

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MAY 28, 2024

9:30 A.M.

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

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Cape Breton Regional Municipality

Council Meeting

Tuesday, May 28, 2024

9:30 a.m.

AGENDA ITEMS

Land Acknowledgement

9:30 a.m.

Roll Call

O' Canada

1. APPROVAL OF AGENDA: (Motion Required)

9:35 a.m.

2. PROCLAMATIONS & RESOLUTIONS:

9:40 a.m.

2.1 Bike Month:

Councillor Eldon MacDonald (See page 5)

2.2 Motionball Month:

Councillor Cyril MacDonald (See page 6)

2.3 Participation Week:

Councillor Darren O'Quinn (See page 7)

3. BY-LAWS & MOTIONS:

9:45 a.m.

3.1 Second / Final Reading: N/A

3.2 First Reading:

i) CBRM Tow Truck Licencing By-law: Staff Seargent Joe Farrell (See page 8)

4. PLANNING ISSUES:

10:15 a.m.

4.1 Accessory Dwelling Units: Karen Neville, Acting Director of Planning & Development / Senior Planner (See page 41)

**Council Meeting Agenda
May 28, 2024 (Cont'd)**

5. **BUSINESS ARISING:** **10:35 a.m.**

5.1 **Heritage Advisory Committee – May 16, 2024:**

- a) **Registration of 26 Archibald Ave., North Sydney:** Karen Neville,
Acting Director of Planning & Development / Heritage Officer (See page
51)

6. **CORPORATE SERVICES ISSUES:** **10:45 a.m.**

- 6.1 **Gardiner Mines Senior Citizens and Pensioners Association / PID 15236185:**
Demetri Kachafanas, KC, Regional Solicitor (See page 75)

7. **COUNCIL AGENDA REQUESTS:** **10:55 a.m.**

- 7.1 **Task Force Report – Strategic Visioning:** Mayor Amanda M. McDougall-Merrill
(See page 79)
- 7.2 **Solution for Highway Line Paint:** Councillor Gordon MacDonald (See page 106)

8. **COMMITTEE REPORTS:** N/A

9. **REVIEW OF ACTION ITEMS FROM THIS MEETING:** **11:45 a.m.**
Mayor Amanda M. McDougall-Merrill

ADJOURNMENT



PROCLAMATION

Bike Month June 2024

WHEREAS: Bike Week; extended to Bike Month in 2024; this now month long bicycling event in the CBRM in celebration of Velo Cape Breton 20th anniversary and Velo's Women on Wheels program 10th anniversary; and

WHEREAS: CBRM's Active Transportation Plan recognizes that having the choice to walk or ride a bicycle provides our residents with mobility options and improves the quality of life in our region; and

WHEREAS: CBRM's Bike Month includes events hosted by local community groups and activities geared to cycling, promoting bicycle safety and motivates residents to ride their bicycles; and

WHEREAS: Bike Month will be family-friendly with an event that caters to everyone, including children's bike race, bike rodeos, bike tours, bike workshops, and information sessions on bike safety and workshops; and

WHEREAS: Bike Month is made possible through partnerships with Velo Cape Breton and other businesses in the CBRM offering bicycle and active transportation services.

BE IT THEREFORE RESOLVED: That CBRM Mayor Amanda. M. McDougall-Merrill and Council proclaim June 2024, Bike Month in the Cape Breton Regional Municipality.

Councillor Eldon MacDonald - CBRM District # 5

May 28, 2024



PROCLAMATION

Motionball Month June 2024

WHEREAS: Each June since 2018, the Motionball Marathon of Sport event in support of Special Olympics has taken place in Cape Breton and has since raised over \$170,000 for local Special Olympics programs and athletes; and

WHEREAS: Motionball is a national not-for-profit organization whose mandate is to introduce the next generation of donors, volunteers and sponsors to the Special Olympics movement through integrated social and sporting events; and

WHEREAS: Cape Breton has the highest rate of disability in the province and Nova Scotia has the highest rate of disability in the country; and

WHEREAS: The Cape Breton Regional Municipality recognizes the immense contributions individuals with intellectual disabilities make to our community; and

WHEREAS: The Cape Breton Regional Municipality recognizes the vital importance of efforts to promote the inclusion and celebration of individuals with intellectual disabilities; and

WHEREAS: Through public awareness, community partnerships, and municipality accessibility initiatives this month aims to foster a community of equal participation of individuals with intellectual disabilities within the Cape Breton Regional Municipality.

**BE IT THEREFORE
RESOLVED:** That CBRM Mayor Amanda. M. McDougall-Merrill and Council proclaim June 2024, Motionball Month in the Cape Breton Regional Municipality.

Councillor Cyril MacDonald - CBRM District # 3

May 28, 2024



PROCLAMATION

ParticipACTION Community Challenge June 2024

WHEREAS: Participaction’s Community Challenge as presented by Novo Nordisk is a national physical activity and sport initiative that encourages everyone in Canada to get active in the month of June; and

WHEREAS: By registering as an individual or an organization and getting active across June, you can help your community take the steps towards being crowned the most active community in Canada; and

WHEREAS: The Community Challenge is open to everyone as every Canadian should have equal access to quality sport and physical activity opportunities which helps every Canadian to thrive physically, emotionally and socially; and

WHEREAS: The Community Challenge is an opportunity for the Cape Breton Regional Municipality to build a sense of community pride while keeping connected with others, increase access to recreation facilities and boost current attendance of ongoing recreation opportunities across the municipality; and

WHEREAS: If you choose to take a walk, garden, play pickleball, jump rope or whatever activity that gets you moving this helps your community in the challenge.

**BE IT THEREFORE
RESOLVED:** That CBRM Mayor Amanda. M. McDougall-Merrill and Council proclaim June 2024, as the time to get moving so the Cape Breton Regional Municipality can be ParticipACTION’s Community challenge “Most Active Community” in Canada.

Councillor Darren O’Quinn - CBRM District # 11

May 28, 2024

of the proposed By-law and informed them of their opportunity to provide comments at the Public Hearing. 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, first reading of the Amending By-law was held.

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 in order 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 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 summary of the significant changes are as follows:

- Removal of zones
- Removal of minimum age requirement
- Second tow

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. Meetings were held with the owners of individual companies to provide an overview of the proposed amendments.

Other Stakeholder Input

Insurance Bureau of Canada

Insurance Bureau of Canada (IBC) submitted a letter to the Clerk's Department on April 13, 2021 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.

Roadside Responders Association of Nova Scotia

In January of 2021, the 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.

Proposed Amendment

Statutory Authority

As a Regulatory Modernization Pilot Project undertaken with the Province, Portside Law was tasked with reviewing all of CBRM's By-laws for issues of clarity, relevance, and enforceability. In addition to their review of existing By-laws, Portside Law provide suggestions of the format of any new By-laws. In response to their suggestion, Council's statutory authority has been added to the By-law.

Definitions

The definition section of any By-law adds clarity for the administration and compliance of the By-law. To assist with this, several definitions were either added or amended.

Definitions for the following terms were added:

Municipality	Tow Truck Driver's Licence
Peace Officer	Tow Truck Owner

The following definition were repealed and replace:

Definition to be Repealed	Proposed Definition
Driver means any Person who Drives or operates a Tow Truck;	Tow Truck Driver means any person who drives or operates a Tow Truck;
Manager means the Manager responsible for administration and enforcement of this By-law, as appointed by Council, and includes his or her designates.	Manager means the CBRM's Manager of Building, Planning & Licensing Laws including their designates of By-law Services Supervisor
Permit means the Licence or certificate issued under this by-law;	Tow Truck Owner's Licence means a licence issued to the owner of a vehicle to be used as a Tow Truck pursuant to this By-law.
Person includes a firm or Corporation to whom the context can apply;	Tow Truck Business means a business or corporation offering Vehicles for Hire to be used for towing or otherwise conveying Vehicle(s).
Owner means the holder of the plate portion of the Permit issued under the Motor Vehicle Act;	Tow Truck Owner means the holder of Vehicle Owner's Plate;
Owner's Plate means a number plate issued to an Owner Licenced under this by-law;	Vehicle Owner's Plate means a number plate issued to an Owner Licenced under this By-law;

The use of these terms was also updated throughout the provisions of the By-law.

Pronouns

The reference to 'he' , 'he/she' , 'his' and 'him' was replaced with 'they' , 'their' and 'them'.

Section 2

The title of Section 2 was changed from Manager Administration to Administration. This Section was also restructured to clearly define the Manager and Peace Officers.

Subsection (1)(c) was deleted from this Section as it was determined given the other requirements of the By-law there was no need to establish additional terms and conditions.

Section 6 Licence

Section 6 was reformatted and reference to a criminal record search was added as a Licence requirement.

Section 8 Submission of Application to Manager

Subsection 8(2)(a) was amended by removing the last sentence 'The maximum payment due at the time of filing a Licence application shall be one hundred and fifty (150) dollars'.

Renewal of a Licence

A statement was added to Section 15 Renewal of Licence to clarify the expiry date of a Driver's Licence.

Drivers Duties

Subsection 24(3) was updated to reference CSA Standards for required apparel.

Penalty

Section 30 Penalty has been changed to Section 29 Enforcement. The title of Enforcement more accurately depicts the intent of this Section. A Subsection was added to clarify who was responsible for the enforcement of the By-law. Subsections (2) and (3) were removed as they were addressed in another Subsection.

Section Numbers and Schedule Numbers

Due to reformatting and proposed amendments, some Section numbers and Schedule numbers referenced throughout the By-law are incorrect. Reference to these Sections and Schedules have been updated throughout the By-law.

Schedule 3

The proposed amendments to the maximum rate of fees to be charged presented in 2021 are retained in the draft By-law in Attachment A.

Recommendation

While the proposed amendments do not change the intent of the Tow Truck Licencing, for ease of administration the current Tow Truck Licencing By-law should be repealed and replaced with the Tow Truck Licencing By-law found in Attachment A.

I recommend that Council pass first reading of the amended Tow Trucking Licencing By-law as presented today and schedule second/final reading of the Tow Trucking Licencing By-law at an upcoming meeting of Council.

Respectfully submitted,

Originally Signed by

Staff Sgt. Joe Farrell

—CAPE BRETON REGIONAL MUNICIPALITY

—By-Law No: T-200

—Tow Truck Licencing By-law

A BY-LAW TO LICENSE AND REGULATE TOW TRUCK BUSINESSES, TOW TRUCK OWNERS AND TOW TRUCK DRIVERS WITHIN THE CAPE BRETON REGIONAL MUNICIPALITY

NOW THEREFORE 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:

This Bylaw shall be known as the "Tow Truck Licencing By-law "and may be cited as the "Tow Truck Licencing By-law, No. T-200, 2022".

WHEREAS the Municipal Government Act of the Province of Nova Scotia enables a municipality to adopt a by-law regulating and licensing Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers; and

WHEREAS the Cape Breton Regional Municipality intends to regulate Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers in the Regional Municipality to:

- enhance and encourage safe maintenance and operational practices for Drivers and Owners;
- ensure experienced and qualified Drivers are providing services;
- ensure accountability of industry participants for health and safety issues;
- license and regulate Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers for the purposes of Consumer Protection.

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;

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

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

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.

1. DEFINITION

(1) In this by-law:

CBRM means the Cape Breton Regional Municipality;

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

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 Tow Truck Owner or Tow Truck Driver ~~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 Tow Truck Owner or Tow Truck Driver ~~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/their 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; a By Law fficer or Officer.~~

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

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

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

Manager means the CBRM's Manager of Building, Planning & Licensing Laws including their designate of By-law Services Supervisor ~~Manager responsible for the administration and enforcement of this By-law, as appointed by Council, and includes his or her designates.~~

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

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

Municipality means the Cape Breton Regional Municipality, in the County of Cape Breton, Province of Nova Scotia.

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;

"Peace Officer" as defined in the Criminal Code of Canada, R.S.C. 1985, Chapter C-46.

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 Business means a business or corporation offering Vehicles for Hire to be used for towing or otherwise conveying Vehicle(s).

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;

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

Tow Truck Driver means any person who drives or operates a Tow Truck;

Tow Truck Owner's Licence means a licence issued to the owner of a vehicle to be used as a Tow Truck pursuant to this By-law.

Tow Truck Driver's Licence means a licence issued to the driver of a vehicle to be used as a Tow Truck pursuant to this By-law.

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 Owner's Plate means a number plate issued to a Tow Truck Owner Licenced under this By-law;

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. MANAGER-ADMINISTRATION

(a) {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-applicants 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 ~~109~~;

~~(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 ~~4(3)(d6(1)(c))~~.

(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) Peace Offices shall:~~

~~(a) be responsible for enforcement of the offences of this By-law; and~~

~~(b) conduct inspections of business premises or Vehicles of a Licencee.~~

3. LICENCING

(1) No Person shall act as or be the Owner of a Tow Truck in CBRM unless ~~he/she isthey are~~ licenced as a Vehicle Owner under this By-law.

(2) No Person shall drive, or act as the Driver of a Tow Truck in CBRM unless ~~he isthey are~~ licenced as a Tow Truck 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/herthem~~ which is to be used as a Tow Truck in CBRM.

4. AREAS OF JURISDICTION

The jurisdiction of ~~this~~the Towing By-law is the Cape Breton Regional Municipality. CBRM shall be divided into zones for the purpose of this By-Law as set out in Schedule ~~#2~~. A Tow Truck Driver's Licence is valid throughout the Municipality, but a Tow Truck ~~n~~ Owner's Licence is only valid for one zone. No Tow Truck Driver's Licence and/or ~~Vehicle-Tow Truck~~ 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

(1) Every person ~~engaged in the business of~~ operating a ~~tow truck~~Tow Truck or owning a ~~tow truck~~Tow Truck vehicle shall be in the employ of a ~~towing business~~Tow Truck 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) No ~~person~~Person shall be ~~licenced~~Licensed under this ~~by~~By-law as a Tow Truck Driver unless ~~he/she~~:

~~(i) has at least five years driving experience after completing the requirements of a full Nova Scotia Class 4 driver's licence;~~

~~(a) (ii)~~They is a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a Driver, ~~and~~
~~(iii) has a working knowledge of English.~~

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

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

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

~~(a) He/she~~

~~(b) They~~ has a current valid Class 45 Driver Licence issued by the Province of Nova Scotia;

~~(b) He/she~~

~~(c) They~~ 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~~

~~(d) They~~ 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)~~

~~(e) If applicable, he/she produce~~they produce 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~~

~~(f) They have their~~ photograph taken by the Manager.

~~(4)~~

~~(3) No Person shall be licenced as ~~an~~ Tow Truck Owner unless:~~

~~(a) he/she produces~~

- (a) they produce a criminal record search in compliance with Schedule 4 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.
- (b) they produce 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/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~~
- (c) they produce and files with the Manager either:
- i. ~~(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. ~~(ii)~~ a Safety Standard Certificate issued under the *Motor Vehicle Act* within sixty (60) days of this submission.
- ~~(c) he/she produces~~
- (d) they produce and files with the Manager a copy of the certificate of insurance for the Tow Truck for which he/she isthey are the Tow Truck 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)~~
 - 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)~~
 - ii. in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer's/customer's Motor Vehicle while in his/her/their 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)~~
 - 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/their 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~~
- (e) they state in writing whether he/she hasthey have 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/shethey 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 isthey are licenced under this By-law if he/she isthey are 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 CBRM Customer Service Centre ~~the Manager a duly~~ completed application form provided by the Manager, in which the applicant shall provide all information sought in such application form. Incomplete applications will not be accepted.
- (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 ~~Section 2 of~~ Schedule 1 shall become due and payable prior to the issuance of the Licence;
 - (c) if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department; and,
 - (d) if the applicant is a registered partnership, a copy of the registered declaration of partnership.
- (3) Every application/renewal form shall include a requirement that the applicant provide at least the following information:
 - (a) the name and address of the applicant;
 - (b) the address of the applicant to which CBRM or ~~its~~ ~~their~~ ~~m~~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 for those individuals who intend on operating a vehicle regulated under this By-law;

(g) along with the requirements in Section 6 of this By-law.

