kickbacks** (s.6(4)(d)) – IBC applauds the work of CBRM on instituting this consumer protection mechanism. Consumers are often in a vulnerable position following a collision, and requiring towers to disclose any potential connection they may have to a body shop/storage yard can help them identify whether the tower has their best interests – or merely profits – at heart.
- **Directors and Officers** (s.9(7)(b)) – Far too often have problematic providers been able to evade any form of lasting responsibility for their actions. When a sanction is imposed against them, these providers have been quick to close up shop and reopen under a new name and licence. As such, IBC supports that the CBRM has expanded its scope to include the owners of the corporation as well as the drivers themselves. This should make for lasting sanctions against those corporate officers who seek to evade their responsibility and further victimize the public and insurers.

Page 2 of 6

- **Authority for Agents** (s.22(10)) – This includes language that “a Hirer (or his/her agent)” can access the vehicle to recover property. In the context of the collision and repair process, insurers are consumers' most valuable agent. IBC supports the Council's decision to codify insurers' rights to inspect the vehicle.
- **Photographs/Anti-Fraud** (s.24(5)) – Insurers support the requirement that towers take at least 4 photographs of the vehicle, including capturing all visible damage. This helps to validate the

state of the vehicle at the time of the tow, and fight against fraud in the form of damage added to the vehicle after the fact. That said, this provision would be even stronger if insurers had access to the images for validation purposes. In Michigan's Garage Keeper's Lien Act, any damage incurred by the vehicle while in the custody of a tower/storer is presumed to be evidence of negligence for which the service provider is liable. Adding language to this effect would provide an even stronger incentive for these providers to treat consumers' vehicles with the utmost care.

- **Non-solicitation** (s.25(4)) – Insurers want to control which tow trucks arrive on scene to take their insureds' vehicles, and this provision can help prevent what we call "chasers" who rush to be first on scene to hook up vehicles. This could help reduce the risk of secondary collisions that occur as a result of nefarious operators racing to the scene, and thereby could contribute to overall road safety.
- **Rate schedules** (i.e. s.28; Schedule 3) – support the requirement of a rate scheduled that must be filed with a central authority and that can't be changed without 30 days written notice to the city.

The following sections of the CBRM by-law in the view of IBC require strengthening or seem unclear in intent.

- **Tow Truck Driver Definition** (s.2(a)) – the bylaw currently says that anyone who holds themselves out as being able to convey (i.e. tow) a vehicle is deemed a tow truck driver. How is that consistent with the other language about licencing (i.e. in s.3(2)) where "no one shall drive a tow truck unless they are licenced under this bylaw."? This definition may have been in place prior to the additional licencing provisions were included, in which case this should be amended to reflect the fact that only licenced tow drivers should/can hold themselves out as tow drivers.
- **Conditional Licence** (s.2(1)(g)) – It is unclear how the conditional licence provision fits in with the criminal background check provision (at s.6(3)(b)). Insurers in other jurisdictions – such as Ontario – want mandatory criminal records checks of tow operators as part of modern licencing regimes in the interest of limiting the moral hazard around who takes custody of insureds' vehicles. More clarity on the intent behind this provision would be beneficial.
- **Include a Consistent Cost Provision** (s.22) – IBC supports the requirements that the bylaw places upon tow drivers, including providing consumers with a copy of their approved rate schedule. However, what's missing is a "consistent cost" provision, similar to what is found in Ontario's Consumer Protection Act. This essentially prevents shops from charging more simply because they know the consumer is covered by insurance (language below). We believe a similar such provision should be included in the bylaw.
 - o "A tow and storage provider shall not charge an amount for tow and storage services that is greater than the amount usually charged by that provider for the same services

Page 3 of 6

merely because the cost is to be paid, directly or indirectly, by an insurer licensed under the Insurance Act or another third party."

- **Ban Blank Work Orders** (s.23(2)) – In general, IBC supports the restrictions found under this section, including the prohibition on drop fees. The section should also include a prohibition against having Hirers sign blank work orders. This is a good consumer protection measure that other jurisdictions, including Ontario, have instituted in recent years.

- **Environmental Cleanup Fee** (s.24(2)) – This section requires towers to do environmental clean up, which presumably would get billed back to insurers. As per the fee schedule in the bylaw, towers would be authorized to charge \$60 for “debris cleanup.” Though reasonable, it is not entirely clear that a tow operator would actually be required to complete these services. In Ontario, oftentimes the responding fire department conducts the cleanup. It is important to ensure that the bylaw is not authorizing towers to charge for a service they aren’t delivering. In IBC’s opinion, the language should be changed to include that towers “can charge for environmental cleanup, *if actually performed.*” Similar language exists in New Jersey’s state towing law.
- **Offences/Suspension** (s.30(1)) – While IBC agrees with Council’s approach to penalties for offences committed, greater clarity around what constitutes a separate ‘offence’ would be helpful. This reflects the fact that a mandatory licence suspension is meant to follow the third offence. As written, the following questions arise: How long is the suspension for? Can the three offences be concurrent, or does it have to be three separate instances?
- **Daily Storage Rate** (Schedule 3) – while the daily storage rate of \$30 may seem reasonable, IBC and its insurers would argue that they remain inappropriately high for Cape Breton. By contrast, 24 hours of storage costs \$15 in Montreal and \$23.18 in Vancouver. These rates are also above what is charged in New York City and Washington DC, and is comparable to what is charged in Chicago. These cities include some of the most expensive real estate in North America, which should be the most important variable when determining the reasonableness of a storage rate (*see attached chart*).

