

Special Council,  
April 23, 1969

"That Council affirm its intention to retain and preserve the Waterfront Historic Buildings specified in the Keith Graham Report with the intention that they be restored and re-used on their existing site; and that notice be given to all interested in these buildings that implementation of this policy is dependent upon major financial participation by private enterprise, and that, on the basis of Sections 1 to 5 of the Keith Graham report, staff prepare a Call for Proposals for the use of these buildings; and that if after six months from the issue of the Call for Proposals no satisfactory response is received, uses of the land other than preservation of the historic buildings be considered."

The City Manager stated that he was apprehensive about the street situation in the area of the Waterfront Historic Buildings, and that a suggestion has been made that because it is difficult to assess a situation by verbal or written indication, that it may be an idea that Members of Council, Staff, and the Civic Advisory Committee take a look at the situation as it is physically. In this way Staff can point out the effects of certain matters regarding the street grades, and some of the complications that might result.

Alderman Abbott thought the suggestion was a good idea.

Alderman Ivany thought serious consideration should be given to this matter, and that Staff should explore all the alternatives and possibilities in an effort to retain these buildings for historic perpetuity. He was in favour of having a visual look at the buildings during the daytime.

MOVED by Alderman Meagher, seconded by Alderman Sullivan that a visual investigation of the Waterfront Historic Buildings be made at 3:00 p.m. on Wednesday, April 30, 1969.

Alderman Sullivan was of the opinion that the recommendation of the Finance and Executive Committee was



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a good idea as it provided a deadline for anyone who wished to make use of one of these buildings.

At this time, it was agreed that Mr. Collins, Chairman of the Civic Advisory Committee on Historic Buildings, be permitted to address Council.

Mr. Collins said he was concerned at the new approach suggested at this meeting, and that this matter should best be directed to a Co-ordinating Committee of the type set up for Brunswick Street preservations. He presumed that a Co-ordinating Committee would be set up for the Waterfront Buildings.

Mr. Collins said that he hoped the usual conventional steps towards the solution of the problem would be taken, and that the recommendation by the Finance and Executive Committee would be dealt with at this meeting.

Alderman McGuire pointed out that the recommendation before the Council is still effective, and the suggestion to view the buildings is not a delaying tactic. He said it is the intention of Council, at the present time, to preserve the buildings but if this is not possible, Council will know the reason and be satisfied that preservation is not the solution.

Some discussion ensued with respect to the date and time for the visit to the buildings.

MOVED in Amendment by Alderman Meagher, seconded by Alderman Sullivan that a visual on-site investigation of the Waterfront Historic Buildings be made at 3:00 p.m. Tuesday, April 29, 1969. Motion passed.

The Motion, as amended, was put and passed.



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TRANSFER OF CITY MARKET

A report was submitted from staff respecting transfer of the City Market to the Halifax Forum complex, and advising that the Forum Commission recommends the City Market be located to the lower floor of the Industrial Building. The proposed transfer results in an anticipated increase to the City on the Market operation of about \$1,700.00 per year.

MOVED by Alderman Ivany, seconded by Alderman Meagher that the transfer of the City Market to the lower floor of the Industrial Building, be approved. Motion passed.

TENDERS - BOOTS - POLICE DEPARTMENT

A report was submitted from staff relating to the tenders for boots for the Police Department, and suggesting that since official notification has not yet been given to the successful tenderers, the tender award for boots given to Morris Goldberg by City Council on April 16, 1969, be rescinded and the tender of Karpis Shoe Factory Outlet for \$10.85 for boots, as per their sample, be accepted.

MOVED by Alderman Meagher, seconded by Alderman McGuire that the Rules of Order of Council be waived. Motion passed unanimously.

MOVED by Alderman Meagher, seconded by Alderman McGuire that the Resolution approved by Council at a meeting held on April 16, 1969, respecting the awarding of tenders for boots - Police Department, to Morris Goldberg at \$11.40, be rescinded. Motion passed unanimously.



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MOVED by Alderman Meagher, seconded by Alderman McGuire that the tender of Kamps Shoe Factory Outlet for \$10.85 for boots for the Police Department, be accepted. Motion passed unanimously.

BANK BORROWING RESOLUTION

A report was submitted from staff relating to the approval of bank borrowing resolutions for \$11 million and \$5½ million under the authority of Section 213 and 208 of the City Charter. These resolutions replace previous resolutions for \$7½ million and \$9 million respectively.