- (4) In addition to the above requirements, on an application for renewal of a Licence the previous year's Licence and, when required by the Manager, the Owner's Plate, shall be returned to the Manager.
- (5) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
- (6) The provisions of this By-law relating to an application for a Licence shall apply, with necessary modifications, to an application for the renewal of a Licence or to amend a Licence or a condition of such Licence, except that where the applicant notifies the Manager that the information on file with the Manager has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

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

- (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Manager and ~~his or her delegates~~.
- (2) Where the Manager is of the opinion that:
 - (a) an application for a licence 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~~they 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

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(d) state that the Applicant or Licencee is entitled to a hearing by the Appeals Standing Committee

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

- (5) Where no appeal is registered within the required time period, the decision of the Manager shall be final.
- (6) No Person shall re-apply with the Manager to obtain or renew a Licence for a minimum of one year from the later of:
- (a) the date of the Manager's decision to refuse to issue, renew, 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 this section~~ Subsection 9(7)(b) affords reasonable grounds for belief that the carrying on of

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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~~

(k) an applicant has been convicted of an offence under Schedule 4.-

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 ~~Applicant or Licencee and the~~ Manager.

11. COMMITTEE DECISION FINAL

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

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did not, acting in good faith, through absence, accident, illness or other cause beyond ~~his or her~~their 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 Licencee, the Licencee 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 Tow Truck 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 a ~~a~~ Vehicle 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 Tow Truck 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~~ Licence issued under this By-law must be delivered to the Manager before the expiry of the term of Licence.
- (2) Where a Tow Truck Driver's Licence is renewable, the Manager shall issue a Tow Truck Driver's Licence which shall set out the expiry date of the Tow Truck Driver's Licence and the Tow Truck Driver's Licence is thereby renewed.
- (3) Where a Tow Truck Owner's Licence is renewable, the Manager shall issue a Tow Truck Owner's 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) Where a Tow Truck Driver's Licence is renewable, the Manager shall issue a Two Truck Driver's Licence which shall set out the expiry date of the Tow Truck Driver's Licence and the Tow Truck Driver's Licence is thereby renewed.
- (5) 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 a Tow Truck Owner's Licence has leased a Vehicle to be used as a Tow Truck from a Motor Vehicle dealership or leasing company, the Tow Truck 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~~their birthday except where:
 - (a) the initial Licence issued to a Tow Truck Driver, is issued within ninety-one (91) days prior to ~~his/her~~their birthday, such Licence shall be valid until the next following birthday; or
 - (b) the initial Licence issued to a Tow Truck Driver, is issued on a date which is greater than ninety-one(91) days prior to ~~his/her~~their birthday, such Licence shall be valid until the next birthday; or
 - (c) the Tow Truck Driver's birthday is February 29th, the expiry date for such Tow Truck Driver's Licence shall be February 28th, for licencing purposes only.
- (2) Section ~~2117~~(1) does not apply to a Tow Truck Driver who is also ~~the Owner of~~ a Tow Truck Owner, such Tow Truck Driver's Licence shall expire on the same date as the Tow Truck Owner's Licence.
- (3) Where the ~~Licensed Tow Truck~~ 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 Tow Truck Owner and ~~his/her Driver's~~their Tow Truck Driver's Licence shall expire on the same date as the Corporation's Owner's Licence.
- (4) Every ~~Licence issued to an Owner of a Tow Truck~~Tow Truck Owner's Licence 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 unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the 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~~their 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 A Peace Officer or the Manager~~ may at any reasonable time enter upon and inspect the business premises or Vehicles of any Licencee to ensure that the provisions of this By-law have been complied with, and ~~an Inspector a Peace Officer~~ 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~~Peace Officer 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) ~~A Vehicle~~ ~~The A Manager~~ ~~Peace Officer~~ may require a Tow Truck Owner to submit ~~his/her~~ their Tow Truck for inspection at any time and at an appointed place and the Tow Truck Owner shall submit each Tow Truck for inspection when required to do so by ~~the Manager~~ Peace Officer.
- (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 ~~Peace Officer~~ 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 Tow Truck 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 ~~Peace Officer~~ the Vehicle Owner's Plate and the Tow Truck Owner shall not operate the Tow Truck until ~~he/she obtain~~ they obtain 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~~ Peace officer ~~Officer~~ shall produce ~~his/her~~ their Licence, photograph and other relevant documents required under this By-law.

22. OWNER AND DRIVER DUTIES

Every licenced Tow Truck Owner and Tow Truck Driver shall:

- (1) take due care of all Vehicles and property delivered or entrusted to ~~him/her~~ them 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~~ Driver in a continuous log sheet or by consecutively numbered bills or invoices showing:
 - (a) the name and address of every Hirer;
 - (b) a description of the Vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such Vehicle;
 - (c) the rate charged, and,

- (d) the total fee collected.
- (5) keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage with a well maintained exterior paint finish;
- (6) before demanding payment for services, present to the Hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the Owner with the Manager, or as set out in Schedule 3 under this By-law;
- (7) convey the Vehicle to the Hirer's Vehicle Pound Facility or the Hirer's home and if the Hirer's desired Vehicle Pound Facility is closed, the Tow Truck Owner or Tow Truck Driver must take the Vehicle to the Hirer's home, if desired by the Hirer, or to the Tow Truck Owner's or Tow Truck Driver's Vehicle Pound Facility and may ~~only charge for the~~ second tow general mileage rate as per the rates set out in Schedule 3 of the By-law for a re-tow from the Tow Truck Owner's or Tow Truck Driver's Vehicle Pound Facility to the Hirer's desire Vehicle Pound Facility when it opens;
- (8) register with the Manager the name of the licenced Vehicle Pound Facility used by the Tow Truck Owner and Tow Truck Driver where a Vehicle is towed when a Hirer has not directed or instructed the Tow Truck Owner and Tow Truck 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/their 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.

23. OWNER AND DRIVER PROHIBITIONS

- (1) No Licenced Tow Truck Owner or Tow Truck 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) a Dolly; and

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

(2) No licenced Tow Truck Owner or Tow Truck Driver shall:

- (a) interfere with any contract for hiring of a Tow Truck where a person has hired or has indicated ~~his/her~~their 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~~their services other than in accordance with the applicable schedule of rates filed with the Manager, or as set out in Schedule 3 under this by-law;

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

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

(f) suggest or recommend to any Hirer that any Motor Vehicle in respect of which their 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~~they have been requested to do so by the Hirer, and may

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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;

- (g) 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 Tow Truck Driver is not to solicit a tow, engage in any form of towing or have ~~his or her~~their Tow Truck within 200 metres (approximately 653 feet) of the scene of a Collision nor shall the Tow Truck Driver cause or permit ~~their 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~~their 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 Vehicle-Owner's Plate;
- (l) operate or permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Vehicle 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 Tow Truck Driver shall:

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- (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 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) 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
- (5) 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/Peace Officer or, the Manager or an Inspector at any time.
- (6) 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 Tow Truck 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 Subsections (4) and (5) above.

25. DRIVER PROHIBITION

No Licenced Tow Truck 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

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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~~they have 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. TOW TRUCK OWNER DUTIES

Every Licenced Owner shall:

- (1) immediately notify the Manager in writing when ~~he/she gives~~they give possession and control of the Tow Truck for which ~~he/she is~~they are licenced under this By-law to another person or permits the use of said Tow Truck by another person other than through a bona fide contract of hiring for a period greater than one day;
- (2) charge a flat rate for Collision Towing as set out in Schedule 3;
- ~~(3)~~ file with the Manager a schedule of rates to be charged to Hirers for the towing or other conveyance of Vehicles and for other services offered or to be performed by him/her~~them~~ or his/her~~their~~ Tow Truck Driver for towing services other than Collision Towing;
- (3) charge the rates, as set out in the schedule of rates filed with the Manager for towing and services other than Collision Towing;

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- (4) keep in the Tow Truck and show to the Hirer a copy of a tariff card showing the ~~Schedule 3~~ flat rate, the applicable schedule of rates filed with the Manager ~~in accordance with section 35 of this By-law~~, and also showing, if applicable that the Hirer may be charged additional fees for storage by the operator of any storage facility or business to which the Hirer's Vehicle is to be towed;
- (5) in the carrying out ~~his/her/their~~ 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/their~~ name, address, phone number and the name of any Tow Truck Broker (as approved by the Manager) offering the services of said Tow Truck;
- (6) retain for a period of sixty (60) days copies of all advertising matter used by ~~him/her/them~~ and shall produce the same to the Manager if and when requested;
- (7) 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 Tow Truck ~~Business-Owner~~ 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.
- (8) only use the service of a Tow Truck Driver who is licenced as a Driver under this By-law;
- (9) 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.
- (10) 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/they have~~ an Owner's Plate to another Person and where such agreement or arrangement is in writing shall file it with the Manager;
- (11) 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 Tow Truck Owner shall:

- ~~(1)~~ permit any Vehicle Owner's Plate issued to him/her/them 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 without first giving at least 30 days written notice to the Manager.~~

28. SCHEDULE OF RATES

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

(a) Time:

- (i) time required to perform services;
- (ii) standby time only if called by Cape Breton Regional Police;

(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 ~~Owner~~ 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 3 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 a Tow Truck Owner's Licence or a Tow Truck Owner licenced under this By-law who ~~disposes of the Tow Truck or otherwise~~ ceases to use his/herttheir 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:
 - (a) 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
 - (b) a Safety Standard Certificate issued under the Nova Scotia *Motor Vehicles Act* within thirty-~~six~~ (30~~6~~) 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.

~~29. 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~~

~~- 30. ENFORCEMENT~~

- (1) Every person who contravenes or fails to comply with any provisions of this By-law shall, ~~for each offence,~~ be liable upon summary conviction for every ~~to a penalty each such offence to a penalty~~ of not less than \$2500.00 and not more than \$61,000.00 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.

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

~~(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.~~

(43) Any person who commits an offence under this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence. Any person who commits an offence under this By-Law shall be liable to a penalty as follows:

1st Offence -\$237.50352.50

2nd Offence -\$352.59582.50

3rd Offence -\$582.50812.50

(54) The Manager or Peace Officer 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.

(65) Upon a person's third offence under this By-Law, the Manager or Peace Officer shall suspend such person's Licence.

(76) 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. 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. SHORT TITLE

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

35. Previous By-laws Repealed

By-law No. T-200, cited as the Cape Breton Regional Municipality Tow Truck By-law and all amendments thereto are hereby repealed.

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

Mayor Amanda M. McDougall Merrill

Municipal Clerk – Christa Dicks

I, Christa Dicks, 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 _____.

Municipal Clerk – Christa Dicks

Publication Date:

Schedule 1- Licencing and Other Fees

Tow Truck Driver's License: \$150.00 (Annual Fee)

Tow Truck Owner's License: \$460.00 (Annual Fee)

Appeal hearing fee: \$100.00

Replacement fee for loss of Tow Truck Driver's Licence or Tow Truck Owner's Licence: \$25.00

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

SCHEDULE 2 – ZONES

Zone 1: Central Zone for Cape Breton Regional Police Central Division

Zone 2: Eastern Zone for Cape Breton Regional Police Central Division

Zone 3: Northern Zone for Cape Breton Regional Police Central Division

Zone #1 Central Sydney area

Sydney area to Grand Lake Rd at the Lights

Hwy #22 to Louisbourg

Hwy #4 to Irish Vale

Hwy #216 from Hwy #4 to Eskasoni

Hwy #28 up to and including Victoria Mines.

Keltic Drive to Frenchvale Road

Lingan Road to the Sydney Side of the tracks

Zone#2 East #1 Glace Bay area

Glace Bay /Dominion /Reserve and surrounding areas. Including

Grand Lake Rd at Gardiner Road

Seaside Drive Gardiner Mines to the bridge.

Zone#3 East #2 New Waterford area

New Waterford, Scotchtown, Lingan

HWY 28 up to and including New Victoria

Lingan Rd to the New Waterford side of the tracks.

Union Hwy to the bridge.

Zone#4 Northside area

North Sydney, Sydney Mines

Bras d'Or, Florence, Boularderie

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

~~Hwy #105 to St James Road~~

~~Hwy #223 to Christmas Island.~~

~~Hwy #216 to Eskasoni.~~

SCHEDULE 3

SCHEDULE III - Fees – Maximum Rates permitted to charged

Towing Recovery, Storage.	Light Duty under 3000kg	Medium Duty 3000-6300kg	Heavy Duty 6300kg -9072	Heavy Duty 9073kg
Towing within 5 km	\$105.30 <u>125.00</u>	\$142.90 <u>150.00</u>	\$230.38 <u>250.00</u>	263.84 <u>300.00</u>
Mileage over 5k	\$2.50 <u>3.00</u> per km	\$2.65 <u>3.00</u> per km	\$4.73 per km	\$5.00 per km
Winching	\$104.70 <u>150</u> per hour	\$157.65 per hour	\$250 per hour	\$260.39 per hour
Dollies	\$40.25	\$40.25	Nil	Nil
Flatbed Fee	\$50.00	\$560.00	\$570.00	\$5080.00
Daily Storage rate	\$30.00	\$30.00	\$45.00	\$45.00
Administration fee	\$350.00	\$3550.00	\$3550.00	\$3550.00
Disposal Fee	\$123.64 <u>150</u>	\$123.64 <u>150</u>	\$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	\$254.17 <u>300.00</u>	270.25 <u>\$300</u>	\$278.75 <u>300</u> <u>00</u>	\$293.34 <u>400</u> <u>00</u>
Mileage over 5km	\$2.61 <u>3.00</u> per km	\$2.75 <u>3.00</u> per km	\$5.00 per km	\$5.23 per km
Winching per 30min	\$148.24 <u>150.00</u>	\$176.25	\$189.07	\$189.07
Debris clean up	\$60	\$60	\$60	\$60
Dollies	\$304.025	\$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	\$36.67 <u>50.00</u>	\$36.67 <u>50.00</u>	\$36.67 <u>50.00</u>	\$36.67 <u>50.00</u>
Disposal fee	\$1520.00	\$1520.00	\$1520.00	\$1520.00

SCHEDULE 4 - REFUSED OR SUSPENSION WITHOUT RENEWAL

The following offences may result in the immediate refusal to grant or suspension both the Owner's and Driver's License. A license will not be renewed or issued where these offences have occurred. A license will be suspended upon conviction.

Violent Criminal Offences;

- Homicide
- Attempted Murder
- Robbery
- Sexual assault
- Forcible Confinement
- Criminal Harassment
- Firearms and related offences
- Uttering Threats
- Assault Causing Bodily Harm, Aggravated Assault
- Assault Police

Property Crimes;

- Break and Enter
- Arson
- Theft and related offences
- Fraud and related offences
- Identity Theft
- Mischief

Other Criminal Offences;

- Child Pornography and related offences
- Dangerous Operation of Motor Vehicle
- Public Mischief
- Controlled Drug Substances Act (CDSA) offences



TO: CBRM Mayor & Council

DATE: May 14, 2024

FROM: Karen Neville

RE: Accessory Dwelling Units

Introduction

At the April 23, 2024 Council meeting, Council passed a motion directing staff to provide an issue paper with proposed amendments to the Land Use By-law (LUB) to allow for Accessory Dwelling Units to be permitted accessory to Supportive Housing. Please consider this issue paper as Staff's response to Council's motion.

Land Use By-law

While individuals reside in Support Housing buildings, the LUB considers Supportive Housing as a service use rather than a residential use. For this reason, provisions around residential uses do not apply to Supportive Housing buildings.

Supportive Housing means a service use licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff for people who need assistance to live independently in a setting that attempts to emulate a home atmosphere. Supportive housing may house people who are elderly, fleeing violence or abuse, have disabilities, or mental health issues.

In accordance with Section 4.2 Accessory Dwelling Units of the LUB, an Accessory Dwelling Unit is only permitted accessory to a one unit dwelling and two unit dwelling. If Council wishes to permit Accessory Dwelling Units accessory to Supportive Housing, then Section 4.2 will need to be amended to include the term Supportive Housing. The LUB also contains provisions regulating the number of main buildings on a lot parcel. If Council proceeds with the proposed amendment, Section 4.14 More than One Use on a Lot will need to be amended (Attachment A).

In addition to the General Provisions of the LUB, the definition for Accessory Dwelling Unit will need to be amended to include the term Supportive Housing. The Land Use By-law currently defines an Accessory Dwelling Unit as:

one dwelling unit accessory to a one unit dwelling, two unit dwelling, semi-detached dwelling and intended as an independent and separate living unit which contains its own sleeping, living, cooking and sanitary facilities, and its own entrance. An accessory dwelling unit is detached from main dwelling, unlike a secondary suite.