Conclusion

IBC congratulates Cape Breton Regional Municipality for its efforts to regulate the towing industry through the *Tow Truck Licensing By-law*. IBC and its member companies also believe that there is a Nova Scotia specific solution to this problem. As mentioned above, the Department of Justice has jurisdiction over the *Liens Act* in Nova Scotia, which has a mechanism through which fair value of service could be defined. This Act applies to services relating to towing and storing vehicles and enables a person to have a lien on the vehicle for providing such services. We would encourage CBRM to share its work on towing and storage with officials in the Department of Justice and press the Minister of Justice to apply the relevant sections of the *Liens Act*, as well as the Minister of Service Nova Scotian and Internal Services with respect to the *Consumer Protection Act*, to the towing industry to protect all Nova Scotia consumers.

Page 4 of 6

It is past the time to change the mechanisms that control the scene of a collision to ensure a safe, trouble-free and inexpensive post-collision experience for citizens in your regional municipality. Once again, IBC and insurers operating in Cape Breton and the province commend CBRM’s efforts to increase oversight in the towing industry. We offer our support and welcome the opportunity to further discuss our recommendations with the council and municipal staff. Please do not hesitate to be in touch with me or my team if we may be of assistance.

Sincerely,

Amanda Dean

CC: Paul Burt, Manager Building Planning & Licensing Laws, Cape Breton Regional Municipality
S/S Gil Boone, CBRM Police

Heyg Nazaryan, Manager of Consumer Protection, Service Nova Scotia and Internal Services,

Attachment: ***Storage Rates in major North American Cities***

Page 5 of 6

Atlantic

Storage Rates in Major North American Cities

The following table captures the daily vehicle storage rate charged in a subsection of major cities across North America.

City	Rate (CAD) ¹	Source
Los Angeles	\$56.55	http://www.opgla.com/rates.aspx
Chicago	\$32.50	https://codelibrary.amlegal.com/codes/chicago/latest/chicago_il/0-0-0-2488717#JD_9-92-080
New York City	\$26	https://www1.nyc.gov/site/nypd/services/vehicles-property/towed-vehicles.page
Washington, D.C.	\$26	https://dpw.dc.gov/service/booting-and-impoundment#:~:text=Retrieve%20Impounded%20Vehicle&text=f%20the%20vehicle%20is%20not,Fees%20must%20be%20paid%20online.
Vancouver	\$23.28	https://vancouver.ca/streets-transportation/impounded-vehicles-and-towing-fees.aspx
Montreal	\$15	https://saag.gouv.qc.ca/en/saag/rates-fines/fines-penalties/vehicle-towing-impoundment-fees/

¹ Note that all rates are expressed in Canadian Dollars for comparison purposes. A USD-CAD exchange rate of 1.3 was applied to all American rates in the table. Furthermore, the rate shown is limited to private passenger vehicles with a gross vehicle weight no greater than 3,000 kilograms.

Attachment 3
Comments from Roadside Responders Association of Nova Scotia

On Jan 24, 2021, at 10:22 AM, Roadside Responders Association of Nova Scotia <rra@hotmail.ca> wrote:

Good m morning Mayor McDougall,

I am the Executive Director for the Roadside Responders Association of Nova Scotia, an association representing the towing and storage industry in Nova Scotia. I was advised this week that the Municipality will be moving forward with a By-Law to regulate tow trucks working in CBRM and asked to forward the association's concerns that were earlier brought to the attention of Sgt Farrell and Mr. Kachafanas with no response.

Of particular concern are the unnecessary obstacles and discriminatory requirements the by-law establishes by requiring a person at least five years' driver experience after the completion of a full Class 4 license before they can be licensed to operate a tow truck.

Under this message is a copy of the email the association sent to Sgt. Farrell and Mr. Kachafanas. We ask that you and council review our concerns before moving forward to regulate the towing industry. We also like to ask council while the municipality relies on the towing industry to me the masters of roadway maintenance to enable the movement of the public, what measures will the municipality be taking to guarantee payment to tow truck operators for the removal of worthless unclaimed vehicles removed on behalf of the police department?

Thank you for your time and consideration.

Heather Llewellyn
Executive Director
The Roadside Responders
Association of Nova Scotia

From: Roadside Responders Association of Nova Scotia
Sent: October 18, 2020 4:38 PM
To: dkachafanas@cbrm.ns.ca <dkachafanas@cbrm.ns.ca>; Joe Farrell <Joe.Farrell@cbrps.ca>
Subject: Tow Truck By-Law

Good day Mr. Kachafanas,

Your name was given to me by Joseph Farrell, and we are writing you concerning the validity of the CBRM Tow Truck By-Law. The Roadside Responders Association (RRA) is an association representing tow truck operators working in Nova Scotia. Members of our association share similar frustrations with local tow operators as the CBRP.