MOVED by Alderman Abbott, seconded by Alderman Hogan that the resolutions amounting to \$11 million for current account expenditures and \$5½ million for capital account expenditures, under Section 213 and 208 of the City Charter, be approved, and that His Worship the Mayor and the City Clerk be authorized to sign the resolutions on behalf of the City of Halifax. Motion passed unanimously.

GEORGE DIXON RECREATION CENTRE - TENDERS

The City Manager advised that he had received a letter from Mr. Gordon Price, Director of Recreation, stating that the Recreation and Playgrounds Commission for the City of Halifax recommends to City Council that the lowest tender of Raymond L. Kaizer Ltd. for construction of the Drop-In Centre on the George Dixon Playgrounds, in amount of \$97,237.00, be accepted.

The City Manager then listed the various tenders for the information of Council.



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MOVED by Alderman Ivany, seconded by Alderman Meagher that the lowest tender, that of Raymond L. Kaizer Ltd. for construction of the Drop-In Centre on the George Dixon Playgrounds, in amount of \$97,237.00, be accepted. Motion passed.

Council was advised that the completion date for construction of the Drop-In Centre is July 15, 1969.

AUCTIONEER'S LICENSE - ROBERT DEVEAU

The City Solicitor advised that an application had been received from Mr. Robert Deveau for an Auctioneer's License which would permit him to hold a public auction from a hotel located in the City of Halifax.

MOVED by Alderman Meagher, seconded by Alderman Sullivan that an Auctioneer's License be granted to Mr. Robert Deveau. Motion passed.

2:38 p.m. Meeting adjourned.

HEADLINES

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REGINALD J. ALLEN,  
DEPUTY MAYOR AND CHAIRMAN.

R. H. STODDARD,  
CITY CLERK.  
/dh.



SPECIAL CITY COUNCIL  
MINUTES

Special Council,  
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Council Chamber,  
City Hall,  
Halifax, N. S.,  
April 29, 1969,  
8:05 p.m.

A Special Meeting of 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.

Present were: His Worship the Mayor, Chairman; Aldermen Abbott, Connolly, Ivany, LeBlanc, McGuire, Meagher, Sullivan and Allen.

Also present: City Manager, City Clerk, City Solicitor and Committee Clerk.

The City Clerk advised that this Special Meeting was called as a Public Hearing especially to discuss "Store Hours" as contained in Ordinance No. 121 and "Permits to Operate Businesses on the Lord's Day" as contained in Ordinance No. 109.

Alderman LeBlanc asked to whom notices of the meeting had been sent.

The City Clerk read the list of names to whom notices had been sent and further advised that an advertisement had been inserted in the newspaper.

Alderman Connolly asked under which Ordinance the barbers in the annexed areas were controlled as of June 30, 1969.

The City Solicitor advised that after June 30, 1969 the barbers will come under Ordinance No. 121 but their hours



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are different than those for the "closing of stores". There is a separate section dealing with barbers hours contained in Ordinance No. 121.

In answer to a question from Alderman Connolly, the City Solicitor advised that the barbers in the Halifax Shopping Centre would be governed by the Ordinance and not the lease for their premises.

His Worship the Mayor called for those who requested amendments to the Ordinance and suggested a ten minute time limit on all speakers.

8:10 p.m. Alderman Hogan arrives.

Mr. Donald McInnis then appeared and addressed Council on behalf of The T. Eaton Co. Limited in support of a written brief.

He stated that the company was in favour of unrestricted store hours and the abandonment of the present ordinance.

Alderman Connolly asked if the hours were unrestricted would Eatons remain open every night, to which Mr. McInnis replied that it was his understanding Eatons would wish to be open on Wednesday, Thursday and Friday evenings.

Alderman Meagher was of the opinion that the stores in Montreal were open on Thursday and Friday evenings, and he asked if Eatons in Montreal had attempted to obtain unrestricted hours in that city, to which Mr. McInnis replied in the negative.

Mr. Ian H. Palmeter then appeared and addressed Council on behalf of Provincial Distributors Limited, owners



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and operators of "The Cove" store located at Rockingham,  
in support of a written brief.

He referred to the petition submitted to the City  
of Halifax late in 1968, by approximately 700 people in respect  
of the Cove Store urging that it be allowed to remain open as  
it has in the past, and indicating a strong demand by the  
consumer for this type of operation to be open.

