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is allowed to receive any bonus or gratuity in excess of the rental except Real Estate Dealers or Brokers, who are allowed, as I read it, to make any charge to anybody at all or in any form whatsoever. This is something which is a very dangerous thing and could lead to a great many misgivings. The Bill provided that nobody may do this; yet, we find the exclusion. I think we all realize that a great deal of the properties which are offered for rent, are owned or managed by Real Estate Dealers or Brokers. If this clause were left in the By-Law, a number of real estate firms would start an operation which would surprise the people of the City to the extent that everybody who owns or leases real estate would endeavor to get in under that clause. (5) Why was the By-Law written providing a penalty of a maximum of a \$100.00 fine, or up to three months in prison, when the recommendation of the Commission was for a minimum of \$100.00 and a maximum of \$1,000.00, with up to six months in prison? I realize, of course, that the Bill that passed the Legislature provided for the \$100.00. It seems to me I read, heard, or was told that the Premier had no objection to the adoption of the \$1,000.00 fine. It might be said that this cannot be done unless it goes again before the Legislature; but I am wondering if this could not be applied for by the City to complete the By-Law and have it taken up by the Government and acted upon by Order-in-Council. I am reasonably sure that could be done in that manner.

"There are many other things I would like to see contained in the Bill but I am not going to bring those matters up because I think the closer we stick to the recommendation of the Commission and the law itself, we will be doing a favor for the citizens of Halifax. I would like to enquire as to the progress being made to the approach to the Town of Dartmouth and the Municipality of the County of Halifax in order to have them take part in the Rental Control By-Law. Some Councillors have expressed opinions for and against. It looks like the County may accept, but as yet, I have not heard too much from the Town of Dartmouth's position on it. I hope I have made my points clear to Council and I urge you very strongly to give attention to them as, **in our opinion, the By-Law presented to the City will have no force or effect and is entirely out of order, I would say, and would just be a mockery to hand to the citizens of**

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Halifax as a Rental Control By-Law."

The City Solicitor stated that a By-Law is drafted from under the authority of an Act and this particular Act contains certain provisions. "On Page 30 of the Morrison Report it says 'a By-Law should contain provisions as follows' and they are listed. That is what is in the By-Law. I was told to keep within the recommendations. You can't put everything in it. You can only make the By-Law under the authority of a particular Statute and that Statute contains prohibitions and so on; you don't put them in the By-Law."

The first point raised by Mr. Shea was then read for the information of the Council.

His Worship the Mayor: "Mr. Doyle, you say that is not possible to do so under the provisions of the Act?"

City Solicitor: "I don't say that it is not possible. I say it is contained in the Act."

His Worship the Mayor: "In other words, the protection is already there."

Alderman Dunlop: "The Act provides for three months' notice."

City Solicitor: "That is exactly right."

Alderman Lloyd: "We want to be sure that the points raised by Mr. Shea are covered in the Act."

His Worship the Mayor: "Yes."

The next item dealing with the notice to vacate was then referred to.

City Solicitor: "The three months' notice is contained in the Act too."

The next item dealing with premises to be kept in a sanitary condition was referred to.

His Worship the Mayor: "That is already covered by Ordinance No. 50."

Alderman O'Brien suggested that copies of the By-Law, various Statutes, Acts, and Ordinance No. 50, should be available at the City Clerk's Office so that the taxpayers would know their rights.

The next item dealing with Real Estate Dealers and Brokers charging fees for renting dwelling units, was referred to.

City Solicitor: "Many Trust Companies and Real Estate Agents are

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acting for absentee owners. They have to advertise and look after renting. Are they going to do that for nothing?"

Alderman DeWolf: "I think it should go in the By-Law that the Broker may only charge such an amount as is customary to be charged by the Real Estate Brokers in renting or looking after properties."

Alderman Lloyd: "Why would that be necessary? If the Authority functions at all, he will review the cost of operating such a property and will take into account all the factors; and, presumably, he will give an order which will be a sufficient return to the owner and a reasonable rental."

Alderman DeWolf: "All I am trying to do is to offer protection to the tenant, so that he shall not be paying more, by way of commission, than the legitimate and normal rate. In other words, he can't get a bonus of \$100.00 for renting something where his commission may be \$20.00."

His Worship the Mayor: "In taking on a lease of a property, what would I pay the Real Estate Agent or Broker? Anything more than rent?"

Alderman DeWolf: "If you charge a person \$60.00 a month rent or \$720.00 a year, the Agent might charge \$36.00 commission for renting that property. In other words, 5%."

His Worship the Mayor: "He would collect that from the owner of the property."

Alderman DeWolf: "That is right."

His Worship the Mayor: "Not from the tenant?"

Alderman DeWolf: "No."

Alderman Lloyd: "That is my point, that this Section does not apply to the circumstances that the Alderman is dealing with at all. I think the commission, in determining what is a fair rental, will have regard for fair and reasonable rates of commission as a Broker, for such a brokerage is payable on that particular property."

His Worship the Mayor: "It would be payable on a rental established by an Authority."

Alderman Lloyd: "That is right."

His Worship the Mayor: "The Solicitor has suggested that this part should be reviewed."

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The next item dealing with penalties was referred to.

City Solicitor: "As I stated, the By-Law is made under the authority of the Act. The Act says \$100.00. It can't be \$1,000.00 until the Act is changed."

His Worship the Mayor: "In this case, the only way we can actually translate the Morrison recommendations into our By-Law is to have the Act changed."

City Solicitor: "We will have to have the House change the Act and then we will change the Ordinance."

The next item dealing with the Town of Dartmouth and County of Halifax was referred to.

His Worship the Mayor: "Mr. Shea, our Solicitor has now supplied both the Town Solicitor and the County Solicitor with copies of the By-Law. As you notice in the Press tonight, about the County Council, it is as a result of this By-Law. I have not heard anything from the Town of Dartmouth. Mr. Doyle has tried to arrange meetings with the other two Solicitors."

Alderman Lane: "Is it possible to move first reading of this By-Law, subject to the revision of Clause No. 13, or does it have to come back?"