The war between insurance companies and tow truck operators working in CBRM has greatly affected our members across Nova Scotia. For example, in recent months the insurance industry is refusing to insure tow trucks which has resulted in towing companies being forced into the Facility Association for insurance renewals. Last week a member received their insurance quote for 4 trucks. His rate went from \$17,000 to \$67,000.00. This company has been claim free for 12 years, is the only towing company within a 100kms of the local RCMP, and on Friday the owner had to advise the RCMP that staff are being let go and moving forward the company would only be able to service the police with one truck . Forcing towing companies into facility, while charging absorbent rates for insurance coverage is a tactic used by the insurance industry across the country to downsize industry and control rates, whether the fees for accident towing are \$100 or \$1500. This is not all about rogue tow truck operators; it also has to do with multi-billion-dollar corporations flexing muscle to protect bottom line profit margins and downsize industry to a controllable size. When the highways and roadways in this country come to a standstill because tow trucks are not available to clear obstruction from the roadways perhaps all levels of government will take this problem more seriously and consider the concerns of the small business operators before making regulatory decisions.

To be clear, the RRA does not support overcharging by the towing or insurance industry and it is unfortunate that government as to step up to the plate to force a group to act like professionals. To combat consumer concerns with the towing industry the RRA will be working with Service Nova Scotia and the association has requested the towing industry be provincially licensed and regulated for all matters related to statutory towing and storage services. This includes the services we provide to assist your municipality maintain the safety and maintenance of the roadways.

That being said, the RRA has concerns it would like municipal authorities to consider before putting this by-law in force. The bylaw is of considerable interest to tow truck operators across the province as it has the potential to spread to other communities. Our first concern is tow trucks are commercial vehicles federally classified as "General freight Carriers". Since deregulation of the trucking industry, the authority to regulate the activity of a commercial vehicle was handed down by the federal government to the provincial Motor Vehicle authorities. As we understand, deregulation limits the municipalities' ability to regulate commercial segments of the trucking industry unless the relevant provincial motor vehicle legislation specifically gives a municipality the authority to license and regulate commercial vehicles. We have been reassured by the Ministry that the province has not given a municipality the authority to license and regulate a tow truck otherwise known as a "Recovery Vehicle" under the Traffic Safety Act or Motor Vehicle Act. For the above reasons we believe any effort to regulate and license the towing industry under the Municipal Act, would be in conflict with federal and provincial Motor Vehicle Transport legislation.

The second issue is the bylaw attempts to regulate the activities of a tow truck by reclassifying a tow truck operator's General Freight Vehicle license to a Vehicle for Hire license. Again, we believe this to be in conflict with the Nova Scotia Motor Vehicle Act and the Traffic Safety Act. We were advised by the Ministry that the **purpose** of passing Class 4 license requirements was for the department to replace the "taxicab" definition with a vehicle for hire definition to reflect the emergence of ride share companies for Class 5 vehicles transporting passengers and goods. The RRA is of the understanding that a Class 4

License is only to be imposed on a Class 5 passenger vehicle, and not a commercial vehicle classified under federal and provincial legislation as a general freight vehicle. On another note, tow trucks do not charge fees to transport passengers and/or goods. The industry charges to transport a vehicle (general freight) from point A to point B and in doing so is subject to all provincial commercial vehicle compliance rules.

We believe CBRM understanding of Municipal Towing By-Laws may come from the province of Ontario. The issue with following Ontario's lead, is tow trucks have historically been exempt from being classified as a commercial vehicle because of the urgent need to clear the busiest highways in North America. Ontario is currently working to correct this classification as they work on "Quick Clearance" incident management legislation including provincial licensing, regulations and mandatory training requirements for the towing and storage industry.

The RRA's has several other concerns that fall within the scope of the Vehicle for Hire clauses of this by-law; however, we feel these sections would be null and void considering the above submissions. The RRA believes the CBRM would be better served by implementing a tender process for towing and storage services and holding contractors to the contracted pricing until such time a regulatory process can be finalized with the province.

We would like to thank you for your time and consideration and welcome any comments towards the RRA's submission.

Thank you
Heather Llewellyn
Executive Director
The Roadside Responders Association
Of Nova Scotia

Attachment 4
Jurisdictional Scan of Towing licencing and inspection Fees and Fares to be charged for
Collision Towing