Mr. Palmeter advised that the submission suggested  
amendments to Ordinance No. 121 and No. 109, to include a  
class of business known as a "general store", and a maximum  
business occupancy assessment of \$30,000.00.

Alderman Hogan was of the opinion that the Cove  
Store should be allowed to remain open as it does at the  
present time because it provides a very necessary service to  
the area.

Mr. W. B. Hardman then appeared and addressed  
Council on behalf of Halifax Developments Limited - Scotia  
Square in support of a written brief.

He urged that the present store closing bylaw be  
rescinded for the reasons submitted in the brief.

Alderman Connolly questioned the validity of the  
statement that the tourist industry in the city was affected  
by the store closing restrictions.

Mr. Hardman stated that the hotels in the City had  
the highest occupancy average in Canada for the year.

His Worship the Mayor asked how the amount of  
\$3 million dollars was calculated that the submission estimates  
is lost to the City of Dartmouth because of their more liberal



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evening shopping hours.

Mr. Hardman said this was a hard calculation to determine, but can briefly be based upon, by taking the extra number of hours the businesses operate and the number of businesses operating and calculating it on this basis, and assuming an average customer count for the night.

In answer to a question from Alderman Ivany, Mr. Hardman advised that there are unrestricted hours in Edmonton, Calgary, Lethridge and London, and a lot of areas were unrestricted in Vancouver, Winnipeg, Regina, Toronto and Hamilton. He said the trend in the past two or three years has been to completely open up shopping hours across the country.

Alderman McGuire asked if the existence of the present ordinances concerning store hours had affected the ability of acquiring tenants for Scotia Square, to which Mr. Hardman replied in the negative. He stated some tenants had been concerned about the matter but they had been advised that the matter of store hours would be reviewed again prior to the opening of Scotia Square.

Mr. W. H. Jost then appeared and addressed Council on behalf of The Robert Simpson Eastern Limited in support of a written brief.

He urged that Ordinance No. 121 be repealed so that operators of stores in the City of Halifax will be placed on a comparable footing with the retail merchants in Dartmouth and the County.



Mr. Jost advised that on Wednesday, February 7th, 1968, Simpsons carried out a survey at the K-Mart Shopping Plaza between the hours of 6:30 p.m. and 11:00 p.m., consisting of teams of people who asked operators of cars where they came from. He advised that one team had questioned 663 people at the Plaza and the following were the results:

448	persons	or	68%	originated	from	Dartmouth
166	"	or	25%	"	"	Halifax
49	"	or	7%	"	"	other places

a second team questioned 865 people with the following results:

588	persons	or	68%	originated	from	Dartmouth
147	"	or	17%	"	"	Halifax
130	"	or	15%	"	"	other places

Mr. Jost said it was an open question that had shopping hours been open in Halifax on that particular evening, would the persons originating from Halifax, in fact, have gone to Dartmouth to shop? He referred to other locations in Canada where unrestricted shopping hours had been effected. He was of the opinion that if a Provincial law were enacted governing store hours throughout the Province, this would result in equal opportunity for all merchants.

Alberman McGuire asked if there had been an attempt to obtain a uniform by-law between, Dartmouth, Halifax and the County.

His Worship the Mayor advised that about two years ago the matter was raised and the City of Halifax was willing to have a by-law applying generally, but Dartmouth and the County were opposed.

Mr. Charles Clarke then appeared and addressed Council on behalf of Triton Carriers Limited, landlord of the



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Halifax Shopping Centre, in support of a written brief.

He urged that Ordinance No. 121 be repealed in order that Halifax could be on a competitive basis with the other two municipalities.

Alderman Hogan asked if Mr. Clarke was speaking on behalf of the tenants of the shopping centre, to which Mr. Clarke replied that he was speaking on behalf of Triton Centres Limited - owners of the centre.

Alderman Hogan suggested that the tenants were placed in a position of being forced to agree with the landlord, to which Mr. Clarke replied that nothing was forced upon the tenants in their lease that is not in accordance with a City ordinance.

Alderman Meagher asked if the tenants would have a choice to remain open or closed should unrestricted hours be granted, or would they have to remain open every evening.

Mr. Clarke stated that the success of a shopping centre is uniformity and he felt the majority of tenants would have to agree to certain hours of staying open.

Alderman Meagher asked what the rental structure was for tenants in the shopping centre, to which Mr. Clarke advised that some tenants pay a percentage of gross sales in rent, and others pay low percentage rent.

