

CITY COUNCIL  
MINUTES

Council Chamber,  
City Hall,  
Halifax, N. S.,  
January 12, 1961,  
8:00 P. M.

A meeting of the City Council was held on the above date.

After the meeting was called to order by the Chairman, the members of Council attending, led by the City Clerk, joined in repeating the Lord's Prayer.

There were present His Worship the Mayor, Chairman; Aldermen DeWolf, Abbott, Breen, Lane, Macdonald, Butler, Fox, Ferguson, Trainor, Healy, Wyman, Connolly, O'Brien and Greenwood.

There were also present Messrs. L. M. Romkey, T. C. Doyle, R. H. Stoddard, W. J. Clancey, J. L. Leitch, J. F. Thomson, G. F. West, A. E. Fry and Doctor E. M. Fogo.

MINUTES

MOVED by Alderman Breen, seconded by Alderman DeWolf, that the minutes of City Council held on September 15 and 26, 1960, be approved. Motion passed.

PUBLIC HEARING RE: ZONING OF LAND - NORTH OF RECTOR  
STREET AND WEST OF LYNCH STREET TO R-3 ZONE

A Public Hearing into the matter of the zoning of land north of Rector Street and west of Lynch Street to R-3 Zone, was held at this time.

To: His Worship the Mayor and Members of City Council  
From: Town Planning Board  
Date: November 15, 1960  
Subject: Zoning and Rezoning - Corner of Rector and Lynch  
Streets (R-2 and R-3)

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending the rezoning of a property on the northwest corner of Rector and Lynch Streets, as shown on Drawing No. P200/194 from R-2 to R-3 and that the portion of land shown on Drawing No. P200/194 and marked lot "B" be zoned R-3 residential and that a public hearing be held on the rezoning.

On motion of Alderman Trainor, seconded by Alderman O'Brien, the Board approved the report and recommended to City Council that a date be set for a public hearing and suggested that in the best interests of the applicant he submit to City Council a letter of undertaking stating that if this property is rezoned he would construct no more than five apartment units in accordance with Drawing Nos. P200/207-11 as submitted by him to the Director of Planning.

Respectfully submitted,

K. C. MANTIN,  
CLERK OF WORKS.

Council,  
January 12, 1961

The Council was advised that the matter had been advertised in compliance with the Town Planning Act and that no written objections had been received.

A formal By-law as prepared by the City Solicitor was submitted.

It was agreed to defer action on this item until Item No. 2 had been disposed of.

PUBLIC HEARING RE: REZONING OF LAND -- NORTHWESTERN CORNER OF LYNCH AND RECTOR  
STREETS FROM R-2 ZONE TO R-3 ZONE

A Public Hearing into the matter of rezoning land at the northwestern corner of Rector and Lynch Streets from R-2 Zone to R-3 Zone, was held at this time.

The Council was advised that the matter had been advertised in compliance with the Town Planning Act and that no written objections had been received.

A formal By-law as prepared by the City Solicitor was submitted.

MOVED by Alderman Wyman, seconded by Alderman Ferguson, that the By-laws pertaining to Items 1 and 2 be approved. Motion passed.

REQUESTS - SALARY INCREASE - CIVIC EMPLOYEES' UNION #143 AND LOCAL #268 -  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS - 15%

MOVED by Alderman Lane, seconded by Alderman Ferguson, that the requests be referred to the Finance and Executive Committee for consideration and report. Motion passed.

PAYNE-ROSS REPORT

His Worship the Mayor advised that the Payne-Ross Report had been received but same contained some minor typographical errors and that he had telephoned Mr. Davidson in Toronto to come to the City for any further explanations that may be required. He further advised that the report would not be released until the explanations had been received.

APPEAL FROM THE GRANTING OF AN OCCUPANCY PERMIT TO BRITISH AMERICAN OIL  
COMPANY LIMITED FOR THE INSTALLATION OF TWO TANKS AT #177 KEMPT ROAD

November 21, 1960,  
11 Edward Arab Avenue,  
Halifax, Nova Scotia.

City Clerk,  
City Hall,  
Halifax, Nova Scotia.

Dear Sir:

With the recent granting of an occupancy permit to British American Oil Company Limited, pertaining to the installation of the two 20,000 gallon vertical tanks to be erected at 177 Kempt Road, I wish to appeal the granting of an occupancy permit for the installation of these tanks.



Council,  
January 12, 1961

I further suggest that there should be a public hearing on the granting of an occupancy permit to erect these tanks on Kempt Road, as they are both unsightly and not in keeping with the Town Planning Rules and are a hazard to the district.

Thanking you, I am

Yours very truly,

(Sgd.) T. L. Trainor,  
ALDERMAN - WARD 5.

His Worship the Mayor: "Before dealing with the matter the City Solicitor should explain the operation of the law on an appeal of this kind, first."

City Solicitor: "Under Section 532 (1) of the City Charter, such tanks cannot be placed without first obtaining a permit from the Committee on Works."

His Worship the Mayor: "Does any appeal lie to the Council on that decision to permit them to locate the tanks?"

City Solicitor: "Not on that ground!"

His Worship the Mayor: "Not on the grounds of usage?"

The City Solicitor then read Section 739 (a) (4) (A) respecting the appealing of the issuance of Occupancy Permits.

His Worship the Mayor: "Did we grant Building and Occupancy Permits at the same time?"

Commissioner of Works: "Legislation was obtained last year whereby an Occupancy Permit could be issued before a building is completed. The permit has been issued. Citizens living in residential areas must appeal. They are put to the inconvenience of appealing the decision rather than the applicant."

His Worship the Mayor: "You have no alternative but to issue an Occupancy Permit with a Building Permit, is that correct?"

Commissioner of Works: "No! This is a special case because of the authority of the Board of Works to issue a permit because of the usage."

His Worship the Mayor: "This was changed because of the confusion of the Development Permits. This is a matter which will have to be examined as to procedure and we will have to decide whether or not we are going ahead with the Development Permit type of procedure or whether we are going to return to what we had before, with some modification."

Council,  
January 12, 1961

Alderman Wyman: "This is complicated and puzzling. I would like to ask, if what appears to be the case, is correct---in the case of the erection of gasoline tanks that the Board of Works decides whether or not from a safety and works point of view, the construction of such tanks and the storage of such product in a certain location, is reasonable; and if they feel that it is, they then say that such tanks may be erected there. Then, the Occupancy Permit is a matter for the Building Inspector as to whether or not such an occupancy on a given premises is a suitable occupancy from the point of view of the Building Inspector; and it would seem to me that in that is implied whether or not, in his opinion, such a use is suitable for the location."

His Worship the Mayor: "If the Board of Works has the power to make the decision, it should be obvious that it is vested in the Board of Works and not in the Building Inspector. If the building conforms to the Building Permit specifications, then the Occupancy Permit would be issued merely because the building conforms to the specifications. Otherwise, you would have a conflict between the Board of Works and the Building Inspector as to what usage would be permitted."

Alderman Wyman: "The thing I don't understand is where within our administration is provision made to cover what is normally covered in issuing an Occupancy Permit, that it is the suitability of the proposed use to a given area in the City apart from the safety factor?"