Towing Rates, Fees, Licensing, and Inspection

Table 1: Towing Rates and Fees

	Towing Fee	Release (Unhooking) Fee	Storage Fee
<p>City of Vancouver, British Columbia</p> <p>Regulated under <i>City of Vancouver Vehicles for Hire By-Law No. 6066</i></p> <p>Note: Towing rates listed are for private impounded vehicles.</p>	<p>Vehicle with a gross weight of 3,000 kg or less:</p> <ul style="list-style-type: none"> • Regular tow: \$77.46 • Plus, for a towing distance 6 km - 16 km: \$2.64/km • Plus, for a towing distance 16 km - 32 km: \$2.23/km • Plus, for a towing distance 32 km +: \$1.93/km • Plus fuel surcharge of 13.5% on the above rates • Plus, for a tow that requires a dolly: \$25.00 • Plus, for a tow in a multi-level parkade: \$10.00 <p>Vehicle with a gross weight of 3,000 kg - 6,300 kg:</p> <ul style="list-style-type: none"> • Regular tow: \$81.80 • Plus, for a towing distance 6 km - 16 km: \$3.05/km • Plus, for a towing distance 16 km - 32 km: \$2.79/km 	<p>Vehicle with a gross vehicle weight of 3,000 kg or less:</p> <ul style="list-style-type: none"> • Regular tow: \$38.73 • Plus fuel surcharge of 13.5% on the above rate • Tow with dolly: \$56.46 • Tow in multi-level parkade: \$48.96 • Tow with dolly in multi-level parkade: \$61.46 <p>Vehicle with a gross vehicle weight of 3,000 kg - 6,300 kg:</p> <ul style="list-style-type: none"> • Regular tow: \$40.90 • Plus fuel surcharge of 13.5% on the above rates • Tow with dolly: \$58.92 • Tow in multi-level parkade: \$51.42 • Tow with dolly in multi- 	<p>The daily fee for storage of a vehicle at a storage facility before it is released to its owner:</p> <ul style="list-style-type: none"> • Length of vehicle up to 20' (6.1m): \$23.28 • Length of vehicle 20' (6.1m) - 35' (10.7m): \$46.56 • Length of vehicle 35' (10.7m) +: \$69.84 • Motorcycles: \$11.64

	<ul style="list-style-type: none"> • Plus, for a towing distance 32 km +: \$2.28/km • Plus fuel surcharge of 13.5% on the above rates • Plus, for a tow that requires a dolly: \$25.00 • Plus, for a tow in a multi-level parkade: \$10.00 <p>Vehicle with a gross vehicle weight of 6,300 kg - 9,072 kg:</p> <ul style="list-style-type: none"> • Regular tow: \$129.67 • Plus, for a towing distance greater 6 km - 16 km: \$3.72/km • Plus, for a towing distance 16 km - 32 km: \$3.15/km • Plus, for a towing distance 32 km +: \$2.53/km • Plus fuel surcharge of 13.5% on the above rates <p>Vehicle with a gross vehicle weight 9,072 kg +:</p> <ul style="list-style-type: none"> • Regular tow: \$172.47 • Plus, for a towing distance 6 km - 16 km: \$7.83/km • Plus, for a towing distance 16 km - 32 km: \$6.71/km • Plus, for a towing distance 32 km +: \$4.82/km 	<p>level parkade: \$63.92</p> <p>Vehicle with a gross vehicle weight of 6,300 kg - 9,072 kg:</p> <ul style="list-style-type: none"> • Regular tow: \$64.84 • Plus fuel surcharge of 13.5% on the above rate <p>Vehicle with a gross vehicle weight 9,072 kg +:</p> <ul style="list-style-type: none"> • Regular tow: \$86.23 • Plus fuel surcharge of 13.5% on the above rate 	
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	<ul style="list-style-type: none"> • Plus fuel surcharge of 13.5% on the above rates 		
<p>Town of Oakville, Ontario</p> <p><i>Regulated under The Corporation of the Town of Oakville By-Law Number 2019-060.</i></p>	<p>Every applicant for a tow truck owner’s license shall provide the following documentation to the Licensing Commissioner: a statement of the rates to be charged for each of his or her towing services in a form satisfactory to the Licensing Commissioner.</p> <p>For private impounded vehicles:</p> <ul style="list-style-type: none"> • Maximum towing charge for motor vehicles under 4,500 kg and having no more than four (4) single wheels towed from a private parking lot: \$150/motor vehicle 	<p>For private impounded vehicles:</p> <ul style="list-style-type: none"> • Lifting charge: \$75.00/motor vehicle 	<p>For private impounded vehicles:</p> <ul style="list-style-type: none"> • Outside storage: \$70.00/24 hour period • Inside storage: \$100.00/24 hour period
<p>City of Montreal, Quebec</p> <p>Regulated by Société de l'assurance automobile du Québec</p> <p>Note: Towing rates listed are for private impounded vehicles.</p>	<p>Vehicles 3000 kg and under (including motorcycles, mopeds and motorized scooters):</p> <ul style="list-style-type: none"> • Towing fee (basic rate for the first 10 km from the place of seizure): \$77.12 • Fees for each additional km: \$2.56 <p>Vehicles 3000 kg – 8000 kg:</p> <ul style="list-style-type: none"> • Towing fee (basic rate for the first 30 minutes): \$119.27 		<p>Vehicles 3000 kg and under (including motorcycles, mopeds and motorized scooters): \$15.00/day</p> <p>Vehicles 3000 kg – 8000 kg: \$25.00/day</p> <p>Vehicles 8000 kg +: \$35.00/day</p>

