

Council,
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this report. We are advised by the Property Management Officer that the owner involved has rejected what he considers a fair and reasonable offer for the land.

It is recommended, therefore, that the City expropriate the property in question for street widening purposes, in accordance with Section 624 of the City Charter, as the same cannot be acquired by contract at a price not deemed excessive. It is also suggested that the amount listed below be paid into Court.

<u>Property</u>	<u>Owner</u>	<u>Suggested Payment Into Court</u>
335-337 Bayers Road	National Trust Company (Dominion Stores)	\$480.00

We would suggest also that the City Solicitor be requested to report on the ownership and title to the land referred to above in accordance with Section 626 of the City Charter.

G. F. WEST,
Commissioner of Works.

BE IT RESOLVED that this Council does hereby adopt the recommendation contained in the resolution passed at a meeting of the Committee on Works held on the 8th day of November, A. D., 1962, for the expropriation of certain land on the North side of Bayers Road between Romans Avenue and Desmond Avenue in the City of Halifax, for street widening purposes, and which is more fully described in the Resolution of the Committee on Works and set out on a plan prepared by the Commissioner of Works, dated November 2, 1962 and bearing No. SS-9-15553, referred to in the said resolution;

AND BE IT FURTHER RESOLVED that the said land be and the same is hereby expropriated, and that the City Clerk do pay to the Prothonotary of the Supreme Court of Nova Scotia the sum of Four Hundred and Eighty Dollars (\$480.00) of lawful money of Canada, as the price or compensation for the said land.

Resolution

WHEREAS the Commissioner of Works has submitted a report, dated 8th day of November, A. D., 1962, and also a plan and description covering the expropriation of certain land for street widening purposes, the said land being on the North side of Bayers Road between Romans Avenue and Desmond Avenue, in the City of Halifax;

AND WHEREAS the Committee on Works is of the opinion that the said land should be acquired for the purpose aforesaid;

AND WHEREAS the Committee on Works deems it necessary that the said land and interests therein be expropriated;

THEREFORE BE IT RESOLVED and it is recommended to the City Council that the said land and interests therein, hereinafter more fully described, be expropriated;

AND BE IT FURTHER RESOLVED and it is recommended to the City Council that the City Clerk do pay to the Prothonotary of the Supreme Court of Nova Scotia, the sum of Four Hundred and Eighty Dollars (\$480.00) as the price or compensation to be paid to the person or persons who may be found to be the owner or owners of the land herein expropriated, namely:

Civic Nos. 335-337 Bayers Road - National Trust Company,
In Trust (Dominion Stores Limited) \$480.00

The said land being more particularly described as follows:

ALL that certain lot, piece or parcel of land situate, lying and being on the northern side of Bayers Road in the City of Halifax as shown bordered in red on a plan entitled, "Expropriation Plan of Certain Lands Required by the City of Halifax for Street Purposes", dated Nov. 2, 1962, and being on file in the Office of the Commissioner of Works for the City of Halifax at City Hall as Plan No. SS-9-15553; the said land being more particularly described as follows:

BEGINNING at the point where the northern official street line of Bayers Road is intersected by the northern proposed official street line of Bayers Road;

THENCE northeastwardly along said northern proposed official street line of Bayers Road for a distance of thirty feet and forty-one hundredths of a foot (30.41') or to a point distant northwardly five feet (5') from the said northern official street line of Bayers Road as shown on said plan;

THENCE eastwardly along the said northern proposed official street line of Bayers Road distant five feet (5') from and parallel to the northern official street line of Bayers Road for a distance of seventy-five feet (75') and continuing eastwardly along the said northern proposed official street line of Bayers Road for a distance of fifty feet (50') or to a point on the said northern proposed official street line of Bayers Road as shown on the said plan;

THENCE southeastwardly along said northern proposed official street line of Bayers Road for a distance of thirty-one feet and eight tenths of a foot (31.8') more or less or to the aforesaid northern official street line of Bayers Road;

THENCE westwardly along the said northern official street line of Bayers Road, being a curve to the left having a radius of six hundred and sixty-two feet and fifty-two hundredths of a foot (662.52'), for a distance of one hundred and eighty-five feet (185.0') more or less to the place of beginning.

Containing an area of eight hundred and forty-one square feet (841 sq.ft.).

MOVED by Alderman Wyman, seconded by Alderman Meagher, that the report and resolution as submitted be approved. Motion passed unanimously.

REPORTS - TOWN PLANNING BOARD

Rezoning - No. 59 Oxford Street - R-2 Zone to R-3 Zone

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of the rezoning of 59 Oxford Street from R-2 Zone to R-3 Zone and that a date for a public hearing be set, in accordance with the provisions of Part I, Section 12, of the Town Planning Act.

The report also recommended that the applicants be requested to increase the recreation area around the building by the reduction of the parking

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area, as indicated by the Director of Planning.

The Director of Planning informed the Board that he has since received new proposals from the applicants and they comply with his recommendation.

MOVED by Alderman O'Brien, seconded by Alderman DeWolf, that the report be approved and Council fix December 13, 1962, at 8:00 p.m., in the Council Chamber, City Hall, Halifax, Nova Scotia, as the time and place for a public hearing in this connection. Motion passed.

Rezoning - R-2 Zone to R-3 Zone & Alteration to a Subdivision - Lots 28 & 29
Basinview Drive at Robie Street

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of the rezoning of Lots 28 and 29 Basinview Drive, as shown on Drawing No. P200/835, 00-9-15548, from R-2 to R-3, in accordance with the provisions of the Town Planning Act, and that a date for a public hearing be set.

The report also recommended in favour of an alteration to a subdivision combining lots 28 and 29 into one lot, as shown on Drawing No. P200/835, 00-9-15548, in accordance with Section 727C of the City Charter, the alteration to follow the rezoning of the area from R-2 to R-3 density.