In answer to a question from Alderman McGuire, Mr. Clarke was of the opinion that if unrestricted shopping hours were permitted, the centre would probably be open on Wednesday, Thursday and Friday evenings.



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His Worship the Mayor then advised that two further written communications had been received from groups in favour of unrestricted hours, one from Ward 10 Community Association and one from Zellers (Nova Scotia) Limited.

His Worship the Mayor called for those who were in support of the continuation of the present by-law.

Mr. A.J. Silverman then appeared and addressed Council on behalf of Downtown Halifax Business Association in support of a written brief.

He urged that no change be made to the Ordinance and was in support of it applying to the whole metropolitan area.

Alderman LeBlanc referred to a remark made by Mr. Silverman in his reading of the brief, when he had stated that one store had been open on Thursday evenings for a while but had not found it profitable, and that late shopping on Thursday was not apparently accepted by residents of this area, and asked why would the Association he represented be concerned about the County stores remaining open if the Association is convinced it is not a good thing.

Mr. Silverman felt uniform hours should be applied to the whole area.

Alderman LeBlanc stated that if any changes were effected and it were not mandatory for stores to remain open, why would there be any concern, to which Mr. Silverman replied that the stores would all be forced to remain open because of the spirit of competition.

Alderman LeBlanc pursued the point further and



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also stated that he would assume if stores did not find it profitable they would not remain open.

Reference was made to the shopping centre at Sunnyside where shops are open from 9:00 a.m. to 9:00 p.m. on six evenings a week, and Alderman Hogan advised that the store at this location, with which he is associated, had found that it was not profitable to be open on Monday, Tuesday and Saturday evenings, but they had to be open because the landlord "held the whip".

Mr. Silverman said that members of the Association were unanimous in requesting the retention of the Ordinance.

Mr. Peter Andrewes then appeared and addressed Council on behalf of Halifax Retail Merchants Association in support of a written brief.

He referred to several points made by previous speakers, and that Mr. Hardman had fairly, pointed out, that he could not claim to have lost any tenants due to the by-law being in effect.

He urged retention of the by-law because the small, medium - the broad middle spectrum of the retail community cannot compete fairly and equally without a by-law.

Alderman McGuire referred to the fact that some previous speakers had stated there is a changing trend of shopping patterns in North America and in this City, to which Mr. Andrewes replied he did not feel this was so.

Mr. Andrewes was of the opinion that it is the large national chain stores that wish to have unrestricted hours



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and that all the people who are not in this category wish to have a by-law.

Alderman LeBlanc asked if the Association felt the public were best served by only late night shopping on two evenings a week, to which Mr. Andrewes answered in the affirmative.

Alderman LeBlanc referred to the fact that the City of Halifax was willing to go along and allow time for a concensus to be obtained from the Halifax Retailers, on the question of extending store hours, to see what the Dartmouth retailers will do, and subsequently Dartmouth City Council did not approve the recommendation.

Alderman LeBlanc felt a regional control would be preferable, but it concerned him that if one merchant is losing a dollar to Dartmouth because he voted to keep him closed. He also referred to the fact that when the Narrows Bridge is open it would provide a route for many people in the new city areas to get to the K-Mart Shopping Plaza in a matter of a few minutes.

Mr. Andrewes stated he did not feel this would change the views of the Association.

In answer to a question from Alderman Ivany, Mr. Andrewes was of the opinion that the present by-law permitting stores to be open two evenings, was fair and adequate.

Mr. Sam Rubin then appeared and addressed Council on behalf of Bayers Road Shopping Centre Tenants Association in support of a written statement. He advised that 169



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independent merchants in the City were in favour of the by-law remaining as it now stands. He further advised that the Province of Quebec has a provincial by-law in effect restricting evening shopping to two nights per week, and the same should be done in this province.

He said that he knew over 50% of the tenants in the Halifax Shopping Centre wanted the by-law to remain as it is, so that when a merchant speaks and a landlord speaks on the matter, there are two entirely different points of view.

Mr. W. D. Beck then appeared and addressed Council on behalf of the Gottingen Street Merchants Association in support of a written brief. He urged that the present by-law be retained.

Mr. Beck advised that he has a store in the Halifax Shopping Centre, and he is compelled by the terms of the lease to remain open when the landlord so dictates. He said that one year, between Christmas and New Year they closed the store for one day, and subsequently received an unpleasant letter from the landlord stating that they should not do that again. He said that last year, between the same period, on one day the refunds at the store exceeded the receipts, so it did not always pay to remain open. He said that the present by-law enables the Halifax merchants to operate efficiently, as longer store hours would result in higher costs which would eventually be passed on to the consumer.