Commissioner of Works: "Up until the legislation of last year, that would rest with the Building Inspector. Now, you don't have that authority, and it partly lies with the Committee, and the rest isn't there. Bill 120 was supposed to be considered for permissive legislation. Some sections of it got through and are in effect."

His Worship the Mayor: "What did the Development Permit do?"

Commissioner of Works: "That is intended to have these proposals for any development come and be considered by staff before the person progresses too far in the preparation of plans, and so on. That would be separate from an Occupancy Permit."

His Worship the Mayor: "So, we would have a Development Permit; we would



Council,  
January 12, 1961

have a Building Permit, an Occupancy Permit, and some we may not remember. We have at least three under those circumstances. How do you cover that now—under the old planning consideration—under the old law?"

Commissioner of Works: "Under the old law, if we felt the tanks were not suitable for the area, we could refuse to issue a permit. The applicant then could appeal to Council within fifteen days. That Section 739 was repealed and the Building Inspector cannot turn it down because he feels it is unsuitable for the area. We have to issue the permit and depend upon a private citizen making the appeal."

His Worship the Mayor: "In the meantime we have no By-law for the issuance of Development Permits so we are at an in-between stage."

Commissioner of Works: "That is about it."

Alderman Breen: "The permit comes from the Board of Works. How do they arrive at their decision?"

City Solicitor: "It must come from a recommendation of the Commissioner of Works and the Fire Chief."

Alderman Breen: "Could it be more complicated?"

His Worship the Mayor: "No. I am sure you agree with me that with the administrative salaries we have been paying in Halifax, this kind of complication seems to be inexplicable."

Alderman Wyman: "Does the complication arise out of another case where legislation has been presented to the Local House and has been passed in part, but not in whole with the result that we are left with a hole in the middle of it."

His Worship the Mayor: "The power to issue a Development Permit was permissive to the City. In changing the City Charter to give that power to issue the Development Permit this other change occurred which put us in the position that we were not operating under the old or the new legislation. We fould ourselves with a law which certainly, we would not agree had we had that kind of information. Do you have any explanation of how that happened, Mr. Solicitor?"

City Solicitor: "Yes, I have—the Bill was not drawn by me."

Council,  
January 12, 1961

His Worship the Mayor: "Who drew the Bill?"

City Solicitor: "To the best of my knowledge it was drawn by the Director of Planning; and the members of Council who were present at that time will remember it came in the very late stages. It was long after the House was in session, and we sat here on a Saturday morning and I was instructed to put it in. I certainly will not take any liability for the Bill going through. I was against it right from the start."

His Worship the Mayor: "The legislation submitted to the Council by the Director of Planning patterned after the Vancouver By-law, and amended in the Redevelopment Committee; did it contain a direction that the old section with respect to the use of Building and Occupancy Permits was to be altered?"

City Solicitor: "It had to be. There was a definite conflict between the old and the new sections."

His Worship the Mayor: "There would be a conflict when the new legislation became operable but not until it was operable. If you are waiting for regulations under that legislation to be approved by the Governor-in-Council, then you have to provide us something to work with in the meantime."

City Solicitor: "I have done that. But that was not this case. This was a direct repeal of the former section."

His Worship the Mayor: "In other words, you must have exercised some caution."

City Solicitor: "I did. A lot of this Bill doesn't come into effect unless it is proclaimed."

His Worship the Mayor: "So that, by some mistake the existing legislation under which we were operating was amended?"

City Solicitor: "A lot was repealed."

His Worship the Mayor: "Were you aware of this---that if we didn't obtain the approval of the Governor, we would upset our administrative machinery?"

City Solicitor: "A lot of the sections of the City Charter are still in effect and contrary to the new Bill but the Sections do not become repealed until the new Sections are proclaimed."



Council,  
January 12, 1961

His Worship the Mayor: "This is what happened in this case--the wording of those sections was changed; and those are the kind of conditions we are working under."

It was agreed that legislation be secured to amend Section 739-A to restore to the Building Inspector the powers which he previously held with respect to Occupancy Permits.

His Worship the Mayor (to City Solicitor): "You tell us that we can hear an appeal?"

City Solicitor: "On the Occupancy Permit only."

Alderman Ferguson asked for a brief explanation of the proposal.

The Commissioner of Works explained the proposal for the Council, pointing out that the proposed location and the general area is zoned 'Commercial'.

His Worship the Mayor (to Planning Director): "Did you have anything to say on the tanks when it came before the Board of Works?"

Director of Planning: "I was not opposed to them on planning grounds. This is an industrial area and the nature of the construction would be in keeping with the neighbourhood."

His Worship the Mayor then invited Alderman Trainor to present his appeal.

Alderman Trainor requested permission to leave his seat in order to address Council as a citizen, which permission was granted.

Alderman Trainor: "When this was brought up to the Board of Works, it passed through very rapidly; and I had mentioned it to a new developer in that area about the new addition he was going to have handy to his location two, 20,000 gallon tanks. I asked the Commissioner of Works for a plot plan and went up there and walked around the property and found that they are to be established very close to one building--within thirty feet of the street, which is very near a busy street; and I think these are very unsightly for this area which is redeveloping of its own accord and not costing the City a cent."

He referred to the many business establishments in the area, mentioning

Council,  
January 12, 1961

Ottawa Valley Lumber Company, Kraft ~~Foods~~ Limited, Cole Motors, Dartmouth Lumber Company and others who have built new buildings or remodelled old buildings and have generally redeveloped the area and created a very much improved entrance into the City.

"I would like to envisage this as a main route into the City so that we can be proud to show it to people as an industrial achievement."

He contended that the proposed tanks will be located too near the street and the loading and unloading of fuel into trucks will create traffic congestion at this point, and the matter should be referred to the Police Department for a recommendation.

"I have talked to the business people up there and they are very disturbed over the possible erection of these tanks. They are represented here this evening but I don't know if it is possible to hear them as they haven't presented an appeal in writing."

His Worship the Mayor: "Under the old law the Building Inspector could have held them up on the grounds of usage. We may have decided to hold a public hearing."

Alderman Lane expressed confusion over the application of the law and asked: "If the new section is inoperable, why couldn't we have refused the permit?"

The City Solicitor explained that some sections of the new Bill do not become operable until there is a proclamation by the Governor-in-Council but that some are operable; and he pointed out that the section under which the permit was granted is operable.

His Worship the Mayor (to City Solicitor): "Would you please tell us if any other person present tonight can be heard on this matter?"

City Solicitor: "No. There is no authority in Council unless they have by writing filed with the City Clerk, within 15 days of the granting of the permit, the grounds of their appeal."

His Worship the Mayor: "Could the Council decide to defer this matter and decide to hold a public hearing?"

City Solicitor: "You could, but you could only hear Alderman



Trainer because he has the only one to file an appeal."

His Worship the Mayor: "We have heard him and from what he tells us, there are a number of people against this. Should the Council be disposed to hear their views, could we proceed to defer this to another meeting and hold a public hearing?"

City Solicitor: "You cannot hear any other appellant because he must have filed his objection within fifteen days of the granting of the permit."