Municipal Planning Strategy

The provisions of the LUB are based on policies in the Municipal Planning Strategy (MPS). Therefore, any amendments to the LUB must be consistent with MPS policy. Policy 6.3.3 Secondary Suites and Accessory Dwelling Policies of MPS states:

Secondary suites within existing dwellings and accessory dwellings, located in the rear yard of existing dwellings, provide an option for gentle increase in density in existing built up areas. It also provides an option for revenue generation amongst homeowners, while increasing the diversity of housing tenure within the municipality.

H-13

Council shall, through provisions in the Land Use By-law, permit secondary suites and accessory dwelling units throughout the jurisdiction of the CBRM.

The intention of this policy was to provide an opportunity for the gentle increase in density of existing residential neighbourhoods and increase the diversity of housing types within CBRM. The introductory statement for this policy uses the terms 'existing dwelling' and 'homeowner', as Supportive Housing is not considered a dwelling under the LUB, the MPS should be amended to support Council's motion and clarify Accessory Dwelling Units are permitted accessory to Supportive Housing.

Other Nova Scotia Municipalities

A jurisdiction scan of various municipalities across Nova Scotia was completed (Attachment B). The majority of municipalities surveyed only permit Accessory Dwelling Units accessory to a one unit dwelling. There are several municipalities that take a similar approach to CBRM and only permit Accessory Dwelling Units accessory to one and two unit dwellings. HRM was the only municipality to permit Accessory Dwelling Units accessory to a Townhouse in addition to one unit and two unit dwellings. The St. Peter's LUB does not permit human habitation in accessory buildings and the town of Amherst requires a Development Agreement for an Accessory Dwelling Unit. While all of the municipalities permit varying degrees of Supportive Housing options, no municipality permits Accessory Dwelling Units accessory to Supportive Housing.

Next Steps

Authority for Council to amend the MPS is provided under the *Municipal Government Act*. Council is not obligated to consider amendments to plan policy. If Council does wish to consider policy amendments, conducting a Public Participation Program is the next required step. Any Public Participation Program will be conducted in accordance with CBRM's Public Participation and Engagement Programs Policy.

Options

1. Uphold policy and decline the request
2. Direct Staff to include this request in review scheduled to begin this Fall
3. Direct Staff to conduct a Public Participation Program

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department

Excerpts from the CBRM Planning Documents

Municipal Planning Strategy

6.3.2. Supportive Housing Policies

Although not a direct responsibility of the municipality, the provision of supportive housing for vulnerable persons should be encouraged within CBRM. These policies provide guidance for siting and future partnerships.

- H-10 Council shall encourage supportive housing for people experiencing barriers to safe, secure and affordable housing, including but not limited to, seniors, persons fleeing violence or abuse, and persons with disabilities.
- H-11 Council shall establish standards within the Land Use By-law to facilitate the integration of supportive housing into residential areas that:
- a. Maintain compatibility and character with the host neighbourhood;
 - b. Supportive Housing over 9 beds be permitted through Site Plan Approval in all zones, subject to regulations regarding parking, landscaping, building location on a lot, stormwater management, and access management.
- H-12 Council shall permit, through the Land Use By-law, shared dwellings within all areas of CBRM, but manage the number of rooms outside the Service Area Boundary.

6.3.3. Secondary Suites and Accessory Dwelling Policies

Secondary suites within existing dwellings and accessory dwelling, located in the rear yard of existing dwellings, provide an option for gentle increase in density in existing built up areas. It also provides an option for revenue generation amongst homeowners, while increasing the diversity of housing tenure within the municipality.

- H-13 Council shall, through provisions in the Land Use By-law, permit secondary suites and accessory dwelling units throughout the jurisdiction of the CBRM.

Land Use By-law

General Provisions

4.1. ACCESSORY BUILDINGS AND STRUCTURES

4.1.1. General Provisions

- a) Except as otherwise provided by this By-law, any lot containing a main building or use may also contain one or more accessory buildings or structures subject to the requirements of this Section.
- b) Shipping containers shall be permitted as an accessory structure to non-residential uses within the Service Area Boundary and all other zones outside of the Service Area Boundary, subject to this Section 4.1.
- c) In addition to the provisions of Subsection 4.1, shipping containers shall only be permitted within the Service Area Boundary as an accessory structure to a residential use if the exterior has the same or similar exterior cladding as the main residential building. For clarification paint is not considered exterior cladding.
- d) Except as otherwise provided by this By-law, an accessory building or structure shall not be erected, placed, or altered so as to be in the required front or flankage yard setback of a main building or structure.

e) Accessory buildings shall be of a similar appearance and design as the main building;

4.1.2. Total Lot Coverage

- a) The total floor area for all detached accessory buildings to a residential use shall not exceed the greater of 75m² or 10% of the lot area up to a maximum of 150m², not exceeding the lot coverage requirements;
- b) The total floor area for all detached accessory buildings to a non-residential use shall not exceed the greater of 75m² or 10% of the lot area up to a maximum of 250m², not exceeding the lot coverage requirements.
- c) The total floor area of all accessory buildings shall not exceed 28m² (300ft²) when it is accessory to a recreational vehicle.

4.1.3. Side and Rear Yard Setback Requirements

a. Residential

Any accessory residential building or structure may be built or located in a side yard or rear yard provided that it be a distance of at least 0.6 metres (2 feet) from the side lot line or rear lot line, except if the floor area of the accessory building exceeds 93sq. m (1,000 sq. ft.), or its height exceeds 3.7 metres (12 feet), in which case it shall be in compliance with the setbacks for the main building.

b. All other uses

Non-residential accessory building or structure shall be at least 1.2 metres (4 feet) from the side lot line or rear lot line.

4.1.4. Front Yard Setback Requirements

No accessory building or structure may be placed within the required front yard setback area of the zone.

4.1.5. Height

a) Residential

The height of a residential accessory building or structure shall not exceed the height of the main residential building on a lot and in no case shall it exceed 9 metres in height measured from average grade to the highest point of any portion of the roof.

b) All other zones

The height of a non-residential accessory building or structure shall not exceed a maximum height of 11 metres. Where abutting a residential zone; accessory buildings over 9 metres will require an additional 1 metre side and rear yard setback for each additional metre in height to a maximum of 5 metres.

4.1.6. Accessory Buildings on Corner Lots

No accessory building or structure shall be erected on a corner lot at a distance from the street line less than the front yard and corner lot side requirements for the main building.

4.2. ACCESSORY DWELLING UNITS

A lot containing a one or two unit dwelling may also contain an accessory dwelling unit as a secondary use in a separate building subject to the following:

- a) The accessory dwelling unit suite shall not exceed a maximum gross floor area of 72 square metres;
- b) The height of an accessory dwelling unit shall not exceed the height prescribed for an accessory building in Section 4.1 of this By-law;

- c) Unless the accessory building existed legally prior to the adoption of the Land Use By-law, the accessory dwelling unit shall be in the rear yard of the main building;
- d) The accessory dwelling unit shall be of a similar appearance and design as the main building;
- e) The accessory dwelling unit shall be serviced from the main dwelling unit. A separate, independent connection to municipal services is prohibited;
- f) Each lot is limited to one accessory dwelling unit; and
- g) Subdivision of an accessory dwelling unit to create a flag lot is prohibited.

4.14. MORE THAN ONE USE ON A LOT

4.14.1. General

Where more than one use is proposed for a lot or a building is proposed to be used for more than one use:

- a) conformity to the provisions for each use is required;
- b) if conformity cannot be obtained, the more stringent provision prevails.

4.14.2. Main Buildings

- a) Inside the Service Area Boundary, the maximum number of one unit dwellings or Supportive Housing permitted on the same lot parcel shall be one, except where one unit dwellings (mobile homes) are permitted within the Mobile Home Park Zone. Outside the Service Area Boundary, the maximum number of main one unit dwellings permitted on the same lot parcel shall be two.
- b) Two or more two-unit dwellings, apartment buildings or townhouses, or any combination of these three residential land use types, shall be permitted on the same lot parcel provided they are serviced by both a CBRM water main and a sanitary sewer main.
- c) Notwithstanding Subsections a), b), and c), any combination of residential land use types shall be permitted on the same lot parcel when they are within a condominium development registered pursuant to the Condominium Act.

Definitions

Accessory dwelling unit means one dwelling unit accessory to a one unit dwelling, two unit dwelling, semi-detached dwelling and intended as an independent and separate living unit which contains its own sleeping, living, cooking and sanitary facilities, and its own entrance. An accessory dwelling unit is detached from main dwelling, unlike a secondary suite.

Dwelling, Duplex means a building consisting of two dwelling units, located one on top of the other.

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

A

Supportive Housing means a service use licensed or approved by a government agency that provides care and or supervision on a 24-hour basis by professional staff for people who need assistance to live independently in a setting that attempts to emulate a home atmosphere. Supportive housing may house people who are elderly, fleeing violence or abuse, have disabilities, or mental health issues.

Other Nova Scotia Jurisdictions

<p>West River Antigonish Harbour Land Use By-law</p> <p>Garden Suites are permitted on a residential lot that already has an existing dwelling. They are intended to be a temporary use on the lot to be removed once the unit is no longer needed by the family member.</p> <p>Homes for special care are considered an institutional use.</p>
<p><u>Definition</u></p> <p>GARDEN SUITE or “GRANNY FLAT” means a physically separate dwelling unit placed on a residential lot that already has an existing dwelling sited on it. They are intended to be a temporary use on the lot to be removed once the unit is no longer needed by the family member.</p>
<p>Antigonish</p> <p>Accessory dwelling units are permitted accessory to a single unit dwelling, semi-detached dwelling or accommodations, bed and breakfast.</p> <p>Residential Care Facility, Home for Special Care, and Group Home are considered institutional uses.</p>
<p><u>Definition</u></p> <p>Accessory Dwelling Unit means one dwelling unit accessory to a single unit dwelling, semi-detached dwelling or accommodations, bed and breakfast intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings may be contained within the primary single unit dwelling or located in a detached structure.</p>
<p>Inverness</p> <p>Accessory dwelling units are permitted accessory to a single unit dwelling or semi-detached dwelling.</p> <p>Residential Care Facility, Home for Special Care, and Group Home are considered institutional uses.</p>
<p>St. Peter’s</p> <p>Accessory Buildings are not permitted for human habitation.</p> <p>Only one main residential building is permitted on a lot parcel.</p>

<p>Truro</p> <p>Accessory Dwelling unit is located on the same lot a single detached dwelling.</p> <p>Residential care facilities are not considered a single detached dwelling</p>
<p><u>Definition</u></p> <p>Dwelling Unit, Accessory means a secondary, independent residential dwelling unit located on the same lot as, or sharing a structure with, a single detached dwelling which is the primary use of the property.</p>
<p>Towns of New Glasgow, Pictou, Stellarton, Trenton and Westville (Common Land Use By-law)</p> <p>Graden suites permitted on a lot containing a single detached dwelling</p> <p>Residential Care facilities, special care facilities, and group care facilities are not considered a single detached dwelling.</p>
<p><u>Definition</u></p> <p>Garden Suite means a single-storey Secondary Suite that is accessory to, but detached from, the principal Single Detached house, with separate cooking, sleeping and bathroom facilities. A Garden Suite precludes the existence of any additional Secondary Suites. Mini-homes, mobile homes and similar Structures cannot be used as a Garden Suite.</p>
<p>Amherst</p> <p>Garden Suites permitted on a lot containing a single detached dwelling by Development Agreement.</p> <p>Group home facilities are not considered a single detached dwelling.</p>
<p><u>Definition</u></p> <p>Garden Suite means an accessory building to be used as a single detached dwelling unit.</p>
<p>East Hants</p> <p>Accessory Dwelling units are only permitted as accessory to a Single Detached Dwelling or Bed and Breakfast Accommodation.</p> <p>Residential Care Facility, Home for Special Care or Group Home and Group Home are considered not considered a single detached dwelling.</p> <p>Accessory Dwelling Unit means a dwelling unit accessory to a single unit dwelling or bed and breakfast intended as an independent and separate unit which contains its own sleeping, living, cooking and sanitary facilities, and its own independent entrance. Accessory dwellings may be contained within the primary single unit dwelling or located in a detached structure.</p>

<p>West Hants</p> <p>Secondary Suites permitted within and accessory to single and two-unit dwellings in all zones.</p> <p>Homes for Special Care are considered institutional uses.</p>
<p><u>Definition</u></p> <p>Secondary Suite means a dwelling unit either within a dwelling unit or within an accessory building on the same lot as the main dwelling unit and limited to a maximum of (1) 80% of the total floor area of the dwelling unit if 80% is less than 862 sq. ft. (80 sq. m.) or (2) 862 sq. ft. (80 sq. m.) or (3) greater as established in the National Building Code.</p>
<p>Kings County</p> <p>Accessory Dwelling Unit shall be permitted per lot in all Residential Zones and the Mixed Commercial Residential (C3) Zone</p>
<p><u>Definition</u></p> <p>Accessory Dwelling means one (1) self-contained residential unit that is wholly contained within an Accessory Building.</p>
<p>Kentville</p> <p>Ancillary Dwelling permitted on a lot containing a single detached dwelling.</p> <p>Residential care facilities and homes for special care are considered institutional uses.</p>
<p><u>Definition</u></p> <p>Dwelling, Ancillary means a self-contained dwelling unit that is wholly contained within a single unit detached dwelling in which independent, and separate unrestricted access from the main dwelling unit can be gained and results in no external modifications to the front of the structure or to the height exempting the addition of dormers; or a self-contained unit within an accessory building including a Garage Suite which means an accessory dwelling unit built above a detached garage and a Garden Suite which means a free-standing, single story accessory dwelling unit located behind the primary single unit dwelling.</p>
<p>HRM</p> <p>Backyard suites shall be permitted accessory to a single family dwelling, one mobile dwelling, a duplex dwelling, a semi-detached dwelling or a townhouse.</p> <p>Shared dwelling with Special Care is not considered a single detached dwelling.</p>
<p><u>Definition</u></p> <p>"Backyard Suite" means a self-contained subordinate dwelling unit that is located within an accessory building or structure</p>

Bridgewater
Allows conversion of accessory buildings provided they do not exceed the maximum # of dwelling units per zone which ranges from 2-5units
Region of Queens
Accessory Dwelling are permitted on the same lot as a single-unit dwelling. Residential Care facilities and small options are not considered a single unit dwelling
<u>Definition</u> DWELLING, ACCESSORY means a subservient dwelling either located within a single-unit dwelling or in a building on a lot with a single-unit dwelling.
Lunenburg
The building footprint of a detached accessory dwelling shall not exceed 60 square metres or 40% of the building footprint of the main dwelling, whichever is larger.
<u>Definition</u> Accessory Dwelling means the use of a building or part of a building for a dwelling unit subservient to another dwelling unit on the lot.

Draft Excerpt – Heritage Advisory Committee Minutes: May 16, 2024

26 Archibald Ave., North Sydney (PID 15026644):

Motion

Moved by Councillor O’Quinn, seconded by Councillor Tracey, to initiate the process for registering 26 Archibald Ave., North Sydney (PID 15026644) as a Municipal Heritage Property.

Motion Carried



MEMO

To: Mayor and Council

DATE: May 17, 2024

FROM: Karen Neville

SUBJECT: Request for Municipal Heritage Registration - 26 Archibald Ave, North Sydney

Staff presented a request to register 26 Archibald Avenue, North Sydney as a Municipal Heritage Property during the May 16th, 2024, Heritage Advisory Committee Meeting. A copy of the staff issue paper is attached.

The Heritage Advisory Committee passed a motion to advise Council to initiate the process for registering 26 Archibald Ave, North Sydney as a Municipal Heritage Property.

Recommendation

Based on the motion of the Heritage Advisory Committee, it is recommended that Council to initiate the process for registering 26 Archibald Ave, North Sydney as a Municipal Heritage Property.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department



CAPE BRETON
REGIONAL MUNICIPALITY

TO: Heritage Advisory Committee **DATE:** May 6, 2024

FROM: Karen Neville

RE: Request for Municipal Heritage Registration - 26 Archibald Ave,
North Sydney

A request has been received from Angela Iannetti to register 26 Archibald Ave, North Sydney (PID 15026644) as a Municipal Heritage Property (Attachment A). The applicant's submission for Heritage Registration, which was prepared by Emma Lang, Executive Director, Heritage Trust of Nova Scotia, can be found in Attachment B. The unique architectural features as well as the association with the Jabalee family are cited for the reasons for Municipal Heritage Registration.

