

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MAY 14, 2024

6:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Council Meeting

Tuesday, May 14, 2024

6:00 p.m.

AGENDA ITEMS

Land Acknowledgement

6:00 p.m.

Roll Call

O' Canada

1. APPROVAL OF AGENDA: (Motion Required)

6:05 p.m.

2. APPROVAL OF MINUTES: (Previously circulated)

- Special Council Minutes – March 31, 2021
- Emergency Council Minutes – March 10, 2023

3. PROCLAMATIONS & RESOLUTIONS:

6:10 p.m.

3.1 National Police Week:

Councillor Lorne Green (See page 5)

3.2 Moose Hide Campaign Day:

Councillor Darren O'Quinn (See page 6)

3.3 World Inflammatory Bowel Disease (IBD) Day:

Councillor Glenn Paruch (See page 7)

3.4 Victorian Order of Nurses (VON) Week:

Deputy Mayor James Edwards (See page 8)

3.5 Access Awareness Week:

Councillor Steve Gillespie (See page 9)

3.6 Menstrual Health Day:

Councillor Earlene MacMullin (See page 11)

Continued...

**Council Meeting Agenda
May 14, 2024 (Cont'd)**

4. BY-LAWS & MOTIONS: 6:20 p.m.

4.1 Second / Final Reading – Public Hearing:

- i) CBRM Licensing By-law for Shared Dwellings and Licence Fee Policy: Peter Vandermeulen, Planner (See page 12)**
- ii) Request from Tomorrow’s Legends – Centennial/Bi-Centennial Complex - Portion of PIDs 15092554, 15092570, and 15538077: Kirk Durning, Director of Parks, Recreation, Buildings and Facilities(See page 29)**

4.2 First Reading: N/A

5. PRESENTATIONS: 7:00 p.m.

- 5.1 ABO Energy – Community Solar Opportunity: Johnathan Gravel, P. Eng/Senior Project Manager; and Hannah Matheson, P. Eng/Project Developer (See page 34)**

6. CORPORATE SERVICES ISSUES: 7:30 p.m.

- 6.1 Request for Easement – NSPI Commercial Street, North Sydney (District 2) PID 15638919: Sheila Kolanko, Property Manager (See page 40)**

7. COMMITTEE REPORTS: 7:50 p.m.

- 7.1 Fire & Emergency Services Committee: Deputy Mayor James Edwards (See page 44)**

**8. REVIEW OF ACTION ITEMS FROM THIS MEETING: 8:10 p.m.
Mayor Amanda M. McDougall-Merrill**

Continued...

**Council Meeting Agenda
May 14, 2024 (Cont'd)**

9. IN CAMERA:

8:15 p.m.

9.1 Property Contract: Marie Walsh, Chief Administrative Officer

9.2 Tower Road Volunteer Fire Department: Demetri Kachafanas, KC, Regional Solicitor

To be circulated prior to meeting.

In accordance with Section 22(2)(e) and 22(2)(g) of the *Municipal Government Act*.

ADJOURNMENT



PROCLAMATION

National Police Week

- WHEREAS:** National Police Week began in 1970 as a way for police to connect with their communities and to increase awareness about the services they provide; and
- WHEREAS:** Police agencies across the country, through the Canadian Association of Chiefs of Police, unite annually in a campaign to raise awareness and understanding between police and the communities they serve; and,
- WHEREAS:** The theme this year – “Committed to Serve Together” – acknowledges the partnerships and collaboration that form the cornerstone of effective crime prevention and public safety initiatives; and,
- WHEREAS:** The Cape Breton Regional Police is committed to serve and protect the CBRM, as a full-service agency with the resources and skills to ensure public safety, and to build safe and healthy communities through leadership, partnership and engagement: Serving With You – For you.
- BE IT THEREFORE
RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 12-18, 2024, as National Police Week in the Cape Breton Regional Municipality.

Councillor Lorne Green - CBRM District #12

May 14th, 2024



PROCLAMATION

Moose Hide Campaign Day

- WHEREAS:** The Moose Hide Campaign is an indigenous-led grassroots movement of men, boys and all Canadians standing up to end violence against women and children; and
- WHEREAS:** Half of all women in Canada have experienced at least one incident of violence since the age of 16 and this reality is worse for Indigenous women; and
- WHEREAS:** The campaign is grounded in Indigenous ceremony and traditional ways of learning and healing; and
- WHEREAS:** A cornerstone of the Moose Hide Campaign is the moose hide pin. Wearing the pin signifies your commitment to honour, respect, and protect the women and children in your life and speak out against gender-based domestic violence.
- BE IT THEREFORE
RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 16, 2024, as Moose Hide Campaign Day in the Cape Breton Regional Municipality.

Councillor Darren O'Quinn - CBRM District #11

May 14th, 2024



PROCLAMATION

World Inflammatory Bowel Disease (IBD) Day

- WHEREAS:** Crohn's and Colitis Canada, is a national, volunteer-based charity supporting the 322,600 Canadians living with Crohn's disease and/or Ulcerative Colitis; and
- WHEREAS:** Approximately 11,000 people were diagnosed in 2023 (1 every 48 minutes) and estimated to rise to 14,000 by 2035 (1 every 38 minutes); and
- WHEREAS:** People living with IBD routinely endure abdominal pain, cramping, fatigue, internal bleeding, and frequent and urgent bowel movements – in some cases over 20 times a day; and
- WHEREAS:** Sydney has a supportive Crohn's and Colitis community, made up of people with inflammatory bowel disease, families, volunteers, and more. Together they share experiences, raise funds at the Gutsy Walk and heighten awareness.
- BE IT THEREFORE RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 19th, 2024 as “**Inflammatory Bowel Disease (IBD) Day**” in the Cape Breton Regional Municipality.

Councillor Glenn Paruch - CBRM District #6

May 14th, 2024



PROCLAMATION

Victorian Order of Nurses (VON) Week

- WHEREAS:** The Victorian Order of Nurses for Canada is a charitable community-based health care organization that has addressed community health and social needs for over 125 years; and
- WHEREAS:** Every day, volunteers from all walks of life work with VON staff to help make Canadian communities healthier; and
- WHEREAS:** VON's home nursing, health promotion and support services make an invaluable contribution to the Health Care System in Nova Scotia; and
- WHEREAS:** The Cape Breton VON Branch has provided immeasurable support for individuals and families throughout the Island, providing compassion and care to those in need; and
- WHEREAS:** The theme this year is "Connected with Purpose" which celebrates VON's long history and bright future of leading home and community care in Canada's health care system, and the outstanding VON employees and volunteers who contribute to life-changing moments every day.
- BE IT THEREFORE
RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 19-25, 2024, as VON week in the Cape Breton Regional Municipality.

Deputy Mayor James Edwards - CBRM District #8

May 14th, 2024



PROCLAMATION

Access Awareness Week

- WHEREAS:** The week of May 26th to June 1st, 2024, is recognized as Access Awareness week; and
- WHEREAS:** Access Awareness Week aims to celebrate achievements made both by and for persons with disabilities in the areas of accessibility, transportation, housing, employment, recreation, education, and communication; and
- WHEREAS:** This is the 38th year that this public awareness initiative has taken place in Nova Scotia; and
- WHEREAS:** The theme for 2024 Access Awareness Week is “Communities for All: Taking Action on Access Awareness; and
- WHEREAS:** Accessibility barriers are many and interconnected, removing, and preventing them is challenging and complex; and
- WHEREAS:** The foundation of *Nova Scotia’s Accessibility Act* is to provide, support, and protect the rights of persons with disabilities to full inclusion and accessibility by the identification, prevention, and removal of accessibility barriers; and
- WHEREAS:** Access Awareness Week promotes the inclusion of all Nova Scotians with disabilities as full citizens within our communities and through public awareness, community partnerships and education, this campaign aims to foster an environment of equal participation for persons with disabilities within the Cape Breton Regional Municipality.