MOVED by Alderman O'Brien, seconded by Alderman DeWolf, that the report be approved and Council fix December 13, 1962, at 8:00 p.m., in the Council Chamber, City Hall, Halifax, Nova Scotia, as the time and place for a public hearing in this connection. Motion passed.

Modification of Lot Frontage and Lot Area - No. 127 Kencrest Avenue

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending against an application for a modification of lot area and lot frontage at No. 127 Kencrest Avenue.

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

Modification of Lot Frontage - No. 196 Young Street

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of a modification of lot frontage at No. 196 Young Street, as shown on Drawing No. P200/823, in

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accordance with Part XV, paragraph 1 (f), of the Zoning By-Law, and that no public hearing be held.

MOVED by Alderman Meagher, seconded by Alderman Healy, that the report be approved. Motion passed.

Modification of Side Yard - No. 6053 (11) Roxton Road

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of a modification of side yard at No. 6053 (11) Roxton Road, as shown on Drawing No. P200/817, in accordance with Part XV, paragraph 1(f), of the Zoning By-Law.

The Director of Planning informed the Board that letters have been received from the abutters agreeing to the request provided the carport is properly constructed. He suggested that the Board might wish to process the application without recommending a public hearing to City Council.

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

Modification of Front and Side Yards - No. 1677 (65) Preston Street

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of a modification of front and side yards at No. 1677 (65) Preston Street, as shown on Drawings No. P200/818, P/200/824 - 829, in accordance with Part XV, paragraph 1(f) of the Zoning By-Law and that no public hearing be held.

MOVED by Alderman LeBlanc, seconded by Alderman Healy, that the report be approved. Motion passed.

Alteration to a Subdivision & Extension to a Non-Conforming Building & Modification of Front Yard - No. 118-120 Creighton Street

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of an alteration to a subdivision, extension to a non-conforming building and modification of front yard requirements at 118-120 Creighton Street, as shown on Drawings No. P200/822, P200/830 - 832, in accordance with Section 727C of the City Charter, and in accordance with Part XV, paragraph 1(d) and (f) of the Zoning By-Law, and that no public hearing be held.

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

Alteration to a Subdivision - Lots 25 & 31 Deal Street

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, recommending in favour of an alteration to a subdivision of lots 25 and 31 Deal Street, as shown on Drawing No. P200/834, 00-9-15545, in accordance with Section 727C of the City Charter.

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

Report - Halifax Grammar School

A report was submitted from the Town Planning Board, at a meeting held on November 6, 1962, at which time it considered a report from the City Manager with regard to a petition from the property owners located close to the Halifax Grammar School.

The City Manager informed the Board in his report that the only outstanding matter in the petition is the matter of traffic, and the traffic condition could be improved by the school providing additional parking and driveway facilities in the improvements which will follow the demolition of the old house on Atlantic Street. In addition, he suggested that the Police Department may be obtained to help improve immediate traffic needs, and regulations, in this area at peak hours.

The Traffic Engineer has already requested the Chief of Police to consider this point and it is understood the Police will take appropriate steps in this matter.

On motion of Alderman Trainer, seconded by Alderman O'Brien, the Board moved adoption of the report, but requested the City Manager to negotiate with officials of the Grammar School to see if a suitable driveway could be arranged to accommodate the traffic originating from the school.

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

REPORT - PUBLIC HEALTH & WELFARE DEPARTMENT

Appointment of Administrator - Estate of Lawrence John Donovan

At a meeting of the Public Health and Welfare Committee, held on November 8, 1962, it was recommended that application be made to the Probate Court to appoint Mr. John L. Leitch, City Treasurer, as Administrator of the Estate of Lawrence John Donovan in order to have the assets of the Estate in the amount of \$2,109.28 applied to the amount of \$7,193.50 owing the City of Halifax.

MOVED by Alderman Connolly, seconded by Alderman Healy, that the report be approved. Motion passed.

QUESTIONS

Alderman Wyman Re: Street Paving

Alderman Wyman asked if there were any possibility of Russell Street and Agricola Street being paved before the winter weather begins.

Alderman Lane asked the same question with respect to Sackville Street.

The Commissioner of Works said that it was impossible to pave Russell Street and the east lane of Agricola Street between Livingstone and Duffus Streets because there has been a delay in the City's work due to the fact that the Borrowing Resolution has not yet been approved by the Minister. However, it is hoped that these streets, as well as Sackville Street, will be patched before snowfall.

Alderman Wyman Re: Statements about Africville on C.B.C. T.V. Program

Alderman Wyman referred to statements with regard to Africville which were made by a panel member on a recent edition of C.B.C. Television Program, "Front Page Challenge"; and he charged that there was considerable misinformation given. He suggested an investigation be carried out to ascertain whether or not there is a means of correcting the false impressions given.

Alderman LeBlanc agreed to assist His Worship the Mayor in an effort to obtain a transcript of the program from the C.B.C.

His Worship the Mayor said that he would investigate the matter after he obtained a copy of the transcript and hoped that an organized statement could be arranged.

Alderman Lane Re: Completion Date - Motel on Brunswick Street

Alderman Lane asked if the City had any control over the completion date for the motel which is being built on Brunswick Street.

The City Manager stated that the completion date for the project is March 10, 1963, but it is very doubtful whether the work will be completed by that time.

The Development Officer said that a report on the progress of the project had been submitted to the Town Planning Board at its last meeting and the instructions of the Board that staff discuss the matter with the developer were being carried out in a few days' time. A report will then be submitted.

Alderman LeBlanc Re: Street Lighting

Alderman LeBlanc asked for another progress report on the street lighting in the district of Connaught Avenue, Newton Avenue, Chebucto Road, Monastery Lane and Quinpool Road.

The City Manager was requested to submit such a report.