The applicant estimates the house is over 100 years old, with the Jabelee family residing in the building from 1933. This house was believed to be built for the first recorded owner, a local doctor, Roderick C. McLeod and his wife Annie, who are listed living on Archibald Street in 1901. It is thought the house was built by architect William Critchlow Harris, of Charlottetown, Prince Edward Island. Harris was responsible for the design and construction of numerous churches, commercial and residential buildings in Prince Edward Island and Nova Scotia. In Cape Breton specifically, Harris is known for the building of St. Joseph's Catholic Church on Archibald Avenue and St. John's Anglican Church on Pierce Street in North Sydney and Trinity Church in Sydney Mines as well as residences at 102 and 110 Pierce Street¹.

According to Emma Lang, the house is an example of houses built in Queen Anne Revival style which were popular among the merchant class across Atlantic Canada.² A series of exterior photos can be found in Attachment C. The applicant submission includes a detailed description of architectural features of the home (Attachment B). While the home is now covered with vinyl siding, the original scalloped shingles are present. The home once had stained glass windows, which have been removed.

The building was once the home of the Jabalee family, an extremely successful merchant family residing in North Sydney. Edna Jabalee purchased the property in 1933, and it was sold by the couple's four children in 1996. The applicant's submission provides a detailed overview of the contributions from the Jabalee family.

¹ Mary Jane MacNeil, "LETTER: Old article sparks North Sydney family memories," Saltwire. July 4, 2017, <https://www.saltwire.com/cape-breton/opinion/letter-old-article-sparks-north-sydney-family-memories-22601/>, (Accessed August 22, 2023).

² Canada's Historic Places, "Alphaeus Barbour House," Historic Places Canada, January 11, 2005, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14599&pid=0>, (Accessed April 5th, 2024); Canada's Historic Places, "Fred Fowler Residence," Historic Places Canada, November 25, 2009, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14599&pid=0>, (Accessed April 5th, 2024).

As indicated, the applicant is requesting Municipal Heritage Registration based on the unique architectural features as well as the association with the Jabalee family. While the combination of architecture features and connection to the Jabalee supports the request for Municipal Heritage Registration of the property, the scores associated with architectural significance are the main reasons for considering this property as a Municipal Heritage Property. The scoring criteria for this property can be found in Attachment D.

Recommendation

I recommend that the Heritage Advisory Committee advise Council to initiate the process for registering 26 Archibald Ave, North Sydney as a Municipal Heritage Property.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department



A

Prince Street

Edward Street

Caledonia Street

Pierce Street

Caledonia Street

Pleasant Street

Archibald Avenue

Archibald Ave

Prince Street

Court Street

Pleasant Street

25
12.5
0
25 Meters

24 Unit: R

24

26

55

7

Applicant Information:**Name:** Angela Iannetti**Organization/Company Affiliation:****Address:** 26 Archibald Ave, North Sydney CB B2A 2W3**Telephone:** [REDACTED]**Email:** [REDACTED]**Compiled with the help of:****Name:** Heritage Trust of Nova Scotia, Emma Lang, Executive Director**Address:** 55 Ochterloney Street, Dartmouth, Nova Scotia, B2Y 1C3**Telephone:** [REDACTED]**Email:** [REDACTED]

Property Information:**Nova Scotia Property Identification Number (PID(s)):** 15026644**Owner(s):** Angela Iannetti**Address:** 26 Archibald Avenue, North Sydney, B2A 2W2.**Historical Information**

1. **Age of Property:** over 100 years (Viewpoint) exact date unknown, however, the Jabalee family resided in the house starting in 1948.

2. **Source of Information:**

The age of the property is indicated on Viewpoint.ca.

3. **Does this property have an association with the life or activities of a person, group, organisation, institution or an event that has made a significant contribution to the local community, municipality, province, or country? If so, provide details:**

Association of the property with the community's economic, social, political, athletic or cultural history:

This example of domestic architecture represents the success and prominence of the Jabalee family, an extremely successful merchant family residing in North

Sydney. The house also represents the stories of the wider Lebanese and Syrian communities in North Sydney, many of whom, like the Jabalees, arrived in the early twentieth century eventually purchasing homes behind the busy Commercial Street and opening successful businesses. Many of these immigrants were attracted to industrial towns in Cape Breton due to an abundance of job opportunities in mines, quarries and their associated factories, as well as in jobs that supported the lives of people in the area. Richard and Edna Jabalee lived at 26 Archibald Avenue with their children born between 1929 and 1935, George, Harold, Joseph and Rose Marie, lived at 26 Archibald Avenue from 1933 to 1996. Jabalee's three sons would eventually come to take over the family businesses after Richard Jabalee's passing in 1982 before closing the business in 1996.

Jabalee's businesses were responsible for employing many in the community, including throughout World War II when Jabalee had three ships in the Sydney Harbour to service convoys bringing supplies to Europe. While open, these businesses employed numerous people in North Sydney, some of whom were also immigrants from Lebanon and Syria, as warehouse loaders and stockers, grocery clerks, box boys, meat cutters, office workers or delivery drivers. Each of the Jabalee stores employed fifteen to twenty people at a time with the warehouse employing fewer, likely between two and three. Many immigrants from this community worked at Jabalee's stores until they got their own start.¹ One example of this is the Rahey brothers who were employed at Richard Jabalee's grocery store and went on to become well regarded businessmen and open their own successful grocery chain.²

Richard Jabalee was also known in Cape Breton because of his passion for racing and collecting horses. Harness racing in North Sydney and Atlantic Canada, more broadly, was a popular sport throughout the twentieth century. North Sydney's race track, Northside Downs, opened in 1889 and competitions held here regularly drew large crowds of up to five thousand in the 1930s and 1940s.³ Alongside his brother

¹ This comes from oral history given by Charlene Pedersen, head of the North Sydney Area Lebanese Heritage Society.

² Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_oI

³ Peter Craig, "Racetracks of the World – North America : Canada (Nova Scotia and Newfoundland)," *Harnessbred*, April 20, 2022, <https://www.harnessbred.com/racetracks-world-north-america-canada->

Mike Jabalee, who acted as jockey, Richard Jabalee competed throughout the maritimes and parts of America including Pennsylvania and New York.⁴ One of his horses, Marjorie M, gained a particularly good reputation in the racing community, earning the nickname 'Queen of the Maritimes.'⁵ In addition to his racing career, Richard's businesses, like many others at the time, sponsored local and provincial sports teams, and Jabalee himself was even a shareholder and one of the original directors of the Northside Forum.⁶ This house functioned as a home for several individuals, and their families, who provided invaluable services to the people of North Sydney and represents the Jabalee family's wealth and success, having notably purchased the house and opened three thriving businesses at the height of the depression.

Association of the property with a well-known person locally, provincially or nationally:

This was the family home of Edna and Richard Jabalee's family. Edna Jabalee purchased the property in 1933, and it was sold by the couple's four children in 1996, a little over a decade after Richard Jabalee's death.⁷ Richard Jabalee was very well known both locally and throughout Atlantic Canada for numerous reasons. Jabalee arrived in Nova Scotia with his father Asad in 1909 at the age of seventeen from Zahle, Lebanon and was followed by his mother and other siblings in 1913.⁸ According to the oral testimony of Jabalee's son Harold, Richard Jabalee did not speak or read English when he arrived.⁹ He first worked at a quarry in Georges River, then the local Nova Scotia Steel and Coal Company in Sydney Mines, then at

nova-scotia-newfoundland/#:~:text=of%20Atlantic%20provinces.-

,NOVA%20SCOTIA,of%20Nova%20Scotia)%20and%20Truro. (Accessed August 23, 2023).

⁴ Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_oI

⁵ Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019., <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

⁶ Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019., <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

⁷ Douglas Lloy, "Deed: Joseph Jabalee, George Jabalee, Rose Marie Jabalee and Harold Jabalee to Angela Iannetti," *Registry of Deeds*, October 11, 1996.

⁸ In total the family included 4 sons and a daughter at the time of immigration. Statistics Canada, "Census of Canada, 1921" (RG31- Statistics Canada, 1921), page 9, <http://central.bac-lac.gc.ca/.redirect?app=census&id=67607754&lang=eng>.

⁹ Harold Jabalee, 2019, "Part 2 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, <https://www.youtube.com/watch?v=myGnyeHGhlo>

the North Sydney docks and as a peddler before opening his first grocery store in a rented retail space on Commercial Street in 1917.¹⁰ The 1917 store was the first of a series of such businesses that were owned by Richard Jabalee and his family. Notably, during the height of the depression Jabalee's businesses continued to grow. After closing the first business located in a rental unit on Commercial Street Jabalee purchased and opened The Quality Store and a wholesale in 1932 and finally, a warehouse and grocery store was built and opened in 1939.¹¹ Jabalee's warehouse was a supplier for many of the grocery stores in North Sydney throughout the twentieth century, also providing delivery services as many grocers did. Jabalee was commonly referred to as 'The Boss' by those who knew him in North Sydney.¹²

Richard Jabalee's businesses carried items that could not be found elsewhere and were considered to be high quality by his customers. In particular, Richards grocery chain, R. Jabalee and Northern Wholesale (later renamed R. Jabalee & Sons Ltd. in 1955) sold beef sourced from the west of Canada, which he labelled Canada's finest Red Brand Beef. Richard's stores sold this product so effectively that the CEO of Canada Packers, Norman MacLean, travelled from Toronto to North Sydney to meet him in person.¹³

In addition to Richard Jabalee's entrepreneurial reputation he was also an avid race horse owner, gaining a particular reputation for one horse named Marjorie M, who was referred to as 'Queen of the Maritimes'.¹⁴ According to the oral testimony of Richard's son Harold Jabalee, his father had always had a love for horses, beginning to purchase race horses in the 1920s and keeping them in Montreal, later moving

¹⁰ Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

¹¹ Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

¹² Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_ol

¹³ Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-familys-business-success-21200/> (Accessed August 10, 2023).

¹⁴ Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_ol; Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

them to Nova Scotia so that he could be closer to them.¹⁵ Richard Jabalee himself did not race the horses, instead his brother Mike Jabalee or friend Earl Avery from New Brunswick acted as jockeys.¹⁶ Jabalee was known to travel across America and the Maritimes to purchase horses and compete in horse racing competitions.¹⁷ On one occasion Marjorie M was registered to compete at a race in Charlottetown, but instead the race was cancelled and Richard Jabalee was given the prize money as the organisers recognized that Marjorie would likely win.¹⁸ Richard Jabalee also took interest in other sports and was a shareholder and one of the original directors of the Northside Forum. He supported hockey and baseball in Cape Breton by attending games throughout the island and sponsoring local sports teams.¹⁹ Richard Jabalee's success and reputation in the area is clearly displayed in a 1935 issue of the Sydney Post Record which included his name in a list of 'Leaders of Cape Breton.'²⁰

4. Are there any additional comments regarding the age and history of the structure that you can provide? If so, provide details.

This house was presumably built for the first recorded owner, a local doctor, Roderick C. McLeod and his wife Annie, who are listed living on Archibald Street in the 1901 Canadian Census and took out three mortgages on the property at 26 Archibald Street between the years 1901 and 1909 (see appendices A-C).²¹ Two of these mortgages, both taken in 1901, were through an organisation titled the Nova Scotia Permanent Benefit Building Society and Savings Fund (later the Nova Scotia Savings and Loan Company), a 'members-only saving and lending co-operative,'

¹⁵ Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_ol

¹⁶ Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_ol; Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

¹⁷ Harold Jabalee, 2019, "Part 1 - Interview with Harold Jabalee," interview by Isabel Rahey-Tobin, October 25, 2019, https://www.youtube.com/watch?v=amSizJ1d_ol

¹⁸ Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

¹⁹ Gordon Sampson, "Hard work allows for quality purchases," *Saltwire*, November 17, 2019, <https://www.saltwire.com/cape-breton/opinion/hard-work-allows-for-quality-purchases-21190/>. (Accessed August 10, 2023).

²⁰ Gordon Sampson, "Food behind Jabalee family's business success," *Saltwire*, November 10 2016, <https://www.saltwire.com/cape-breton/opinion/food-behind-jabalee-family-business-success-21200/>. (Accessed August 10, 2023).

²¹ Statistics Canada, 1901, "Canadian Census," Census, Ottawa, ON.

aiming to promote building projects, so it is likely that construction was taking place at 26 Archibald Avenue during this time.²² In 1917, presumably after her husband's death, the property was sold by Annie McLeod to Daniel MacDonald, who was also a medical doctor (see Appendix D). Daniel MacDonald held the deed for the property unit 1933 taking out a mortgage on the property in 1920 (see Appendix E) when he sold it to Edna Jabalee, Richard Jabalee's wife (see Appendix F). In 1950 when Edna Jabalee died, the property was left to her husband and subsequently passed to their children upon his death in 1982 (see Appendix G). The building was sold by Richard Jabalee's children Harold, Joe, George and Rose Marie Jabalee in 1996 (see Appendix F).

Architectural Information

1. Is the name of the Architect or Builder known, if so provide?:

Angela Iannetti believes that the architect for this house was William Critchlow Harris, of Charlottetown, Prince Edward Island.

2. Was the architect/builder of particular importance at the regional or local level?

The proposed architect, William Critchlow Harris, was well-known throughout the Maritimes. Harris was responsible for the design and construction of numerous churches, and commercial and residential buildings in Prince Edward Island and Nova Scotia. In Cape Breton specifically, Harris is known for the building of St. Joseph's Catholic Church on Archibald Avenue in and St. John's Anglican Church on Pierce Street in North Sydney and Trinity Church in Sydney Mines as well as residences at 102 and 110 Pierce Street and the town of Broughton.²³ Harris is known to have changed the architectural landscape of many of the communities he worked in and to have designed each of his residential projects uniquely, but commonly with Gothic revival characteristics, like those sometimes found in Queen

²² "Fonds 2013-020/001-004 and MG 3 volumes 1267-1271, 1314-1328, 1445-1450, 1452-1456, 1458-1462, 1544-1546, 1822-1828, 1830-1834; Photographs: 70.2.6 - Nova Scotia Savings and Loan Company fonds," *MemoryNS*, Nova Scotia Archives, Accessed September 7, 2023, <https://memoryns.ca/nova-scotia-savings-loan-and-building-society-fonds>.

²³ Mary Jane MacNeil, "LETTER: Old article sparks North Sydney family memories," *Saltwire*. July 4, 2017, <https://www.saltwire.com/cape-breton/opinion/letter-old-article-sparks-north-sydney-family-memories-22601/>, (Accessed August 22, 2023).

Anne revival homes like 26 Archibald Avenue.²⁴ Harris was a part of many Architectural projects in the Maritimes, and in 1992 there were still 58 buildings designed by him standing in Prince Edward Island and another 43 in Nova Scotia.²⁵ It is also possible that another architect was copying Harris's style.

3. Does the building exhibit any unusual or unique architectural features? If yes, describe these features:

Many of the eccentric features present on this structure make it distinctive and unique. The house is an excellent example of houses built in Queen Anne Revival style which were popular among the merchant class across Atlantic Canada.²⁶ These features include the hexagonal tower at the northeastern corner of the house, the asymmetrical roofline and placement of windows and doors on all faces of the building, and elements like bay windows.

4. Does the architecture have a distinct design unique to the local area? If yes, describe:

The architectural design of this building is characteristic of the residential area behind Commercial Street in North Sydney. Several of the homes and churches in this area were designed by William Critchlow Harris and feature gothic revival characteristics.²⁷ Harris is also known to have had an interest in pointed arches, which can be seen in the roofline of 26 Archibald Avenue.²⁸

Construction Information

²⁴ Historic Places Prince Edward Island, "William Critchlow Harris, RCA (1854-1913.*)" n.d. <http://www.gov.pe.ca/hpo/index.php3?number=1021817&lang=E>, (Accessed August 22, 2023).

²⁵ Robert Critchlow Tuck, "HARRIS, WILLIAM CRITCHLOW," in Dictionary of Canadian Biography, vol. 14, University of Toronto/Université Laval, 2003 (Accessed August 22, 2023). http://www.biographi.ca/en/bio/harris_william_critchlow_14E.html.

²⁶ Canada's Historic Places, "Alphaeus Barbour House," *Historic Places Canada*, January 11, 2005, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14599&pid=0>, (Accessed August 23, 2023); Canada's Historic Places, "Fred Fowler Residence," *Historic Places Canada*, November 25, 2009, <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=14599&pid=0>, (Accessed August 23, 2023).

²⁷ Mary Jane MacNeil, "LETTER: Old article sparks North Sydney family memories," *Saltwire*. July 4, 2017, <https://www.saltwire.com/cape-breton/opinion/letter-old-article-sparks-north-sydney-family-memories-22601/>, (Accessed August 22, 2023).