	<ul style="list-style-type: none"> • Additional fees (if applicable, for each additional 30 minutes from the place of seizure): \$56.56 <p>Vehicles 8000 kg +:</p> <ul style="list-style-type: none"> • Towing fee (basic rate for the first 30 minutes): \$179.95 • Additional fees (if applicable, for each additional 30 minutes from the place of seizure): \$87.40 <p>Fees in exclusive towing areas for vehicles 3000 kg and under (including motorcycles, mopeds and motorized scooters):</p> <ul style="list-style-type: none"> • Towing fee (basic rate for the first 10 km from the place of seizure): \$105.00 • Fees for each additional km: \$2.50 <p>Fees in exclusive towing areas for vehicles 3000 kg – 8000 kg:</p> <ul style="list-style-type: none"> • Towing fee (basic rate for first 30 minutes): \$146.00 • Additional fees (if applicable, for each additional 30 minutes from the place of seizure): \$56.56 		
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	<p>Fees in exclusive towing areas for vehicles 8000 kg +:</p> <ul style="list-style-type: none"> • Towing fee (basic rate for first 30 minutes): \$205.00 • Additional fees (if applicable, for each additional 30 minutes from the place of seizure): \$87.40 		
<p>Mississauga, Ontario</p> <p>Regulated under <i>The Corporation of the City of Mississauga Tow-Truck Licensing By-Law 0521-2004</i>.</p>	<p>Every licensed owner shall file with the License 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 them or their driver for towing services other than collision towing.</p> <p>Collision Towing:</p> <ul style="list-style-type: none"> • Vehicle not exceeding 2721 kg: no more than \$3.10/km • Tow vehicle to a point beyond the municipal boundary of the city: no more than \$3.10/km for the portion of the conveyance from the municipal boundary to the point requested by the hirer beyond the municipal boundary. • Tow operator may charge a flat-rate fee up to a 		

	<p>maximum of \$300.00 when towing a vehicle not exceeding 2721 kg from a collision scene.</p> <ul style="list-style-type: none"> • Tow operator may charge a flat-rate fee up to a maximum of \$400.00 when towing a vehicle not exceeding 2721 kg from a collision scene to a collision reporting centre (at the direction of Peel Regional Police or other police service in Ontario). • Tow operator who has towed vehicle not exceeding 2721 kg from a collision scene to a vehicle pound facility at the direction of the hirer, shall only charge or cause to be charged a maximum of \$103.00 for a re-tow from the vehicle pound facility to any salvage yard, body shop, storage yard or any other public garage, building or place when directed by the hirer, including when towing outside of the Municipal Boundary. 		
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<p>Markham, Ontario</p> <p>Regulated under <i>By-Law 2012-92: A By-Law to Provide for the Licensing and Regulation of Owners, Operators, Drivers and Brokers of Mobile Businesses in the City of Markham.</i></p>	<p>Every owner of a tow truck shall file with the City a schedule of rates to be charged to customers for all services including the towing of, conveyances of, and other services to, vehicles within the City by every tow truck owned by such owner.</p> <p>The schedule of rates filed with the City shall be based solely on one or more of the following factors or items, or a combination of them:</p> <ul style="list-style-type: none"> • time required to reach scene after hiring • time required to perform services • stand-by time • distance to travel to reach scene after hiring • distance vehicle is towed or conveyed • changing more than one (1) wheel • disconnecting drive shaft • up-righting of an overturned vehicle • moving vehicle to towing position • opening locked vehicles without keys • winching • provision and use of dolly or flatbed • other specified services. 		

	<p>Where rates vary according to time of day or geographical zones, the basis for such variances shall be clearly set out in the schedule of rates filed with the City.</p>		
<p>City of Brampton, Ontario</p> <p>Regulated under <i>The Corporation of the City of Brampton By-Law No. 187-2014: A By-law to amend Mobile Licensing By-law 67-2014, Licensing By-law 1-2002, and Business Licensing By-law 332-2013, regarding the licensing of Refreshment Vehicles and Tow Trucks.</i></p>	<p>Every tow truck owner shall file with the License Issuer a schedule of rates to be charged by the towing company for each of its services.</p> <p>With the exception of collision towing, the following factors may be used in determining a schedule of rates for towing:</p> <ul style="list-style-type: none"> • time and distance required to reach the location after being hired • time required to perform services • standby time after being hired • time and distance the vehicle is towed or conveyed • weight and size of the vehicle towed or conveyed • changing more than one wheel • disconnecting driveshaft • moving vehicle to towing position • opening locked vehicle without keys • provision and use of dolly 		

	<ul style="list-style-type: none"> • other specified services <p>Collision Towing:</p> <ul style="list-style-type: none"> • Tow operator may charge a flat-rate fee up to a maximum of \$250.00 when towing a vehicle not exceeding 2725 kg from a collision scene. • Despite above, where the tow is to conclude outside the boundaries of the City of Brampton, at the request of the hirer, tow operator may charge a rate of \$3.25/km from the point where the tow begins to its conclusion except where the tow is to conclude at the tow operator's vehicle storage facility located outside the Municipal Boundary. 		
<p>City of Toronto, Ontario</p> <p><i>Toronto Municipal Code Chapter 545, Licensing</i></p>	<p>Every owner shall file with the Municipal Licensing and Standards Division a schedule of maximum rates to be charged to all hirers of a tow truck for the towing of vehicles and other services performed by any person in relation to such tow truck.</p>		<p>For private impounded vehicles through Toronto Police Service contract storage:</p> <ul style="list-style-type: none"> • District 1: \$70.00 standard, \$80.00 medium • District 2: \$30.00