His Worship the Mayor: "It has to come back for second reading."

Alderman Lloyd: "Don't you think it would be appropriate to move that before the By-Law is presented for second reading, that the Finance and Executive Committee give consideration to the suggestions made by Mr. Shea and any Alderman who has commented on it?"

Alderman Lane: "This is officially the first reading?"

His Worship the Mayor: "Yes, it is."

Alderman Greenwood: "Before we move first reading, are there any other persons wishing to be heard tonight?"

His Worship the Mayor: "Are there persons wishing to be heard tonight on any matter they might want to consider for inclusion in our re-drafting of the By-Law?"

No persons responded to the invitation.

His Worship the Mayor: "I think it is fair to announce that we will have a Public Hearing when we have second reading to give all persons an

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opportunity to be heard at that time. I am happy to give Mr. Shea the opportunity to speak and I think his comments have proven to be helpful to us."

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that the report be approved. Motion passed.

APPEALING MATTAR CASE - MAITLAND STREET

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To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a report was submitted from the City Solicitor concerning a decision handed down by Judge R. C. Levy respecting the Mattar claim for 36-38-40 Maitland Street.

The claim amounted to \$37,807.25 and the referees decision came to \$28,807.25 plus 5% interest from September 1, 1959.

The City paid into Court the sum of \$11,655.00 being assessed value plus 5%.

Your Committee concurs in the recommendation from the City Solicitor that this decision be appealed.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Alderman Dunlop: "Has the Order been taken out?"

City Solicitor: "Yes."

Alderman Dunlop: "I would like to know the reason why the case was going to be appealed. It was suggested that there was some legal reasons why we should appeal. If we are going to take people's property in the City of Halifax, we might as well make up our minds that we have to pay for what a Court fixes whether we like it or not. I would like to know what the City Solicitor expects to gain by this. There was \$28,000.00 awarded. I don't know what the City's stand was. I read something in the paper about assessed value of land. Apparently, there was not too much in dispute. What is the matter which you are complaining about? Business disturbance, I see, is quite a large item. I think anyone with any experience with expropriation knows it is most difficult to set a value. I might state one and someone else might state another. If we only expect to gain \$1,000.00 or \$2,000.00, to my mind it is not worth bothering with. If there was an important legal point on

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which the Judge went wrong, I would have thought that that could have been corrected. If it is only a question of value, I am against appealing it."

His Worship the Mayor: "Central Mortgage and Housing Corporation wants the City to appeal this matter as they are paying 50% of the cost."

City Solicitor: "I am not appealing it because of the amount of money. I am appealing it on points of law and the decision is going to guide me in all other cases. It is the first time, since I represented the City in expropriation, that a ruling was made that I had to proceed first. I disagree with it entirely; it makes a whole change in the case. Another point of law I want straightened out is; \$10,000.00 or \$12,000.00 is allowed for special adaptability to the owners. I think on that the Judge erred. I have read cases and, according to the evidence, that must be inherent in the land. According to my view and the evidence as I read it, such must not exist in this case. We paid for fixtures and stock. We received neither of them and according to the evidence, most of them are right in the present premises."

Alderman Dunlop: "We don't have to appeal to get the stock."

City Solicitor: "That is my point. We don't expropriate chattels."

Alderman Lloyd: "Your Worship, I told you in the Committee that I was reserving judgment on this matter. I find myself somewhere between the position of Mr. DeBard with respect to the use of the assessment values and a margin, which from an administrative point of view, may be the only thing he can do, and the other extreme in the decision which now faces us in the Courts. I think there are two extremes to this situation. If there should be any doubt in the mind of the Solicitor representing the owners, it is not inconceivable that some proposal may come forward to negotiate a settlement before going to appeal. Is that possible, Mr. Doyle?"

City Solicitor: "There was one and the Committee turned it down."

Alderman Lloyd: "Was there one to the Finance and Executive Committee?"

City Solicitor: "No, the Redevelopment Committee."

Alderman Lloyd: "There was? It shows a weakness on one hand."

His Worship the Mayor: "It came the day after the Finance and Executive Committee meeting."

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Alderman Lloyd: "I was not aware of that but it occurred to me if the Solicitor or the owners felt there was a weakness, that he might be quite willing to settle. If the settlement offered was within a reasonable amount of the City's figure, then we might consider accepting rather than getting into further legal action on the matter."

His Worship the Mayor: "Central Mortgage and Housing Corporation did not want to go along with the new figure either."

Alderman Lloyd: "If the two partners turn it down, I am afraid we are overruled by a majority on the matter. If we do not establish some clarification of law on the matter, we certainly may be faced with making settlements in the light of that decision as it now stands. The second concern I have about it is this, how speedily can we have this done?"

City Solicitor: "That is consequent on the Court's meeting and the Supreme Court 'en banco' will not be meeting until March 8. That is the earliest opportunity."

Alderman Lloyd: "Do you, Mr. Doyle, think that you have sufficient staff to prepare yourself for this? Can you unravel yourself from other matters in connection with your responsibilities to carry this case on and maybe others?"

City Solicitor: "That is pretty hard for me to say. This application for a referee was made by the other Solicitor. No arrangement was made for a stenographer. We had to get a man who was already jammed with work and he told me he could not possibly give us the evidence until after the New Year. I am still waiting for it."

Alderman Lloyd: "My point was this. If we proceed in an appeal because we are afraid of the precedent, then it is extremely important that the partnership take every precaution to make sure that Mr. Doyle is free and unhampered and has every opportunity to present fully and properly these cases in Court. I think Mr. Doyle should be invited that if he feels that any pressures at all would interfere with his concentration on the matter, he should ask for assistance and we should be willing to give it."

City Solicitor: "There is no doubt about it that I am not going to be free. I am right now in the midst of legislation and there is a tremendous

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amount this year. Very important legislation. I have to get that ready."

Alderman LLOYD: "Mr. DeBard, you would not feel this would be an intrusion on the part of Council to direct the Finance and Executive Committee to make such arrangements for additional counsel if the Solicitor requires it? I would be happy to move that the Council provide that precaution if we have to do it."