Alderman DeWolf suggested that the matter be discussed with the officials of the British American Oil Company, who don't seem to be too desirous of installing these tanks.

His Worship the Mayor: "The City Clerk said they indicated they would be willing to abide by City Council's decision on this."

Alderman DeWolf: "Could the matter be deferred and discussed with them?"

His Worship the Mayor: "I think the appellant's purpose has been served, and I think this should be reviewed by the Board of Works in the light of what has been said and report back to Council."

Alderman DeWolf contended that if the Company officials were approached by the Acting City Manager, it may be written off.

MOVED by Alderman DeWolf, seconded by Alderman Fox, that the matter be referred to the next meeting of the City Council, and in the meantime, that the Acting City Manager be directed to discuss the matter with the officials of the British American Oil Company and report the result of his discussions. Motion passed.

Alderman Trainer resumed his seat.

ACCOUNTS OVER \$500.00

To: His Worship the Mayor and Members of City Council  
From: Mr. L. M. Romkey, Acting City Manager  
Date: January 12, 1961  
Subject: Accounts over \$500.00

In accordance with Section 119-F of the City Charter, the following accounts are submitted for Council's approval. These accounts have been certified and audited.

Council,  
January 12, 1961

<u>DEPARTMENT</u>	<u>VENDOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Finance	R. K. Kelly & Co. Ltd.	Insurance Renewal	\$ 1,301.62
Works	James Donohue	Flashings-Library	1,100.00
	Industrial Machinery Co.	Construction Equip.	700.85
	L. E. Shaw Limited	Catchpit Parts	530.75
	Westeel Products Ltd.	Asbestos, asphalt, etc.	2,212.00
Civil Defence	Consolidated Supply Co.	Cables, microphones etc.	3,608.86
Tourist Bureau	Stevenson & Scott Ltd.	Brochures, photography	2,226.87
			<u>\$ 11,680.95</u>

L. M. ROMKEY,  
ACTING CITY MANAGER.

MOVED by Alderman Ferguson, seconded by Alderman Lane, that the report be approved. Motion passed.

HOSPITAL CAPITAL GRANTS

January 12, 1961.

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the Acting City Manager advising that the Council had approved of grants of \$250,000.00 to the Halifax Infirmary and \$70,000.00 to the Grace Maternity Hospital on September 15, 1960, which would be partly financed through the Municipal Hospital Loan Act.

After reviewing this Act, the Acting City Manager was of the opinion that the City should change its methods of financing these grants.

He recommended that the grants to the Infirmary and Grace Hospital be amortized over a period of ten years by including 1/10th of the grant in the Current Budget until the same were paid in full.

Your Committee recommends that the new method of financing these capital grants be approved and that the necessary legislation be secured.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

Alderman Butler asked if Mr. R. J. Flinn had advised the City if the new method of financing was acceptable to the Infirmary Board of



Council,  
January 12, 1961.

Governors.

The Acting City Manager stated that he had not received any communication from Mr. Flinn in connection with this matter.

It was then moved by Alderman Butler, seconded by Alderman Ferguson, that the matter be referred back to the Finance and Executive Committee.

Motion passed.

WRITE-OFF - PAVING CHARGES - NO. 40 CORK STREET

January 12, 1961.

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the Commissioner of Finance advising that an error had occurred in the issuance of a Tax Certificate for the property, 40 Cork Street, in which a paving charge amounting to \$132.00 was not collected.

He advised that he would notify the various divisions and department heads that if any future errors occurred, the employee responsible would have to pay the loss to the City.

Your Committee recommends that legislation be secured enabling the City to write off the amount of \$132.00.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Wynan, seconded by Alderman Greenwood, that the report be approved. Motion passed.

INDUSTRIAL DEVELOPMENT COMMISSION RECOMMENDATIONS  
OLAND AND SON LIMITED  
EASTERN PAPER PRODUCTS LIMITED

As these matters had not been considered by the Finance and Executive Committee, same were referred to it for a recommendation in each case.

DATE FOR A PUBLIC HEARING - ZONING "RAILWAY CUTTING" AND  
"ARMED FORCES" LAND

MOVED by Alderman Abbott, seconded by Alderman Macdonald, that Council fix March 2, 1961, at 8:00 P. M., in the Council Chamber, City Hall, Halifax, Nova Scotia as the time and place for a Public Hearing into this matter. Motion passed.

Council,  
January 12, 1961.

SUPPLEMENTARY APPROPRIATION - 316 "C"

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the Commissioner of Finance requesting the following supplementary appropriations under the authority of Section 316 "C" of the City Charter:

City Solicitor's Office	\$ 48.18
Assessor's Department	195.33
Fire Alarm Department	401.54
Public Health Department	1,990.03
School for the Deaf	435.00
Election Costs	<u>411.54</u>
	\$ 3,481.62

Your Committee recommends that the request be granted.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Breen, seconded by Alderman DeWolf, that the report be approved. Motion passed.

BORROWING IN ANTICIPATION OF FIXING THE TAX RATE FOR 1961

January 12, 1961.

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the Commissioner of Finance recommending that Council authorize the borrowing of \$6,000,000.00 from the Royal Bank of Canada under Section 351 of the City Charter in anticipation of the fixing of the tax rate for 1961. This is necessary to meet expenditures as defined in the above section.

Your Committee concurs in this recommendation.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Lane, seconded by Alderman Wyman, that the report be approved. Motion passed.

Council,  
January 12, 1961.

AMENDMENTS - HALIFAX TEACHERS' PENSION SYSTEM

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, the following amendments to the Halifax Teachers' Pension System were submitted:

1. If a contributor dies before receiving a pension, his or her personal representatives shall be entitled to receive from the Permanent Fund, the total sum paid by him or her into the Fund, without interest.
2. If a pensioner dies before receiving as a pension the total sum paid by him or her into the Fund, his or her personal representatives shall be entitled to receive from the Permanent Fund, the difference between the amount actually paid, and the amount received in pension to that date, without interest.
3. In the event of a person having completed the required number of years (thirty) to qualify for a pension, and he or she wishing to continue in his or her position, he or she shall not be required to make any further payments into the pension system.

Your Committee recommends that the amendments be approved and the necessary legislation obtained.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman DeWolf, seconded by Alderman Fox, that the report be approved. Motion passed.

DATE FOR A PUBLIC HEARING - REZONING - NO. 202-204 WINDSOR STREET - R-3 to C-2

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

From: Town Planning Board.

Date: January 3, 1961.

Subject: Rezoning - #202-24 Windsor Street (R3-C2).

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending against an application to rezone the properties at Civic No. 202-204 Windsor Street from R3 to C2.

It was moved by Alderman Fox, seconded by Alderman Connolly, that the Board approve the request to rezone No. 202-204 Windsor Street from R3 to C2 and recommended the same to City Council, and that City Council set a date for a Public Hearing in regard to this matter.

The vote on the motion was 4 - 3 in favour.



Council,  
January 12, 1961.

FOR

AGAINST

Alderman Connolly  
Alderman Fox  
Alderman Healy  
Alderman Wyman

Alderman Macdonald  
Alderman O'Brien  
Alderman Trainor

Motion carried.