	<p>The schedule of maximum rates filed shall specify only maximum rates that are based solely on one or more of the following factors:</p> <ul style="list-style-type: none"> • time required to reach scene after hiring • time required to perform services • stand-by time • distance to travel to reach scene after hiring • distance vehicle is towed or conveyed • changing more than one wheel • disconnecting drive shaft • moving vehicle to towing position • opening locked vehicles without keys • provision and use of dolly • other specified services, but not including recovery services. <p>Where maximum rates vary according to time of day or geographical zones, the basis for such variance shall be clearly set out in the schedule of maximum rates.</p> <p>Where a combination of different factors or items may determine the maximum rate to be charged, the exact formula</p>		<p>standard, \$40.00 medium</p> <ul style="list-style-type: none"> • District 3: \$60.00 standard, \$25.00 medium • District 4: \$80.00 standard, \$80.00 medium • District 5: \$16.00 standard, \$16.00 medium <p>For collision reporting centres through Toronto Police Service contracts: First 24 hours free, \$40.00/day afterwards</p>
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	<p>for determining the rate shall be set out in the schedule of maximum rates.</p> <p>For private impounded vehicles through Toronto Police Service contract towing: Standard tow fees apply to all police authorized impounds of vehicles with a gross vehicle weight of less than 2722 kg, and medium tow fees apply to all vehicles with a gross vehicle weight of 2723 kg - 5987 kg, located within the road allowance or where the tow truck can be driven to the vehicle to be towed. The use of dollies is included in the standard & medium tow rates. Winching and off-road recovery costs are permitted to be charged in addition to the flat rate when applicable.</p> <ul style="list-style-type: none"> • District 1: \$180.00 standard, \$205.00 medium • District 2: \$110.00 standard, \$120.00 medium • District 3: \$189.90 standard, \$260.00 medium • District 4: \$165.00 standard, \$190.00 medium • District 5: \$142.00 standard, \$159.00 medium 		
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	For collision reporting centres through Toronto Police Service contracts: Flat rate of \$250.00 standard, \$285.00 medium		
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Table 2: Licensing and Other Fees

Municipality	Fees
<i>City of Vancouver Vehicles for Hire By- Law No. 6066</i>	<p>License fees: \$192.00/year/vehicle</p> <p>Transfer of license: \$155.00</p> <p>Replacement plate: \$38.00</p> <p>Note: If a person commences owning or operating a vehicle for hire after January 1 in any calendar year, the license fee is to be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of whole or partial months remaining in that calendar year except that: (a) annual license fees that are less than \$80.00 will not be pro-rated; and (b) the minimum license fee for any vehicle for hire shall be the lesser of \$80.00 or the full amount of the annual license for that vehicle for hire.</p>
<i>Town of Oakville By- Law Number 2019-060</i>	<p>Tow truck owner: \$351.00/truck</p> <p>Heavy tow truck owner: \$268.00/truck</p> <p>Inspection: \$260.00</p> <p>Failure to appear to inspection: \$219.00</p> <p>Owner plate sticker replacement: \$50.00</p> <p>Driver/vehicle list adjustment: \$50.00</p>
<i>City of Montreal By- Law 03-098 By-Law</i>	<p>Driver's permit for 24 months: \$160.00</p> <p>Driver's permit for less than 12 months before the expiry of the driver's permit: \$80.00</p> <p>Examination for a driver's permit: \$100.00</p>

	<p>Authorization to retake any examination: \$50.00</p> <p>Issue a copy of a driver's permit or a learner's permit: \$20.00</p> <p>Issue a driver's permit after the suspension of a driver's permit: \$25.00</p> <p>Issue a learner's permit: \$40.00</p> <p>Open and review an operating permit file: \$200.00</p> <p>Issue an operating permit: \$240.00</p> <p>Issue and renew a sticker: \$170.00</p> <p>Issue a copy of a sticker: \$20.00</p> <p>Renew an operating permit for 12 months ending May 31 of every year: \$240.00</p> <p>Note: Where the fees are paid after May 31 in the year, they are increased by \$75.00.</p>
<p><i>The Corporation of the City of Mississauga Tow-Truck Licensing By-Law 0521-2004</i></p>	<p>Tow truck driver's license: \$142.00 (\$138.00 for renewal)</p> <p>Tow truck owner's license: \$460.00</p> <p>Appeal hearing fee: \$369.00</p> <p>Driver's photo identification card replacement: \$12.00</p> <p>Photographs: \$22.00</p> <p>Replacement fee for loss of driver's or owner's license: \$12.00</p> <p>Replacement fee for lost owner's license sticker: \$6.00</p> <p>Replacement fee for lost owner's license renewal sticker: \$3.00</p> <p>Re-Training course: \$154.00</p> <p>Search of Ontario Driving Record: \$12.00</p> <p>Training course: \$388.00</p>