Alderman DeWolf: "Were the costs taxed against the City?"

City Solicitor: "Yes, because we paid in assessment plus 5% and our own appraisals were over that."

Alderman DeWolf: "How many more cases will there be?"

City Solicitor: "I have requests for two more. They are for January 20th."

His Worship the Mayor: "There will be quite a few more coming up because we have handled very few where business disturbance is a factor."

Alderman DeWolf: "If there is only a narrow margin between the owner and the City, I would respectfully suggest that it would pay the City to make that settlement because it is reasonable to expect that on assessment plus 5%, the City is going to lose. I would suggest, in my humble opinion, (because it would never have come to Court if they didn't feel they would get more), if there are any cases where the difference is only \$200.00 or \$300.00, I would suggest that the City would be in money to make a settlement with those people rather than take it to Court."

City Manager: "With respect to the Mattar case, we had a settlement of \$16,800.00. That was something worked out by me before we had a Compensation Officer. Central Mortgage and Housing Corporation objected on the grounds that the amount for business re-location was excessive. The reason we paid assessment plus 5% was just the compensation for the real estate. The amount that the referee has awarded for real estate, which is higher than any appraisals, is only \$15,000.00. That was the difference between the \$28,000.00 and our \$11,000.00 for business re-location for which we paid nothing into Court because we had no figure to go on."

Alderman Dunlop: "Surely we must expect to pay for business re-

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location. Surely we are not going to take properties from people and say 'All we are going to pay for is the land'."

His Worship the Mayor: "There is no suggestion that the Council would ever do that. I think all fifteen of us agree that we should be fair to all people."

Alderman Lloyd: "What was the settlement offered since the Finance and Executive Committee meeting?"

His Worship the Mayor: "In figures, \$2,000.00 less."

City Manager: "The award is \$10,000.00 more than what Central Mortgage and Housing Corporation was willing to settle for back in June. I don't know whether they have changed their opinion. They have not set any figure but they have rejected the \$28,000.00."

Alderman Butler: "I had pretty much the same view as Alderman DeWolf when this matter came up, in as much as the City Manager has indicated that the money that has been paid to the Court was only with respect to real estate which was assessment plus 5%. Obviously, there would be an amount over and above that. How close would this offer come to what we would, from a practical point of view, consider would have to be paid for business re-location? Obviously, the City Solicitor and City Manager feel it would be less than the offer that has been made."

City Solicitor: "Very substantially so."

Alderman Lloyd: "Does the Committee which recommends it to us concur in your view that it is substantially so?"

City Solicitor: "Yes."

Alderman O'Brien: "It seems to me that since this is the first of perhaps a number of cases involving the Redevelopment Program and the cost of that Program, we ought to get these principles that are in doubt settled and not accept something which seems to be quite a bit off to what we think it ought to be."

Moved by Alderman O'Brien, seconded by Alderman Abbott, that the report be approved. Motion passed.

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Alderman Dunlop voted against saying: "I am not satisfied that there is any principle which has been put before me to satisfy me that we should appeal."

Alderman Connolly also voted against saying: "I feel that if the City is taking these places, compensation should be paid if a person has a home or business. We had this before us tonight and there was no set plan in the City as to what they would give or anything else. I feel that these people are entitled to everything they can get whether it is from the City or any other source."

His Worship the Mayor: "What proper compensation, Alderman Connolly, would you suggest?"

Alderman Connolly: "Whatever the people, who are losing their home and business, think is right and proper."

His Worship the Mayor: "I would not want to go on a redevelopment program on the basis of that kind of an assessment."

Alderman Lloyd: "All we are being asked to do is to consider the request of the City Manager, the City Solicitor, the Committee and Central Mortgage and Housing Corporation. With that weight of requests in front of us, we have no alternative but to let the matter go to the Court with two possibilities. Not only the possibility that we may not get away with much less cost; we may have it confirmed. If it is to be confirmed, then the very thing that Alderman Connolly is seeking will be fully and properly satisfied for all people to follow."

Alderman Macdonald: "In these matters of compensation, I feel that justice should be done to both parties. I think the Court is the proper and safest place to decide that. I don't know whether this amount awarded by the Court is too high or not. I have no idea; but, when the Solicitor said there were two or three points of law he objected to, and he wanted clarified, I think that is a matter which is very important in this particular case."

Subject: Rezoning - 21 Ontario Street (23 to 25)
The Town Planning Board at a meeting held on December 15, 1959, considered a report from the Director of Planning recommending against an application to rezone 21 Ontario Street from R3 to C2.

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ADDITIONAL ASSISTANCE FOR CITY SOLICITOR

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that the City Manager be authorized, if the City Solicitor requests further help and assistance in this matter in any way, shape or form, that it be provided.

Alderman Dunlop: "I think the best counsel the Solicitor can get is himself. Having tried the case, he will know more about it than anybody else. I think he knows more about it than any lawyer he can bring in."

Alderman Lloyd: "I would not like to see it go in the record that even the suggestion that my remarks indicated any lack of confidence in the Solicitor. All that my remarks were intended to convey was that he might be free at a time when he needs to be free to concentrate to the best of his ability in this particular matter."

Alderman Dunlop: "If we are going to employ counsel, let us employ him now and get his advice. Don't let us go ahead and appeal the case and then after appealing it, employ counsel."

His Worship the Mayor: "The motion meets the requirements of the City Charter whereby persons with special skills can be hired by the Council."

Alderman Lloyd: "There might be a work-load when this comes up that Mr. Doyle may be extremely happy and would welcome the opportunity for assistance for other work in his department for a few weeks while this case is in the Court."

His Worship the Mayor: "In any event, I am quite sure that the City Manager will not engage counsel without coming to some Committee to get approval."

The motion was then put and passed.

REZONING - 1 ONTARIO STREET (R3 to C2) DATE FOR HEARING FEBRUARY 25, 1960

To: His Worship the Mayor and Members of City Council.
From: Town Planning Board.
Date: January 5, 1960
Subject: Rezoning - #1 Ontario Street (R3 to C2).

The Town Planning Board at a meeting held on December 15, 1959, considered a report from the Director of Planning recommending against an application to rezone #1 Ontario Street from R3 to C2.