Alderman Meagher Re: Old Incinerator

Alderman Meagher said that he understood that tenders had been called for the demolition of the chimney at the Old Incinerator and he asked if it were intended to demolish the rest of the building.

The Commissioner of Works stated that the chimney had been demolished, but there haven't been any plans made for the demolition or definite use of the building except for storage space for which it is being used at the present time.

His Worship the Mayor felt that eventually a policy would be set for the use of the land.

REPORT - HIS WORSHIP THE MAYOR - TRIP TO MONTREAL AND OTTAWA

His Worship the Mayor reported that he had visited Montreal and Ottawa on civic business.

While in Montreal he met with Mr. Kelsey, Tax Commissioner of the Canadian National Railways. He expressed his appreciation to the City Solicitor for his preparation of a report containing the historical background of the Canadian National Railway Tax Agreement. In this report he referred to Privy Council Order No. 2903 dated June 26, 1948 under which the Government of Canada gave the Canadian National Railways direction to pay 50% of the property taxes

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in the Atlantic Provinces.

The Privy Council Order No. 2903 follows:

CERTIFIED TO BE A TRUE COPY OF A MINUTE OF A MEETING OF THE
COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY
HIS EXCELLENCY THE GOVERNOR GENERAL
ON THE 26 JUNE, 1948

The Committee of the Privy Council have had before them a joint report from the Minister of Transport and the Minister of Finance, representing:

That, after lengthy negotiations between representatives of the Canadian National Railway Company and of the Cities of Saint John and Halifax with respect to the taxation by the Municipalities of Canadian Government Railways, property settlements were finally agreed upon where annual grants in lieu of taxation would be paid for a period of five years;

That, in each case the amount agreed upon was to be the equivalent of one-half of what the normal tax would be if the Crown property were not exempt, and valuation of the property was to be agreed upon or settled by arbitration;

That this formula was designed by Railway Officials to meet anticipated similar claims by other municipalities in the Maritime Provinces and to keep the total annual grants within the amount of \$250,000.00, which was the amount previously authorized by Your Excellency in Council to be paid to the Maritime Provinces in lieu of taxation;

That, subsequently, authority was granted by Order in Council, P. C. 2759 of July 10, 1947, for making annual grants, for the years 1947 to 1951 inclusive, of \$64,883.22 to the City of Halifax and of \$28,263.36 to the City of Saint John, subject in each instance to such adjustment as might be occasioned by reversion of status of Crown properties subject to municipal taxation because of occupation under lease by commercial or private interests, and vice-versa;

That the President of the Canadian National Railway Company has now (1) reported that additional claims have been made by other municipalities and that it is proposed to make annual grants for the four years 1948 to 1951, inclusive, as follows:-

City of Moncton, N. B.	\$15,000.00
City of Fredericton, N. B.	1,762.82
City of Sydney, N. S.	5,404.94
Town of Edmundston, N. B.	2,866.56
Town of Sackville, N. B.	684.31
Town of Dartmouth, N. S.	932.50

and (2) suggest the advisability of authority being provided for the payment of grants to other municipalities in the Maritime Provinces:

The Honourable,
the Minister of Transport.

The Committee, therefore, on the recommendation of the Minister of Transport and the Minister of Finance, advise that authority be given to the Canadian National Railway Company:-

1. To make the aforesaid additional annual grants in lieu of taxation to the said municipal corporations;

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2. To make annual grants to other municipalities in the Maritime Provinces, when considered justifiable in the opinion of the Railway officers, provided such grants do not exceed, in any one case, an amount equivalent to one-half of what the normal tax would be if the Crown property involved were not exempt, and do not extend beyond the year 1951, the valuation of the property for such purpose to be set by agreement or by arbitration and provided, further, that the total annual amount of the grants already authorized and the grants herein recommended, do not exceed the sum of \$250,000.00.

(Sgd) A. D. P. Heeney,
CLERK OF THE PRIVY COUNCIL.

His Worship said he was pleased with the splendid co-operation of Mr. Kelsey and the officers of the Canadian National Railways on this matter. He pointed out that it appears that the City is getting almost the equivalent of a Business Occupancy Tax which the City has the right to impose under the law, but the City Solicitor wonders whether the City should not be getting both the Business Tax as well as one-half of the Real Property Tax. As a result, a meeting in Halifax next week has been arranged with Mr. Kelsey and the City Manager when it is hoped that a conclusion will be reached. He further pointed out that the existence of this Privy Council Order, which has been the guideline for the authority for payment of 50% of Real Property Taxes, merely makes this matter of discrimination against the Maritime Provinces a matter of government policy and not a policy of the Canadian National Railways. He felt that this re-orientates the City's approach not only to the Canadian National Railways, but also to the National Harbour Board, because if the Government of Canada can order a railway to pay 50% of Real Property Taxes in the Atlantic Provinces, it should also order the same with respect to the National Harbour Board.

While in Montreal he also attended meetings held by the Executive Committee of the Federation of Mayors and Municipalities.

He then attended meetings of the Canadian Cabinet at Ottawa with the Federation Executive where strong representations were made with respect to some specific statement of policy with respect to the Federal Government's financial involvement with the 1967 Centenary Celebrations and the Federation asked that funds be actually made available for this purpose.

At this meeting the matter of under representation of urban districts

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in the Legislatures of Canada was also discussed. This was very forcibly brought to the attention of the Government and the Prime Minister felt that the action of American Cities in taking this matter to the Supreme Court of the United States merited some close attention to the problem in Canada. The Federal Government indicated that they were going to appoint a Commission under certain ground rules. The Mayors' Federation are preparing valuable information on this subject. His Worship highly endorsed the action of the Mayors' Federation.