Mr. Beck stated that, the case concerning the



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Cove Store has placed them in a unique position, and he felt that he could speak on behalf of the majority of local stores by stating that if some way could be found to grant the Cove special consideration to remain open as they do at present, most of the retail merchants would not raise any objection.

Mr. Warner Reverend F. Tassinari then appeared and addressed Council on behalf of the Halifax Deanery Chapter of the Anglican Church of Canada in support of a written brief.

question Alderman Meagher felt that this group of clergy should be complimented for the interest taken in this matter which encompasses the welfare and rights of the individual.

on behalf Mr. W. Warner then appeared and addressed Council on behalf of the Dartmouth-Halifax Retail Merchants Association, and stated he spoke for 52 retail merchants in Dartmouth.

deal in He was of the opinion that business had been taken away from merchants in Dartmouth and Halifax by K-Mart Store having increased store hours, and he felt that the Dartmouth merchants would not be in a position to stand six-night competition from the whole Halifax business community. He said that the smaller stores were not geared to operate and compete with the larger stores on unrestricted hours.

there sh Mr. Warner felt the retention of the Halifax by-law followed by the same sort of legislation in Dartmouth making for uniform store hours in both cities, would be the way to strengthen the business community in both cities without making any hardships on the general public.

In answer to a question from His Worship the Mayor, Mr. Warner stated that he would be in favour of a regional



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by-law regulating store hours.

His Worship the Mayor referred to the fact that Halifax City Council agreed to its by-law being enforced for a period of one year, because it had been stated that Dartmouth would probably follow the same course in that year, and asked Mr. Warner how long he felt Halifax City should take action which restricts some of its merchants to compete with Dartmouth.

Mr. Warner said he could not give an answer to that question, but felt the question should be resolved on a regional basis.

Mr. Ted Wickwire then appeared and addressed Council on behalf of the Halifax Retail Merchants Association, which group consists of representatives from each of the seven major shopping areas in the City of Halifax, 95% of whom deal in non-consumable goods.

He felt that the only change since the by-law was enacted in 1967 was that of annexation, and that possibly the list of exempt stores in the by-law should be revised to accommodate the people living in the new city areas. He said that the major concern of the 95% dry-goods retailers, whom he represented, was the question of whether or not there should be a by-law, and he urged that the present by-law be retained.

Mr. Wickwire then submitted a copy of the petition signed by 169 retailers, which had been forwarded in 1967 when the question of a by-law was being considered.

It was agreed that a member of the Barbers Association be permitted to address Council and obtain clarification of



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the laws governing barbers in the City.

In answer to a question from the gentleman representing the Barbers Association, the City Solicitor advised that if the entire Ordinance #121 were repealed, then there would be no law to apply to the barber shops. At present the by-law specifies the time which all barber shops may remain open. The City Solicitor further stated that it would be possible for part of the Ordinance to be repealed thereby retaining the regulations governing the barber shop hours.

The gentleman present urged that the present barber shop hours be retained, as this was the wish of the majority of barbers.

Mr. M. Warrington addressed Council as a consumer, and urged that stores be permitted to remain open at least three nights a week for the convenience of the general public.

As there was no other person present wishing to be heard, His Worship the Mayor then declared the public hearing ended.

Alderman LeBlanc referred to the written brief submitted by Zellers (Nova Scotia) Limited, and stated they made two or three relevant points in their brief. He referred to page 6 - The Slack Periods wherein it states, "Whether it is better to stay open, in the hope of getting more business, or whether it is wiser to forego the extra business and close up shop is a business decision. This can only be made by the merchant himself and the Municipal Council cannot properly make it for him".



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Alderman LeBlanc then referred to page 8 of the brief which states, "The trend towards evening shopping is now so solidly developed that any community which endeavours to restrict it merely drives shoppers out of town". He also referred to the paragraph following the above statement.

Alderman LeBlanc spoke at some length on this matter and was of the opinion that Council should seek a compromise and that the evening shopping hours should be amended to include Wednesday night shopping.

The City Solicitor advised that this is an area of municipal law that has been before the Supreme Court of Canada more than any other matter, there are many legal problems associated in this area, and the suggestion of the "Cove" Store is not without legal problems.

Alderman Connolly asked if a positive motion could be made at this time.