²⁸ Gordon Sampson, "Architect lives on in his churches on the Northside," *Saltwire*, November 6, 2015, <https://www.saltwire.com/cape-breton/opinion/architect-lives-on-in-his-churches-on-the-northside-20886/>, (Accessed August 22, 2023).

1. Type of Construction (For example, wood frame, mortar, brick, etc)

This building is a three storey house constructed in a Queen Anne revival style with gothic revival elements and uses a wood construction with a stone and cement foundation. The exterior walls on every face of this building are covered with yellow vinyl clapboard siding. It is unknown when the vinyl siding was added to the house, however, it covers original scalloped cedar shingles. The northern face along Archibald Avenue has a gambrel style gable roof accompanied by wide moulded white wooden eaves with returns. At the northeastern corner of the building there is a conical tower, characteristic of Queen Anne revival style. The bottom level of the north face features a large veranda, an asymmetrically placed green metal screen door located near the northeastern corner, a single-storey bay window, and another large window, all with white painted wooden trim. The veranda has six wooden painted uncarved green pillars and a similarly painted uncarved wooden railing. A wide staircase extends from the veranda towards Archibald Avenue. The second level of the Archibald Avenue face features two asymmetrically placed windows with white painted wooden trim. The tower at the northeastern corner of the house is hexagonal in shape and features three windows on the first and second levels of the house, one for each visible face of the tower.

The western face of the house, which faces Pleasant Street features a double gabled roof and wide mouthed eaves with returns. The eaves are painted white. The shorter of the two gabled roofs extends out toward Pleasant Street. At the corner of Pleasant Street and Archibald Avenue the veranda meets the extended portion of the house. This side of the house features a large centrally placed window on the first level of the house, two centrally placed windows on the second floor which take the same amount of space as the window below them, and a smaller centrally placed window on the third level. There is also an additional window on the second level placed on the wall connected to the taller roofline.

The eastern face of the house has two centrally placed windows on both the first and second levels, and a smaller centrally placed window on the third level. The roofline is gabled and has wide mouthed eaves with returns. The bottom of this face shows exposed cement foundation which has been painted green. There is also a brick

chimney placed on the eastern wall close to the tower at the northeastern corner of the building.

The southern face of the building includes a covered porch attached to a raised deck. There is one window on the southern face of the covered porch. The door to the porch is on its western side and is painted green. The southern face of the house has a hip end roof. On the lower level of the house there is a bay window located next to the covered porch. There are three other windows on the bottom level of this side of the house. On the second level of the house there are three windows placed relatively centrally.

2. Does the building exhibit any interesting construction techniques or particular building technologies (i.e. wooden pegs, mortise and tenon, etc.)?

3. Present Building Condition

- Poor
- Fair
- Good
- Excellent

Alteration Information

1. Has the exterior of the building been structurally altered from its original appearance? If yes, when?

The original scalloped cedar siding has been covered with a yellow vinyl siding. All windows on the house have been replaced, though the date is unknown. There were also once stained glass windows on the house which have been removed.

The veranda on the north face of the house has had its columns and railings repainted from white prior to 2012 to green after 2012.

The deck at the south side of the house was added at an unknown time, there was likely previously only a simple staircase from the door of the porch to the ground.

Contextual Information

1. Does the building serve as a visual landmark? Why?

This house serves as a visual landmark as it is one of two distinctive Queen Anne revival homes on this stretch of Archibald Avenue, sitting across from a post office and the local cenotaph. Most of the other properties on this street are commercial, industrial, or in the case of a freemasons lodge, institutional. The notable Queen Anne revival style of 26 Archibald Avenue also helps to make it a visual landmark in the wider community. Several other properties in North Sydney such as 102 and 110 Pierce Street exhibit similar architectural styles as they may have been designed by the same architect, William Critchlow Harris.²⁹ Aside from being a visual landmark, this house serves as a cultural landmark as it belonged to one of the most successful and well known Lebanese and Syrian merchant families in Cape Breton during the twentieth century.

2. How do nearby buildings compare with the subject property?

Several of the residential buildings in North Sydney similarly feature gothic revival elements or a Queen Anne revival style. Some similarly designed houses in the area behind Commercial Street are of this style and belonged to the large Lebanese and Syrian population that called North Sydney home throughout the twentieth century and to the present day. Other buildings on Archibald Avenue include a post office and the local cenotaph across the street and St. Joseph's Roman Catholic Church further west down the street. However, the complexity of the design, current colour and size of this house make it unique compared to its surroundings.

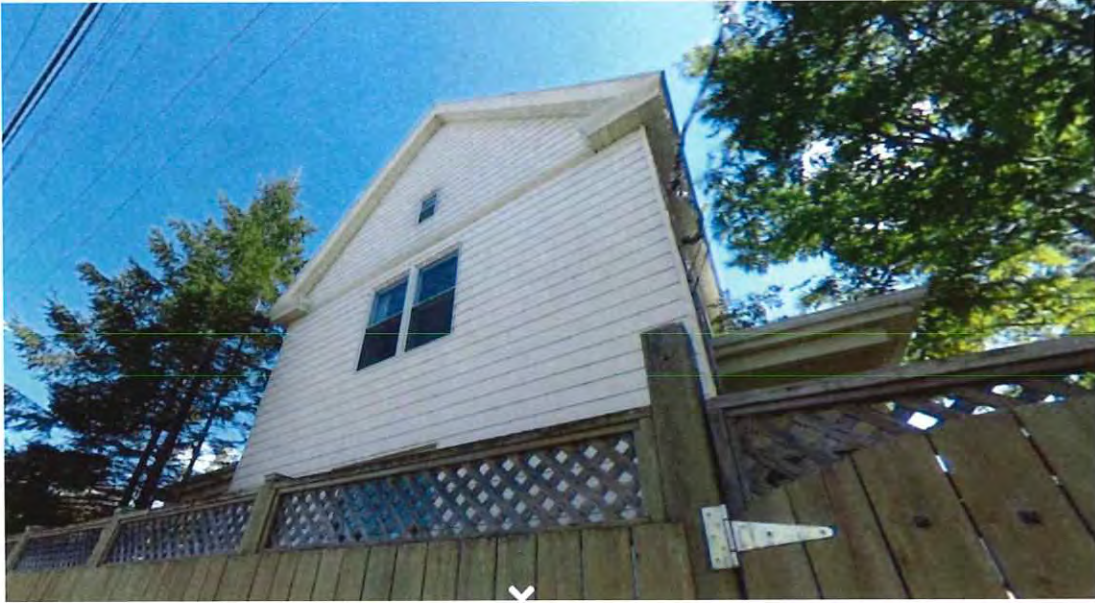
²⁹ Mary Jane MacNeil, "LETTER: Old article sparks North Sydney family memories," *Saltwire*, July 4, 2017, <https://www.saltwire.com/cape-breton/opinion/letter-old-article-sparks-north-sydney-family-memories-22601/>. (Accessed August 22, 2023).

Photographs:



Photograph taken before 2012 showing the north face of 26 Archibald Avenue, North Sydney.

Source: Photograph taken by Anglea Iannetti.



Photograph taken in 2012 showing the Pleasant Street face of 26 Archibald Avenue
Source: Cropped image taken from Google Street View (26 Archibald Avenue, North Sydney, B2A 2W3).



Photograph taken in 2012 showing the east and north faces of 26 Archibald Avenue, North Sydney, B2A 2W3.

Source: Cropped image taken from Google Street View (26 Archibald Avenue, North Sydney, B2A 2W3)

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C





D

Property Requesting Registration: 26 Archibald Ave, North Sydney (PID 15026644)

Historic Significance		
Age of Property (over 100 years)	30 points	20 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	5 points
Association of the property with a well-known person locally, provincially or nationally	10 points	5 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	10 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed [(a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi- detached coal company house)]	50 points	25 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-10 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	0 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
*Total	165 points	55 points

*** It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.**



CBRM

A Community of Communities

ISSUE PAPER

TO: Council

FROM: Demetri Kachafanas, K. C.

SUBJECT: Gardiner Mines Senior Citizens and Pensioners Association / PID 15236185

DATE: May 28, 2024

BACKGROUND:

The Gardiner Mines Senior Citizens and Pensioners Association has asked to renew their lease of our property at PID 15236185, known as the Old Gardiner Mines School #2. The previous lease was entered into in 2019 for a five year term and expires on May 31, 2024. The lease is for nominal consideration of \$1. As a condition of the lease CBRM has no upkeep or maintenance responsibilities for the property during the term. The Association would like to renew for another five year term on the same conditions as the previous lease.

We have sought input from both CAO, Marie Walsh and Director of Buildings, Kirk Durning and have been advised that they have no issues with granting a renewal for this lease on the same terms as the previous lease.

RECOMMENDATION:

That a new lease be authorized for a ten-year term from the 1st day of June 2024 to the 31st day of May 2029, with the terms and conditions unchanged from the previous lease.

Submitted by:

Demetri Kachafanas, K. C., Regional Solicitor

THIS INDENTURE made in duplicate this day of , 2024,

BETWEEN:

CAPE BRETON REGIONAL MUNICIPALITY, a body corporate and politic, as successor to the former Municipality of the County of Cape Breton;

(hereinafter called the “Landlord)

OF THE ONE PART

AND:

GARDINER MINES SENIOR CITIZENS AND PENSIONERS ASSOCIATION, of Gardiner Mines, in the Cape Breton Regional Municipality, Province of Nova Scotia;

(hereinafter called the “Tenant”)

OF THE OTHER PART

WITNESSETH that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Tenant to be paid, observed and performed, the Landlord hereby demises and leases unto the Tenant all those premises situate at Gardiner Mines, in the Cape Breton Regional Municipality, Province of Nova Scotia, known as the Gardiner Mines School #2, hereinafter called the “demised premises”.

TO HAVE AND TO HOLD the demised premises unto the Tenant for a term of 5 (five) years, commencing the 1st day of June, 2024, and thenceforth fully to be completed and ended on the 31st day of May, 2029.

PROVIDED, HOWEVER, that this lease shall automatically terminate upon the occurrence of any of the three following situations:

1. Mutual agreement of the parties hereto;
2. If the premises are damaged by fire and not repaired or restored by the Tenant within 60 (sixty) days following the fire; or
3. In the event that the premises cease to be actively used for recreational purposes.

YIELDING AND PAYING, therefore, during the said term the sum of \$1.00 (One Dollar) payable on execution hereof.

THE TENANT covenants, promises and agrees to and with the Landlord in the following manner:

1. The Tenant agrees that the demised premises shall be used only for the purpose of a recreational centre.
2. The Tenant will, at all reasonable times during the term of this lease, permit the Landlord to enter the demised premises to inspect and examine the condition thereof and to make any repairs or alterations to the structure should it so desire.
3. The Tenant will provide and pay for all charges for electrical energy that may be used in connection with the demised premises.
4. The Tenant may, at its own expense, make any minor alterations with the written approval of the Landlord.
5. The Tenant will, at the expiration or sooner, upon termination of the term of this lease, peaceably and quietly surrender and yield up to the Landlord the demised premises and all fixtures and additions thereto in good and substantial repair in all respects.
6. The Landlord shall not be liable to the Tenant, or any other person, for any injury or damage sustained by any other person or property at any time, regardless of the cause, in or upon the demised premises.
7. The Landlord will not be responsible for any repairs or maintenance to the demised premises and does not render any services whatsoever in regard to the demised premises.

AND THE LANDLORD covenants, promises and agrees with the Tenant in the manner following:

1. The Landlord will not interfere with the Tenant’s quiet enjoyment of the demised premises, subject to this lease.

IN WITNESS WHEREOF the parties hereto have executed these presents by affixing their corporate seals hereto, attested by the hands of the proper signing officers, duly authorized on their behalf, on the day first above-written.

SIGNED, SEALED AND DELIVERED
in the presence of

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CAPE BRETON REGIONAL MUNICIPALITY

Mayor Amanda MacDougall-Merrill

Witness

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Municipal Clerk Christa Dicks

**GARDINER MINES SENIOR CITIZENS AND
PENSIONERS ASSOCIATION**

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Fred Morrison, President

Witness

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Betty Stubbert, Secretary

Task Force Report

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PREAMBLE

What follows are the recommendations from the social inclusion task forces proposed to Council at the Strategic Vision workshop on May 10, 2023 and subsequently created by Council in a unanimous motion dated June 27, 2023. Council adopted the revised Strategic Vision which prioritized *social inclusion* alongside *economic development* and *population growth* and called upon three task forces to address social inclusion through recreation, transit, and affordable housing & homelessness.

Each task force followed the same process and timeline: the Mayor appointed a Chairperson as well as a staff representative, in consultation with the Directors of Recreation, Transit, and Planning. A proposed member list was reviewed/approved by Directors Durning, MacDonald, and Ruus. Each task force first met in September/October 2023, defined its scope, and drafted its Terms of Reference. They continued to meet monthly until each task force had produced a series of recommendations that could be taken immediately, quickly, easily, and affordably (“low-hanging fruit”). The process was deeply collaborative, rigorous, and the recommendations that follow are sound.

Unfortunately, timing was never on our side. The whole process started later than hoped and so these recommendations come *too far* from the last budget deliberations of this Council’s term and *too close* to the next election. As a result, the budget requests, workshop suggestions, and calls for advocacy will largely fall to the next Council. Nonetheless, there are key takeaways that should not be missed:

On the one hand, we heard loud and clear the variety of ways that people in CBRM feel left behind or left out entirely. The Engage Nova Scotia *Quality of Life Initiative* showed that residents report a drastically different experience of living in CBRM if they are single parents, members of low-income households, people with disabilities, youth, or people over 65 *who are also living in poverty and/or with disabilities*. And the data confirmed the findings of the Strategic Vision survey (or vice versa) which showed that members of these demographic groups experience barriers specifically related to recreation, transit, and affordable housing & homelessness. So *demographics* deserve far more attention than the *geographic* differences that regional politics tends to emphasize.

On the other hand, we also heard loud and clear from municipal staff that they are doing the best they can with what they have.

And so, the role of Council in advocating to provincial and federal governments is of paramount importance. Indeed, the need for advocacy — for Council to engage far more in *politics* — is critical to the wellbeing of all residents and the municipality as a whole.

This is especially true since the Provincial government’s financial assistance to CBRM continues to shrink while our need continues to grow. The recent amendments to the SEA passed in Bill 340 only exacerbate the problem: Annual equalization transfers will remain stagnant for the next five years before being clawed back by \$1.5 million per year. Meanwhile, real annual savings from the welcome removal of mandated transfer payments for corrections and regional housing will be nullified by a combination of predicted increases in mandated transfers for education, and inflation.

Residents can’t afford for CBRM to raise property taxes, and nearly a hundred million dollars in assessed taxes are already walled off behind the CAP (or Capped Assessment Program). So municipal services and infrastructure remain underfunded because *operating revenue is constrained*. And CBRM can’t afford to lower taxes, thereby disincentivizing the very investment and development needed to grow our population and economy. So we can’t afford to free ourselves from dependence on equalization because *economic growth is constrained*. In both cases, residents are the ones to suffer.

CBRM has sought a fair funding formula — a fair equalization deal — with subsequent Provincial governments for decades. This has never materialized. We need a new way forward. A new approach to financing municipal services. One which will support our residents, keep taxes low, build and maintain our infrastructure, grow our economy, and grow our population — and do so in a manner in which no one is left behind, or left out altogether.

RECREATION

Website

Motion: Council request an update from staff on work being done to enhance CBRM's online presence, citizen interaction, and accessibility.

Outcome: Redevelop the CBRM website into a virtual community hub.

Summary: CBRM's main website could be re-imagined not just as an information repository but as a *virtual community hub*: a space that connects residents to programs, events, and other opportunities in their area. This could include municipally-run events and programs as well as community-run events and programs that are of interest and benefit to the public. It's an opportunity to promote the cultural vibrancy of the region while partnering with community organizations and local businesses wishing to connect with a wider audience. For example, a weekly email blast to subscribers could be sponsored by local restaurants looking to promote their daily specials.

The existing website used to host a community events calendar but it was difficult and time-consuming for staff to update. This was partly due to the limitations of the Content Management System (CMS) and partly due to staff workloads. An updated CMS plus a volunteer coordinator (recommendation #3) could address these issues.

All communications from CBRM — including via its website — should meet accessibility standards to ensure equitable usability by all members of society, regardless of ability.

Lead: Communications Department

Community Partner: Accessibility Committee

Library

Motion: Council reiterate its support for a new central library as an infrastructure priority.