He also informed that the Mayor of Montreal, Jean Drapeau, has communicated to the Mayors' Federation that he would like to see the Mayors' Federation representation come from the Union of Municipalities in each of the Provinces instead of direct representation city by city and municipality by municipality. This view is not shared by the members of the Federation. The President and Executive Director of the Mayors' Federation propose to make a trip across Canada to convey to interested Boards of Trade and other public officers and Premiers the work of the Federation. This will be undertaken within the next few months.

BOARD OF COMMISSIONERS OF PUBLIC UTILITIES - TRANSIT SYSTEM

His Worship the Mayor reported that he had forwarded a copy of the Urwick, Currie Report to the Board of Commissioners of Public Utilities and invited them to indicate whether or not they contemplated any action.

As a result, the following letter, received by His Worship, was submitted:

November 6, 1962.

Mr. John E. Lloyd, C. A.,
The Mayor,
City of Halifax,
City Hall,
Halifax, Nova Scotia.

Dear Mr. Mayor:

Your letter of November 5th, 1962 addressed to the Chairman, Board of Commissioners of Public Utilities, has been received in the absence of the Chairman from the office as he is convalescing from a recent surgical operation.

You are correct in your understanding that one copy of the report of Urwick, Currie Limited on the Halifax transit system was delivered to this Board on October 30th, 1962 and the contents of said report have already been examined.

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You ask whether any action arising from the opinions expressed by the consultants is contemplated. In view of all the circumstances, a fair inference can be drawn that you in your official capacity are asking for an investigation by this Board because of the information received by your municipal corporation from your consultants.

There can be no doubt that the City is entitled to such an investigation under Section 78 (1) of the Public Utilities Act and in pursuance of this section the Board is prepared to make an investigation upon complaint being made by your municipal corporation to it against the public utility in question.

As a result of such investigation the Board may make such order as the justice of the case may require. This could only be determined by legal evidence received at a public hearing.

The procedure to be followed is laid down in the Rules for the Regulation of Practice and Procedure of the Board which provides the utility complained of an opportunity to file an answer etc. On these matters the City Solicitor could advise.

Section 78 of the Public Utilities Act reads as follows:

"78 (1) Upon complaint made to the Board against any public utility by any municipal corporation or by any five persons, firms or corporations, that any of the rates, tolls, charges or schedules are in any respect unreasonable or unjustly discriminatory or that any regulation, measurements, practice or act whatsoever affecting or relating to the operation of any public utility is in any respect unreasonable, insufficient or unjustly discriminatory or that the service is inadequate or unobtainable, the Board shall proceed, with or without notice, to make such investigation as it deems necessary or expedient, and may order such rates, tolls, charges or schedules reduced, modified or altered, and may make such other order as to the modification or change of such regulation, measurements, practice or acts as the justice of the case may require, and may order on such terms and subject to such conditions as are just that the public utility furnish reasonably adequate service and facilities and make such extensions as may be required, but no such order shall be made or entered by the Board without a public hearing or enquiry first had in respect thereof.

(2) The Board, when called upon to institute an investigation, may, in its discretion, require from the complainants the deposit of a reasonable amount of money or other security to cover the costs of the investigation, which money or security shall be dealt with as the Board directs, should the decision be given against the complainants."

At any hearing pursuant to Section 78 (1) the allegations, opinions and advice contained in the above mentioned report could be heard by the Board as evidence under oath and subject to the test of cross-examination.

This is essential because the Board, like any judicial tribunal, must approach its tasks objectively so as to be able to arrive at a reasoned decision in each case. The Board has the heavy duty of (1) adjudicating conflicting claims between parties and (2) of deciding whether or not to take action that will affect substantially the interests of persons or corporations. To reach a decision judicially the ascertainment of facts is necessary and if one quality is more necessary than another in such an ascertainment it is the quality of fairness and the Board must approach its task with an independent impartiality.

Therefore, it is much better if a matter such as this is commenced by complaint by your municipal corporation if it feels that it has reasonable and probable grounds for making such complaint.

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The Board has noted the front page article appearing in the Mail-Star today which partially quotes Section 18 of the Public Utilities Act which actually reads as follows:

"18 Whenever the Board shall believe that any rate or charge is unreasonable or unjustly discriminatory, or that any reasonable service is not supplied, or that an investigation of any matter, relating to any public utility should for any reason be made, it may, on its own motion summarily investigate the same with or without notice."

The Board does not consider that it is appropriate for it to act under this section because it is necessary as a condition precedent to the use of this section for the Board to have a "judicial" belief in the existence of the facts coming to the knowledge of the Board as a result of its general supervision of utilities.

Yours very truly,

C. R. Coughlan, Q.C.,
VICE-CHAIRMAN.

ACCOUNTS OVER \$500.00

The following accounts over \$500.00 were submitted:

<u>Vendor</u>	<u>Purpose</u>	<u>Amount</u>
Dartmouth Iron Foundry	Manhole Frames & Covers	\$ 1,164.24
National Cash Register	Accounting Machine	10,345.00
Nova Scotia Housing Commission	12½% Share of Expenditures on Federal Provincial projects for quarter ending Sept. 30, 1962	43,718.72
Salvation Army	Hostel Grant	75,000.00
Provincial Treasurer	Overprinting and completing Debentures	967.50
Union Electric Supply Co.	Wire and Conduit	743.75
Jas. Simmonds Limited	Rubber Horseshoes	741.29
Construction Equipment Ltd.	Gasoline Engines	729.00
L. E. Shaw Limited	Prefabricated Catchpits	<u>2,656.21</u>
		<u>\$136,065.71</u>

MOVED by Alderman Meagher, seconded by Alderman Wyman, that the accounts be approved for payment. Motion passed.

Very sincerely yours,

Mary Cameron,
CHIEF LIBRARIAN.

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APPROVAL OF MINISTER OF MUNICIPAL AFFAIRS, UNIACKE SQUARE PROJECT

The following letter was submitted:

Halifax, N. S.,
November 6, 1962.