The Town Planning Board considered the matter of rezoning lots 26 and 27 to R3 residential.

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The Board by a vote of 3 - 2 approved the recommendation of the Director of Planning and recommended it to City Council.

At the December 17, 1959, meeting of City Council the matter was referred back to the Town Planning Board for proper procedure on the matter of handling requests for rezoning.

The Town Planning Board at a meeting held on January 5, 1960, again considered the matter of rezoning #1 Ontario Street from R3 to C2, at which the Director of Planning stated that his stand on the matter did not change from the previous meeting; that is, against the application to rezone from R3 to C2.

It was moved by Alderman Connolly, seconded by Alderman Trainor, that the request to rezone #1 Ontario Street from R3 to C2 be approved, and also that the Board recommend to City Council that a date be set for a Public Hearing. The vote on the motion was a 2 - 2 tie.

| | |
|-------------------|-----------------|
| <u>FOR</u> | <u>AGAINST</u> |
| Alderman Connolly | Alderman Butler |
| Alderman Trainor | Alderman Lane |

His Worship the Mayor cast the deciding vote in favor of the motion saying, "I am voting in favor of the motion so that a Public Hearing can be held."

Motion passed.

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

Moved by Alderman O'Brien, seconded by Alderman Connolly, that the report be approved and Council fix Thursday, February 25, 1960, at 8:00 P. M. in the Council Chamber, City Hall, Halifax, Nova Scotia, as the time and place for a hearing on this matter. Motion passed.

REZONING - LOTS 26 and 27 DUDLEY STREET. DATE FOR HEARING FEBRUARY 25, 1960

To: His Worship the Mayor and Members of City Council.

From: Town Planning Board

Date: January 5, 1960

Subject: Zoning - Lots 26 and 27 Dudley Street.

The Town Planning Board at a meeting held on the above date considered the matter of rezoning lots Nos. 26 and 27 Dudley Street from Armed Forces to R3 residential.

This matter had been referred back to the Town Planning Board for further consideration from City Council, December 17, 1959. The Director of Planning told the Board that his recommendation to rezone lots Nos. 26 and 27 Dudley Street from Armed Forces to R3 still stood. The Board was informed that this was not a case of rezoning but rather a case of zoning, as there was no such zoning as Armed Forces.

On motion of Alderman Lane, seconded by Alderman Butler, the Board agreed to zone lots Nos. 26 and 27 Dudley Street from Armed Forces to R3,

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and recommended to City Council that a date be set for a Public Hearing.

Alderman Connolly was recorded as being "against".

Respectfully submitted,

K. C. MANTIN,
CLERK OF WORKS.

Alderman O'Brien: "I would like to suggest that we have already had a hearing which was designed with the same proposal that this would be and when that was before Council, along with another proposal for another part of the same street, the Council accepted the proposal to make the rest of that street R2 zone and referred back to the Town Planning Board the proposal to make a couple of lots on the corner R3 zone. It seems to me that the Council in not taking action to proceed with the R3 part of the proposal, on that occasion was sending it back to get a different recommendation. I regret that I was not at the meeting of the Town Planning Board when this was re-considered. It seems to me that what we should be proceeding with now is to advertise for a Public Hearing to make these corner lots R2 zone. I realize this is contrary to the recommendation of the Director of Planning. I know that you, Your Worship, has said to Council and the Town Planning Board on a number of occasions, that we should do our planning and zoning in the interests of the City and not necessarily by what people in the neighbourhood think and say and represent to us. I suggest that in cases where there is a major planning issue like the introduction of Commercial zoning on a 'spot' way, such as Ontario Street, that we should give top priority to what the Director of Planning says. It seems to me that what he is saying in this case is that, from a planning viewpoint, he has no objection to this being R3 zone on the corner because across the street there are some multiple units, Government scheme and so on. It seems to me there would be no harm done to the City, from a planning viewpoint, if the two lots on the corner were R2 zone like the rest of the street, and to go against the judgment of the Director of Planning and in line with the judgment of the neighbours who have signed a petition against R3 zoning, does make sense in this case where it would not on a major question, say of introducing a spot of Commercial zoning in the middle of a residential area or some other major planning issue. It

seems to me that the

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Director of Planning, although he has recommended this, is only saying he sees nothing wrong with it from the City viewpoint, but it is not an urgent thing from the City's viewpoint to have this lot R3 zone. These lots are proposed to go R3 because an individual owner wants to put up an apartment building and that is the argument in favor of it. I suggest, if it is proper, that we should move to have a Public Hearing to zone for R2 since this is property not previously zoned, due to an oversight."

Moved by Alderman O'Brien, seconded by Alderman Greenwood, that a Public Hearing be held on February 25, 1960, to have the lots Nos. 26 and 27 Dudley Street zoned R2 so that that would be in keeping with the rest of the street which was zoned at the last regular meeting of Council as R2.

Alderman Butler: "Is a Public Hearing necessary? Is this not a continuation of the original hearing?"

His Worship the Mayor: "No."

City Solicitor: "Application to rezone to R2 is not here."

Alderman O'Brien: "Can it not be considered as an amendment to the recommendation of the Town Planning Board?"

City Solicitor: "No. You have a specific request for R3 zone. That calls for a Public Hearing unless you turn it down."

Alderman O'Brien: "Does this mean that the motion that I proposed is out of order?"

City Solicitor: "I would say so, at this time."

Alderman O'Brien: "I will move that the Council reject the application for R3 zoning. I realize now that we had a Public Hearing on this and if we bring the Public Hearing for R3 to a conclusion by rejecting this, we can't have another hearing for R3 within the year according to our By-Law. It would have to go to the Town Planning Board to get another recommendation for something other than R3."

Alderman Butler: "Did this not come up at the last meeting in the form of a Public Hearing to zone these two lots R3 and the remainder of the block to R2? Did we not accept the recommendation of the Town Planning Board

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and we did zone the rest of the block R2?"

His Worship the Mayor: "That is right."