Respectfully submitted,

K. C. MANTIN,  
CLERK OF WORKS.

MOVED by Alderman Wyman, seconded by Alderman Healy, that the report be approved and that Council fix March 2, 1961, at 8:00 P. M. in the Council Chamber, City Hall, Halifax, Nova Scotia as the time and place for a Public Hearing into this matter. Motion passed, with Aldermen Macdonald, Trainor and O'Brien wishing to be recorded against.

TAX CONCESSION - HALIFAX SHIPYARDS LIMITED

January 12, 1961.

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a brief was submitted from Mr. J. D. Lezie, General Manager of the Halifax Shipyards Limited, requesting the following tax concessions:

- (a) the exemption from liability for Business Tax be continued;
- (b) the Company's liability for Real Property Tax be that amount computed on a full assessment of the Company's assessable property produced by the application of the rate of Real Property Taxation for the applicable year, or 5%, whichever is the lesser;
- (c) the foregoing formula be applicable for the civic years 1961, 1962 and 1963.

After hearing from Messrs. W. H. Jost, Q. C., and J. D. Lezie, 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 Trainor, that the report be approved. Motion passed.

TAX CONCESSION - MOIRS LIMITED

January 12, 1961.

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

Council,  
January 12, 1961.

At a meeting of the Finance and Executive Committee held on January 3, 1961, a letter was submitted from Mr. E. L. Otto, Vice-President and General Manager of Moirs Limited, requesting a tax concession whereby the Company would be liable for full realty taxes on its property but not liable for business tax except on that portion of its real property which is occupied for the purposes of its bakery business. This formula is in lieu of fixed taxes legislated for in previous years on a year-to-year basis.

Mr. Otto advised the City received \$62,000.00 last year but assuming the rate to be the same for 1961, the tax would amount to approximately \$55,000.00.

Your Committee recommends that the request be granted for the years 1961, 1962 and 1963, and that the necessary legislation be obtained.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Greenwood, seconded by Alderman Breen, that the report be approved. Motion passed.

MODIFICATION OF SIDEYARD - NO. 524 ROBIE STREET

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

From: Town Planning Board.

Date: January 3, 1961.

Subject: Modification of Sideyard - #524 Robie Street

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending against an application for an extension of a "non-conforming use" and a modification of sideyard at Civic No. 524 Robie Street.

It was moved by Alderman Macdonald, seconded by Alderman O'Brien, that the Board approve the recommendation of the Director of Planning and recommend the same to City Council.

The vote on the motion was 5 - 2 against.

FOR

Alderman Macdonald  
Alderman O'Brien

AGAINST

Alderman Connolly  
Alderman Fox  
Alderman Healy  
Alderman Trainor  
Alderman Wyman

Motion defeated.

Respectfully submitted,

K. C. MANTIN,  
CLERK OF WORKS.

1961. 12. 15. 15 - 15.



Council,  
January 12, 1961

To: His Worship the Mayor and Members of the  
Town Planning Board

From: K. M. Munnich, Director of Planning

Date: January 3, 1961

Subject: Extension of Non-Conforming Use and Modification  
of Sideyard - 524 Robie Street.

An application has been received from the owner of the property at Civic No. 524 Robie Street for modification of sideyard requirement to permit the construction of an addition to a duplex dwelling at this address. This property is located on the west side of Robie Street, between Garrick Lane and Charles Street, and is in an R3 residential zone as shown on Drawing No. P220/224.

The lot on which this building is located measures 36 feet by 103 feet or 3,708 square feet. This lot size and the position of the house on the lot do not conform to current requirements for a duplex dwelling in an R3 zone. More specifically, the south side of the building is built to within one foot of the south lot line, thus encroaching on the 6 foot sideyard requirement. The front of the building also encroaches over the current frontyard requirement of 15 feet. Since, however, it was used as a duplex dwelling prior to the adoption of the Zoning By-Law, its continuing use can be permitted but is defined as a "non-conforming use". It is proposed by the present owner to construct a 10 foot by 30 foot addition on the northern side of the present building. This addition, when completed, will be a distance of 3.5 feet from the northern property line, which is 2.5 feet less than the 6 feet currently required. The application is therefore, in fact, an application to extend a "non-conforming use" and for a modification of sideyard requirement in so doing. Such a relaxation of Zoning regulations is certainly not in the best interests of planning. It should further be noted that the building on the property immediately to the north is built to within 2 feet of the common boundary.

I RECOMMEND, therefore, that this Board refer a report to City Council recommending against the extension of a "non-conforming use" and the modification of a sideyard requirement for Civic No. 524 Robie Street, as shown on Drawing No. P200/224.

RESOLUTION EXPRESSING APPRECIATION  
BY THE WHITE HOUSE

MOVED by Alderman  
report be approved.

Respectfully submitted,

K. M. MUNNICH,  
DIRECTOR OF PLANNING.

MOVED by Alderman Trainer, seconded by Alderman O'Brien,  
that the application be approved. Motion passed.

At a meeting of the Council  
January 3, 1961, it was agreed to  
expressing appreciation for the  
work in connection with the



Council,  
January 12, 1961.

PROGRESS PAYMENT - MR. R. M. FIELDING, Q.C. - BELLEVUE CASE

January 12, 1961.

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a letter was submitted from Mr. R. M. Fielding, Q. C., requesting a progress payment of \$3,000.00 in connection with the Bellevue Case which will be heard before the Supreme Court of Canada.

Your Committee recommends that the payment be approved; funds for same to be included in the 1961 Estimates.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Butler, seconded by Alderman Greenwood, that the report be approved. Motion passed.

SICK LEAVE - PRISON GUARD, MR. E. W. WATSON

January 12, 1961

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

At a meeting of the Public Health and Welfare Committee held on January 3, 1961, a report was submitted from the Acting Commissioner of Health requesting that Guard, E. W. Watson of the City Prison, be granted four weeks' sick leave with pay.

Your Committee recommends that the request be granted.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman DeWolf, seconded by Alderman Wyman, that the report be approved. Motion passed.

RESOLUTION EXPRESSING APPRECIATION FOR WORK CARRIED OUT  
BY THE WHITE CROSS WOMEN

January 12, 1961

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

At a meeting of the Public Health and Welfare Committee held on January 2, 1961, it was agreed to recommend that Council go on record as expressing appreciation for the fine work carried out by the White Cross Women in connection with the Halifax Mental Hospital.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

Council,  
January 12, 1961

MOVED by Alderman Lane, seconded by Alderman Breen, that the report be approved. Motion passed.

TENDER FOR PARKING METERS - CAPITAL FUNDS

January 12, 1961

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

At a meeting of the Safety Committee held on January 3, 1961, a tender was submitted from the Rockwell Manufacturing Company of Canada, Limited amounting to \$89.25, less trade-in of \$12.00, per meter.

Your Committee recommends that an order be placed for 50 Model GS4 Single Dual Meters, less standard and flange, at the price quoted; funds to be provided by Capital Borrowing already approved by the Department of Municipal Affairs.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Greenwood, seconded by Alderman Butler, that the report be approved. Motion passed.