Dear Mr. Mayor:

This will acknowledge your letter of September 25, 1962.

I have been authorized by the Government of Nova Scotia to indicate to you its approval of the acquisition and clearance of the Uniacke Square Area, Halifax, on the understanding that the Province does not undertake to bear any portion of the cost of such acquisition and approval.

I have been further authorized by the Government of Nova Scotia to indicate to you its willingness to enter into an agreement for the construction of 150 housing units in the Uniacke Square Area, with the Province bearing 12½ per cent of the cost of the project in accordance with the provisions of the National Housing Act, Parts III and VI, and the Nova Scotia Housing Commission Act, Sections 24, 25, and 26.

While the Province agrees in principle with the projected program for construction of 1100 units at the site over a period of years on a cost sharing basis, it is not prepared at this time to commit itself to share in the cost of constructing more than the initial 150 units. Any further projects leading to completion of additional units will be considered by the Province on their merits as they are proposed.

Yours very truly,

Stephen T. Pyke.

His Worship,
Mayor John E. Lloyd,
City Hall,
Halifax, Nova Scotia.

Filed

BORROWING - \$30,000.00 - BRANCH LIBRARY

The following letter was submitted:

November 2, 1962.

Mr. R. H. Stoddard,
City Clerk,
City Hall,
Halifax, N. S.

Your letter of October 15 advising of City Council's action in deferring the \$30,000 capital grant and a request to examine space in the Industrial Building was submitted to a meeting of the Halifax Regional Library Board on October 26, 1962.

In compliance with this request a deputation from the Board examined the space available in the Industrial Building on November 1. While there are some doubts among the members about the location of this building for a branch library, the Board is going into costs and facilities in detail with the Forum Commission and will make a further report as soon as possible.

Very sincerely yours,

Mary Cameron,
CHIEF LIBRARIAN.

Filed

REQUEST FOR PERMISSION TO ERECT CHRISTMAS TREES - GRAND PARADE
AND CORNER LOT AT BLOWERS & BARRINGTON STREETS - DOWNTOWN
HALIFAX BUSINESS ASSOCIATION

A letter was submitted from the Downtown Halifax Business Association requesting permission of Council (a) to erect Christmas Trees in the Grand Parade and on the corner lot at Blowers and Barrington Streets; (b) that the trees be lighted and remain lighted every evening when the downtown stores are open for shopping prior to Christmas.

MOVED by Alderman Lane, seconded by Alderman LeBlanc, that the request be approved. Motion passed.

Meeting adjourned.

12:10 A. M.

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J. E. Lloyd,
MAYOR AND CHAIRMAN.

R. H. Stoddard,
CITY CLERK.

CITY COUNCIL
MINUTES

Council
November 27, 1962.
Council Chamber,
City Hall,
Halifax, N. S.,
November 27, 1962,
8:00 P. M.

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

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

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

Also present were Messrs. P. F. C. Byars, L. Mitchell, G. F. West, R. H. Stoddard, W. J. Clancey, V. W. Mitchell, J. L. Leitch, R. B. Grant, K. M. Munnich, A. R. Howard and Dr. E. M. Fogo.

Also present were Messrs. George Currie, President of Urwick, Currie Limited, A. R. Harrington, President of Nova Scotia Light and Power Company, Limited and a number of officials of the Company.

The meeting was called specially for the purpose of holding a Public Hearing in connection with the report of Urwick, Currie Limited respecting the Transit Division of the Nova Scotia Light and Power Company, Limited.

In the gallery approximately 150 citizens were gathered.

It was agreed to follow the procedure of first hearing representatives of organizations who had submitted written briefs prior to the meeting and then hear any other citizen who wished to make representations either for or against acceptance of the report of Urwick, Currie Limited.

In order to assist Council and those present in the gallery to become better oriented to the problem, His Worship the Mayor read the recommendations of staff which were approved in principle at a meeting of the Committee of the Whole Council held on October 30, 1962, as follows:

- (1) That Council approve, adopt and give effect to all recommendations contained in the Report on the Transit Division of the Nova Scotia Light and Power Company Limited, prepared by Urwick, Currie Limited, Management Consultants, October, 1962, subject to the following reservations:

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- (a) That purchase of the assets of the Transit Division of the Nova Scotia Light and Power Company Limited be decided by negotiation between the City and Nova Scotia Light and Power Company Limited;
- (b) That the organizational expense of \$200,000.00 estimated by Messrs. Urwick, Currie Limited be amortized over a five-year period.
- (2) That Council retain Messrs. Urwick Currie Limited, Management Consultants, to supervise and oversee the acquisition by the City of Halifax of the Transit System of the Nova Scotia Light and Power Company and to implement all of the recommendations contained in the consultants' report, subject to review of the purchase price and organization expense, including without limiting the generality of the foregoing, the recruitment and training of suitable executive and administrative staff, the provision of an efficient executive organization, institution of adequate financial and cost control data and market research procedures, and the establishment of a proficient organization administered by competent management able to provide a Halifax Transit System as an efficient agency of municipal government.
- (3) That Council reach a policy decision whether the transit system will be operated as a City department or under a City transit commission.

His Worship the Mayor stated that these recommendations of staff are what the Council will be considering after they have had the benefit of the viewpoints expressed at this hearing and after having made other appropriate inquiries.

Mr. John Kane, submitted and read the following brief on behalf of the Amalgamated Association of Street, Electric Railways and Motor Coach Employees of America, Local 508:

"Your Worship, Members of City Council, Ladies and Gentlemen:

"In so far as the brief is concerned, we, as employees of the Transit Division of the Nova Scotia Light and Power Company, Limited, feel there are, at the moment, four points which should be further analyzed and discussed, so as you and the citizens of our City may become better acquainted with the situation as we see it.