Alderman Butler: "Did we not at that time agree that the two particular lots would go back to the Town Planning Board? I thought at the time that it would come back to Council as the Public Hearing was deferred or continued. Now it comes back and I was surprised to see it on the agenda that it was going to be advertised and a date set for a hearing which we already had. I don't think we should be re-advertising. We should be deciding whether we want to accept the recommendation of the Town Planning Board or reject it."

City Solicitor: "If a person decides to secure an amendment or repeal of a Zoning By-Law, he makes application to Council. Before approving any amendment or repeal the Council shall give notice of a hearing."

Alderman O'Brien: "It was advertised in two sections. We passed one section and this was the second section we referred back to the Town Planning Board because it was not acceptable to Council, apparently. Now it comes back from the Town Planning Board without any change and I am suggesting that we should reject it. If you would permit, I would move for a Public Hearing to make it R2 rather than R3 which was advertised and a Public Hearing was held previously."

The Minutes of Council under date of December 17, 1959, concerning this item was then submitted for the information of the Council.

His Worship the Mayor then read the motion which stated that the hearing with respect to Nos. 21 and 23 Dudley Street be adjourned and that the matter be referred back to the Town Planning Board. "You can take action tonight to accept the recommendation or reject it. You cannot alter it."

Moved by Alderman Greenwood, seconded by Alderman O'Brien, that the recommendation of the Town Planning Board be rejected. Motion passed.

His Worship the Mayor: "Now there is no zoning."

Alderman O'Brien: "Does it have to go to the Town Planning Board for a recommendation for R2 zoning?"

City Solicitor: "The application has to be made to Council and that goes to the Town Planning Board for a report."

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Alderman Lane: "This is being zoned. Does it still have to have a Public Hearing?"

His Worship the Mayor: "Yes."

Alderman O'Brien: "Does this require a Notice of Motion or can we move that it be referred to the Town Planning Board?"

His Worship the Mayor: "You can give notice, if you want to, that you will raise the matter in the next meeting of the Town Planning Board to have these properties zoned R2."

Alderman O'Brien: "There is a petition before us now and the property has not been zoned at all. I think it is up to us to see that is zoned."

Alderman O'Brien then gave Notice of Motion that at the next meeting of Council, he would move that the unzoned portion of Dudley Street be referred to the Town Planning Board for consideration of a motion to zone the said lands to R2.

PETITION REZONING DRUMMOND COURT - LEAMAN STREET AREA (TO T. P. BOARD)

A petition was submitted from the residents of Drummond Court and Leaman Street requesting that this area be rezoned from R2 to R1 and same was referred to the Town Planning Board for consideration and a report.

ACCOUNTS OVER \$500.00

To: His Worship, C. A. Vaughan, and Members of the City Council.

From: A. A. DeBard, Jr., City Manager.

Date: January 12, 1960

Subject: Accounts over \$500.00

| <u>DEPARTMENT</u> | <u>VENDORS</u> | <u>PURPOSE</u> | <u>AMOUNT</u> |
|-------------------|---|---------------------------------|-------------------------------|
| Finance | Hillis & Sons Limited | 12 Manhole Covers & Frames | \$ 988.00 |
| Works | Minnesota Mining & Manufacturing of Canada | Scotchlite street name faces | <u>1,123.60</u> \$2,112.40 |

A. A. DeBard, Jr.,
CITY MANAGER.

Moved by Alderman Lane, seconded by Alderman Abbott, that the report be approved. Motion passed.

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FORTNIGHTLY PAY (DEFERRED IN COMMITTEE)

City Manager: "In Committee we were supposed to get information on this matter. The situation roughly is this. Mr. Cragg, on behalf of the Police Club, has written and asked that the pay be retained twice a month, the 15th and the last day, instead of 26 pays. The Fire Union has written to me and said that they are going to consider the matter next week. I called the Secretary of the Union and said it would be coming up tonight and asked, 'How do you think the men feel about it?' He said, 'We haven't actually taken a poll but the talk around the Department is that they want to be paid twice a month as in the past'. The non-union employees in City Hall, that is the Department Heads, Division Heads and certain others who are not members of the Union, were polled because it was our understanding that some Union members were getting up a petition to their Union against the 26 pays. Nobody seems to know if that is a fact or not but we did take a poll among the non-union people. One expressed no preference, eighteen were in favor of 26 pays and thirty-nine were in favor of 24 pays, our present system. In addition, Dr. Morton said that the Basinview Home and Convalescent Hospital are almost unanimously for the twice-a-month pay as we have now ; and in the Halifax Mental Hospital, a majority of the people are in favor of the present system. With that in mind and realizing perhaps the City Hall Union might change its stand, and even if it did, there are so many other people affected, I think we would do well to stay on our present plan of 24 pays a year."

Alderman Lloyd: "Do you think we are in a position to decide it now or should it still go to the Committee?"

City Manager: "I think it should be decided now."

Moved by Alderman Lloyd, seconded by Alderman Abbott, that the City retain the former system of pay, twice a month. Motion passed.

MULGRAVE PARK RETAINER - ENGINEERS - \$12,102.40

January 14, 1960

His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7,

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1960, a report was submitted from the City Manager advising that the final fee payable to Messrs. Whitman, Benn and Associates, in connection with the design of the retainer walls at Mulgrave Park, is \$12,102.40.

Your Committee recommends that the account be approved for payment.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Lloyd, seconded by Alderman DeWolf, that the report be approved. Motion passed.

ADDITIONAL APPROPRIATIONS - 316 "C"

January 14, 1960

His Worship the Mayor and
Members of City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a report was submitted from the Commissioner of Finance recommending Supplementary Appropriations under the authority of Section 316 "C" of the City Charter, as follows:

| | |
|----------------------------------|-----------|
| 22 - Point Pleasant Park ----- | \$ 290.00 |
| 6 - Assessor's Department----- | 480.00 |
| 33 - Halifax Tourist Bureau----- | 180.00 |
| - Fire Department ----- | 2,400.00 |

Your Committee concurs in this recommendation.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Ferguson, seconded by Alderman Fox, that the report be approved. Motion passed.