COURSE - METER MAINTENANCE MAN - POLICE DEPARTMENT

January 12, 1961

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

At a meeting of the Safety Committee held on January 3, 1961, the Chief of Police reported verbally that the Rockwell Manufacturing Company of Canada Limited conduct a four-day course for meter maintenance men at Guelph, Ontario, each year. He requested authority for the meter maintenance man on his staff to attend the course this year commencing February 28th at a cost to the City of \$200.00 which would be chargeable to the meter revenue fund.

Your Committee recommends that the request be granted.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Connolly, seconded by Alderman O'Brien, that the report be approved. Motion passed.

APPOINTMENT - HALIFAX - DARTMOUTH BRIDGE COMMISSION

MOVED by Alderman Greenwood, seconded by Alderman Wyman, that His Worship, Mayor J. E. Lloyd be appointed as a member of the Halifax-Dartmouth Bridge Commission to fill the unexpired term of former Mayor Vaughan, to December 31, 1962. Motion passed.



Council,  
January 12, 1961

APPOINTMENT - COMMITTEE TO STUDY GRANTS

Action deferred at this time.

EXTENSION TO MAYFLOWER CURLING CLUB - NO. 182 AGRICOLA STREET

To: His Worship the Mayor and Members of City Council.  
From: Town Planning Board.  
Date: January 3, 1961.  
Subject: Extension to Mayflower Curling Club - No. 182 Agricola Street.

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending against an application to construct an addition to the Mayflower Curling Club, No. 182 Agricola Street.

On motion of Alderman Macdonald, seconded by Alderman Connolly, the Board recommended to City Council that permission be granted to the Mayflower Curling Club for an extension to their property at No. 182 Agricola Street in accordance with Part XV, Section 1 (d) of the Zoning By-Law.

Alderman O'Brien was recorded as being "against".

Respectfully submitted,

K. C. MANTIN,  
CLERK OF WORKS.

To: His Worship the Mayor and Members of the Town Planning Board.  
From: K. M. Munnich, Director of Planning  
Date: January 3, 1961  
Subject: Extension to Mayflower Curling Club

An application has been received from an architect acting on behalf of the Directors of the Mayflower Curling Club for approval of an extension to their building on Agricola Street. This building is located on the west side of Agricola Street, between McCully and May Streets, and is in a C2 commercial zone. The use of the building, however, is one of a "sports or social club" which is defined as an R3 use in the Zoning By-Law. The development of this property must therefore conform to R3 regulations with particular regard to front yards, sideyards and lot coverage

The proposed extension of the building is shown shaded in green on drawing no. P200/225. This addition measures 21 feet by 104 feet and if approved, would be constructed to within one foot of the western official street line of Agricola Street. The existing building measures 85 feet by 180 feet or 15,755 square feet and occupies a lot 134 feet by 208 feet or 29,781 square feet. The existing lot coverage then is approximately 53%, 3% in excess of 50% lot coverage required under the Zoning By-Law. The By-Law further requires that a 10 foot front yard be provided and the premises extended would encroach 9 feet into this frontyard.

City Council may, under Part XV, Para. 1 (f) modify the front-yard requirements but there is no provision whereby Council may relax or



Council,  
January 12, 1961

modify the requirement for lot coverage. It would therefore be necessary to obtain legislation before the application can be finally approved. I do not consider that the existing open land area is adequate to provide off-street parking for the club membership. The extension proposed, would further reduce this area. I understand that the Club has a possibility of obtaining more land in the adjoining area to provide suitable off-street parking. Such acquisition would, of course, increase the area of the lot and decrease the existing lot coverage. If this is done, to a sufficient degree, an extension would certainly be in order.

I RECOMMEND, therefore, that this Board refer a report to City Council recommending refusal of an application to construct an addition on the Mayflower Curling Club on Agricola Street as shown on drawing no. P200/225.

Respectfully submitted,

K. M. MUNNICH,  
DIRECTOR OF PLANNING.

MOVED by Alderman Trainer, seconded by Alderman Butler, that the report be approved. Motion passed with Alderman O'Brien wishing to be recorded against.

SALE OF LAND - WARREN STREET

January 12, 1961

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

At a meeting of the Finance and Executive Committee held on January 12, 1961, a report was submitted from the Committee on Works recommending that the portion of land between the former eastern official street line of Warren Street and the relocation of this street line as approved by City Council on November 17, 1960, and measuring 2' x 100', as shown on Drawing No. SS-5-14875, be conveyed to the Warren Co-operative Housing Corporation Limited, or to the owners of Lot No.32 of the Claremont Subdivision for the sum of \$1.00.

Your Committee concurs in this recommendation.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Abbott, seconded by Alderman Wyman, that the report be approved. Motion passed.

ALTERATION TO A SUBDIVISION - LOT NOS .32-36 CLAREMONT  
SUBDIVISION - DUDLEY STREET

To: His Worship the Mayor and Members of City Council

From: Town Planning Board

Date: December 6, 1960

Subject: Alteration to a Subdivision - Lots Nos.32-36 Claremont  
Subdivision - Dudley Street.

Council,  
January 12, 1961

The Town Planning Board at a meeting held on the above date considered a report from the Director of Planning recommending in favour of an alteration to a subdivision of lots nos. 32-36 Claremont Subdivision, as shown on Drawing No. P200/213, SS-5-15875.

On motion of Alderman Wyman, seconded by Alderman Fox, the Board approved the report and recommended it to City Council.

Respectfully submitted,

K. C. MANTIN,  
CLERK OF WORKS.

MOVED by Alderman Wyman, seconded by Alderman Abbott, that the report be approved. Motion passed.

1961 BUDGET - BAYERS ROAD AND MULGRAVE PARK HOUSING PROJECT

January 12, 1961.

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

At a meeting of the Redevelopment Committee held on December 21, 1960, a report was submitted from the Acting City Manager attaching the 1961 Budget for the Bayers Road and Mulgrave Park Housing Projects.

Your Committee recommends that the Budget be approved subject to its acceptance by Central Mortgage and Housing Corporation and the Province of Nova Scotia.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

A copy of the Budget as submitted is attached to the original copy of these minutes.

MOVED by Alderman Trainer, seconded by Alderman Greenwood, that the report be approved with the understanding that the Pension Fund calculation shown on Page 3, Appendix 4, is purely an estimate for Budget purposes, but is not to be undertaken as an expenditure until such time as the plan for the pension is approved by the City Council. Motion passed.

APPLICATION FOR BUILDING PERMIT - NOS .61-63 GERRISH STREET

January 12, 1961

His Worship the Mayor and  
Members of the City Council.

At a meeting of the Redevelopment Committee held on January 6, 1961, consideration was given to the attached report from the Director of Planning recommending against the granting of an application to continue



Council,  
January 12, 1961

repairs on a building at 61-63 Gerrish Street to convert a five-unit to a seven-unit apartment building.

Your Committee, after hearing representations from the owner and Solicitor for the owner which pointed out that the work had been started in January, 1958, and discontinued in April, 1958 due to the illness of the owner; and in view of the fact that the repairs are of a comparatively minor nature; and further, that the property meets all the requirements of Ordinance No. 50, therefore recommends that no action be taken to withhold the processing of the improvements to the property as outlined in the application for a building permit.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

To: His Worship the Mayor and Members of  
the Redevelopment Committee

From: K. M. Munnich, Director of Planning

Date: November 30, 1960

Subject: 61-63 Gerrish Street.