- "Categorically, they are:-
1. Welfare of the transit rider;
 2. Necessity of service;
 3. Job security; and
 4. Survival of the Downtown Business Area.

"Of prime importance to us is the welfare of the travelling public and the continued need for better and more efficient service.

"This we feel is a must because we fully understand the position of our employers on this particular point. The Nova Scotia Light and Power Company, Limited have already made it known, that under present circumstances, they are no longer interested in the Transit Division and therefore want out.

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"This is a serious situation. How serious you may not realize, but we, as members of the Transit Division, do, because at a special meeting of the entire membership of our Division held on Sunday, November 11th of this year, were told point blank by management that if they were compelled to keep transit without any financial aid or assistance from other sources, then, and I quote, 'There would be curtailment after curtailment, after curtailment, further reductions in staff, and finally abandonment of the service as a whole'. If such were to happen, and believe you me, under present conditions it very well could. Think of the subsequent developments -- take for instance, service: further curtailments, as for example; only essential service throughout the day; elimination of night-time service; next, cut off of service on Sundays and Holidays. At each and every cut off of service a few more faithful employees let go, employees who in most cases have given a lifetime of service to their employing company and the travelling public. Therefore, end result:- no transit, no transit riders; and, subsequently, no transit employees.

"Because of present circumstances and conditions, we, as employees of the Company and members in good standing of an excellent parent body, are deeply disturbed over events as they are happening. As taxpayers and in most cases property owners, we fear any trend that would cause an elimination or stoppage in the transit field; and because of such fears and apprehensions, we therefore, Your Worship, definitely do not oppose the main recommendation of your consultants in so far as 'take over' by the City of Halifax is concerned. Unless other arrangements can be made with our employing Company, then, we would favor the main recommendation as supported by the City Manager and his staff.

"This we would rather see than have an outside private enterprise enter the picture at this point, which, as you know, happened in other centers, whereby, through private enterprise the system was milked dry of its proper usages and the City then compelled to take over a defunct system at an outrageous price.

"At the moment we have good rolling stock, good maintenance equipment, and equally important good transit employees to look after the needs of our 40,000 daily riders and the travelling public.

"Let us not dispose of our Department by these unfair methods, because if we do, then, the situation, as evidenced in other centers, could well be duplicated in our own area.

"Finally, and this is necessary, the economy of our City as a whole. It has been pointed out in the brief that the stability of any given populated area is based on a good transit system. As I have already indicated, we have a good transit system -- so, let us not lose sight of our downtown areas of business, because, were we to do so, the tax structure of our City is equally affected.

"So, Your Worship and members of the City Council, these, then, are the views of the employees of the Transit Department. Views, which we feel now have been properly aired so as you and the citizens of our City may realize the importance of keeping our transit system apace with the times for reasons I have already made known.

"In closing, I would like to take this opportunity of expressing my sincere but humble thanks for your kindness in allowing me to present the opinions of our membership because we feel that otherwise our views, and, consequently, our fears would not have been made known to all those concerned over the transit situation as it now stands."

8:15 P. M. Alderman B. O. Macdonald arrived.

Mr Manuel Zive, President of the Halifax Board of Trade submitted

and read the following brief on behalf of the Board:

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Board of Trade,
Halifax, N. S.
November 26, 1962.

His Worship Mayor J. E. Lloyd and
Members of the City Council,
Halifax, N. S.

Dear Mayor Lloyd and Aldermen:

Re: Transit System

The Halifax Board of Trade wish to commend the City Council for its wisdom in retaining independent authorities to advise in regard to the Transit System. As a result, you now have a very complete report with definite recommendations for your consideration.

We feel that Halifax must have an efficient mass transportation system of the rapid transit variety, in order to move people about, providing opportunity for easy access to all parts of the City.

If we do not provide for this, high value districts particularly, will gradually decay. The City will lose the income from what should be its highest revenue producing sections, and much of the effect of the reconstruction programme may be lost.

We think it is almost impossible to operate an efficient transportation system unless rigid parking regulations are strictly enforced. Particularly on our narrow streets, it is most difficult to keep to schedules when so many people drive to work in automobiles who might well use the Transit System.

The streets were built for moving traffic, not for parking.

From past experience in Halifax and in other cities, we find that an increase in trolley coach fares would reduce the number of passengers travelling. At best it would only be a stop gap, as with each increase in rates the number of customers using the system seems to drop off. Our present passenger fares compare favorably with other Canadian cities, and we understand from trolley coach users that they are not prepared to pay more for this service.

The simplest solution of course would be to make satisfactory arrangements with Nova Scotia Light and Power Company to carry on the operation and expand the service as necessary. If this is not possible, then other alternatives must be found.

If a new operator takes over the system he will be most fortunate in obtaining equipment in an excellent state of repair, which we understand will be useful until at least 1970.

Our present trolley coaches provide a reasonably adequate service and are clean and quiet. They should be operated as long as they are useful and trouble free. The operator would thus effect considerable savings initially and defer the introduction of a complete diesel bus system as long as possible.

If the Nova Scotia Light and Power Company has not made a financial success of the operation and cannot see possibilities of so doing, then the question arises as to whether or not another operator may do so. It is rather significant that 27 out of 36 major Canadian cities have been compelled to take over their transit systems.

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However, if it is decided to allow some other authority to undertake the operation, we suggest that very rigid safeguards should be included in the contract so as to insure first class service and to avoid the experience which we understand some other cities have had in being compelled to take over the system eventually, and being left with equipment in a poor state of repair. On this point we quote Mr. Currie's comments to City Council.

"Mr. Currie warned the Council to look out for private operators willing to take over the transit system for the purpose of speculating with its real estate, milking it dry, allowing its rolling stock to deteriorate to scrap condition, and leaving the City with the alternative of doing without transit or shouldering a terrific re-establishment cost.