HALIFAX GRAMMAR SCHOOL - LAND-GORSEBROOK AREA

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a report was submitted from the City Manager advising that a request by the Halifax Grammar School to purchase a portion of the Gorsebrook land was referred by this Committee to the following bodies to ascertain their future needs for the land in this area:

1. School Board - recommends retention,
2. Recreation Commission - recommends retention,
3. Redevelopment Committee - concurs with School Board and Recreation Commission,
4. Town Planning Board - concurs with Town Planner that the area be retained.

Your Committee recommends that the officers of the Halifax Grammar

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School be notified that their request for purchase of this land cannot be granted as the same is required for future civic purposes.

Alderman Ferguson was recorded against.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Greenwood, seconded by Alderman DeWolf, that the report be approved. Motion passed.

APPLICATION FOR BARGAINING RIGHTS - POLICE DEPARTMENT

Deferred in Committee.

EASTERN PHOTO ENGRAVERS LIMITED - COMPENSATION FOR BUSINESS DISTURBANCE

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Redevelopment Committee held on January 8, 1960, consideration was given to a report from the Compensation Officer, concerning the claim of Eastern Photo Engravers Limited for compensation for business disturbance as a result of the Redevelopment Program, in which he advised that after negotiations with the Company solicitors, he had obtained verbal agreement from them to reduce their claim from \$96,105.00 to \$37,880.00, which amount he recommends be offered in full settlement, less the sum of \$7,710.00 representing rental arrears and rent to March 31, 1960, less a further amount for any taxes owing to the City of Halifax.

Your Committee concurs in the recommendation of the Compensation Officer.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Alderman Trainor: "Have we any indication that the parties will settle on this?"

His Worship the Mayor: "Yes. We have a letter from their Solicitor."

Moved by Alderman O'Brien, seconded by Alderman Lane, that the report be approved. Motion passed.

PER DIEM RATE - D. V. A. PATIENTS

January 14, 1960

To His Worship the Mayor
and Members of the City Council.

At a meeting of the Public Health and Welfare Committee held on

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January 7, 1960, a report was submitted from the Commissioner of Health advising of a patient being admitted to the T. B. Hospital who was found to be eligible for care through the Department of Veterans' Affairs. The Department paid the City the rate the Provincial Government pays for such cases in the Hospital. Previously when this occurred, the Department had adjusted it to the actual cost per-patient day.

Because the 1958 rate was so high, the Department has requested a definite rate for patients admitted in 1959.

Your Committee recommends that the account be settled at the rate as previously paid by the Province and that the Department of Veterans' Affairs be requested to adjust to the actual cost at a later date.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Dunlop, seconded by Alderman Lloyd, that the report be approved. Motion passed.

REDEVELOPMENT AREA - DEMOLITIONS

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Redevelopment Committee held on January 8, 1960, consideration was given to the following tabulation of tenders for demolition of four properties in the Jacob Street Redevelopment Area:-

| <u>Property</u> | <u>Former Owner</u> | <u>Gray</u> | <u>Brown</u> | <u>Judge</u> | <u>Allen</u> |
|------------------|-----------------------|-------------|--------------|--------------|--------------|
| 42 Starr St. | Mrs. Lillian Newman | - | 760.00 | 500.00 | 1,200.00 |
| 202 Market St. | Globe Laundry Ltd. | - | 800.00 | 600.00 | 700.00 |
| 204-6 Market St. | United Realities Ltd. | - | 1,600.00 | 1,950.00 | 2,000.00 |
| 204-8 Argyle St. | United Realities Ltd. | - | 1,700.00 | 1,750.00 | 2,000.00 |
| | | 6,200.00 | 4,860.00 | 4,800.00 | 5,900.00 |
| Completion | | 45 days | 30 days | 45 days | 30 days |

** - Lowest Tender.

Your Committee recommends that the lowest tender in each case be accepted.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Ferguson, seconded by Alderman DeWolf, that the report be approved. Motion passed.

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RESOLUTION TO CLOSE PORTION OF DUNDONALD STREET TO PUBLIC USE

The following Resolution as prepared by the City Solicitor was submitted:

RESOLVED that under the authority of Section 42 of Chapter 76 of the Acts of the Province of Nova Scotia for 1958, the City Council hereby declares that all that certain portion of Dundonald Street lying between the prolongation northwardly of the western official street line of that portion of Dundonald Street running in a northwardly direction from Morris Street and the eastern official street line of Queen Street as shown bordered in red on a plan entitled "Plan Showing Proposed Closing of Portion of Dundonald Street", dated March 6th, 1958, and being on file in the Office of the Commissioner of Works of the City of Halifax as Plan No. SS-1-14037, be and the same is hereby closed to public use.

AND BE IT FURTHER RESOLVED that a copy of this resolution be filed in the Registry of Deeds at Halifax, Nova Scotia.

Moved by Alderman Ferguson, seconded by Alderman Connolly that the Resolution be approved. Motion passed.

His Worship the Mayor: "May I inform you at this time that a very unfortunate thing happened. The Halifax Infirmary job was stopped by order of the Building Inspector. Mr. DeBard will explain why."

City Manager: "Back in 1958 we had been talking with the Infirmary about what might happen if they built an addition. They asked that certain things be done to Dundonald Street. We secured legislation to close it to public use. It was understood that subsequently we would lift the street lines when we knew how much we wanted to lift. How much of it depended upon how much land the Infirmary got from the Province, and also what they would do about a so-called turnabout. We had been waiting for them to come back to tell us what they proposed to do. Unfortunately, that was not done by the Infirmary. They never let us know until they came in here with building plans and showed buildings in certain locations where streets are. That was not too serious in a way. We had a little problem there with regard to whether they could build on land which we still owned which wasn't closed as a street. That will be in about three weeks; also the lifting of the street lines will be taken care of. While it was understood that they would get Dundonald Street, there was no price ever decided upon but that would be something which could be solved relatively easy. However, they brought in

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plans and wanted to get approval on them. It is a very large building estimated at \$5,000,000.00 approximately which would require considerable checking. We now find ourselves in a position with regard to their building plans and our zoning and building regulations, which is something that cannot be readily cured. They are occupying a much greater portion of the land than they are supposed to according to our laws. They never checked with our Building Inspector in any way at all. Their Architects are in Montreal but I believe they have some local representation. The whole thing was done completely without any check from our office until ten days ago when they brought these plans in. They wanted to get started with the job of ground breaking and they started excavating without a permit. We had to stop them from going ahead with that work. The unfortunate thing is that all of these things can't be cured in three or five days. The Chairman of the Hospital Board is meeting with Mr. West, Mr. Napier, Mr. Doyle and myself on Saturday morning which is the earliest time he could make it, (and we, too) to see what can be done. We felt the Aldermen should know because if your phone starts ringing and somebody tells you we have been very arbitrary in stopping the excavation, there is nothing else we can do because there is a violation of the law and nobody can do it.