	Training course exam (each attempt): \$72.00
<i>Markham, Ontario By-Law 2012-137 Licensing, Permit and Service Fees</i>	<p>Tow truck owner license: \$530.00 Late fee: \$50.00</p> <p>Tow truck broker license: \$530.00 Late fee: \$50.00</p> <p>Tow truck driver license: \$265.00 Late fee: \$25.00</p> <p>Replacement plate and sticker: \$25.00</p> <p>Tow compound license fee: \$265.00 Late fee: \$50.00</p> <p>Administrative change fee: \$50.00</p> <p>No show/cancellation fee: \$50.00</p> <p>Reinspection fee: \$25.00</p>
<i>The Corporation of the City of Brampton By-Law No. 187-2014: A By-law to amend Mobile Licensing By-law 67-2014, Licensing By-law 1-2002, and Business Licensing By-law 332-2013, regarding the licensing of Refreshment Vehicles and Tow Trucks</i>	<p>Tow truck owner license: \$320.00</p> <p>Tow truck driver license: \$87.00/year, \$174.00/2 years</p> <p>Replacement of driver or owner license: \$30.00</p> <p>Closed application fee: \$50.00</p> <p>Late renewal: \$50.00</p> <p>Replacement of plate: \$58.00</p> <p>Vehicle inspection fee: \$113.00</p>
City of Toronto, Ontario	<p>Tow truck owner license: \$1222.90/year Renewal fee: \$813.44/year</p> <p>Tow truck driver license: \$412.19/year Renewal fee: \$305.03/year</p>

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 172(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 **licensinglicencing** under this 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 CBRPS Police Chief and/or their designates who will be the Manager responsible for the administration and enforcement of this bylaw;

"*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;

"*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 409;
- (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 46 of this by-law and is awaiting decision from the Parole Board of Canada for a record suspension in accordance with Subsection 46(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 II. 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~~(i) completes the requirements of a full Nova Scotia Class 45 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 6(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 45 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.

(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 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 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 their delegates.

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

(a) an application for a licence or 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.

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- (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, **suspend**, 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 Section 9(7)(b)** 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

(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 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 licencee, and cannot be transferred.

(3) Where a Licence has been revoked, the licencee 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 licencee 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 ~~licensing~~licencing purposes only.

(2) Section ~~21.17~~(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.(4)~~ 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 unrenewable, cancelled or suspended, the holder of the Licence shall return the Licence to the ~~Licensing~~Manager 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 32 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 ~~for the general mileage rates~~ ~~second tow~~ as ~~per the rates~~ set out in Schedule 32 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;
- (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;
- (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 **32** 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

(a) a high visibility safety vest that meets CSA Standard Z96-15 "High-Visibility Safety Apparel";

(b) Safety boots that meet CSA Standard Z195-14 (R2019) "Protective Footwear" with CSA green triangle rating;

(c) High visibility pants that meet CSA Standard Z-96-15 "High Visibility Safety Apparel"; 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 subsection (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 subsection (1) or where there are fewer Tow Trucks at the Collision location than Vehicles apparently requiring the services of a Tow Truck;

(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 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);

(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 2;

- (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 32 flat rate, the applicable schedule of rates filed with the Manager in accordance with section 35 Schedule 2 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: 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 **Section 35 Schedule 2** 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 **32** 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.

(5) Notwithstanding the other provisions of this Section, the Collision Tow Rates as set out in Schedule 2 to the By-law shall be the rate charged for Vehicles being towed from the Collision Scene.

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:

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

or

(b) 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.

31. 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.

32. ~~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.

33. INTERPRETATION

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

34. ~~33~~ SHORT TITLE

This By-law may be known as the Tow Truck ~~Licensing~~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 II - ZONES

Zone # 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 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.

Schedule 1- Licencing and Other Fees

Tow truck driver's license: \$142.00 (Annual Fee)

Tow truck owner's license: \$460.00 (Annual Fee)

Appeal hearing fee: \$100.00

Replacement fee for loss of driver's or owner's license: \$25.00

Re-Inspection Fee: \$100.00 (per inspection after first failed inspection)

SCHEDULE -2 - 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	\$105.30125.00	\$142.90150.00	\$230.38250.00	263.84\$300
Mileage over 5k	\$2.503.00 per km	\$2.653.00 per km	\$4.73 per km	\$5.00 per km
Winching	\$104.70150.00 per hour	157.65 per hour	\$250 per hour	\$260.39 per hour
Dollies	\$40.25	\$40.25	Nil	Nil
Flatbed Fee	\$50.00	\$5060.00	\$5070.00	\$5080.00
Daily Storage rate	\$30.00	\$30.00	\$45.00	\$45.00
Administration fee	\$3550.00	\$3550.00	\$3550.00	\$3550.00
Disposal Fee	\$123.64150.00	\$123.64150.00	\$440.00	\$440.00