This had generally been the fate of cities which offered their transit systems for private operation, and the wonderful condition of Halifax's trolley buses was unprecedented in his experience, with private transit operators."

If it is decided that the City take over the transit system, then we recommend that the purchase price be negotiated under the supervision of the Nova Scotia Board of Commissioner of Public Utilities in order that a fair and equitable figure be reached.

We also suggest that operation under the regulations of the Nova Scotia Board of Commissioners of Public Utilities, instead of being a handicap as suggested by the Urwick, Currie Limited's Report, may even be a distinct advantage especially since the Nova Scotia Board is outstanding in Canada, and is regarded as being one of the best on the continent.

We strongly recommend that it would be wise to entrust the operation to an independent commission, such as the Public Service Commission, on which the members serve without remuneration.

Further, we understand that commission operation can be put into effect without special legislation.

We understand that the Toronto Transportation Commission is an outstanding example of efficient operation and could well be used as a pattern for the operation in Halifax.

The City Council is well informed regarding this transit situation but we do urge that no precipitous action be taken on this matter until the entire question of price and quality of operation of the transit system is fully studied and assessed. We do not consider that a plebiscite is necessary or desirable.

We thank you for this opportunity of expressing our views, which we hope may be of some assistance, and to wish you every success in your deliberations.

Very truly yours,

Manuel I. Zive,
President.

His Worship the Mayor invited the members of Council to direct questions to Mr. Zive if they were so inclined.

Alderman LeBlanc referred to the comment regarding fares in the Board of Trade brief and he asked if this comment were made as a result of a survey.

Mr. Zive said that a survey had been made of people who used the system who had indicated that the fares they are now paying are as high as they want to pay.

Alderman LeBlanc referred to the comment made in the brief regarding the condition of the trolley coaches and he asked if the "wonderful condition of Halifax trolley busses" might be attributed to the fact that they were not used enough.

Mr. Zive: "I would like to think that the owners of the transit system were proud of their equipment and found it cheaper to keep it in good condition rather than try to build it up after it had deteriorated." He disagreed with Alderman LeBlanc's contention that the condition was attributable to the fact that the coaches are not used enough.

Alderman Connolly referred to the following statement in the Board of Trade Brief: "If a new operator takes over the system he will be most fortunate in obtaining equipment in an excellent state of repair, which we understand will be useful until at least 1970." And he asked the basis for this information.

Mr. Zive stated that the information had been obtained from local people who know something about that equipment.

Alderman Connolly referred to the suggestion of the Board that rigid safeguards be included in any contract with another authority who might undertake the transit operation to insure first-class service and to avoid the costly experience of other cities; and he contended that the Board of Trade should have given consideration to the treatment to be accorded the employees, especially the trolley coach operators, of the Transit Division of the Company on any 'take over' as referred to by the first speaker, Mr. Kane.

Mr. Zive contended that such consideration was beyond the premises of the Board of Trade, but he felt that any operator would accord reasonable treatment to the trolley coach operators and other employees as they are a most important facet of any transit operation.

His Worship the Mayor stated that the answer to Alderman Connolly's contention might be contained in the fact that representatives of the trolley

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coach operators' Union did meet with himself and the City Manager and a discussion ensued as to the collective bargaining practices of the City with its employees, and the Union representatives were assured that the City Council would extend to them the same privileges as those extended the other civic employees in so far as the bargaining on rates of pay and conditions of work were concerned. He said that the Union representatives had expressed satisfaction with the assurance.

Alderman Connolly stated that he was satisfied with the explanation but had thought that the Board of Trade would have shown a greater interest in these employees and would want to see a wall of protection set up for them.

Mr. Zive stated that he felt that the employees would be protected by the existing law.

Alderman Connolly referred to the relationship existing between the management of the Nova Scotia Light and Power Company, Limited and its employees which had been built up over the years; and he stated that he would have thought that the Board of Trade would have watched that very carefully to see that such relationship was continued.

Mr. Zive contended that the whole problem was answered in the underlined paragraph contained on 'Page 2' of his brief which reads, "The simplest solution of course would be to make satisfactory arrangements with Nova Scotia Light and Power Company to carry on the operation and expand the service as necessary. If this is not possible, then other alternatives must be found."

His Worship the Mayor stated that any good employer tries to develop a sense of mutual respect between management and employees and he expressed the hope that the same type of relationship would be maintained should a change in management occur.

Alderman Lane referred to the second last paragraph of the Board of Trade brief and asked what Mr. Zive regarded as "precipitous action", a day, a week or a year.

Mr. Zive: "Precipitous action" would be if Council, without investigating and gathering the best information possible regarding the transit system, were to say, "We would take over and run it." I am sure this Council would not do so; and whether it takes you a day or six months to make

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up your mind, when you reach a decision, you will have all the facts pertinent to this case."

His Worship the Mayor stated that if the transit operation were taken over by the City, the City would be faced with capital expenditures running into three-quarters of a million dollars; and it may be necessary to set up some kind of an insurance policy so that there would be some means of obtaining revenue (should deficits be encountered) other than real property tax. He said that if this were understood, the fears of many citizens and members of the Board of Trade might be allayed.

Mr. L. B. Sellick, Secretary of the Ratepayers' Association of School Section 115 comprising the communities of Rockingham, Birch Cove, Prince's Lodge and Kearney Lake, submitted and read the following brief on behalf of the Association:

27th November, 1962.

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

Sirs:

The Chairman and Members of the Executive Committee of the Ratepayers' Association, School Section 115, make this submission to you in the matter of your inquiry into the feasibility of acquiring and operating a public transit system.