His Worship the Mayor advised that to change an Ordinance, either to repeal or amend it, the same procedure must be followed as is required for passing an ordinance. He said a Notice of Motion is required at least ten days prior to the first reading, so that a Notice of Motion on the following evening would be in sufficient time for first reading at the subsequent regular Council, following that Committee of the Whole, and one week later second reading at regular Council.

The question was raised whether a motion could be made at this meeting that there be no change in the Ordinance, and the effect of that on the right of an Alderman to give



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any Notice of Motion at the regular Council tomorrow night or any other Council.

The City Solicitor stated that this is a Special Meeting of Council called as a Public Hearing to consider the question of store hours, and that any positive motion relating to this matter could be made. If such a motion is resolved in the negative it would have the effect that it could not be again brought before Council in a contrary motion before two months without the consent of two-thirds of the members of Council.

His Worship the Mayor advised that since the City Solicitor's ruling had not been made before the Notices of Motion were indicated, he would recognize Aldermen LeBlanc, Hogan and Meagher in that order should they wish to make any motion.

MOVED by Alderman LeBlanc, seconded by Alderman Ivany that Ordinance No. 121 be amended to include Wednesday night opening on an optional basis and that legislation be sought to accommodate establishments such as the Cove Store.

11:25 p.m. Council agreed to adjourn to meet as Committee of the Whole, with Alderman Allen assuming the Chair.

Alderman McGuire was of the opinion that it would be desirable for the merchants to resolve the problem of store hours themselves, but this would not seem to be possible. Therefore, he felt this should be resolved on a regional basis. He also stated that in view of the briefs submitted the only new circumstance, from the last time this matter was before



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Council was the fact of annexation, and he would not be opposed to special legislation being sought for the Cove Store to retain its present hours of opening.

MOVED by Alderman McGuire, seconded by Alderman Abbott that this Committee recommend to City Council that the only change to be made in Ordinance No. 121 be the one to accommodate establishments such as the Cove Store.

Alderman Abbott said that he has not received any calls from residents of Ward I indicating they would like longer store opening hours, and from that he would conclude the time is not appropriate to change the store closing hours.

His Worship the Mayor said that, in listening to all the evidence this evening, he was not prepared to support the motion of Alderman McGuire at this time, that he preferred the kind of compromise suggested by Alderman LeBlanc. He said that if an amendment was introduced to allow more time in which to consider the matter, it may be that this would change his vote. His Worship the Mayor said he did not feel it was the business of the City to look after the control of trade or the sociological issues which are the only cases worth considering.

Alderman Ivany said he was in favour of a regional control on store hours. He said that whatever decision is reached at this meeting, he will take some action to prevent the matter being brought before Council while he is in office.

Alderman LeBlanc said he could not support the motion of Alderman McGuire at this time. The Alderman said



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he was a member of an organization which said in essence, "that economic justice can best be won by free men through free enterprise". He said he was greatly disturbed and concerned by representations given at this meeting by people who do not wish to increase business or make an extra effort, or to take certain measures which will enable them to become more productive and make a greater contribution to the economy of this city. He said that, "he would not, will not and shall not attempt ever to force these people to remain open if they wish to remain closed". He was surprised at some members of Council who did not approve of the attempt some merchants wished to take in furthering the economy of the City. He was of the opinion that if the motion was passed, Council were about to deprive some people who wished to exercise initiative and improve circumstances in the community, by allowing others to say they did not wish to stay open and did not want their competitors to stay open.

Alderman McGuire felt it was impossible for Council to make a satisfactory decision on the matter because it seems to refer to one market - that of Halifax, Dartmouth and the County, and the jurisdiction of Halifax City Council is limited. He thought some attempt should be made to resolve the problem on a regional basis.

The motion was then put and passed as follows:

For the motion: Aldermen Abbott, Connolly, Hogan,  
McGuire, Meagher and Sullivan - 6 -

Against the motion: Aldermen LeBlanc, Ivany and His  
Worship the Mayor - 3 -

11:45 p.m. Council reconvened, the same members being present, and His Worship the Mayor assumes the Chair.



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MOVED by Alderman McGuire, seconded by Alderman Abbott that as recommended by the Committee of the Whole Council, the only change to be made in Ordinance No. 121 be the one to accommodate establishments such as the Cove Store.