**BE IT THEREFORE
RESOLVED:**

That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 26th to June 1st, 2024, as “Access Awareness Week” in the Cape Breton Regional Municipality.

Councillor Steve Gillespie - CBRM District #4

May 14th, 2024



PROCLAMATION

Menstrual Health Day

- WHEREAS:** The Period Purse is a registered charity that launched in Toronto in 2017. The Period Purse strives to achieve menstrual equity by providing people who menstruate access to free menstrual products and to reduce the negative stigma associated with periods through education and advocacy; and
- WHEREAS:** Initiated by German non-profit WASH United in 2014, Menstrual Hygiene Day (MH Day) is a Global Day of Action with more than 830 partner organizations working together to catalyze awareness and action towards a world without period poverty and stigma; and
- WHEREAS:** The date 28th of May represents the average menstrual cycle (average duration of 28 days, with on average 5 days of bleeding); and
- WHEREAS:** This day highlights the importance of menstrual equity and public education that advocates for equitable access to proper menstrual health; and
- WHEREAS:** MH Day raises awareness about the challenges that women, girls and gender diverse people experience due to menstruation; and
- WHEREAS:** Through open dialogue to help consider taboos surrounding periods, we can work to promote equitable access to period needs and products.
- BE IT THEREFORE RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 28th, 2024, as “Menstrual Health Day” in the Cape Breton Regional Municipality.

Councillor Earlene MacMullin - CBRM District #2

May 14, 2024

Excerpt – Draft Council Minutes: April 9, 2024

CBRM Licensing By-law for Shared Dwellings and Licence Fee Policy

Motion

Moved by Councillor MacMullin, seconded by Councillor Cyril MacDonald, to approve for first reading of the new CBRM Licencing By-law for Shared Dwellings found in Attachment B of the April 9, 2024, agenda package and to schedule a Public Hearing to consider adoption of the CBRM Licencing By-law for Shared Dwellings.

Motion Carried

Motion

Moved by Councillor Green, seconded by Councillor Parsons, to direct staff to bring the CBRM Fee Policy: Licencing to an upcoming council meeting for consideration.

Discussion:

- Suspension and/or revocation process

Motion Carried



Cape Breton Regional Municipality

NOTICE

By-Law for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, May 14, 2024 at 6:00 p.m.**, Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

By-Law	Intent
Licencing By-law for Shared Dwellings No. L-100	The intent of this By-law is to provide a system of licences for the operation of Shared Dwellings.

A copy of the proposed By-law can be obtained by contacting the Municipal Clerk's office, 4th Floor, Room 405, City Hall, 320 Esplanade, Sydney, NS, telephone 902-563-5010, or email clerksoffice@cbrm.ns.ca

Signed:

**Christa Dicks
Municipal Clerk
April 27, 2024**



TO: CBRM Mayor & Council

FROM: Peter Vandermeulen

SUBJECT: CBRM Licensing By-law for Shared Dwellings and Licence Fee Policy

DATE: April 2nd, 2024

1.0 Background

Context

Staff was directed to provide Council with an issue paper exploring the opportunity to license Shared Dwellings following Council's motion to adopt the CBRM Forward Land Use By-law and Municipal Planning Strategy on July 20th, 2023. The development and adoption of this By-law also supports Initiative 5 – Infill & Gentle Density Initiative, outlined in CBRM's Housing Accelerator Fund Action Plan.

Shared Dwellings, also known as rooming, lodging, or boarding houses, play a crucial role in meeting the housing needs of our Municipality. A Shared Dwelling typically resembles rental accommodation where Sleeping Rooms are rented to separate individuals, sharing communal facilities such as kitchens and bathrooms.

While Shared Dwellings can offer affordable shelter, the current lack of regulation and oversight has led to various issues, including overcrowding, inadequate living conditions, and safety hazards. To address these concerns, this issue paper explores the opportunity to license Shared Dwellings within our Municipality.

Current Approach to Shared Dwellings

Currently, the only Municipal regulations related to Shared Dwellings are found in the CBRM Forward Land Use By-law. This document defines Shared Dwellings as:

Dwelling, Shared means a use where bedrooms are rented for remuneration as separate rooms for residential accommodation and include shared bathroom and kitchen facilities made available to all tenants. This does not include an accommodation business.
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Shared Dwellings are permitted in most residential zones, excluding the R6, Mobile Home Park Zone. The RR5, One and Two Unit Rural Residential Zone, and the Rural Zone limit the number of Sleeping Rooms in a Shared Dwelling to four. Shared Dwellings are also permitted in most commercial zones, excluding the BP, Business Park Zone.

Aside from zoning conformity, building code, and fire safety regulations, CBRM does not provide or enforce any further By-law or Municipal Policy that regulates Shared Dwellings specifically.

Shared Dwellings Licensing Goals

1. **Improved Safety and Living Conditions:** Licensing Shared Dwellings can establish enforceable standards, ensuring that the buildings meet the Building Code, Fire Code, Plumbing Code, electrical standards, and other health and safety requirements. Annual inspections at the time of renewal would help identify and address potential hazards, reducing the risk of accidents or injuries.
2. **Community Stability:** Licensing can prevent the unchecked expansion of Shared Dwellings, preserving the character and stability of the community. As well as helping to prevent disturbances to neighbouring residents. This can contribute to harmonious coexistence between Shared Dwelling occupants and the larger community.
3. **Enhanced Accountability:** Licensing encourages Shared Dwelling owners to adhere to Municipal regulations and standards. Non-compliance can result in fines or the revocation of licences, motivating Owners/Operators to maintain their properties.

2.0 Municipal Review of Shared Dwelling Licensing

Research has been completed to compile information from various Canadian Municipalities on their practices regarding the licensing of Shared Dwellings, and similarly defined forms of rental accommodations.

Key Trends

Through this municipal scan, the following three key trends have emerged:

1. Definition and Classification

Most Municipalities have varying definitions for “Shared Dwellings”. However, these definitions usually define similar concepts. Generally, “Shared Dwellings” often referenced as rooming, boarding, or lodging houses, are defined as the rental of a Dwelling on a per unit basis, with shared bathroom and kitchen facilities. This most often resembles buildings containing Sleeping Rooms rented by unrelated individuals, not acting as a household unit, with individual leases. Some Municipalities consider any Dwelling with more than a certain number of unrelated occupants as Shared Dwellings, while others have more specific criteria, such as available facilities.

Ex. Antigonish Lodging Home Registry By-law
“Lodging Home” Means a Dwelling unit with a set of living quarters containing 5 or more lodging units, which is not open to the public and does not include special care.

“Lodging Unit” refers to one or more rooms provided in return for remuneration used or designed for sleeping accommodation. Lodging units may contain cooking or sanitary facilities, but not both.

2. Licensing and Application Requirements

Licensing requirements vary slightly between Municipalities but generally require the collection of the same basic information through the licence application process. Some Municipalities require Shared Dwellings to obtain a specific licence, while others may require a standard rental property licence. In all cases where a form of licensing is in place, an application must be completed to obtain the licence. Common application requirements and prerequisites include;

- Labeled floor plans - Shared Dwelling Operators must provide and adhere to labelled floor plans designating each Dwelling unit that will be rented, as well as all common areas. No changes can be made without resubmitting an updated floor plan to the Municipality for approval.
- Land Use By-law compliance - The building must meet all zoning requirements outlined in the respective Land Use By-law, subject to inspection.
- Meeting Building Code, Fire Code, Plumbing Code, Electrical standards, and other health and safety requirements.