Outcome: Support the development of the new central library as a community hub.

Summary: In much the same way that the CBRM website could be reimagined as a virtual hub for the community, the new central library could be reimagined as a *physical hub*. Modern libraries aren't just repositories for books. They deliver programming and host events that serve diverse populations across a spectrum of needs. They are the social and cultural epicenter of their communities.

The Halifax central library, for example, has seven spaces of varying sizes for community use, and its program listing for the month of January alone boasted 80 free events ranging from workshops on Tai-Chi and "Accounting for Non-Accountants" to music recitals, book launches, and programs for kids. Libraries can also encourage physical activity right outside their own doors. The Truro Library, for example, has an outdoor skating pad on its front grounds, and others have concrete ping pong tables, performance stages, skateboard ramps, and more.

Sydney's McConnell Library already performs this 'hub' role to some extent, holding afternoon music performances during Celtic Colours, hosting regular gatherings of seniors and social clubs, and loaning sporting and recreational equipment from skis to skateboards. However, it is critically limited by its size and layout. Twenty years' worth of reports and studies have deemed it inadequate to meet the current needs of CBRM's existing population, let alone the expanding needs of our growing community.

The new central library must serve and inspire both current and future generations. It must be energy efficient for today and climate resilient for tomorrow's changing environment. It must be accessible to all people regardless of their diversability. And it must recognize and speak to the fact that we are on the unceded territory and ancestral lands of the Mi'kmaq First Nation; contribute to celebrating and honouring the history of the Mi'kmaq and the treaties that bind all Nova Scotians together; and play a role in the reconciliation (restoration of friendly relations) between settler and Indigenous communities.

Perhaps most importantly of all, the new central library must address the acute needs of this particular community with its disproportionately high illiteracy and poverty rates (especially children and seniors living in poverty).

In short, a new central library could have a transformative impact on social inclusion.

Lead: CBRM Council

Community Partners: Library staff, Library Board, New Build Committee

Grant Writer / Volunteer Coordinator

Motion: Council to direct staff to engage with their provincial and federal counterparts to explore opportunities for revenue generation.

Outcome: Support staff in areas such as grant writing, research/development, and volunteer support.

Summary: Recreation staff juggle their programming-related responsibilities along with grant writing and volunteer coordinating. While raising funds and managing complex community relationships is often part of the job description, departments throughout CBRM could benefit from a dedicated grant writer and a dedicated volunteer coordinator.

The role of a grant writer is self-explanatory — but it should be noted this refers to exploring opportunities for revenue generation for CBRM corporate, *not* writing grants for community organizations.

The role of a volunteer coordinator is less straightforward. It could include maintaining a roster of eligible volunteers and connecting them to volunteer opportunities within CBRM departments (again, within CBRM corporate, *not* managing volunteers for community organizations); consulting with community organizations and residents to identify gaps in CBRM programming; co-hosting knowledge-sharing workshops with CBRM's Community Development Officer to build capacity in non-profits; maintaining the proposed online event calendar (recommendation #1); and developing strategies to engage younger generations in volunteerism in partnership with the proposed Youth Advisory Committee (recommendation #7) thereby helping to reduce volunteer burnout in organizations that are overly reliant on older volunteers.

Lead: Recreation Department

Community Partners: Proposed Youth Advisory Committee, Seniors Groups, CBU Centre of Excellence for Healthy Aging (CEHA)

Walkable/Rollable City Strategy

Motion: Council to advocate to provincial and federal levels of government to open opportunities for Active Transportation funding.

Outcome: Develop a *Walkable/Rollable City Strategy*.

Summary: A walkable/rollable city is one where walking/rolling is the easiest and safest choice for more of our short-distance trips: for work, school, shopping, and entertainment & leisure. It provides a complete, accessible, and high-quality pedestrian network that is easy to navigate for young people, seniors, and people with disabilities — while improving mobility outcomes for all.

A walkable/rollable city strategy could begin by identifying areas throughout CBRM where sidewalks, trails, and bikelanes suddenly end without a safe connection. Where crosswalks are in need of high-visibility flashing signals. And where features like poor lighting or missing curb cutouts limit mobility for wheelchair users or the visually impaired.

A walkable/rollable city strategy forms an interconnected *mobility strategy* — with public transit and active transportation — to promote physical activity, reduce the impact of single vehicle travel on the environment and on municipal infrastructure, and make it easier for all residents to choose sustainable and affordable options for the trips they make throughout CBRM. The Charlotte Street redesign effectively reclaims more street space for people and nature while prioritizing accessibility. A walkable/rollable city strategy could help ensure that this approach sets a precedent and is the new standard rather than a one-off.

Lead: Planning Department, Recreation Department

Community Partners: Active Transportation Committee, proposed Youth Advisory Committee, Seniors Groups, CBU Centre of Excellence for Healthy Aging (CEHA)

Outdoor Recreation Strategy

Motion: Council to support Recreation Department in the review of its *Recreation Master Plan*.

Outcome: Develop an outdoor recreation and placemaking strategy.

Summary: The need for public recreation amenities came up frequently in the Strategic Vision survey. The 2nd most frequent response was "Recreation & Youth Programming". The 6th was "Active Transportation / Parks & Green Spaces". The 10th was the new central library.

Public perception is that there isn't enough to do in CBRM, especially for low income families with young children. According to staff, CBRM is currently managing $\frac{2}{3}$ as many parks and amenities as HRM with only $\frac{1}{3}$ its population. A scan of parks and playgrounds across CBRM reveals broken equipment, unusable basketball nets, cracked pavement, missing fencing, unmowed lawns, and so on. CBRM's infrastructure deficit clearly extends beyond roads and sewers.

An outdoor recreation strategy could begin with an inventory of existing assets and the degree to which CBRM is able to maintain them: if an asset is below a certain threshold of disrepair, CBRM should either (a) make a plan to bring it above the threshold with the help of the proposed grant writer (recommendation #3), or (b) declare it surplus and sell the asset/land, or (c) enter into a stewardship agreement with a local community organization that can assume the responsibility of upkeep.

At a recent workshop with Engage Nova Scotia and CCYO (Community Cares Youth Outreach) in Sydney Mines, participants identified reasons why some amenities were underused. For example, a playground situated close to a busy road had no fencing. As a result, parents with young children were reluctant to use the playground ("I can't take my eyes off the kids for a second"). Had young families been consulted earlier, fencing between the playground and the road would have been identified as a critical feature in the playground's design and construction. That said, it's not too late. But it speaks to a disconnect between government, civil servants, and the community, which could be remedied with more and better communication when designing — and maintaining — public spaces. The alternative is that residents continue to complain there's nothing to do, while CBRM continues to wonder why no one uses the amenities we already have.

Lead: Recreation Department

Representation of Diverse Communities

Motion: Council to direct staff to conduct a review of CBRM spaces and engage with community and cultural organizations to identify opportunities for cultural representation.

Outcome: Increase/improve representation of diverse communities in CBRM buildings/facilities and explore opportunities to develop CBRM properties as welcoming, multi-use community spaces.

Summary: CBRM's vision statement is *An inclusive, prosperous, vibrant community through culture, diversity, and innovation*. Diversity means embracing and celebrating the different cultures, languages, religious beliefs, sexual orientations, and gender differences of those who make CBRM their home — whether those peoples have been here for millenia, generations, years, or they just arrived last week.

One practical and highly visible way that a community can celebrate the cultural diversity of its residents is through the art, signage, branding, and other forms of visual and non-visual communications in its municipally-owned and operated buildings and facilities. In CBRM's case, our existing and growing diversity is currently underrepresented in those municipal spaces — including City Hall itself.

A first step is to create an inventory of all buildings and facilities with existing cultural assets. (For example, art in the City Hall lobby and photos in the 2nd floor boardroom.)

Second, work with the Diversity Committee to identify opportunities to better represent CBRM's cultural vibrancy through art, branding, signage, and other communications.

And third, with the help of the proposed grant writer (recommendation #3), pursue the funding necessary to achieve the goal of better representing CBRM's cultural diversity throughout its built environment.

Lead: Recreation, Facilities, Buildings, Parks and Grounds

Community Partner: Diversity Committee

Youth Advisory Committee & Safe Spaces Plan

Motion: Council to direct Clerk's Office to include a Youth Advisory Committee in discussions at Nominating Committee and assist with the development of its Terms of Reference.

Outcome: Support the creation of a CBRM Youth Advisory Committee and a *Youth (and Safe Spaces) Plan*.

Summary: In 2022, Undercurrent Youth Centre created a Youth Advisory Committee to help inform the development of the new Glace Bay Youth & Family Centre. The committee was comprised of twenty young people under the age of thirty. While participants were excited about the facility itself, they were even more excited to bring services to their community that were previously unavailable. And they were eager to have a say in the development of those services. As a result of the committee's activity, new services and programs are being developed with a youth-specific lens, particularly around mental health, sports, and life skills development.

Undercurrent takes a holistic, long-term approach to community transformation based on the Iceland Model. The Iceland Model — as Council heard at the Strategic Vision workshop in May 2023 — is a collaborative 'upstream' approach to youth mental health promotion and substance use prevention that involves the whole community (parents/guardians, teachers, sports/recreation centres, and others). Its principles include the following:

- (1) Youth outcomes are a direct reflection of the environments they live and grow in.
 - (2) Emotional bonds between children and their families, peers, schools, and trusted adults are essential in supporting child and adolescent health, learning, and life success. Where these bonds are missing or lacking, intentional teams of effective adults should be built around the child/youth.
- And (3) data-driven decision-making, community-level communications, and long-term repetition keep community-level attention focused on building healthy environments for young people.

CBRM could create its own Youth Advisory Committee using Undercurrent's adaptation of the Iceland Model as its inspiration. The proposed committee could receive a modest budget, report to Council quarterly, and be tasked with developing a youth services plan for CBRM.

An example of a youth services plan in another jurisdiction that CBRM could draw from is HRM's *Youth Service Plan 2022-2024: A Strategic Vision for Youth Services*. It was created for youth by youth with participation from over 1,800 HRM residents between the ages of 13–24 to ensure that municipal programs, services, and spaces are meeting the unique and diverse needs of young people. The plan's strategic priorities focus on ensuring that youth have access to spaces in their community where they can take ownership, feel welcome, socialize, obtain support, and access services specific to their needs; feel represented and included; feel prepared and be supported in making a successful transition to adulthood; feel empowered to engage in local government and contribute to shaping their communities; and be made aware of municipal services and programs through marketing, advertising, and media appropriate and relevant to their generation.

Lead: CBRM Council, Clerk's Department, Recreation Department

Community Partners: Undercurrent Youth Centre, high schools & youth clubs

Inclusion Charter

Motion: Council to request Diversity and Accessibility Committees to convene to develop *Inclusion Charter* for Council consideration.

Outcome: Increase inclusion and access to recreation for populations that face barriers to participation.

Summary: Recreation is typically defined as “freely chosen participation in physical, social, intellectual, creative, and spiritual pursuits that enhance individual and community wellbeing.” However, many CBRM residents face barriers to social inclusion, meaning recreation is not always the easy choice. Historically excluded and marginalized groups tend to engage in less physical activity and suffer from poorer health and quality of life than the general population. How, where, when, and why we rest, move or connect with our bodies can be determined by social conditions related to colonialism, capitalism, racism, ableism, sexism, and heteronormativity.

CBRM Recreation has already removed many barriers related to these issues but more support is needed to continue or expand their efforts. To ensure social inclusion remains a key strategic priority, CBRM could draft an *Inclusion Charter* in consultation with accessibility advocates and other stakeholders. An *Inclusion Charter* could make some of the following commitments:

- Apply a gender-equity lens to address historical, cultural, and social barriers facing girls and women. Almost one in three women report they would increase their participation in recreation opportunities if gender-specific programming were offered, if they were exposed to more women role models in sport, and if program operators provided safer spaces.
- Consider how child care, elder care, and transportation needs can prevent participation in recreation programming, and work to address these barriers.
- Implement the Truth and Reconciliation Commission's calls to action that relate to municipalities.
- Identify champions within organizations that focus on EDI (equity, inclusion, and diversity) to help reach and build trust within communities.
- Train municipal staff in EDI and foster a workplace culture that is supportive and welcoming of diverse staff and volunteers. Recruit, train, and retain diverse community members as leaders for programs. Celebrate and recognize staff and community members who are making a difference to equity, inclusion, and diversity, e.g., Queer Boss, GirlBoss, ADAPT.
- Include/consult underserved populations (individuals facing financial barriers, newcomers, women, youth, seniors, and people with disabilities) in meaningful ways in the planning and design of accessible, inclusive, and affordable recreation programs.

It is well documented that Federal and Provincial governments can see significant cost savings associated with health care, justice and incarceration, mental health and addictions, and so on, when communities have more inclusive recreation opportunities. There is, therefore, a clear benefit to the funding levels of government, and a clear advocacy role for CBRM Council to secure that support.

Lead: Recreation Department

Community Partners: Diversity Committee, Accessibility Committee

TRANSIT

Handi-Trans

Motion: Council to request staff issue paper on Handi-Trans eligibility criteria and fees.

Outcome: Update and promote Handi-Trans eligibility criteria, review Handi-Trans fee structure, and explore revenue generation options to supplement Handi-Trans operations.

Summary: Updating the eligibility criteria for Handi-Trans requires delicate handling in close consultation with medical professionals. It should effectively distinguish between passengers who are eligible and those who are not, and ensure that only those who are eligible are able to use the service. It should further distinguish among those whose eligibility is full, conditional, or temporary. CBRM should clearly advertise this criteria for Handi-Trans eligibility in its communications and marketing materials — and include Handi-Trans in *all* its communications related to Transit, guaranteeing that Handi-Trans is not an afterthought.

CBRM could offer free fares on regular transit for eligible Handi-Trans riders to increase transit access for seniors and people with disabilities.

And CBRM could introduce a surcharge on parking fines and direct that revenue toward Handi-Trans.

Lead: Transit Department

Community Partners: Accessibility Committee and disability advocates

Student Pass & School Orientation

Motion: Council to request a workshop with CBRM Council, staff, and education stakeholders that follows the FCM 'how-to' guide from the *City Of Kingston High School Transit Pass Program*.

Outcome: Deliver orientation to elementary, middle and high school students on how and why to use CBRM Transit. Explore options for Student ridership programs.

Summary: For residents who don't use the bus regularly, especially young people, it can feel daunting to take that first ride. Not knowing how it works, how much it costs, where it will take you, how to transfer, and so on. Only some of this information can be gathered from the CBRM website and even then it can be intimidating.

CBRM or a partner organization could provide onsite orientation in elementary, middle, and high schools, young residents in CBRM to introduce the benefits of public transit to themselves, their community, and the environment. Young people are then more likely to become habitual transit riders into adulthood.

As an incentive to young riders, CBRM could make public transit access free with any student ID. Transit is already free for children under 5 and reduced rates are available for youth aged 5-12. This is primarily to help parents/guardians (children 12 and under must be accompanied by an adult). A youth-focused social inclusion lens would prioritize the unique needs of people between the ages of 12 and 18. This is the period between full dependence and full independence when many young people have little or no money of their own but nonetheless have diverse interests and pursuits of their own. Youth should be empowered to pursue those interests in a community that values young people as autonomous individuals.

Free student bus passes have been used in many jurisdictions as a way to support high school and middle school students to better meet their transportation needs, take part in extra-curricular activities, attend part-time after-school jobs, and access community resources of all kinds like libraries, recreational activity, shopping. It also helps young people develop personal responsibility and independence. HRM, for instance, has recently initiated a student bus pass pilot program; and Kingston, Ontario has recently conducted a highly successful program.

FCM has developed a 'how to' guide based on lessons from the Kingston initiative which shows the dramatic impact of the program. The main lesson from Kingston is that a free bus pass is not enough on its own. In the early stages of the initiative, Kingston found that few students took advantage of the free bus pass. Program administrators then introduced short orientation sessions that featured a variety of how-to's that lowered the barriers for first-time riders and acquainted students with the benefits of riding the bus, both for themselves and for society. As a result, student trips on public transit increased in Kingston from 30,000 in year one to 600,000 in year five (20 fold).

Lead: Transit Department

Community Partners: Cape Breton-Victoria Regional Centre for Education (CBVRCE), Conseil Scolaire Acadien Provincial (CSAP), proposed Youth Advisory Committee, high schools and youth clubs

Free Days

Motion: Council to request staff issue paper from Transit detailing what costs would be associated with free transit days and request opinion of CBRM Diversity Committee on culturally significant days and celebrations.