Alderman Allen stated there was probably more stores than the Cove that might be affected if any change was made in the Ordinance, and he referred to one in Spryfield that opens on a nightly basis and would be a simple matter for the owners to put in a grocery section and could then operate as a general store much the same way as the Cove. He felt there might be other stores that could qualify on the same basis.

The City Solicitor referred to remarks he had made earlier in the meeting when he had indicated that there may be legal difficulties in giving effect to what was submitted by the Cove Store, and the solicitor concerned is aware of these difficulties.

Alderman McGuire requested that the recommendation of the Committee of the Whole Council be divided into two sections, and that the section dealing with the Cove Store be deferred until the following evening.

It was then agreed that the motion be divided and voted on separately.

MOVED by Alderman McGuire, seconded by Alderman Abbott that amendments to Ordinance No. 121 be introduced to comply with the request of Mr. Ian H. M. Palmeter on behalf of the Cove Store. Motion passed unanimously.



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MOVED by Alderman McGuire, seconded by Alderman Abbott that, as recommended by the Committee of the Whole Council, that no other change in Ordinance No. 121 be made other than the changes designed to meet the request as contained in Mr. Ian H. M. Palmeter's submission on behalf of the Cove Store. Motion passed with Aldermen LeBlanc and Allen voting against.

All written briefs are attached to the official copy of these minutes.

12:00 p.m. Council adjourned.

ALLAN O'BRIEN,  
MAYOR AND CHAIRMAN.

R. H. STODDARD,  
CITY CLERK.  
/dh



HALIFAX

April 29, 1969

His Worship the Mayor  
and Members of Council,  
City of Halifax,  
City Hall,  
HALIFAX, Nova Scotia

Gentlemen:

Being in receipt of a letter dated the 14th of April 1969 from Mr. R. H. Stoddard, City Clerk indicating that there will be a public hearing in the Council Chamber on Tuesday, April 29th, 1969 at 8:00 P.M. dealing with store hours, we would like to make the following comments.

The stand which this store has taken for the past number of years with respect to store hours remains the same i.e. we are not in any way in favour of restricted store hours.

To restrict store hours seriously puts the merchants of Halifax in a disadvantaged position due to the lack of store hour legislation within the neighbouring city of Dartmouth, Nova Scotia.

It has been mentioned in the past that longer store hours would result in employees having to work longer hours. We felt we should point out the fact that in our store the work week for employees is 40 hours. The very fact that the store is open longer hours means therefore that extra people have to be hired resulting in more jobs for people in Halifax and surrounding area.

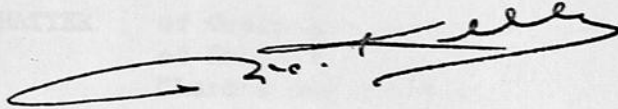
It has also been mentioned in the past that because of the fact that stores have to hire extra people that prices have to be increased to meet the extra cost. Of course this is a wrong conception since it is obvious competition would not permit prices to rise. Any extra cost involved would be paid for by the extra profits obtained by the extra sales generated by the longer store hours.

.... 2



It is therefore respectively suggested that consideration be given to the repealing of the Halifax Ordinance on store hours and that unrestricted hours of business be permitted in the City of Halifax.

Respectively Submitted,



R. C. KERR,  
Store Manager.

R.C.Kerr/jfr



IN THE MATTER of Ordinance 109 of the City  
of Halifax, known as the  
"Lord's Day Ordinance".

- and -

IN THE MATTER of Ordinance 121 of the City  
of Halifax, known as the  
"Retail Shop Closing Ordinance".

Memorandum Submitted On Behalf of Provincial Distributors  
Limited, Owner and Operator of a Store Known as "The Cove"  
at 364 Bedford Highway, Rockingham, Halifax, Nova Scotia.



To: The Mayor, and  
Members of Halifax City Council,  
City Hall,  
HALIFAX, Nova Scotia.

IN THE MATTER of Ordinance 109 of the City of Halifax, known as the  
"Lord's Day Ordinance".

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IN THE MATTER of Ordinance 121 of the City of Halifax, known as the  
"Retail Shop Closing Ordinance".

Memorandum Submitted On Behalf Of Provincial Distributors  
Limited, Owner and Operator of a Store Known as "The Cove"  
at 364 Bedford Highway, Rockingham, Halifax, Nova Scotia.

It is respectfully submitted that at the present time the store  
known as "The Cove" does not qualify under the provisions of Section 5 of Ordinance  
121 and Section 3 of Ordinance 109, whereby the store could remain open for business  
in the evenings, holidays and Sundays as allowed by those Ordinances.