On January 7, 1958, a permit was issued to the owner of a building at 61-63 Gerrish Street to convert a five unit apartment building to a seven unit apartment building. Construction was started under this permit, but was discontinued in April, 1958, after completing approximately one-fifth of the total work.

On November 17, 1960, a re-application was made since the original permit had expired six months from date of issue. Between the date of the original permit and the re-application, City Council have designated this property as forming part of the "Uniacke Square Redevelopment Area".

The total cost of carrying out the above work was estimated at the time of application to be \$2,500.00. Of this amount, approximately \$500. has been spent, and an additional amount of \$2,000.00 would be expended to complete the work under the current application. Such an expenditure would be reflected directly in the cost of acquisition of this property should it be required in the near future.

If it is considered that the additional expenditure ought to be avoided in view of the imminent redevelopment of the area in question, this Committee should refer a recommendation to City Council that the building permit to convert a five unit apartment building to a seven unit apartment building at Civic No. 61-63 Gerrish Street be withheld for a period of six months from the date of application, in accordance with Section 970, paragraph (1) of the City Charter.

Respectfully submitted,

K. M. MUNNICH,  
DIRECTOR OF PLANNING.

MOVED by Alderman Trainer, seconded by Alderman Ferguson, that the report be approved.

Alderman O'Brien: "Before this is passed, it was recommended

Council,  
January 12, 1961.

unanimously by the Board of Works but I would like to say for the record that it seems to me there is a principle which in normal circumstances is not good, here, in that we may be involving the City in heavier compensation at a later date because of this action; but under our new legislation we have permitted ourselves six months to make a decision about redevelopment projects; and it was on the grounds that we felt we didn't have the staff and couldn't put a high enough priority on the School for the Deaf Project that we couldn't complete our plans in the next four and a half months. It is very unlikely in the light of our staff situation and this was confirmed by the Acting City Manager and confirmed from the viewpoint of Central Mortgage and Housing Corporation. So, although I am opposing that kind of thing in principle, to oppose it now might cost the City more money than in another way because of damages resulting when the six months ran out and we were not prepared to act. So, it is a case of letting it go, but recognizing that we are trying to get the first project completed before getting too deep in some of the others. "

The motion was put and passed.

DOWNTOWN PARKING GARAGE - CALL FOR PROPOSALS

January 12, 1961

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

At a meeting of the Redevelopment Committee held on January 6, 1961, a revised "Call for Proposals" for a downtown parking garage, as prepared by the staff, was submitted from the City Manager.

Your Committee approved the proposed document with a few minor changes, and recommends to City Council that advertisements calling for proposals be adequately advertised in newspapers in the principal cities in Canada including Montreal, Toronto and Halifax.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Wyman, seconded by Alderman O'Brien, that the report be approved. Motion passed.

TENANCIES - MULGRAVE PARK PROJECT

January 12, 1961

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



Council,  
January 12, 1961

At a meeting of the Redevelopment Committee held on January 6, 1961, consideration was given to a report from the Acting City Manager in which he advised that, as the result of a survey by the Halifax Housing Authority it is estimated that approximately one hundred and fifty-five first and second priority tenants will be available for the three hundred and forty-eight units at the Mulgrave Park Project.

He therefore recommended that:

(a) the remaining 200 units at Mulgrave Park be used to assist in the complete implementation of Ordinance No.50 and that the families displaced as a result of this action (third-priority tenants) be assigned to these units;

(b) that the necessary additional staff be authorized for the Building Inspection Department, for this purpose.

Your Committee concurs in the recommendations of the Acting City Manager.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Wyman, seconded by Alderman Abbott, that the report be approved. Motion passed.

ACQUISITION OF PROPERTY - NO. 12 HURD STREET

January 12, 1961

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

At a meeting of the Redevelopment Committee held on January 6, 1961, a report was submitted from the Compensation Officer recommending purchase of the property of Charles E. Harris, 12 Hurd Street, at a price of \$4,500.00, and that the Halifax Housing Authority be requested to provide Mr. and Mrs. Harris with accommodation at the Mulgrave Park Housing Project as soon as space is available.

Central Mortgage and Housing Corporation have approved this settlement by letter dated December 30, 1960.

Your Committee concurs in the recommendation of the Compensation Officer.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Trainer, seconded by Alderman Ferguson, that the report be approved. Motion passed.

WESTWOOD PARK RESERVATION OF UNITS FOR ARMY PERSONNEL

His Worship the Mayor advised that this matter would have to be deferred due to a change in plans by the School Board who will be forwarding

a recommendation at a later date.

MOVED by Alderman Greenwood, seconded by Alderman Ferguson, that the matter be deferred. Motion passed.

PRIORITY DISPLACED RESIDENTS OF CLYDE STREET PARKING LOT AREA  
IN MULGRAVE PARK PROJECT

In answer to a question from Alderman Butler, the Acting City Manager advised that displaced residents in the area of the Clyde Street Parking Lot would be given third-priority in the Mulgrave Park Project.

PORT OF HALIFAX COMMISSION - MEMBERSHIP

Alderman Ferguson referred to the possibility that some of the present members of the Port of Halifax Commission do not have legal status on the Commission, and he asked that an examination of the constitution of the Commission be made by the City Solicitor.

His Worship the Mayor suggested that the City Solicitor's report on the matter should be studied by the Commission who will in turn report to the Finance and Executive Committee with its recommendations.

SMOKE NUISANCES

Alderman Trainer referred to a recent smoke and soot nuisance in the Nova Scotian Hotel Area and he questioned what measures of control, if any, the Nova Scotia Light and Power Company, Limited were taking to overcome the problem.

Alderman Healy said he had also received complaints from residents in the Chebucto Road School Area concerning the same matter.

Both matters were referred to the Smoke Abatement Board for consideration and report.

SERVICES OF COMBUSTION ENGINEER

Alderman Wyman asked the Acting City Manager for a report on what steps, if any, had been taken by the former City Manager or he, himself, with regard to obtaining the services of a Combustion Engineer to advise in connection with the smoke problems of City-owned properties.



LORD NELSON HOTEL

Alderman Lane asked if an application had been made for a change in the plans for the Lord Nelson Hotel as she understood from the owner that he planned to abandon his plans for an addition to the Hotel facilities and was planning to erect an Office Building on the site.

The Commissioner of Works said that to his knowledge no such application had been received.

Alderman Lane asked if under the agreement which had been in effect between the Hotel Company and the City it would be possible to change the plans, and His Worship the Mayor said that any change in the plans would nullify the agreement and the tax concessions granted under it; and he said that any change in design in the addition to the building would be subject to same meeting the required engineering standards.

COUNTY JAIL

Alderman Butler referred to the recent publicity given to the conditions at the County Jail and he noted that some cleaning up had been done. He asked if this was to be of a permanent nature or if any plans were to be considered for the construction of a new jail.