A fee is often required to be paid before a licence is issued. The average cost of an annual licence across the Municipalities reviewed is ~\$450.00. Overall, the application fees reviewed ranged from \$160.00 to \$1200.00. Renewal fees are also required to be paid upon the annual renewal of licences. Renewal fees tend to be less expensive than initial licensing fees. A summary of reviewed fees can be found attached in Appendix A.

3. Inspection and Compliance

Inspections are common in most licensing practices reviewed. Inspections are frequently found to be scheduled annually during the licensing renewal process as well as triggered by complaints. Inspections often serve a dual purpose to both verify the physical living conditions of the properties, as well as to ensure that unchecked expansion beyond the submitted floor plan does not occur. Furthermore, premises are inspected for continued compliance with building code and fire safety regulations as well as Land Use By-law conformity.

Non-compliance with licensing requirements can result in penalties such as fines, licence suspension, or revocation of the licence. Notices of non-compliance are commonly issued across licensing practices reviewed. A notice of non-compliance intends to notify and inform an Operator that their premises does not meet compliance standards and what steps can be taken to rectify the identified issue(s). Non-compliance orders often contain the following information:

- Description of which licensing requirements that are out of compliance;
- Any penalties the Operator will face if the premises are not brought to compliance, and;
- The date of the offence, as well as the date of re-inspection to ensure requirements are met.

The practice of revoking Shared Dwelling licences upon the determination that an Operator is out of compliance is universal across all Municipal licensing practices reviewed. However, fines and suspensions are more frequently issued before a licence is revoked.

Considerations for By-law Development

Addressing the challenges posed by Shared Dwelling's while harnessing their benefits will help to provide improved living conditions and minimize disturbances across CBRM. After research and analysis, staff recommends considering the following:

Strengthen Enforcement Mechanisms:

Develop an enforcement mechanism to monitor compliance with licensing requirements and regulations, ensuring timely responses to complaints and taking appropriate actions against non-compliant Operators.

Periodic Inspections:

Set up a system for regular inspections of Shared Dwellings to ensure ongoing compliance with the licensing By-law. Annual inspections should be completed during the licence renewal process.

Occupancy Expectations:

Establishing occupancy limits for each Shared Dwelling property, aimed at maintaining safety standards, minimizing noise disturbances, and preserving neighbourhood tranquillity. This can be achieved through the submission of floor plans to staff for approval, as well as through compliance inspections.

Feedback and Review:

Establish a system for periodic review and evaluation of the implemented policies and regulations. Solicit feedback from residents, businesses, and other stakeholders to continually refine and improve the licensing framework.

3.0 Discussion of By-law Implementation

Enforcement & Administration

All Shared Dwellings must comply with the proposed CBRM Licensing By-law for Shared Dwellings (Attachment B). Notwithstanding any other applicable safety regulations and By-laws, including but not limited to Building Code, Fire Code, Plumbing Code, electrical standards, and the CBRM Minimum Standards By-law.

Intake of licence applications will be conducted at the City Hall Customer Service Centre. Administration of licence applications will be directed to the Planning and Development Department, specifically to the Building Services Branch and subsequently carried out by permitting staff.

Enforcement and inspection related to this By-law would be carried out by the Municipal Building Officials. Through the development of a Licensing By-law for Shared Dwellings, the Building Official will have the power to suspend or revoke licences. Licences will be suspended or revoked in any case where the Building Official becomes aware of an Owner/Operator contravening provisions of the By-law.

Inspections

The implementation of a Shared Dwelling licensing By-law will provide the Municipality with the opportunity to mandate inspection of these types of rental properties in the event of non-compliance.

Inspections will provide the Municipality with the ability to periodically monitor the conditions of licenced properties. Inspections can be triggered through the initial licence application process and when complaints are received.

Fee Policy

In addition to adoption of the CBRM Licensing By-law for Shared Dwellings, staff is recommending Council adopt CBRM Fee Policy: Licensing (Attachment C).

It is our understanding there is Council direction to have fees associated with municipal applications and licences are to be within policy as opposed to inclusion in municipal by-laws. Policy provides Council more flexibility in administration and amendments of fees.

Concluding Statements

In accordance with the Municipal Government Act, notice of this Public Hearing was placed in the April 28th edition of the Cape Breton Post. At the time this report was prepared no written comments were received by the Planning and Development Department.

Furthermore, before a motion can be passed on the adoption of a policy, the Municipal Government Act requires Council receive notice at least seven days prior to making a decision. Staff requested the Clerks Office provide copies of the attached policy to Council on May 7th in accordance with the Municipal Government Act.

Planning staff will be working with the Communications Department to provide notice of this new By-law to members of the public, including existing permit holders, pending the adoption of the documents.

Recommendation

To proceed with adoption of the new CBRM Licensing By-law for Shared Dwellings, two motions of Council are required; therefore, staff is presenting two recommendations:

1. For Council give Final Reading of the new CBRM Licensing By-law for Shared Dwellings found in Attachment B; and
2. For Council to pass a motion to adopt the CBRM Fee Policy: Licensing.

A draft of the CBRM Fee Policy: Licensing can be found in Attachment C

Submitted by:

ORIGINAL SIGNED BY

Peter Vandermeulen
Planning and Development Department

Appendix A – Municipal Licensing Fee Review

Location	Base New Licencer Fee	Per Room Fee	Renewal Fee	Inspection	Late Fee	Application Fee	Compliance Fee	TOTAL
Antigonish	\$ 200.00							\$ 200.00
Toronto	\$ 175.00	\$25.00	\$ 175.00	\$ 150.00				\$ 350.00
Calgary	\$ 172.00		\$ 131.00					\$ 172.00
Oshawa	\$ 250.00		\$ 250.00	\$ 300.00	\$ 100.00			\$ 350.00
Vancouver	\$ 200.00	\$40.00	\$700					\$ 440.00
St. Johns	\$ 100.00							\$ 100.00
Kingston	\$ 162.00		\$ 162.00					\$ 162.00
Barrie	\$ 245.80		\$ 245.80					\$ 245.80
Hamilton	\$ 524.00		\$ 280.89				\$ 308.85	\$ 1,113.74
Kitchener	\$ 1,121.00		\$ 910.00	\$1,090.00				\$ 1,121.00
Waterloo	\$ 669.50		\$ 669.50					\$ 1,339.00
Brantford	\$ 651.00		\$ 325.50					\$ 651.00
Average	\$ 372.53	\$ 32.50	\$ 340.98	\$ 215.45	\$ 665.00	\$ 100.00	\$ 308.85	\$ 520.98

**CAPE BRETON REGIONAL MUNICIPALITY
LICENSING BY-LAW FOR SHARED DWELLINGS**

Made pursuant to Sections 174(a) and 172(e)(i) of the Municipal Government Act of Nova Scotia

1.0 Title, Scope and Interpretation

Pursuant to Section 174(a) of the *Municipal Government Act*, BE IT ENACTED by the Council of the Cape Breton Regional Municipality (CBRM) as follows:

- (1) This By-law shall be known as the “Licensing By-law for Shared Dwellings”
- (2) Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the more stringent provision prevails.

WHEREAS the Cape Breton Regional Municipality intends to regulate Shared Dwellings:

- To streamline communication and compliance for Shared Dwelling Owners/Operators within the CBRM in a cost-effective manner.
- To ensure the safe operation of all Shared Dwellings within the Municipality by enforcing established licensing requirements.
- To minimize disturbances to neighbouring residents through proper practice of property maintenance.

the Council of the Cape Breton Regional Municipality hereby adopts this By-law.