"It is going to be a very complex thing. We certainly don't want to hold that building up, particularly at this time when there is winter work to be had. I don't know if Mr. West wants to add anything more. You may want to know something about the street. He may have something from the minutes indicating what they were to do but which they never got around to. It may have been overlooked because of the time interval between the time they said they would do it and the time they actually had their plans prepared."

Alderman Trainor: "Did we have in writing a letter to them requesting what we wanted to know?"

City Manager: "We had better than that. I think we had a letter from them telling us what they were going to give us. Is that right, Mr. West?"

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Mr. West: "That is right."

Alderman Trainor: "Now they expect us to break our backs because of the fact that they never complied with those requests."

The City Manager stated that the matter had been overlooked but the City would do whatever it could to solve the problems so that hospital construction could be proceeded with.

Alderman Lloyd: "I understand there is a violation but I would like to know the extent of it more precisely. It is difficult for me to follow."

His Worship the Mayor stated that the building designed could not be built on the land and still conform with the Building Code.

Alderman Ferguson: "What is the zoning?"

His Worship the Mayor: "Park and Institutional."

Alderman Ferguson: "What is the coverage in that? Can't you cover 100% of the lot?"

Mr. West: "To give you a brief outline of the whole thing, the Hospital people came to the Committee some time ago and requested permission to close off Dundonald Street from Queen Street in towards the laundry behind the Hospital. By doing that they would be creating, in effect, a dead-end street unless they provided a turn-around as they developed the property. The argument they put forward at that time was 'Provided we can get the land from the Provincial Government; if the City closes off Dundonald Street, we will provide a turnabout so as to eliminate the possibility of a dead-end street'. That was said verbally at a Committee meeting on April 15, 1958, by Mr. R. J. Flinn. He followed that up with a letter on the 17th verifying what he had said verbally."

He then read the following letter:

"Following a meeting of the Committee on Works and in pursuance of the undertaking given thereat, I am authorized to undertake, on behalf of the Halifax Infirmary, that should the portion of Dundonald Street running east and west be conveyed to the Halifax Infirmary, and satisfactory arrangements made with the

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Government of the Province of Nova Scotia for land north of Dundonald Street, such land as is required for a turn-about at the northern end of Dundonald Street will be provided."

Mr. West: "We had permissive legislation to close this off but the attitude of Committees and Council at the time was 'We will not close this off until we find out what is going to happen'."

Mr. West then gave an outline of the original proposal by the use of plans displayed for the purpose. He continued: "The first time we saw anything from them was the other day about 4:30 in the afternoon when we received this plan. They are proposing to produce Dundonald Street northwardly. They have a lane projected from Dundonald Street to Queen Street. Actually, they have made no provision for a turn-about. They have no plans for ~~subdivision or~~ re-subdivision of the lands of the Provincial Government. There are a couple of problems aside from the building permit. The excavating contractor started to excavate so we said 'How do we know that he will excavate where this turn-about or Dundonald Street is supposed to be, and will Council be satisfied to accept a dead-end street without provision for turning around' because there are still some privately-owned properties on this street where the owners may want to get in and out from Queen Street."

Alderman Lane: "What about fire protection, Mr. West?"

Mr. West: "The same thing applies to fire equipment getting in and out of Dundonald Street."

His Worship the Mayor: "In connection with a question from Alderman Ferguson with regard to Park and Institutional zoning, the lot coverage is the same as it applies to the R-3 zone. It provides for no more than 50%."

The City Manager stated that he did not know how many stories were proposed for the building but by the time the set-backs were provided for, there would be no place for the building under the present regulations.

Mr. West: "Until we close the street off and remove the Street Lines, they would be building on a City street. We can close it off tonight but you will have to have a Public Hearing to remove the Street Lines."

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The City Manager advised that Mr. Napier would require about three weeks to check the plans because they are very extensive.

Alderman Lloyd: "Fundamentally, the issue rests on whether our concern about Dundonald Street being a dead-end street is fully justified. Is that not it?"

His Worship the Mayor: "That is not the only one. The more important one is the question whether they can build the hospital on the property."

Alderman Lloyd: "I think basically the core of the issue is Dundonald Street. This is really the counter proposal in effect to a dead-end street."

His Worship the Mayor: "It does not come to us in the form of a counter proposal."

Alderman Lloyd: "I agree with all that. This has been a very bad handling of the matter on the part of whoever was responsible. They did not look into the matter of proper titles to the land and that any commitments to the City were properly provided for or cleared with the City. I admit all that; but here you have a project on which a contract has been let and I think we have to bend a bit. I am trying to find out; is it not a fact that the real issue, in the final analysis, is Dundonald Street, whether it should be a dead-end or whether there should be some sort of a turn-around provided? The rest of the matters, Council can deal with."

Alderman Abbott: "Does not this issue include land coverage?"

His Worship the Mayor: "Yes. The bigger problem is land coverage because this may require legislation."

Alderman Ferguson: "Could we not rezone that land Commercial? We can get by then. The sideyards and lot coverage is solved. There can be nothing more commercial than with a hospital today, particularly with the Hospital Plan."

Mr. West: "As I see it, I agree with Alderman Lloyd that the problem is Dundonald Street. I think the other things can be worked out."