Motor Vehicle collisions	Light Duty under 3000kg	Medium Duty 3000-6300kg	Heavy Duty 6300kg -9072	Heavy Duty 9073kg
Towing Single unit within 5k	\$254.17300.00	270.25\$300.00	\$278.75300.00	\$293.34400.00
Mileage over 5km	\$2.613.00 per km	\$2.753.00 per km	\$5.00 per km	\$5.23 per km
Winching per 30min	\$148.24150.00	\$176.25	\$189.07	\$189.07
Debris clean up	\$60	\$60	\$60	\$60
Dollies	\$3040.25	\$3040.25	\$3040.25	\$3040.25
Flatbed	\$50.00	\$5060.00	\$5070.00	\$5080.00
Storage per calendar day	\$30.00	\$30.00	\$45.00	\$45.00
Administration fee	\$36.6750.00	\$36.6750.00	\$36.6750.00	\$36.6750.00
Disposal fee	\$120150.00	\$120150.00	\$120440.00	\$120440.00

Parking Area Request – CBRM Parking Meter Bylaw T-5

Motion:

Moved by Councillor Paruch, seconded by Councillor Eldon MacDonald, to proceed with option 3 as outlined in the staff report dated May 7, 2021 which is to amend CBRM's Parking Meter Bylaw to create a process for the Designation of On-Street Parking Spaces for Property Owners.

Discussion:

During discussion, some of the issues raised included:

- Parking Fees
- Loading Zones
- Responsibilities of permit holder if space becomes occupied by the public
- Areas that would be subject to the proposed amendment
- Parking and patios on Charlotte Street, Sydney
- Signage

Motion Carried.



TO: CBRM Council **DATE:** June 07, 2021

FROM: Director, Planning and Development

RE: Parking Area Request – CBRM Parking Meter Bylaw T-5

BACKGROUND

Breton Brewing is currently evaluating options for a potential location in downtown Sydney. The applicant has indicated that due to the nature of their business and lack of dedicated parking spaces, they would require dedicated on-street parking spaces from 8-11am (Monday-Friday) in front of the building for the purpose of loading and unloading. The by-products from the production of beer require removal daily to avoid pests and potential odour.

At the Council meeting on May 18th, 2021 a motion was passed by council directing staff to amend CBRM's Parking Meter Bylaw for the designation of parking spaces or property owners.

DISCUSSION

With the number of existing buildings located within CBRM's downtown cores, it may be reasonable to consider a mechanism to provide limited spaces for the purpose of accommodating operational challenges. This would practically need to be balanced against public/customer parking requirements during business hours which are posted on CBRM's downtown parking meters currently (8am-6pm).

The bylaw amendment drafted by staff (Appendix A), to the Parking Meter Bylaw T-5, creates a process to designate specific parking spaces for property owners. It prescribes:

- A fee for space(s) - CBRM charges \$220/month, prorated, for the designation of parking spaces associated with a specific property.
- Criteria for eligible properties – Properties which house a manufacturing use which require daily access to the building for the purpose of loading/unloading of goods.
- Limits for time designated – Spaces are to be designated for specific hours of weekdays, no more than three hours daily.

The proposed amendment was discussed with the Sydney Downtown Development Association. The Association wishes to have a larger conversation about parking and loading within the Sydney Downtown at a future date.

RECOMMENDATION

That Council give first reading and proceed to give notice of an upcoming public hearing of the proposed amendment.

Respectfully submitted by:

Original Signed By

Michael Ruus
Director, Planning and Development

AMENDING BYLAW

By-law

of the Cape Breton Regional Municipality

amending the

Cape Breton Regional Municipality's Parking Meter Bylaw T-5

Pursuant to Section 168 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Vendor's Bylaw in the following manner:

THAT: Council amends the Section 2A. Definition of the Parking Meter Bylaw T-5 by deleting 'parking pass' and replacing it with the following:

"parking permit" means a card authorized and approved for daily, weekly, monthly and yearly parking by the bylaw enforcement division and displayed on the vehicle while in effect;

THAT: Council amends the Parking Meter Bylaw T-5 by deleting Section 8 When in Effect and replacing it with the following:

Each parking meter shall bear thereon directions indicating the days and hours when the requirement to deposit coins or use a parking permit therein shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking space to which such meter relates.

THAT: Council amends the Parking Meter Bylaw T-5 by adding the following:

Section 19 Designated Parking Spaces for a Manufacturing Use

- (1) An authorized officer may designate a parking space or spaces for the use of the owner of a manufacturing use for the purpose of loading/unloading of goods subject to the following conditions:
a. This designation shall be for specific hours and days of the week and shall not be assigned for longer than a three hour period daily.
b. Payment shall be prorated in compliance with the monthly rate of \$220.
c. Payment must be submitted annually.
(2) Upon approval of a designated space(s), the authorized officer will ensure the necessary signage is posted and states the days and times when the designation is in effect.
(3) The enforcement of unauthorized vehicles occupying any designated space during an approved period shall be the sole responsibility of the owner of the manufacturing use.

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

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 _____ to amend the Cape Breton Regional Municipality's Parking Meter Bylaw T-5 by.

Deborah Campbell Ryan, CLERK