1.1 Authority

Under Section 174(a) of the *Municipal Government Act*, a Council may make By-laws respecting the regulation and licensing of persons owning or operating rooming houses or boarding houses and regulating the maintenance, administration, operation and occupancy of buildings used as rooming houses or boarding houses and the land on which they are located.

For the purposes of this By-law, lodging, boarding and rooming houses are synonymous with the defined term Shared Dwellings.

1.2 Interpretation

- (1) The objective of this By-law is to define and enforce licensing requirements for the operation of Shared Dwellings. These licensing requirements are intended to ensure the continued safety of such properties.
- (2) The provisions set forth within this By-law represent the baseline requirements for licensing, this By-law does not diminish the obligations stipulated for structures, constructions, repairs, and modifications as outlined in any other applicable By-law.

2.0 Definitions

"Building Official" means those qualified individuals appointed by Council of the Cape Breton Regional Municipality to administer and enforce the requirements of the *Nova Scotia Building Code Act* and Regulations.

"Dwelling" means a residential building, or portion thereof, occupied, or capable of being occupied as a residence by one or more persons, containing one or more Dwelling Units. A Dwelling may include a One-unit Dwelling, mobile home, Converted Dwelling, duplex, semi-detached, Apartment Dwelling, townhouse, a recreational vehicle with a service connection to the Nova Scotia Power Inc. power grid, or a Dwelling Unit(s) within a business or institutional building.

"Dwelling, Apartment" means a building containing three or more Dwelling Units and includes a converted Dwelling.

"Dwelling, Converted" means a building originally constructed as a one-unit Dwelling or two-unit Dwelling that has been lawfully converted into a two-unit Dwelling or Apartment Dwelling.

"Dwelling, One-Unit" means a detached Dwelling containing one Dwelling Unit and may include a secondary suite. This does not include a recreational vehicle.

"Dwelling, Semi-detached" means a building containing two dwelling units arranged side by side and separated vertically by a common wall extending from the foundation to the roof.

"Dwelling, Shared" means a use where Sleeping Rooms are rented for remuneration as separate rooms for residential accommodation and include shared bathroom and kitchen facilities made available to all tenants. This does not include an accommodation business such as a hotel, motel, or dormitory operated by a university rented to students who are enrolled full-time.

"Dwelling, Townhouse" means a building containing three or more dwelling units arranged side-by-side each with a separate exterior entrance and separated vertically by a common wall extending from the foundation to the roof located on a lot abutting a public street.

"Dwelling, Two-unit" means a building containing two dwelling Units and may include a duplex, semi-detached Dwelling, or a converted one-unit Dwelling.

"Dwelling Unit" means one or more habitable rooms intended for use by one or more individuals as an independent residential establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals. This

does not include an accommodation business but does include individual units located above the ground floor of a mixed-use building.

"Enforcement Officer" includes a CBRM Building Official, or any other person as appointed by the Director of Planning and Development.

"Habitable Room" means a room, other than a non-habitable room, designed for or which may be used for living, sleeping, eating or cooking.

"Licensing Authority" means employee or agent of the Municipality as designated by the Director of Planning and Development to receive applications for a licence under this By-law;

"Municipality" means the Cape Breton Regional Municipality

"Non-Habitable Room" means an area of a building other than a Habitable Room in a Dwelling or Dwelling Unit, and includes:

- (a) a bathroom or shower room;
- (b) a toilet room;
- (c) a laundry room;
- (d) a boiler room;
- (e) a furnace room;
- (f) a pantry;
- (g) a closet;
- (h) a corridor;
- (i) a foyer;
- (j) a stairway;
- (k) a lobby; or,
- (l) other space for services or maintenance of the Dwelling or access to and vertical travel between stories.

"Operator" the person managing or receiving the rent from the land or premises, whether on his account or as agent or trustee of any other person;

"Owner" includes:

- (a) a part Owner, joint Owner, tenant in the common or joint tenant of the whole or any part of the land or a building or a person who is entitled to possession as a tenant in fee simple, for life, or a term of not less than twenty years;
- (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building;
- (c) where the mortgagee of land is not in possession, the person entitled to the equity of redemption;
- (d) in the absence of proof to the contrary, the person assessed for the property;

- (e) a person who is assessed for the building as of the date of any alleged violation;
- (f) the person who is entitled to possession by reason of an agreement of sale between that person and the Owner of the property.

"Owner Occupied" means the Owner continuously occupies the property as one's primary residence and does not rent out more than 3 Habitable Rooms.

"Sleeping Room" means a single private room occupied by no more than two people which is intended for use as a residential premises within a Shared Dwelling, separated from other rooms by a door. This may include a kitchen or bathroom facility but not both.

3.0 General Provisions

- (1) It is an offence under this By-law for any person to operate a Shared Dwelling unless it is in compliance with all provisions of this By-law.
- (2) It is an offence to operate a shared dwelling without first obtaining a licence subject to the provisions of this By-law.
- (3) A licence under issued this By-law is not transferable.
 - (a) In the event that the Owner of a Shared Dwelling should change, the new Owner shall be required to submit a new licence application along with all applicable fees within 90 days of ownership.

3.1 Owner/Operator Obligations

- (1) The Owner of a building utilized for the purpose of a Shared Dwelling is obligated to conduct the building's operations in accordance with the provisions outlined within this By-law as well as the By-law M-100 Minimum Standards By-law.
- (2) It is an offence for any individual to engage in the operation, or rental, of a Shared Dwelling whether in whole or in part, unless a licence has been obtained.
- (3) It is an offence to operate a Shared Dwelling outside compliance with all applicable CBRM By-laws along with *Nova Scotia Building Code Regulations, National Building Code, and Fire Safety Regulations*.
- (4) A copy of the approved Shared Dwelling Licence must be posted conspicuously in a common room accessible to all occupants.

3.2 Shared Dwelling Licence Application

- (1) The Owner of a Shared Dwelling is obligated to obtain a licence annually in accordance with the provisions outlined within this By-law.
- (2) Every Shared Dwelling Licence application must include the following information for the appointed Licensing Authority to consider the operation for licensing:

- (a) Owner contact information;
 - i. Name
 - ii. Address
 - iii. Phone number
 - iv. Email
- (b) If not the same as Owner, Operator contact information;
 - i. Name
 - ii. Address
 - iii. Phone number
 - iv. Email
- (c) Applicant Property Information
 - i. Street Address of Property
 - ii. Labelled Floor Plan
 - 1. # of Sleeping Rooms;
 - 2. # of toilets;
 - 3. # of showers/bathtubs;
 - 4. # of parking spaces and location (if provided)
- (d) Proof of liability insurance for the proposed use
- (e) A copy of the CBRM issued occupancy permit.
- (f) Signed acknowledgement from the applicant that Municipal and all other appropriate authorities with jurisdiction may enter the property, including all buildings and Dwellings, in order to complete initial and annual inspections, as well as in the instance of determining compliance with this By-law.
- (g) Shared Dwelling Licence fee payment, subject to CBRM Licence Fee Policy

(3) It is an offence under this By-law to provide the Enforcement Officer with false information.

3.3 Shared Dwelling Licence Requirements

- (1) No Shared Dwelling Licence shall be issued or renewed unless;
 - (a) the Shared Dwelling Licence application is complete;
 - (b) the applicant property conforms to the Land Use By-law;
 - (c) an Occupancy Permit has been obtained for the building;
 - (d) the property is in compliance with the Minimum Standards By-law;
 - (e) if applicable, any outstanding development and subdivision applications are approved.