Alderman Trainor: "We should leave it with the staff and let them come up with recommendations on it." He said where Montreal architects are employed, it reminded him that when the C. N. R. Hotel addition was constructed and

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Montreal architects were employed, City Plumbing Regulations were not completely complied with. He felt that all these items should be well looked into.

REMOVING STREET LINES PORTION OF DUNDONALD STREET - DATE FOR HEARING --
FEBRUARY 4, 1960

Moved by Alderman Connolly, seconded by Alderman Trainor, that Council fix Thursday, February 4, 1960, at 8:00 p.m. in the Council Chamber, City Hall, Halifax, Nova Scotia, as the time and place for a hearing into this matter.

Motion passed.

Alderman Lloyd: "I think we have to be practical about this. Whatever the remedies may be, I think we should endorse the action of the City Manager in trying to get whatever action he recommends before us as expeditiously as possible."

His Worship the Mayor: "Exactly."

TAX EXEMPTION - CANADIAN LEGION - RAINNIE DRIVE

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a letter was submitted from the Provincial Secretary of the Canadian Legion requesting exemption from all taxation on its new building on Rainnie Drive.

Your Committee recommends that the request be granted and the necessary legislation obtained.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Ferguson, seconded by Alderman Fox, that the report be approved. Motion passed.

Alderman Connolly: "There would be no taxes whatever on the building or the land?"

His Worship the Mayor: "There would normally be taxes on it."

City Solicitor: "Anyone occupying Crown property is deemed to be the owner and they would be liable for both **realty** and business taxes."

Alderman Connolly: "Right now you are exempting them from business tax?"

City Solicitor: "Both."

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TAX EXEMPTION - HALIFAX INFIRMARY - QUEEN STREET

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a letter was submitted from the Vice-Chairman of the Halifax Infirmary requesting tax exemption for land on Queen Street which it purchased from the Provincial Government on which the new addition is to be erected.

Your Committee recommends that the request be granted, effective as of the date of purchase and that the necessary legislation be obtained.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Lloyd, seconded by Alderman Ferguson, that the report be approved. Motion passed.

Alderman Lloyd: "With respect to this Infirmary land, I am in favor of the exemption but I would like to observe; is not this the same land that was involved in litigation with the City? Was there not a Resolution of Council that it could not be sold when we made the agreement?"

His Worship the Mayor: "It could not be sold by the owner to a tax-exempt organization."

Alderman Lloyd: "When the Province expropriated it, haven't we lost our rights to tax revenue?"

His Worship the Mayor: "This property, once conveyed to the Infirmary, is not taxable."

Alderman Lloyd: "We are not conveying it. The Province did. As to the settlement of the amount between the City of Halifax and the Province of Nova Scotia, have we not suffered damages by their expropriation act? Prior to that the Council has agreed that this land should not be exempt from taxation and agreed with the buyer under the land-swap or whatever it was. Now, subsequently, the Province expropriates this property from the owners; did we not have a right on the matter of a larger share of the settlement that is in the Courts now by virtue of the fact that the Province took away our right to enforce the owner to confine it to property that was taxable? That was our agreement. I remember it quite well."

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January 14, 1960.

TAX CONCESSION - BALTIMORE LONGSHAWMEN'S ASSOCIATION

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His Worship the Mayor: "The matter is still before the Courts."

City Solicitor: "That is one of the arguments by our counsel."

Alderman Lloyd: "That is all I wanted to know. I just wanted to be sure that if it wasn't, you would be sure to make it because it is a good one."

TAX CONCESSION - MURPHY'S LIMITED

January 14, 1960

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a letter was submitted from the Comptroller of Murphy's Limited requesting a tax concession in the amount of \$2,500.00 on their business tax for the year 1960, the same as granted for 1957, 1958 and 1959 pertaining to the manufacturing division.

Your Committee recommends that the request be granted and the necessary legislation obtained.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

Moved by Alderman Dunlop, seconded by Alderman Greenwood, that the report be approved.

The City Manager stated that at the Finance and Executive Committee, he was requested to ascertain from the Company if the amount of business pertaining to the manufacturing division is the same today as it was when they first asked for the concession. He said they had assured him that with the contracts for 1960, now in hand, indicate that they will have about the same volume as in 1958.

The motion was then put and passed.

Respectfully submitted,

R. H. Stoddard,
CITY CLERK.

Moved by Alderman Howell, seconded by Alderman Ferguson, that the report be approved. Motion passed.

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January 14, 1960.

TAX CONCESSION - HALIFAX LONGSHOREMEN'S ASSOCIATION

January 14, 1960.

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a letter was submitted from the President and Treasurer of the Halifax Longshoremen's Association requesting continuation of its tax concession for the year 1960 which would be a total payment of \$300.00 per year in respect to ownership and occupation of the property, 59 Hollis Street.

Your Committee recommends that the request be granted and the necessary legislation obtained.

Respectfully submitted,

R. H. Stoddard,
CITY CLERK.

Moved by Alderman Greenwood, seconded by Alderman Fox, that the report be approved. Motion passed.

LEGISLATION RE: EXEMPTION FROM POLL TAX - CO-OPERATIVE HOUSING
PURCHASERS

January 14, 1960.

To His Worship the Mayor and
Members of the City Council.

At a meeting of the Finance and Executive Committee held on January 7, 1960, a report was submitted from the City Solicitor advising that persons purchasing houses through Co-Operative Housing Companies are not assessed in their own name and therefore, under the present legislation, would be liable to pay Poll Tax even though they are paying the Real Property Tax.

He further advised that Section 32 of the City Charter provides that persons who are purchasing under an Agreement of Sale from the Housing Commission of Halifax, or His Majesty the King, the City of Halifax, or the Halifax Relief Commission, shall be deemed to be assessed personally.

If the Committee so desired to include these Co-Operative Housing Companies, an amendment to this Section would have to be secured.

Your Committee recommends that Section 32 of the City Charter be amended to include purchasers of Co-Operative Housing Companies and that the necessary legislation be obtained.

Respectfully submitted,

R. H. Stoddard,
CITY CLERK.

Moved by Alderman DeWolf, seconded by Alderman Ferguson, that the report be approved. Motion passed.