His Worship the Mayor stated that the County Jail is a part of the Court House operation which is a matter of joint expenditure by the three Municipalities; and it has been the practice for the City of Halifax to administer the City Prison, the Municipality of the County of Halifax to administer the County Jail and the Town of Dartmouth to look after its own jail facilities. He further stated that consideration was being given to the relocation of the Court House, a possible site being a location in the Jacob Street Redevelopment Area.

In answer to a question of Alderman Wyman, His Worship the Mayor said the County Welfare Committee is administering the County Jail at the present time.

At this time Council commended Alderman Lane for her action in bringing to light the conditions existing at the County Jail which resulted

Council,  
January 12, 1961.

in an investigation of the facilities which were proven to have been unfavourable and which, subsequently, have been improved.

AGENDAS AND REPORTS

Alderman O'Brien suggested in future when an agenda or report has been amended after being mailed to the Aldermen previous to the Council meeting that the second copy be marked "as amended" or "second edition".

SNOW REMOVAL - DOWNTOWN AREA

Alderman Breen referred to the fact that snow removal operations had been confined to certain downtown streets and he asked that consideration be given to extending the scope of the operations.

The Acting City Manager was directed to look into the matter with the Commissioner of Works.

NOVA SCOTIA LIGHT AND POWER COMPANY, LIMITED - AGREEMENT -  
REMOVAL OF SNOW AT TROLLEY COACH STOPS

Alderman Breen asked if the agreement with the Nova Scotia Light and Power Company, Limited regarding the removal of snow at Trolley Coach stops was still in effect.

The Commissioner of Works stated that the agreement had not been changed and that the stop as interpreted by the Transit Authority is only the three-foot passageway where the Trolleys stop and the people alight from the doors. He said that part of the curb which is painted yellow is not considered a stop as far as they are concerned for snow removal purposes, it is the responsibility of the City.

Alderman Breen expressed doubt that the agreement has been adhered to with respect to the removal of snow at Trolley Coach stops and the Acting City Manager was directed to investigate the matter and report.

MOTION - ALDERMAN GREENWOOD TO RESCIND RESOLUTION OF COUNCIL -  
JUNE 16, 1960, FIXING FEES - COURT OF TAX APPEALS - \$1,200.00  
FOR CHAIRMAN AND \$1,000.00 FOR MEMBERS

MOVED by Alderman Greenwood, seconded by Alderman Abbott, that the motion passed by Council on June 16, 1960, fixing fees for the Tax Appeal Court viz. \$1,200.00 for the Chairman and \$1,000.00 for members be rescinded.  
Motion passed.



Council,  
January 12, 1961

FIXING PER DIEM RATE - COURT OF TAX APPEALS

January 12, 1961

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the Acting City Manager advising that Mr. C. W. MacIntosh, Sr., has agreed to act on the Court of Tax Appeals to fill the unexpired term of Mr. A. P. Kelly to December 31, 1961, provided he is paid the same fee as the other members of the Court. He further advised that both Mr. Mullane and Mr. Hazen are not agreeable to act for the sum of \$1,200.00 and \$1,000.00 respectively as set by Council on June 16, 1960, but that they will act for the same fee as heretofore, which is \$50.00 per day.

Your Committee recommends that the fee for the members of the Court be set at \$50.00 per day for the current sitting and that the Acting City Manager bring the matter to the Committee's attention for review for 1962 in April of 1961. Motion passed with Alderman Lane wishing to be recorded against.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

Alderman Lane explained that she wished to be recorded against the motion in Committee because she felt that some maximum should be put on the rate.

MOVED by Alderman DeWolf, seconded by Alderman Trainor, that the report be approved. Motion passed.

QUEEN VERSUS MAJOR VENDING MACHINE COMPANY, LIMITED

January 12, 1961

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

At a meeting of the Finance and Executive Committee held on January 3, 1961, a report was submitted from the City Solicitor advising that in order to test the validity of the City Charter in prohibiting cigarette vending machines, a case was heard in the Magistrate's Court. The case was dismissed and the decision was based on very nearly an exact by-law passed by the City of Winnipeg at the Supreme Court of Saskatchewan found to be ultra vires as it conflicted with a Dominion Statute — "The Tobacco Restraint Act".

The City Solicitor requested direction as to whether or not the case should be appealed to a higher Court. He was of the opinion that the appeal would not be successful.

Your Committee recommends:

- (1) that no further action be taken in the Courts with respect to this matter;

Council,  
January 12, 1961

- (2) that the section of the City Charter pertaining to this matter be repealed at the next session of the Legislature;
- (3) that the Acting City Manager report on the matter of licensing these machines with a suggested amount.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman Butler, seconded by Alderman Greenwood, that the report be approved. Motion passed.

Meeting adjourned.

10:05 P. M.

HEADLINES

Public Hearing Re: Zoning of Land - North of Rector Street and West of Lynch Street to R-3 Zone	1
Public Hearing Re: Rezoning of Land - Northwestern Corner of Lynch and Rector Streets from R-2 Zone to R-3 Zone	2
Requests - Salary Increase - Civic Employees' Union #143 and Local #268 - International Association of Fire Fighters - 15%	2
Payne-Ross Report	2
Appeal from the Granting of an Occupancy Permit to British American Oil Company, Ltd. for the Installation of two Tanks at #177 Kempt Road	2
Accounts Over \$500.00	9
Hospital Capital Grants	10
Write-Off - Paving Charges - No. 40 Cork Street	11
Industrial Development Commission Recommendations - Oland and Son Limited and Eastern Paper Products Ltd.	11
Date for a Public Hearing - Zoning "Railway Cutting" and "Armed Forces" Land	11
Supplementary Appropriation - 316 "C"	12
Borrowing in Anticipation of Fixing the Tax Rate for 1961	12
Amendments - Halifax Teachers' Pension System	13
Date for Public Hearing - Rezoning - Nos. 202-204 Windsor Street - R-3 to C-2	13
Tax Concession - Halifax Shipyards Limited	14
Tax Concession - Moirs Limited	14
Modification of Sideyard - No. 524 Robie Street	15
Progress Payment - Mr. R. M. Fielding, Q. C. - Bellevue Case	17
Sick Leave - Prison Guard - Mr. E. W. Watson	17
Resolution Expressing Appreciation for Work Carried Out By the White Cross Women	17
Tender for Parking Meters - Capital Funds	18
Course - Meter Maintenance Man - Police Department	18
Appointment - Halifax-Dartmouth Bridge Commission	18
Appointment - Committee to Study Grants	19
Extension to Mayflower Curling Club - No. 182 Agricola Street	19
Sale of Land - Warren Street	20
Alteration to a Subdivision - Lot Nos. 32-36 Claremont Subdivision - Dudley Street	20
1961 Budget - Bayers Road and Mulgrave Park Housing Project	21
Application for Building Permit - Nos. 61-63 Gerrish Street	21



Downtown Parking Garage - Call for Proposals	23
Tenancies - Mulgrave Park Project	23
Acquisition of Property - No. 12 Hurd Street	24
Westwood Park Reservation of Units for Army Personnel	24
Priority Displaced Residents of Clyde Street Parking Lot Area in Mulgrave Park Project	23
Port of Halifax Commission - Membership	25
Smoke Nuisances	25
Services of Combustion Engineer	25
Lord Nelson Hotel	26
County Jail	26
Agendas and Reports	27
Snow Removal - Downtown Area	27
Nova Scotia Light and Power Company, Ltd. - Agreement - Removal of Snow at Trolley Coach Stops	27
Motion- Alderman Greenwood to Rescind Resolution of Council - June 16, 1960, Fixing Fees - Court of Tax Appeals - \$1,200.00 for Chairman and \$1,000.00 for Members	27
Fixing Per Diem Rate - Court of Tax Appeals	28
Queen Versus Major Vending Machine Company, Limited	28

J. E. LLOYD,  
MAYOR AND CHAIRMAN.

R. H. STODDARD,  
CITY CLERK.

CITY COUNCIL  
MINUTES

Council Chamber,  
City Hall,  
Halifax, Nova Scotia,  
January 26, 1961,  
8:00 p.m.