4.0 Licence Renewal

- (1) A Shared Dwelling Licence is only valid for one year from the date of issuance and must be renewed a minimum of 30 days before the expiry date of the Shared Dwelling Licence.
- (2) Shared Dwelling Licences past their expiry date or within 30 days of expiry will not be renewed and are void.

- (3) Shared Dwelling Licence renewal applications must meet all provisions set out in Subsections 3.3 and 3.4 of this By-law.
- (4) At the time of renewal, the Owner must provide the most current information, floor plans do not need to be re-submitted if no changes have been made.

5.0 Inspections and Orders of the Enforcement Officer

- (1) Where an inspection is required pursuant to this By-law, it shall be conducted in accordance with CBRM's M-100 Minimum Standards By-law;
- (2) Under this By-law, inspections are mandatory prior to a Shared Dwelling Licence being issued or renewed.
- (3) Properties may be exempt from an inspection if a Building and Development Permit was approved to establish a Shared Dwelling within 6 months of the date to request a Shared Dwelling Licence.
- (4) It is an offence under this By-law to refuse access or to interfere with an Enforcement Officer performing their duties.

6.0 Enforcement

- (1) This By-law may be enforced by any Enforcement Officer appointed by the Director of Planning and Development.
- (2) The Enforcement Officer may order the Owner of a Shared Dwelling to remedy the condition of the premises when any of the provisions of this By-law has been violated.

6.1 Revocation or Suspension of a Shared Dwelling Licence

- (1) An Enforcement Officer may revoke or suspend an issued licence at any time where;
 - (a) the Owner/Operator attached to the licence has violated any provisions of this By-law;
 - (b) the officer has been provided false or incorrect information by the Owner/Operator;
 - (c) the Shared Dwelling Licence was issued in error.
- (2) Shared Dwelling Licence suspension may not exceed a period of 90 days, at which point the Shared Dwelling Licence will be revoked and void.

6.2 Penalties

- (1) Any item in this by-law which is determined by the inspector to be in non-compliance is deemed an offence.

- (2) For each offence, imposing a fine not less than \$250.00 (two hundred and fifty dollars) and not exceeding \$ 10,000.00 (ten thousand dollars) or imprisonment for not more than one year or both, including the imposition of a minimum fine.
- (3) Every day during which an offence pursuant to this by law continues is a separate offence
- (4) Any person who removes, defaces or makes illegible a notice or order posted pursuant to this By-law is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) and in default of payment, to imprisonment for a period of not more than ninety (90) days.

7.0 Severability

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

***PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on XXX, 2024.*

MAYOR

MUNICIPAL CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Licensing By-Law for Shared Dwellings of the Cape Breton Regional Municipality.*

CHRISTA DICKS, MUNICIPAL CLERK

Publication Date: , 2024



CBRM FEE POLICY: LICENSING

1. LEGISLATIVE AUTHORITY

- (1) This policy derives its authority from Sections 49(c)(i) and 172(2)(e)(i) of the *Municipal Government Act*.

2. PURPOSE

- (1) The purpose of this policy is to outline fees for Licences offered by the Planning and Development Department.
- (2) The purpose of this policy is to ensure a fair and consistent approach when setting parameters for refunding fees for the various services identified in Schedule A.

3. STATEMENTS OF POLICY

- (1) The *Municipal Government Act* provides clear direction for establishing fees for licences, permits or approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue, which fees may be set or altered by the policy.

4. REMISSION OF FEES

- (1) If a person submits a written request to withdraw or discontinue an application for a planning service identified in Schedule A, refunds of application fees are available in accordance with the following:
 - (a) For Shared Dwelling Licence Applications (which may or may not include a Land Use By-law Amendment or Development Agreement):
 - i. 70% refund within 30 days of licence issuance;
 - ii. No refund shall be available 30 days after the licence is issued

Approved by Council:

Amended by Council:

Schedule A
Fee Schedule – Shared Dwellings

Category	Fee	
Shared Dwelling Licence Application	\$200	Plus, \$50/ Sleeping Room*
Shared Dwelling Licence Renewal	\$100	Plus, \$25/ Sleeping Room*

* Only applicable to Shared Dwellings with more than 4 Sleeping Rooms

Excerpt – Council Minutes: March 26, 2024

Request to Deem Property Surplus – Centennial/Bi-Centennial Complex Portion of PIDs 15092554, 15092570, and 15538077

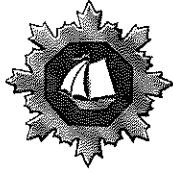
Motion

Moved by Councillor Paruch, seconded by Councillor Eldon MacDonald, to declare the Centennial/Bi-Centennial complex surplus and schedule a public hearing to consider the sale of the property to Tomorrow Legends for the sum of one dollar.

Discussion:

- Property subdivisions
- Need for future discussion regarding agreement specifications

Motion Carried



CAPE BRETON REGIONAL MUNICIPALITY
"A Community of Communities"

NOTICE – PUBLIC HEARING

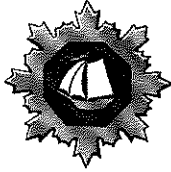
Pursuant to Section 51(3) of the *Municipal Government Act*, the Council of the Cape Breton Regional Municipality has directed that a Public Hearing be held to deal with the *proposed sale of CBRM property known as the Bicentennial Arena and Gymnasium located on Hospital Street, Sydney (Portion of PID 15538077 and PID 15092554) to Tomorrow's Legends for one dollar for the purpose of development for an indoor recreation facility.* The particulars of the public hearing are as follows:



DATE: Tuesday, May 14, 2024
TIME: 6:00 pm
LOCATION: Council Chambers – 2nd Floor
Civic Centre
20 Esplanade, Sydney, NS

The estimated value of the subject property is \$1,385,500.

Signed: Christa Dicks
Municipal Clerk
Date: May 11, 2024



CAPE BRETON REGIONAL MUNICIPALITY
"A Community of Communities"

NOTICE – PUBLIC HEARING

Pursuant to Section 51(3) of the *Municipal Government Act*, the Council of the Cape Breton Regional Municipality has directed that a Public Hearing be held to deal with the *proposed sale of CBRM property known as the Bicentennial Arena and Gymnasium located on Hospital Street, Sydney (Portion of PID 15538077 and PID 15092554) to Tomorrow's Legends for one dollar for the purpose of development for an indoor recreation facility.* The particulars of the public hearing are as follows:



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LOCATION: Council Chambers – 2nd Floor
Civic Centre
20 Esplanade, Sydney, NS

The estimated value of the subject property is \$1,385,500.

Signed: Christa Dicks
Municipal Clerk
Date: April 27, 2024



CBRM

A Community of Communities

Cape Breton Regional Municipality

Issue Paper

Date: May 9, 2024

To: Mayor and Council

From: Kirk Durning – Director of Parks, Recreation, Buildings and Facilities

Re Request from Tomorrow's Legends – Centennial/Bi-Centennial Complex -
Portion of PIDs 15092554, 15092570, and 15538077

INFORMATION

As presented to Council at the March 26, 2024 meeting, the Tomorrows Legends organization has requested that the Centennial/Bi-Centennial Complex property be transferred to the organization for the development of a multi-use court sport facility.

At that time, a motion was passed by Council to declare the property surplus and staff was directed to hold a public hearing regarding the proposed sale of property to Tomorrow's Legends for the sum of \$1.00.