It is the opinion of the executive members of this association that we should in some way assure the City of Halifax of our support in your problem of the Transit System which the Nova Scotia Light and Power Company wishes the City to take over and operate. At this time we can only offer the following comments:

- (i) We agree to the principles laid down in Mr. Justice Doull's letter published in the "Mail Star" on 16th November and again on 24th November 1962.
- (ii) Opinions offered by our Executive are to the effect that if the Nova Scotia Light and Power Company had been interested in providing an ultimate transit service to the public, it would have explored and/or tried out new routes not only in the City but into suburbia where so many new subdivisions are located.....Furthermore the company could have tried out diesel buses and also the two decker buses which have been used successfully in other places.
- (iii) For some time we have felt that if adequate, flexible and aggressive service had been provided to the new residential areas as they developed, the populace would have supported the transit system.

- (iv) It is considered that if the Nova Scotia Light and Power Company wish to bow out of the Transit System Business, they could do so gracefully by donating the existing system to the public at the convenience of the public.
- (v) In its present form we consider that the Nova Scotia Light and Power Company Transit System is inadequate for the two cities and their surrounding suburbs. We consider that it should be expanded to take in Dartmouth, greater Halifax and all the adjacent dormitory areas.
- (vi) In our opinion the transit system should be operated on a regional basis. Therefore it should be governed by an adequate board of directors who would be made up of four competent individuals selected one each by:-

The City of Halifax
The City of Dartmouth
The Municipality of the County of Halifax
The Transit Employees Trade Union

- (vii) We consider that the transit system should become a public utility under public ownership financed by Halifax, Dartmouth and Regional Authorities. The transit system under public ownership should be operated by the above board of directors. (vi) who could be responsible for the hiring of efficient management to conduct efficient operations for the well being of communities concerned.
- (viii) It is considered that in areas where adequate transit systems will operate on a regional basis, expensive school buses could be eliminated.

In conclusion we forecast that if the suburbs and cities are not provided with efficient public transit systems their economic and sociological future development will indeed be bleak. We feel that the City of Halifax should not be wholly saddled with this responsibility which holds no further interest to private enterprise."

His Worship the Mayor asked Mr. Sellick if his organization subscribes to the opinion that a transit system is absolutely essential to maintain the economy of the whole region, and Mr. Sellick replied in the affirmative.

His Worship then stated that he wanted to draw to the attention of Council and the general public the extremely important fact that the City has the right to impose a gross receipts tax on electricity operations which at the moment is five per cent of the electricity charges in the City of Halifax amounting to approximately \$300,000.00 annually, and he said that this point should be kept in mind by all present.

He also stated that there were no further briefs submitted and he asked if any person in the gallery now wished to be heard.

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Mr. D. J. Gannon, President of the Halifax-Dartmouth and District Trades and Labour Council addressed the meeting stating that his Council had met several days ago and listened to the presentation which was made tonight by Mr. Kane on behalf of the Trolley Coach Operators' Union and agreed unanimously that that would be the approach of the Labour Council to the transit problem. He continued: "However, there were some reservations and some other points made. The delegates to the Council felt that if the City takes it over, it should be operated by an independent authority to be set up. The attitude of our Council was that, if possible, the Company should have been compelled to extend the lines and to keep the system in operation. However, it appears that is impossible and the next best thing, in our view, is that the City take it over. We agree with the staff recommendations to Council that the price be negotiated. We agree in principle to the complete report of Urwick, Currie Limited, but we thought that some consideration should be given to taking over the transit system that it could be only a part of a major plan which would include a transit system in Dartmouth and the surrounding areas which would also consider the taking over of the Halifax-Dartmouth Bridge and future bridges; and the whole transportation system in the suburban area should come under a metropolitan authority.

"Considering the question as to whether or not the City take over the system, our Council was concerned with the citizens of the City and their need for transportation; and we endorse what was said by Mr. Kane in his presentation tonight."

Alderman O'Brien: "Does the Labour Council intend to make representations to the City of Dartmouth which would suggest steps which would lead to an eventual metropolitan transit authority such as you advocate?"

Mr. Gannon stated that the Labour Council had made representations over long periods to the Cities of Halifax and Dartmouth and the County of Halifax and that they have had an answer from the Mayor of Halifax, but nothing from the City of Dartmouth or the County of Halifax; and the impression that was gained by the Labour Council was that neither one of the three municipalities wanted to set it up.

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His Worship the Mayor informed the meeting that a Regional Authority has been set up, of which he is the Chairman, and the first concern of the Authority is the establishment of a Regional Prison. He stated that the Regional Authority would be working on a regional concept of doing those things which are economic to do on a regional basis, but that each step must be approached separately; and in the end result, many of the things for which the public has been hoping for for many years might be provided on a regional basis.

Alderman Trainor referred to the statements contained in the brief of the Trolley Coach Operators' Union attributed to the management of the Nova Scotia Light and Power Company concerning curtailment of and eventual abandonment of services as a whole; and he asked that a representative of the Company be allowed to express his views on that statement at this time to clarify the point.

His Worship the Mayor asked Mr. Harrington to clarify the Company's position on this point.

Alderman Wyman asked if the Company is going to make a complete submission at this hearing and, if so, whether the Company feels that the timing is right for them to make a complete or partial statement.

Mr. Harrington: "The Company was invited to attend the meeting of Council when it resolved into a Committee of the Whole. We were asked at that time to state the Company's position with respect to the Urwick, Currie Report. We made that statement. After that statement, Council called this meeting to consider the Urwick, Currie Report and the recommendations of staff. We did not intend to make any submission, but are here to answer any questions which may be asked.

"The question raised by Alderman Trainor had to do with the statement made by Mr. Kane with respect to curtailment of service. In that respect I must review a bit. The Company wrote a letter, Sir, at your request to the City of Halifax in February, or thereabouts, when we were asked to outline the position of the Company with respect to transit. At that time, we suggested that there were three alternatives. One was an increase in fares and