A meeting of the City Council was held on the above date.

After the meeting was called to order by the Chairman, the members of Council attending, led by the City Clerk, joined in repeating the Lord's Prayer.

There were present His Worship the Mayor, Chairman; Aldermen DeWolf, Abbott, Breen, Lane, Butler, Macdonald, Fox, Ferguson, Healy, Trainor, Wyman, Connolly, O'Brien and Greenwood.

Also present were Messrs. L. M. Romkey, R. H. Stoddard, W. J. Clancey, H. K. Randall, T. C. Doyle, J. L. Leitch, J. F. Thomson, G. F. West, K. M. Munnich and Dr. E. M. Fogo.

MINUTES

MOVED by Alderman O'Brien, seconded by Alderman DeWolf, that the minutes of the following meetings be approved: September 29 and 30; October 13 and 27, 1960. Motion passed.

HEARING APPEALS FROM GRANTING OF  
OCCUPANCY PERMIT - NO. 22 MORRIS STREET

The matter of hearing appeals from the granting of an Occupancy Permit to operate a tavern at 22 Morris Street was considered at this time.

Four (4) appeals were submitted from the following:

1. Mr. A. E. Tompkins - 21 Smith St. - represented by E. F. Cragg
2. Mr. Donald MacDonald - 268 South St. - represented by J. H. Dickey
3. Mr. Fernand Frenette - 57 Queen St. - represented by D. J. Amiro
4. Mr. Gerald Munro - 65 Morris St. - represented by R. A. Cluney

The Solicitors addressed Council on the subject orally and by written brief together with a petition against the application as well as sketch plans.

Also submitted was a brief on behalf of the applicant, Mr. Gus Mandros, who was also represented by his solicitor, Mr. Harry Rhude.

In 1960 the Legislature repealed Section 739A (3) of the City Charter which read as follows:

" The Inspector may refuse to issue an occupancy permit if in his opinion the proposed occupancy is prohibited by any enactment affecting the building, structure or premises or part thereof or the locality in which the same is



Council,  
January 26, 1961.

situated or if in his opinion such proposed occupancy is unsuitable for the building, structure or premises for which such occupancy is proposed or if in his opinion the proposed occupancy is unsuitable for the locality in which the same is proposed or the locality in which such occupancy is proposed is unsuitable for such occupancy or if in his opinion such proposed occupancy cannot be carried on in such building, structure or premises without overloading the same, increasing the internal fire hazard, or the fire hazard to neighboring buildings or structures or the hazard to life, or without rendering such building, structure or premises less sanitary."

In its place the following Section was substituted:

- " The Inspector may refuse to issue an occupancy permit if in his opinion
- (a) such proposed occupancy is unsuitable for the building, structure or premises for which such occupancy is proposed or if such proposed occupancy cannot be carried on in such building, structure or premises without overloading the same, increasing the internal fire hazard or the fire hazard to neighboring buildings or structures or the hazard to life, or
  - (b) the building, structure or premises or part thereof is not constructed in accordance with the approved plans and specifications upon which the building permit for the same has been issued."

Council's attention was drawn to the following extracts from the brief:

" It will be noted that the Legislature has clearly restricted the right of the inspector to refuse to grant occupancy permits. In particular, it has taken away his right to consider the suitability of the occupancy for the locality provided the zoning by-laws are complied with.

Section 739A (4A) reads in part as follows:

" Any owner of real property in the City lying within an area designated as residential....may appeal to the Council from the granting of any occupancy permit by notice in writing filed with the City Clerk within fifteen days of the granting of the same by the Inspector, stating the grounds for such appeal.... The Council shall hear such appeal at such time and place as it determines and may confirm the granting of such permit or may order that the same be cancelled....."

" In considering whether or not to confirm or cancel the permit, Council may only consider those things that the Building Inspector is permitted to consider, e.g. that the proposed occupancy will constitute a fire hazard. Of course, Council may differ with the Building Inspector and decide that the proposed occupancy does constitute a fire hazard. But under the City Charter Council cannot properly base its decision on whether or not the proposed occupancy is suitable to the locality anymore than it can properly base its decision on the fact that the applicant has a receding hairline.

" There is no suggestion in any of the notices of appeal that the building is unsuitable in any way for the proposed occupancy and any suggestion that it is unsuitable for the locality should, according to the City Charter, be disregarded."

As Council's attention was drawn to certain points of law by Mr. Rhude, it was felt that the City Solicitor should be given the opportunity to look into the City Charter provisions and to submit a written

Council,  
January 26, 1961.

opinion in connection therewith.

MOVED by Alderman Wyman, seconded by Alderman O'Brien, that decision on this matter be deferred until the next meeting of Council and in the meantime that the City Solicitor be directed to provide the Members of Council with a written explanation of the points which have been raised, that the opinion be forwarded to the solicitors for the appellants and if they wish to file a statement on the point of law with the City, they may do so. Motion passed.

REPORT - REDEVELOPMENT COMMITTEE -  
ACQUISITION OF PROPERTY - 234 ARGYLE STREET

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

At a meeting of the Redevelopment Committee held on January 18, 1961, a report was submitted from the Compensation Officer recommending that the sum of \$29,500.00 be offered to Philomena Greene in full settlement of all claims for the property, 234 Argyle Street which offer is acceptable to the owner and has been approved by the Central Mortgage and Housing Corporation.

Your Committee concurs in the recommendation of the Compensation Officer.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.

MOVED by Alderman O'Brien, seconded by Alderman Wyman, that the report be approved. Motion passed.

REPORT - REDEVELOPMENT COMMITTEE - LEGAL ASSISTANCE -  
EXPROPRIATION OF PROPERTIES IN THE REDEVELOPMENT AREA

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

At a meeting of the Redevelopment Committee held on January 18, 1961, a report was submitted from the Acting City Manager recommending that outside solicitors be engaged to assist the Legal Department in preparing cases before the Court in connection with the expropriation of properties in the Redevelopment Area.

Your Committee recommends that the following procedure be adopted in this connection: that the Acting City Manager will select two or three firms, and after consultation with Central Mortgage and Housing Corporation he will nominate to the Committee a member of one of these firms to act on behalf of the City.

Respectfully submitted,

R. H. STODDARD,  
CITY CLERK.