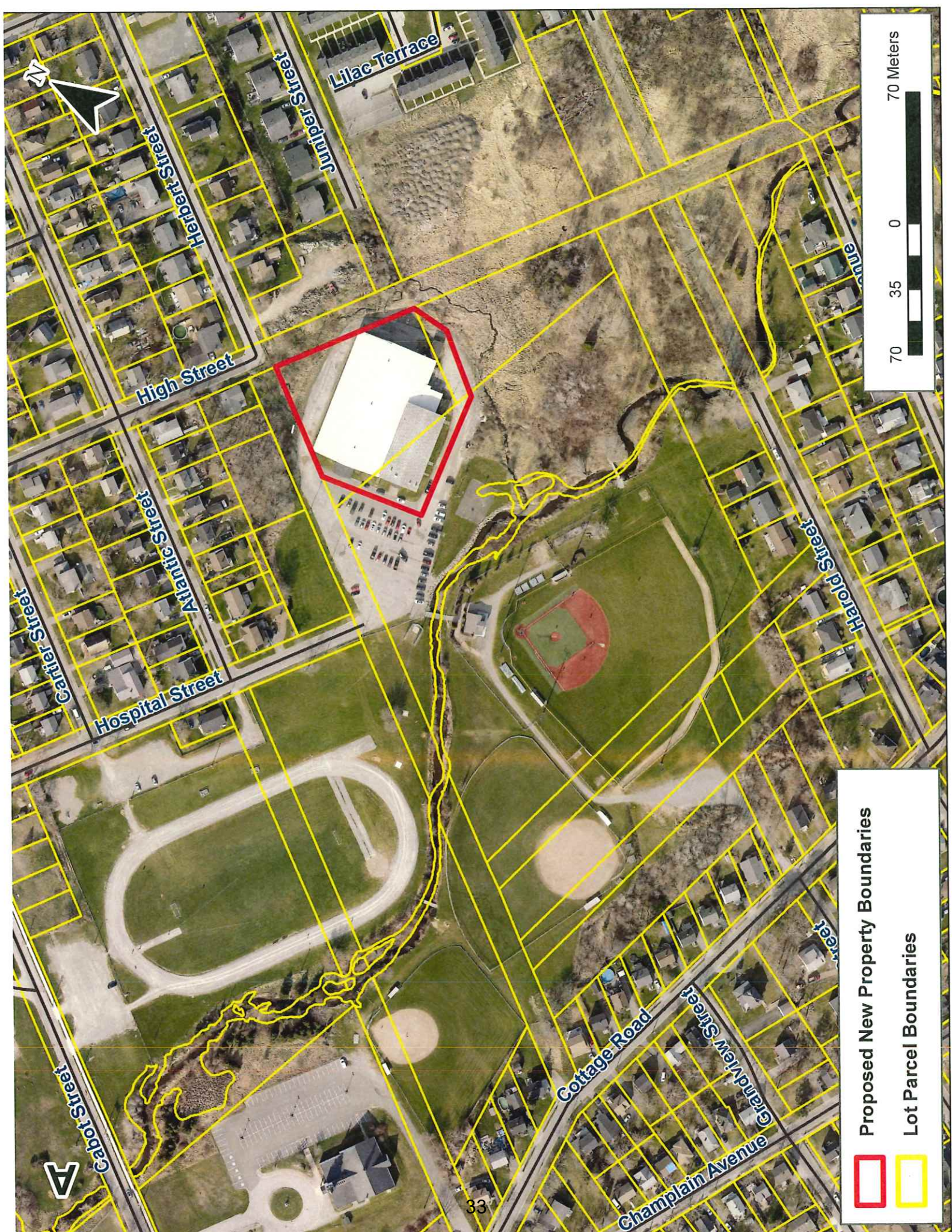
In accordance with the Municipal Government Act, a notice of the public hearing was placed in the April 27th and May 11th edition of the Cape Breton Post. I confirm that CBRM has not been contacted nor have we received any complaints or objections from the community.

RECOMMENDATION

Staff recommends that council approve the sale of the property for \$1.00, as outlined in red (Attachment A) and subject to subdivision approval and compliance to the municipal land-use bylaw.

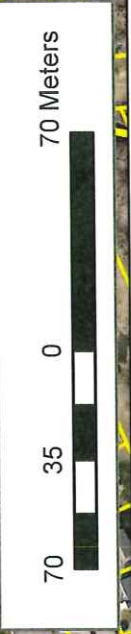
SUBMITTED BY:

Kirk Durning
Director of Parks, Recreation, Buildings and Facilities



Proposed New Property Boundaries

Lot Parcel Boundaries





ABO Wind Presentation to CBRM Council

Community Solar Opportunity

May 14, 2024

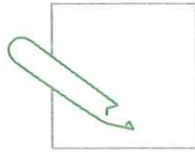
Agenda

- Introduction to ABO
- Nova Scotia Community Solar Program
- Proposed Site in CBRM
- Community Benefits
- Timeline and Next Steps
- Questions from Council



Company Profile

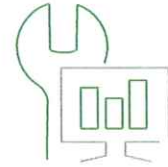
+27 Years Successfully Developing Renewable Energy Projects



Project Development



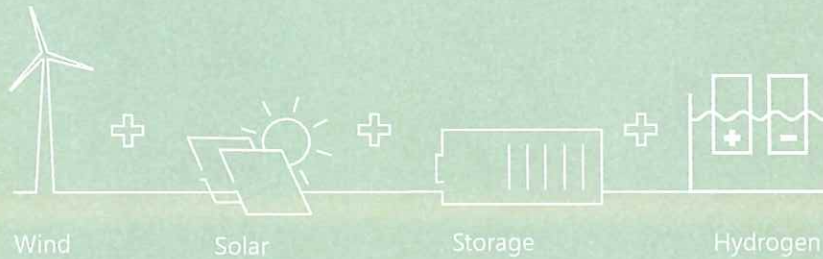
Construction



Power Plant Management

Technologies

Individually or combined



Company Profile

International Success & Financial Strength



>1,200 employees worldwide
Headquarters in Germany, 28 office locations worldwide



Internationally active in 16 countries
Europe, North & South America, Africa



Core business is development & construction
of wind & solar farms, battery systems, and hydrogen facilities



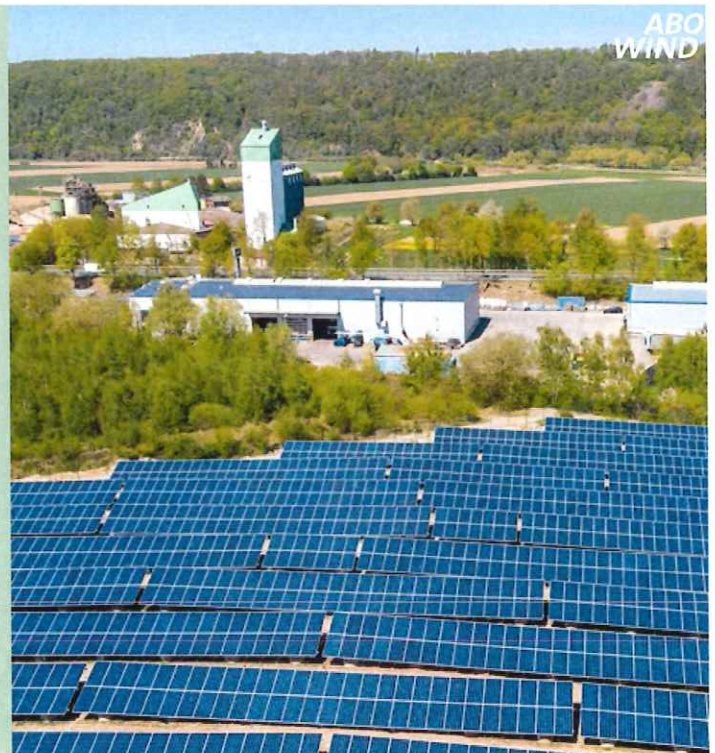
€ 5 billion investment volume initiated
with 5.5GW (gigawatts) developed and sold, 2.5GW built