Outcome: Provide free Transit on culturally significant 'red letter days'.

Summary: There are currently 13 days per year when there is no transit service. While a holiday schedule may be a legislative imperative for unionized transit employees, it can effect store employees and other essential workers who may still work on some of these holidays. Low-wage employees who rely on transit are then forced to take expensive taxis (expensive relative to transit). Meanwhile, the rest of us are able to stay home for the day. It may be unrealistic to propose that CBRM find a way to offer service on these days for employees who still need to get to work. However, it merits serious consideration.

It raises another issue worth considering, given Council's strategic priority of population growth through (mostly) immigration: most of the red letter days on CBRM's holiday schedule are associated with the Western/Christian calendar. There's nothing wrong with this and these days should continue to be celebrated. But one look at the *Multicultural Events Calendar* hosted on the website of the CBLIP (Cape Breton Local Immigration Partnership) reveals a plethora of other red letter days which are celebrated in CBRM by members of our diverse and growing community. These include: Canadian Jewish Heritage Month, Chinese New Year, Black History Month, Diwali, Filipino Heritage Month, International Day of Peace, International Transgender Day of Visibility, Kwanzaa, National Seniors Day, Ramadan, and World Mental Health Day.

Council already recognizes many of these special dates with proclamations and flag-raising — symbolic gestures that are meaningful and welcomed by the representative communities. CBRM could back up their words and gestures with tangible action by offering free transit on some of these red letter days to acknowledge that people who belong to one or more of these diverse demographic communities are statistically more likely to be socially and/or economically marginalized. For example, one in four seniors in CBRM live in poverty compared with one in five from the overall population. The rates of Black Nova Scotians experiencing core housing need and/or living on low-incomes are more than double the rates for non-minority Nova Scotians. And one in three members of the LGBTQ2+ community experience difficulty meeting their daily socio-economic needs (transportation, housing, food, participation in social activities, etc.) compared with one in four non-LGBTQ2+ residents.

Lead: Transit Department

Community Partners: Diversity Committee, Cape Breton Local Immigration Partnership

Active Transportation

Motion: Council to request an update on CBRM's Active Transportation Plan and a review of the Active Transportation Committee's Terms of Reference.

Outcome: Revisit the recommendations from 2022 CBRM Active Transportation Plan and reinstate CBRM's Active Transportation Committee.

Summary: Despite CBRM's culture of car-dependence, many low-income and middle-income households cannot afford a personal vehicle — or more than one — and rely on public transit and active transportation. Residents living below the poverty line are more than three times more likely than the general population to rely on active transportation as their *main mode* of travel to work. Other community members, like seniors and people with activity limitations, rely on these alternative modes for the same or other reasons. And many newcomers, young people, and other climate-conscious community members prioritize 'greener' modes of transportation.

Over the last 30 years, support for Active Transportation has been increasing in Canada and elsewhere. AT is now seen as a mainstream aspect of any community transportation system. In part, the growth of AT has been driven by the clearly identified benefits it offers with respect to access and affordability, physical and mental health, climate change, and economic development.

CBRM adopted its first Active Transportation Plan in 2008. Between 2008 and 2022, CBRM spent on average \$330k per year on various AT projects, and leveraged over \$1 million per year from other levels of government.

In 2022, a new AT plan was put forward, *CBRM In Motion*, to support the development of AT over the next 20 years. It provided a detailed plan for incorporating AT into an integrated transportation system including a series of 'signature' projects, additional infrastructure development, and standards and best practices for AT planning and implementation. The plan is in place. What's needed is investment to implement the strategy.

CBRM Council and staff could collaborate with the Active Transportation Committee to advocate to the provincial and federal levels of government for the funding required to realize the opportunities that AT offers for ensuring the transportation needs of all CBRM residents are met.

Lead: CBRM Council, Planning Department, Recreation Department

Community Partner: Active Transportation Committee

Universal Transit Tax

Motion: Council to request staff issue paper on the options and impacts of tax scenarios to be considered at next municipal budget.

Outcome: Include Transit in residential base tax.

Summary: Public transit is an instrument for the common good like public school, public health, public roads, and public safety. Like those other public services, it should be part of the base tax — like it is in other regions throughout Canada. A growing population in CBRM should be better equipped to fund Transit through a universal tax rather than the existing individualized, location- dependent, service-based tax — an outlier not only in Nova Scotia but in all of Canada.

The existing *regressive* tax structure for public transit puts disproportionate financial pressure on low-income homeowners. Whereas adding Transit to the base tax will, like all *progressive* taxes, have a greater impact on residents whose homes have the highest assessed value, leading to potential backlash from wealthier community members, i.e., those who are less likely to use, let alone rely on, public transit. Therefore this issue of social inclusion requires bold leadership from elected representatives on behalf of low-income residents, i.e., those who are already less likely to have a political voice.

Some residents who currently *don't* pay taxes for Transit might argue: "I don't live near a bus stop. And I wouldn't take the bus even if I did. Why should I pay taxes for public transit if I don't use it?" Whereas some residents who currently *do* pay taxes for Transit might argue: "I live near a bus stop, not that it matters to me, I don't take the bus anyway. Why should I pay taxes for public transit if I don't use it?"

Both of these hypothetical reactions mistake how and why taxes work. It would be like saying, "I should only pay education fees while my own kids are in school."

Or, "I should pay the full cost of medical services that I personally use."

Or, "I should only pay for the roads I drive on."

Or, "I'll only pay for police services when I personally need them."

We don't tax residents for their individual needs of public goods. Taxes are part of the social contract of a healthy, functioning society and economy. Our taxes pay for schools and hospitals and roads and police because it keeps society as a whole educated, healthy, mobile, and safe. Public transit is no different. Residents don't have to use it to benefit from it. I might not take the bus to the grocery store but the clerk who rings my order through might rely on it. Public transit is an economic development, poverty reduction, and social inclusion tool that improves the whole community.

Lead: CBRM Council

Reloadable Transit Card

No motion. Requires more research, community engagement, and development prior to motion of Council.

Outcome: Implement a reloadable transit card system and explore options to introduce corporate membership plan.

Summary: CBRM could introduce a reloadable transit card, which when paired with the Transit App would improve the experience for transit riders while streamlining the payment process for Transit operators.

CBRM could also offer a corporate membership plan that allows companies to purchase discounted transit cards for their employees, similar to how new CBRM hires are offered a discounted YMCA membership. HRM offers a 25% discount on bulk purchases of bus passes for companies, with 12.5% covered by the employer and 12.5% subsidized by the city.

Mass adoption of public transit will reduce wear and tear on public roads, reduce greenhouse gas emissions associated with personal vehicle usage, and reduce the incidence of drunk driving.

A *branded, multi-use* reloadable card (the United Way has dubbed it the *Lobster Card*) could provide cross-promotional opportunities for tourism operators and local businesses to offer special discounts to card holders. Visitors and tourists who purchase a *Lobster Card* and leave a balance on the card after they depart can be contacted (via the email address used when purchasing the card) to let them donate their balance to the United Way to support Handi-Trans, similar to how the parking app currently works.

Lead: Transit Department

Community Partner: United Way of Cape Breton, Port of Sydney, Sydney Downtown Development Association, Chamber of Commerce

U-Pass

No motion: Requires more research, community engagement, and development prior to motion of Council.

Outcome: Create a U-Pass for CBU Students' Union and NSCC Student Association.

Summary: A U-Pass is a dedicated transit pass for CBU/NSCC students. (Alternatively, their student ID cards could double as a transit pass for the duration of the semester or academic year.) CBRM could offer a bulk discounted rate to the CBU Students' Union and NSCC Student Association. These student-run organizations could then include the U-Pass in their mandatory student fees, with an opt-out option if a student can show that they don't have access to a bus stop/route.

A U-Pass is a required component included in Students' Union fees at other universities and colleges in Nova Scotia (e.g., Halifax, Charlottetown, St. John's, Fredericton) and across Canada. In jurisdictions like Kings County where this has been tried and failed, it is due to the fact that Acadia is a primarily residential campus, like St. FX, with most students living either on-campus or in close proximity to the campus. Whereas only 5% of CBU students live on campus and almost none live within walking distance; and NSCC doesn't have on-campus residences at all.

Allowing student associations to buy yearly discounted passes in bulk also benefits the municipality by reducing administrative costs associated with issuing monthly passes purchased individually. And Transit will be better able to predict revenue year over year based on student association membership size. By incentivizing transit use over personal vehicle use among students, the U-Pass would reduce the amount of traffic and wear and tear on public roads, reduce greenhouse gas emissions associated with personal vehicle usage, and reduce the amount of parking spaces necessary to support a growing student body at CBU and/or NSCC. (Especially where NSCC's downtown relocation limits how much parking space it can build.)

Lead: Transit Department

Community Partners: CBU, CBU Students' Union, NSCC, NSCC Student Association

Dignity Charter

Motion (a): Council to request Diversity and Accessibility Committees to convene to develop *Transit Dignity Charter* for Council consideration. **Motion (b):** Council to request Communications Department to develop marketing campaign for transit.

Outcome: Develop *Transit Dignity Charter* and deploy a marketing campaign to promote transit as a dignified, socially-responsible, environmentally-friendly mode of transportation.

Summary: The recent influx of international students has increased transit ridership exponentially in a relatively short period of time. In many ways this has enabled the improvement of public transit for all. However, some riders are still forced to wait in the rain or snow at stops without shelters, or located precariously close to roads, and/or in busy parking lots. (Even *in* a literal parking spot: see the bus stop at Grand Lake Rd near Maple St in the Sydney-bound direction.)

To address these shortcomings, CBRM could draft a *Transit Rider's Dignity Charter* in consultation with accessibility advocates and other stakeholders. The charter could include a guarantee that every bus stop with a certain critical mass of riders must have a shelter, a place to sit, be well lit, and be situated on a flat cement landing with accessible curb cutouts and a connection to a sidewalk wherever available.

Granted, it's impractical to expect CBRM to provide expensive infrastructure at the countless bus stops currently lacking shelters, benches, lights, and cement pads. A first step is an inventory of every stop currently lacking these amenities.

Second, partner with the proposed grant writer (Recreation recommendation #3) and the United Way Cape Breton to pursue the necessary funding from the other levels of government.

And third, develop a marketing campaign to promote transit as a healthy, sustainable, climate-conscious mode of transportation.

In promoting Transit and Handi-Trans, CBRM could raise awareness about "Fare Share", a program of the United Way that offers discounted rates to eligible taxi users. Fare Share results in significant cost savings for individual passengers and allows participating taxi operators to receive fares from passengers who might otherwise not be able to afford to travel at all. It provides flexibility for residents who experience barriers related to transit and/or who live outside of a serviced area. For example, it has become critical for some residents to access food banks, social services, and/or medical appointments. It can be especially useful in helping passengers travel the 'last mile' between their departure/arrival point and the end of a bus route, connecting riders to transit who might otherwise not be able to access a bus route, and connecting residents to destinations that might otherwise be beyond their reach.

A marketing campaign is also an opportunity to highlight the good work already being done within the Transit Department. For example, expanding coverage, more frequent routes, the remarkable "Transit App", the electrification of the fleet in the coming years, as well as other improvements coming out of the Transit Consultant's Comprehensive Report.

Lead: Transit Department, Communications Department

Community Partners: United Way Cape Breton, accessibility advocates, CBU Centre of Excellence for Healthy Aging, CBU Students' Union, NSCC Student Association, Diversity Committee, Accessibility Committee

AFFORDABLE HOUSING & HOMELESSNESS

Winter Plan / Downtown Plan

Motion (a): Council request DCS 2024-2025 *Winter Plan* for consideration.

Motion (b): Council endorse *Downtown Steering Committee Plan: A Safe & Inclusive Downtown Sydney*.

Summary: On September 25, 2023, the *Affordable Housing & Homelessness Task Force* met for the first time. The discussion at that meeting was fully preoccupied with the need for a "winter plan" for CBRM. Specifically, what was the Nova Scotia Department of Community Services's plan for people currently living in tents, to get them out of the cold and into safe, warm, dry, and dignified accommodations for the winter. The prevention of injury and death due to lack of shelter during extreme temperatures was top of mind for all task force members. Winter was fast approaching, yet none of those present (front-line workers and leaders of non-profits) had been made aware by DCS of any plan.

Around the same time, but independent of this meeting, a *Downtown Steering Committee* was struck. It was comprised of downtown business representatives, front-line services providers, police, and government officials. Its goal was to address the shared concerns of members and to ensure that Sydney's small downtown was safe, inclusive, and welcoming for all: business owners and their customers, tourists and other visitors to the downtown, and people experiencing homelessness. The committee produced a series of short, medium, and long-term recommendations collected under the title *A Safe & Inclusive Downtown Sydney*. The plan was presented to Minister Brian Comer and the Office of Mental Health & Addictions as well as to the NS Department of Community Services. Work began and progress continues to be made on the plan.

As for the *Winter Plan*, on January 10, 2024 the NS Department of Community Services finally revealed it had one: the Province was purchasing thirty rapid-response emergency shelters from Pallet, and would support the construction and operation of a "Pallet Village" to be operated in partnership with local services providers New Dawn Enterprises and the Ally Centre. In addition to the transitional housing being provided through the Pallet Shelters, people escaping homelessness would be supported with wrap-around services that included Meals on Wheels, nurse care, health care and referrals, mental health and addictions support, case management and housing support.

It was hoped that the combination of emergency housing first, coupled with critical support services second, would address the danger posed to those trying to survive outdoors in the winter *and simultaneously* alleviate some of the concerns being raised by downtown businesses, residents, police, and government about how the affordable housing and homelessness crisis was impacting the downtown. Namely, that once people who were unhoused became housed, they could be supported in recovering from homelessness and charting a path toward permanent housing.

However, public opposition put a halt to the Pallet Village and so both problems persist: people experiencing homelessness are still sleeping in tents*; and downtown businesses are still wondering what the municipality and/or province intend to do about homelessness. This task force endorses both the *Downtown Plan* and the *Winter Plan* and encourages Council to do likewise.

Lead: CBRM Council

* Or in the Ally Centre, on emergency cots provided by the Red Cross. These cots must be set up every night and torn down every morning by Ally Centre staff in order to continue to use their offices and common room for daytime programming.

Public Housing

Motion: Resolution to be presented at a meeting of Council advocating to the Department of Municipal Affairs and Housing for public housing.

Outcome: Petition the Province to commit to 1,200 new public housing units in CBRM.

Summary: Every level of government has a role to play in housing in general. But *public housing* is a provincial responsibility funded through provincial taxes (received through municipal tax collection prior to the new Service Exchange Agreement).

The waitlist for public housing is currently nearing 5,000 people provincially. Of those, approximately 1,200 people are in CBRM. Yet the recent investment into public housing by the province (and federal government) will only lead to 222 new units provincially. And of those, only 22 units are being built in CBRM. In other words, CBRM has 16% of the provincially need, but is only receiving 10% of the provincially expenditure. What's worse, this expenditure will meet less than 2% of the actual need in CBRM.

This underfunding does little to remedy the decades of underfunding (from both levels of government) into public housing in particular, and affordable housing in general, and which is partly to blame for CBRM's current housing crisis: CBRM's vacancy rate is under one percent (3–5% is considered healthy). The waitlist for public housing in CBRM has over a thousand families and individuals (half of whom are seniors). And more than three thousand households in CBRM are in "core housing need", meaning their housing costs are greater than 30% of the household's gross income; the housing is inadequate (e.g., requires major repairs); and/or the housing is unsuitable (e.g., too small).

It has been said that when it comes to housing, the federal and provincial governments have the money and policies but the municipal government has the problems. CBRM Council could address the Department of Municipal Affairs and Housing, the Department of Community Services, the Office of Mental Health & Addictions, the Department of Labour, Skills and Immigration — and any other government stakeholder with an interest in CBRM becoming a healthy, inclusive, sustainable community — to ask the provincial government (and its federal counterpart) to commit to a level of investment in public housing that is rational, evidence-based, and meets the dire need for public housing in CBRM.

Lead: CBRM Council

Community Partners: CBU researchers, Affordable Housing & Homelessness Working Group

Local Housing Data

Motion: Council to request a workshop with CBU researchers to develop housing data project proposal.

Outcome: Support a proposed CBU research project for improved data on the housing market in CBRM.

Summary: CBRM's true housing needs (both present and future) are unclear. A well-regarded report from 2016 couldn't have predicted the recent demographic changes in the CBRM, making some of its findings obsolete. Meanwhile, the more recent *Provincial Housing Needs Assessment Report* predicted a population decline of over one thousand residents between 2022 and 2027 — a questionable figure given the unprecedented growth from international students at CBU as well as an influx of inter-provincial residents since 2020 — making some of its findings suspect.

CBRM lacks contemporary, comprehensive data on the overall picture of housing in the region. CMHC and Statistics Canada data on CBRM's secondary housing market in particular is grossly inadequate. (The secondary housing market consists of dwellings with up to two rental units. The primary market consists of dwellings with three or more rental units.) Calls for more investment in affordable housing therefore rely too heavily on anecdotal evidence.

CBRM could support a proposed CBU research project to elicit contemporaneous data on the availability, affordability, quality, and suitability of housing for residents in the CBRM. Data will be collected through a survey of all 44,000 households in the CBRM. It will establish: the difference between core housing need in owner-occupied households versus tenant households; the cause of housing need; median rents of respondents — differentiated by neighbourhood (location), primary versus secondary market, and unit size (number of bedrooms); and median rental price increases over the past five years — differentiated between tenants protected by rent control versus new tenants.

The key deliverables for this proposed project include a comprehensive housing needs assessment for CBRM and a workshop with councillors, municipal staff, and community organizations working with housing insecure populations in CBRM.

Accurately establishing the adequacy of the current housing inventory, and determining the number of households suffering core housing need, has implications for service delivery, would inform a local housing strategy (recommendation #8), and represents a critical step in accessing the project funding necessary to reduce that need.

The proposed research project could be jointly funded by CBRM, CBU, and MITACS. Costs associated with the proposed project include printing/postage to send the housing survey to all 44,000 households in CBRM; website development; and student research assistant wages.

Lead: Planning Department

Community Partner: CBU researchers

Affordable Housing Property Tax Incentive

Motion: Council to request staff issue paper on affordable housing tax incentives and construction fees.

Outcome: Introduce a property tax incentive for the development of affordable housing units.

Summary: CBRM's 2023 *Municipal Planning Strategy* took an important step toward creating more affordable housing options by removing some restrictions on multi-unit buildings in residential areas. By previously limiting development to single-family dwellings, CBRM's planning policies contributed to sprawl and exacerbated the municipality's low-density problems. (CBRM is the 7th largest municipality in Canada by landmass, but the 64th largest by population, ranking it 97th in terms of population density.) By doing away with Exclusionary Zoning and introducing Intensification Areas — where population density is desired and encouraged — CBRM will reduce its infrastructure deficit, lessen the pressure on public transit, and shrink its carbon footprint.

However, allowing a type of development is different from promoting it. According to private developers, the biggest barriers to development are capital financing, material and labour costs, and property taxes. It is exceedingly difficult to build financially sustainable affordable housing developments. As a result, it falls to non-profits. But after decades of federal and provincial underinvestment in public housing, the demand for affordable housing currently outstrips the supply by orders of magnitude.

There is little the municipality can do in the area of material and labour costs, or capital investments (although the Accelerator Fund may change that). But CBRM does have a mechanism to address the property tax issue: it can introduce a property tax incentive for affordable housing units, limited to within the Intensification Areas identified in the *MPS*, and aligned with existing provincial criteria. A graduated incentive program would offer a 100% tax concession for affordable units in year one, 90% in year two, and so on for ten years, after which time the incentive will have been reduced to zero. This savings on startup costs could make the difference between a developer proceeding with a project, versus deciding that the margin is too small and the risk too great.

In order to avoid the administrative burden of defining and then enforcing 'affordability' — and avoid additional red tape for the developer — the Municipality could piggy-back on the Province by making eligibility contingent on participation in an existing provincial program. Most, if not all, housing developments that include affordable units will have an agreement with Housing Nova Scotia. The Province will therefore enforce its own standards on the project, e.g., having tenants annually attest that their rent continues to meet the Province's affordability criteria for the agreed upon period of time (usually 15-20 years).

This task force considered recommending mandatory Inclusionary Zoning (aligned with Intensification Areas) where developers must either (a) create [x number of] affordable rental units for every [y number of] market-rate units, or else (b) pay an in-lieu-fee into a municipal affordable housing investment fund. This policy exists elsewhere in the country and across North America and Europe. However, the incentive should be voluntary so as not to limit market-driven developments which are also needed in the region. (Combining a voluntary program with density bonuses and waiving fees was also considered, but it is hoped that the *MPS* and Accelerator Fund address these.) The exception would be when a developer receives government money and/or land, in which case the development should require a percentage of the units be affordable.

Lead: Planning Department

Low-Income Property Tax Rebate

Motion: Council to request staff issue paper from Finance Department on options for Low-Income Tax Rebate prior to next municipal budget.

Outcome: Increase the Low-Income Property Tax Rebate and raise the threshold for eligibility.

Summary: CBRM's existing low-income property tax rebate is available to residents who own their own property, if it is their primary residence (i.e., not a seasonal residence, vacation home, or income property), and if their total household income is less than \$35,000. The rebate was increased, in the 2022–23 budget, from \$225 to \$300, and the eligibility threshold was raised from \$25,104 of household income to \$35,000. At the time, it was estimated the increase/raise would help an additional 2,400 households and it came very close to doing that — up from 483 households (in 2021–22) to 2,432 (in 2022–23), an increase of 1,949.

However, in the following budget year (2023–24), the total number of homeowners accessing the program dropped by almost a thousand — down to approximately 1,600. As a first step to improving the low-income property tax rebate program, CBRM could seek to understand why such a significant drop occurred between 2022–23 and 2023–24.

As a second step, for 2024–25, CBRM could again (a) increase the rebate and (b) raise the eligibility threshold to address the fact that inflation has driven up the cost of living while wages have remained stagnant, resulting in an affordability crisis for many residents.

As has been shown in presentations by CBRM's Chief Financial Officer, a rebate that targets low-income homeowners has a far greater impact, on those in far greater need, than an across-the-board tax decrease. The average home assessment in CBRM in 2024–25 is approximately \$120,000. Taking an average tax rate of just over \$2 per \$100-assessed yields an annual tax bill of roughly \$2,500 for the average homeowner. In order for the average homeowner to reap savings similar to that of the low-income tax rebate, either their taxes would have to be cut by a whopping 12%* or their property would have to be assessed at a staggering \$300,000. Even a more realistic tax cut as high as 5% would only save the average homeowner \$125/year, while delivering tens of thousands in annual tax savings to national realtors and multinational retailers.

Dollar for dollar, the low-income property tax rebate has the most potential to make existing home ownership more affordable for low-income CBRM residents.

Lead: Finance Department

* It's safe to assume that assessed values are, on average, lower for the ~1,600 homeowners who qualified for the low-income program in 2024–25. So a tax cut would likely have to be even higher than 12% for the average low-income homeowner to benefit compared to the potential savings from a low-income tax rebate.

Youth Safe Spaces

Motion: Council to advocate to the Provincial government to support at-risk youth programming. Resolution to be considered at a meeting of Council.

Outcome: Make special consideration for youth homelessness in Recreation recommendation #7 (Youth Advisory Committee) and Affordable Housing & Homelessness recommendation #7 (. Petition the Province to support at-risk youth programming in CBRM.

Summary: 20% of shelter users are between the ages of 16–24. When petitioning the funding levels of government for their support for a CBRM Housing Strategy (recommendation #7), special consideration should be given to youth. Youth-specific supportive housing in particular has the potential to greatly reduce homelessness in CBRM. And youth-specific safe spaces in general can serve a role in homelessness prevention, or rapid rehousing, with appropriate supports to stay housed, so that homelessness among youth is rare, brief, and non-recurring.

Presently, there are few safe spaces for youth to access in evenings or overnight, contributing to and perpetuating a cycle of trauma as it prolongs their exposure to adversity related to homelessness and/or precarious housing.

Safe spaces have the following features: Barrier-free access (welcoming, inclusive, accessible, and for youth only); peer support; trusted adults who can connect and coordinate services to address the individual and unique needs; youth involvement in the creation of the spaces and programming (for youth by youth).

CBRM Council could address the Department of Municipal Affairs and Housing, the Department of Community Services, the Office of Mental Health & Addictions, the Department of Labour, Skills and Immigration — and any other government stakeholder with an interest in CBRM becoming a healthy, inclusive, sustainable community where youth can thrive — to ask the provincial government (and its federal counterpart) to commit to funding existing and/or new youth serving organizations, to support current and/or new youth programming, and to support current and/or youth supportive housing projects.

Lead: CBRM Council

Community Partner: Coalition of Organizations Serving Youth (COSY)

Energy Poverty

Motion: Council to invite provincial departments and organizations to present on energy efficiency related programs and supports available to residents.

Outcome: Improve energy efficiency in residents' homes and reduce energy poverty in their households by increasing access to provincial energy programs.

Summary: 41% of Nova Scotia's households experience *energy poverty*, defined as spending more than 6% of household income on utility costs. This rate is higher in CBRM where residents have on average a lower median household income and a higher household energy burden than most areas across the province.

CBRM has a complex and aging housing stock. At least 15,000 households in CBRM heat their homes with furnace oil. Many more than this are in need of health and safety repairs, accessibility improvements, and fall well below modern standards for construction and energy efficiency. For many, the poor state of their home compounds with their low household income to create a situation where they currently experience — or are at risk of experiencing — energy poverty. With home heating fuel and electricity prices steadily increasing, more and more residents are being forced to make difficult decisions, choosing to underheat their home, live in only a portion of their home, sacrifice other daily necessities, or all of the above, in a desperate attempt to meet rising household operating costs.

CBRM can take a small but active role in improving energy efficiency in residents' homes and reducing energy poverty in their households by assisting residents in accessing undersubscribed federal and provincial energy programs. The provincial and federal government, as well as Nova Scotia Power, have dedicated rebates, incentives, and turn-key programs dedicated to improving household energy efficiency. Connecting homeowners to these programs can ensure that we are directing as much existing financial support as possible toward CBRM residents, thereby dramatically improving outcomes for vulnerable homeowners as they navigate energy efficiency and renewable energy pathways.

Housing as a Human Right Charter / Affordable Housing Strategy

Motion: Council to request Diversity and Accessibility Committees to convene to develop *Housing as a Human Right Charter* for Council consideration, develop *Municipal Housing Strategy*, and host a stakeholder summit on “Steps to Ending Homelessness”.

Outcome: Adopt a *Housing as a Human Right Charter* and develop a *Municipal Affordable Housing Strategy*.

Summary: Whereas safe, secure, affordable housing is essential to the inherent dignity and well-being of every individual, and to building sustainable and inclusive communities, CBRM could adopt its own *Housing Charter* — recognizing housing as a human right — and develop its own *Municipal Affordable Housing Strategy*. A rights-based *Housing Charter* could include these four principles:

- **Accountability:** Affirm that adequate housing is a fundamental human right, recognized in international law, and that *all* orders of government have a role to play in furthering the realization of that right.
- **Inclusion:** Factor in the accessibility, cultural, social, economic, and ecological needs of historically disadvantaged and marginalized groups.
- **Non-discrimination:** Situate the right to housing within the larger right to exist within a community. No one should be discriminated against or excluded from being able to live in a community, nor be excluded from equitable access to the full range of opportunities within that community to live, work, learn, and play.
- **Participation:** Guarantee that the voices of individuals with lived experiences of housing insecurity and homelessness are included in the development of housing policies and initiatives affecting their community and especially their own housing.

CBRM has scant resources (financial or political) at its disposal to end homelessness. But what little power it does have, it can use, to act as a convener to bring together the other levels of government as well as local researchers and experts from community organizations to create a housing strategy for CBRM by CBRM. A rights-based *Affordable Housing Strategy*, which includes the principles affirmed in the proposed *Housing Charter*, should include these provisions:

- Identify the respective responsibility of each level of government, as well as their shared obligations, in realizing the goal of providing safe, secure, and affordable housing for all.
- Focus on the full spectrum of housing need — with an emphasis on those persons most in need of adequate housing.
- Take appropriate measures to preserve existing affordable housing and facilitate the creation of additional affordable housing.
- Prevent arbitrary eviction and other threats to human security and dignity by ensuring that municipal policies and programs are designed to make homelessness rare, brief, and non-recurring. Amend any CBRM policies (including police procedures) which penalize or criminalize homeless people or displace them from where they are living without offering appropriate services and housing options.
- Identify measurable goals and timelines and a plan to reduce and ultimately end homelessness.
- Provide regular reporting to stakeholders and the public.

Lead: Planning Department, CBRP

Community Partners: CBU researchers, Affordable Housing & Homelessness Working Group, Diversity Committee, Accessibility Committee

APPENDIX 1

Members

Recreation

Sabrina Vatcher, Chair (YMCA)
Joe Costello (CBRM Recreation)
Laura Goode (CBRM Recreation)
Jonathan Penney (CBRM Recreation)
Amanda Rae Storteboome (Consultant)
Vickey Shepherd (CCYO)
Trevor Denhartogh (Undercurrent)
Chester Borden (BGC)
Kyle McPhee (Island Skateboarder Association)
Robyn Young (Island Skateboarder Association)
Ankit Wadwa (Cape Breton Welcome Network)
Marcie MacKay (Public Health)
Psalmuel Akinbiyi Bibilari (Pastor)
Nelson MacDonald (Artist)

Transit

Lynne McCarron, Chair (United Way)
Wayne MacDonald (CBRM Engineering & Public Works)
Marcie Stanley (Disability/Transit Advocate)
John Mayich (CBU)
Carla Arsenault (NSCC)
Rob Harris (Clean Foundation)
Chuck Ogle (District 11 Taxi)
Liz Doyle (District 11 Taxi)
Stephen MacNeil (Consultant)
Eric Leviten-Reid (New Dawn)
Liaquat Shaikh (NS Health)
Katie O'Connell (CBU Centre of Excellence for Healthy Aging)
Adam Brown (CBU Sustainability Coordinator)

Affordable Housing & Homelessness

Alyce Maclean, Chair (New Dawn)
Michael Ruus (CBRM Planning)
Larissa Rodriguez (Abbey Ridge)
Cassandra Davis (Abbey Ridge)
Jenna Mackenzie (Pathways)
Jill Gardner (Ally Centre)
Jodi MacDavid (Transition House)
Kristen Desjarlais (CBU)
Jan Hancock (CBU)
Alison Grittner (CBU)
Catherine Leviten-Reid (CBU)
Peggy Vassallo (Public Health)
Rob Harris (Clean Foundation)

Downtown Steering Committee

Erika Shea, Committee Chair (New Dawn)
Mayor McDougall-Merrill
Councillor Eldon MacDonald
Robert Walsh (CBRP)
Marie Walsh (CBRM)
Sabrina Vatcher (YMCA)
Christine Porter (Ally Centre)
Fred Deveaux (Cape Breton Community Housing Association)
Aliesje MacInnis (DCS)
Lisa Carr (Jane Paul Centre)
Jodi MacDavid (Transition House)
Harman Singh (Breton Ability Centre)
Mike Targett (Community Consultation Coordinator, Mayor's Office)

Downtown Steering Committee Observers:

Michelle Wilson (Sydney Downtown Development Association)
Jenna Lahey (Cape Breton Regional Chamber of Commerce)
Tyler Mattheis (Cape Breton Partnership)



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Council Agenda Request Form	
<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 Meeting: May 28, 2024	
<p>Motion for Council to Consider: Since it is Nova Scotia Department of Public Works that is responsible for doing line painting in CBRM, this is to request the Provincial Government find a better solution for highway line paint, that is being used on local roads, crosswalks and highways across CBRM.</p> <p>Reason: Across CBRM, whether you travel Highway 125 the trans Canada Highway, any local roads or if you are trying to walk through a crosswalk, you will find that there are no line markings on any of these surfaces. Most markings are faded and totally gone within a 2-3 month period after the paint crew comes along and spend a week line painting. The safety of travellers on highways and roads, and pedestrians in crosswalks, are at risk. Drivers on highways 125 and highway 105 are especially at risk trying to navigate.</p> <p>Outcome Sought: To have staff discuss with our provincial counterparts, to come up with a solution for better highway, local road and crosswalk safety, by finding a formula of line paint that will at least remain visible for a full season. Ask that this be done in an expedient manner so this problem can see a solution.</p>	
<i>Councillor</i> Gordon MacDonald	<i>District 1</i>
<i>Date: May 17, 2024</i>	<i>Received by Clerk's Department (date):</i> May 21, 2024