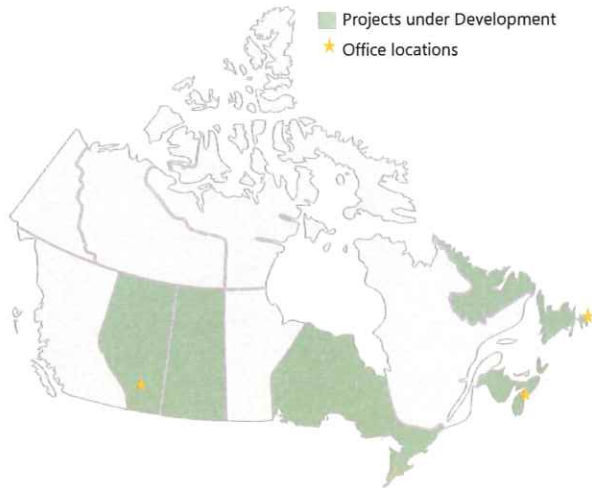
23GW traditional grid-tie under development
with an additional pipeline of 20GW for green hydrogen



Stock listed company since 2012
constantly profitable since company foundation in 1996



ABO Wind Canada – Established and Growing Success



Canadian Highlights

- **514 MW Buffalo Plains Wind Farm** fully developed – Canada's largest approved wind farm to date
- +5,000 MW Crown Land award for green hydrogen development in Newfoundland and Labrador
- Three offices: Calgary, Halifax and St. John's
- Working with six First Nations across Canada
- Team of +30 professionals and growing with about half of ABO's Canadian team in Atlantic Canada
- Canadian development pipeline:
 - +1,400 MW of conventional wind, solar and storage project capacity
 - +9,000 MW of renewables for green hydrogen in three provinces (NL, NS, NB)
- Established Diversity, Equity and Inclusion policy now being explored for all 16 ABO Wind country groups
- Signed on to Equal By 30 campaign

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Company Profile

Solar Project Experience

- In Development
 - 107 Projects in 6 Countries
 - 36MW Stettler Solar and Storage project currently under development in proximity to Stettler, Alberta.
 - Overall pipeline potential of >80MW for future projects being explored in Nova Scotia
 - 3 sites secured in CBRM with intention of developing 1 for 2024 Community Solar Program and other 2 in future procurement rounds
- ABO Solar Portfolio and Active Operational Projects
 - 28 Projects in 6 Countries (>170MW)



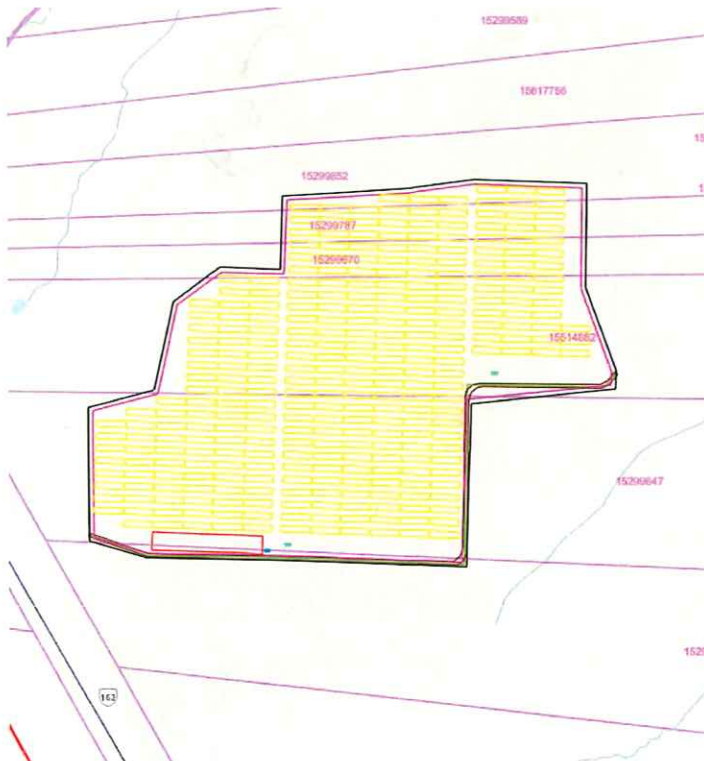
Tender Details

Nova Scotia's Community Solar Program

- Province announced this program on **March 1st, 2024**
- First solar gardens under this program expected to be up and running by Spring 2026.
- Community Solar Program Goals:
 - Expand solar energy access, helping community groups and businesses set up solar gardens and sell their renewable electricity to subscribers who can't install their own solar panels.
 - Support broader economic development
 - Further Nova Scotia's renewable energy targets
- Total Procurement:
 - 100MWac procurement in this round
 - NS Gov calling for +300 MW of solar by 2030
- Individual Project Sizes:
 - 0.5MWac – 10 MWac
 - Small sizing will allow distribution connection (<=24 kV)
- Program Structure
 - Open applications until capacity is reached.



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CBRM - Selected Sites Details

Proposed Solar Park in CBRM:

Site Details	
Site Control	Land Lease Signed with Landowner for multiple PIDs encompassing 178 acres between Point Aconi Road and Hwy 162
Project Size <i>10MW Power to Grid</i>	15.5MW _{DC} of Solar PV Panels, paired with 10MW _{AC} of Inverters, capping power sent to grid at 10MW (oversized by 64%) Approximately 43 acres of land would be used for Solar farm
PIDs to Pursue for Interconnection	1 across Point Aconi Road to cross water to Distribution (Dx) line
Annual Solar Resource and Yield	1,248 kWh/kW _P (Approx. 19,345 MWh/yr)
Site Access	Point Aconi Road or Hwy 162

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Community Solar Program Benefits

- Starting in 2026, **individuals and the municipality** can subscribe to the program to **save on power bills**
 - Solar energy credit of \$0.02 per kilowatt hour power bill.
- More **clean, renewable energy** for NS
 - Meeting renewable goals as we move away from coal.
 - This 10MW Project will be enough power for over 1300 homes per year on average, contributing to the clean energy mix in NS.
- Opportunities for **collaboration** with municipality, First Nations in Unama'ki and other groups
- Local **economic benefits**
 - Regional value creation through contracts with local companies
 - Local sponsorships
- Stable, **long-term income** for landowners and opportunity to diversify the use of existing lands
- ABO Wind carries all development risk** and is an **experienced** global solar developer



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Community Benefits

Example Electricity Bill Savings in CBRM

- Proposed project would generate approximately 19,000,000 kWh of clean solar energy per year
- Subscription credit is \$0.02/kWh for each kWh generated
- Minimum of two subscription customers per project
- A large customer (ex. municipality, university etc.) can subscribe to up to 75% of available clean energy
- ABO's project could result in \$380k/yr of power bill savings in CBRM!**

Solar Subscribers in CBRM	Energy Produced Annually	Annual Power Bill Savings (\$0.02/kWh credit)
Large Customer (up to 75% of energy)	14,250,000 kWh/yr	\$285,000 / yr
Residential Customers (min 25% of energy)	4,750,000 kWh/yr	\$95,000 / yr
Totals	19,000,000 kWh/yr	\$380,000 / yr

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Community Solar Program – Solar Park in CBRM
Next Steps for This Project - 2024

▪ **Engineering and Studies**

- Engineering design and layouts - *started*
- NS Power Interconnection Request - *submitted*
- Topographic / Geotechnical investigations - *started*
- Environmental studies as needed - *planned*
- Mi'kmaq Ecological Knowledge Study (MEKS) - *planned*
- Energy yield and financial modelling - *started*

▪ **Communications and Engagement**

- Building relationships, seeking partnerships and support (*Municipality, First Nations, Post-Secondary Institutions, etc.*)
- Sharing information and hearing feedback from key stakeholders, government, residents (*Mailers and other informational materials, meetings, etc.*)
- First Nations engagement and consultation
- Local Information Session or Presentation



11



Thank you.
Questions?

Johnathan Gravel
Senior Project Manager, ABO Energy Canada
johnathan.gravel@aboenergy.com
902-943-0748

www.aboenergy.ca



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR EASEMENT - NSPI
Commercial Street, North Sydney (District 2)- PID
15638919

DATE: May 14th, 2024

INTRODUCTION

As presented to council on January 23rd, 2024, Argent Fisheries Limited (“the applicant”) requested an Easement in favor of Nova Scotia Power Incorporation (NSPI) across land presently owned by CBRM as identified on the attached map as PID 15638919 and outlined in yellow. (Attachment “A”).

At that time, a motion was passed by Council approving the required Easement (Attachment “B”). The applicant has advised a change to the location of one of the poles is required by NSPI (Attachment “C”). The modification to the plan was re-circulated and vetted to staff for review and it was determined there are no issues or concerns with the request.

RECOMMENDATION:

Staff’s recommendation to Council is to pass a Motion approving the revised plan for the Easement Agreement in favour of Nova Scotia Power Incorporation across the CBRM property (PID 15638919) to help facilitate the applicant’s request.

Respectively Submitted by:

ORIGINAL SIGNED BY

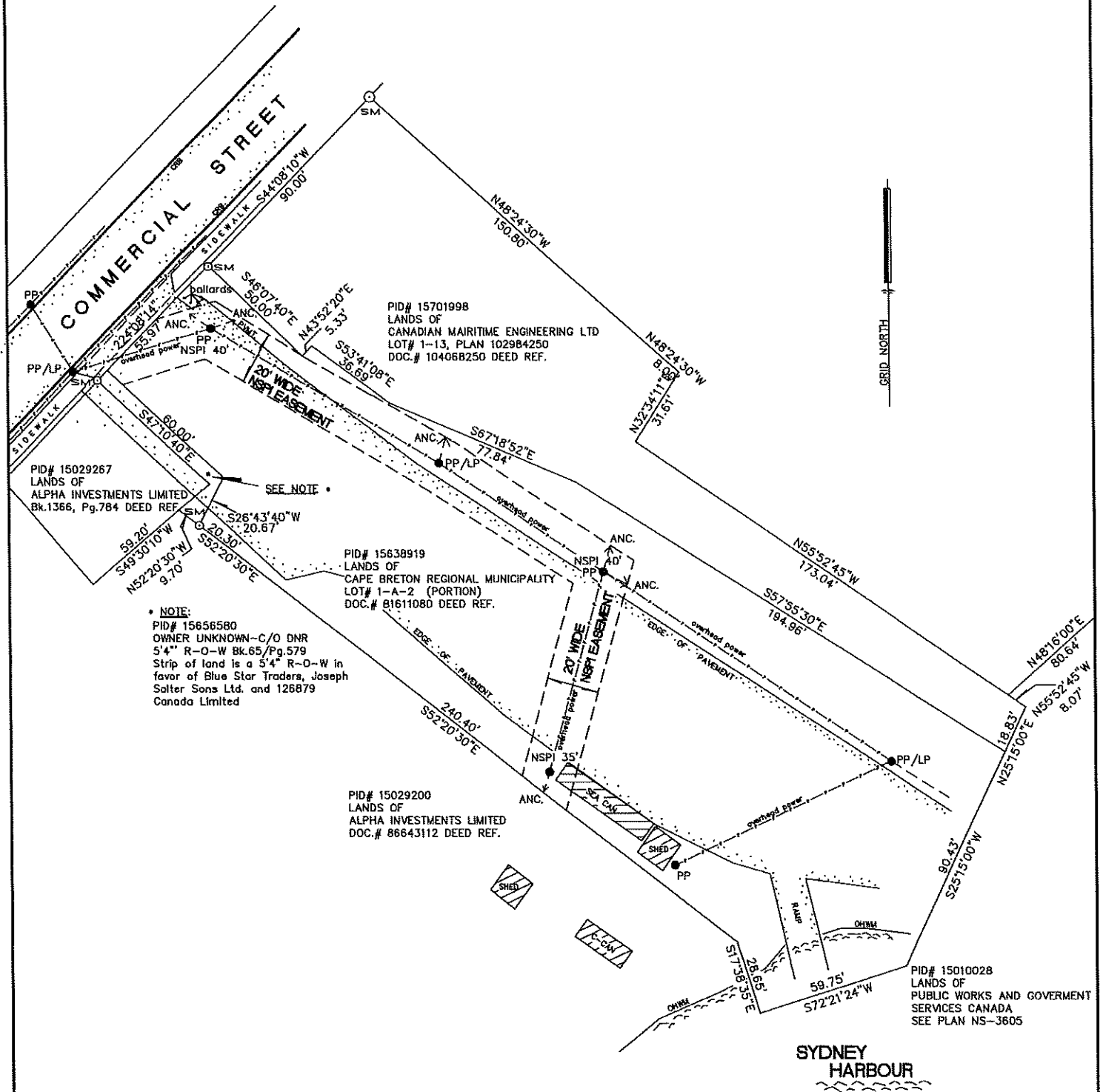
Sheila Kolanko
Property Manager - CBRM

ATTACHMENT "A"



PID 15638919 - Owned by CBRM

ATTACHMENT "B"





Fire & Emergency Services Committee

REPORT TO COUNCIL Re: Committee Meeting May 2, 2024 Chair Deputy Mayor James Edwards

The Fire & Emergency Services Committee met on May 2, 2024, to review various items

There were several discussion items that have significance and are requested of Council:

HAZMAT

Changes to hazmat promoted discussion about the committee's terms of reference. As a result, the following motion was put forward:

- To direct CBRM Legal Department to review the proper protocol procedures and to propose a policy indicating when CBRM Fire and Emergency Services makes significant decisions to involve the Fire and Emergency Services Committee as to the process and transition of the decisions.

This issue will return to Fire and Emergency Services prior to recommendations going to Council.

Staffing

Recruitment was discussed and throughout the course of the discussion, the use of polygraph was questioned. During the conversation, the following motion was put forward to be recommended to Council:

Continued...

- To direct CBRM staff to provide an issue paper to study the use of polygraph procedures regarding fire services applications on whether the polygraph examination should continue or not continue to be a part of the application process.

This issue will return to Fire and Emergency Services prior to recommendations going to Council.

Emergency Management

Bruce MacDonald provided an update on recent activities including major incidents during the recent snowstorm.

Cape Breton Regional Fire Chief's Association

As a result of Chief Beresford's report, the following recommendations are requested for Council consideration:

- To recommend to CBRM Council to form a joint review committee between Fire and Emergency Services and the Cape Breton Regional Fire Chiefs' Association, with two members from the Fire and Emergency Services Committee and one member from CBRM Council, to work collaboratively for efficiencies and to sustain vibrant fire services throughout CBRM.
- To recommend to CBRM Council to form a joint review committee between Fire and Emergency Services and the Cape Breton Regional Fire Chiefs' Association, with two members from the Fire and Emergency Services Committee and one member from CBRM Council, to work collaboratively on recruitment and retention to sustain vibrant fire services throughout CBRM.

End.