I HISTORY

"The Cove" is a business registered under the Business Names  
Registration Act of the Province of Nova Scotia and is owned and operated by  
Provincial Distributors Limited, a body corporate under the laws of Nova Scotia.  
The President and principal shareholder of Provincial Distributors Limited is  
Mr. Ronald H. Whitman, who has had the management of the business from its  
inception.

Provincial Distributors Limited purchased the building at 364  
Bedford Highway in 1957 and established therein the business known as "The Cove"  
store. Prior to 1957 the premises had been occupied by a small grocery store  
which had enjoyed only mediocre success. A small grocery and hardware business



was established and in the years 1958 to 1966 extensive renovations and additions were made due largely to the customer demand for the type of business conducted by "The Cove".

Since its inception in 1957 "The Cove" has been open every day of the year with the exception of Christmas Day, from eight o'clock in the morning until ten o'clock in the evening. Residents of the immediate area and in fact from all parts of the metropolitan area have come to rely upon "The Cove" and its hours of business.

The store itself has become a centre for the advertising and direction of many community activities in the Rockingham area. The bulletin board set up in the store many years ago is used extensively by church groups, sports organizations, youth groups, social groups of every description and by individuals. The name "The Cove" has become a household word not only in Rockingham but elsewhere in the whole Halifax metropolitan area.

It is a particular and unique type of store and it is suggested that it is the only one of its kind in the entire metropolitan area.

II

TYPE OF BUSINESS CARRIED ON

"The Cove" carries on a general merchandising business primarily dealing in groceries, hardware, small wares and varieties. It is submitted that approximately 40% of the sales business done is in groceries, approximately 35% is in hardware and allied goods and the balance of 25% would be in small wares and varieties.

Small wares and varieties would include such things as confectionary, tobacco, greeting cards, sporting goods, household items and supplies and items of



a cosmetic nature. The store does not sell articles of clothing, but in all other respects corresponds to what has historically been known as a "general store".

III POPULATION AND AREA SERVED BY "THE COVE"

The new City of Halifax Ward 10, in which "The Cove" is situated comprises the whole of the old Municipal District 115 of the County of Halifax together with a part of Fairview. Ward 10 has approximately 6300 voters listed all of whom are served by "The Cove". In addition there are some other thousands of people living in the area who are either not registered as voters or who are under the age of voting.

"The Cove" not only serves this area, but has customers from many of the new annexed areas, Armdale, Spryfield, Kline Heights as well as from Bedford, Waverley, Sackville, Dartmouth and of course from the old City of Halifax.

IV NECESSITY FOR "THE COVE" TO REMAIN OPEN ON EVENINGS, SUNDAYS AND HOLIDAYS

There is a very great need for this business to remain open on evenings, Sundays and holidays. The reasons are too numerous to list, but it is respectfully submitted that the following reasons be considered:

(a) The business has been open every day and evening for the past twelve years. The public has come to rely upon this and requires this type of service.

(b) Prior to annexation on January 1st, 1969 more than 700 individual petitions were received by the City of Halifax and "The Cove" itself requesting that the store remain open on evenings, holidays and Sundays.



(c) That it was primarily on account of "The Cove" that the Nova Scotia Board of Public Utilities made an order that commercial businesses in the annexed areas should not be subject to the City Ordinances for a period of six months in order to provide proper time for the study of this situation.

(d) The store serves a primarily suburban type of resident, in the most part home owners who are to a great extent gardeners, and who spend a great deal of time in painting and home improvements to their dwelling houses. Most of this work is done in the evening and on weekends and "The Cove" provides the necessary goods for gardening, painting and household repairs. Most of these homeowners rely upon "The Cove" to provide their needs when the occasion demands, generally on weekends and in the evening.

(e) In the evenings and weekends "The Cove" provides the essential food needs of bread, milk and other perishable items which most consumers purchase as they are required.

(f) "The Cove" provides a service in renting garden equipment which is again generally required in the evening, on Sundays and on holidays.

(g) There are many residents in the area who travel in their work throughout the week and rely upon "The Cove" to serve their needs when they are home.



It is respectfully suggested that the City Council should take into consideration the wishes, demands and convenience of the public when determining matters of this kind. The desires of the consumer should be uppermost. It is suggested that it is abundantly clear as to the desires of the public and the consumers in regard to "The Cove".

V

ASSESSMENT

The business occupancy assessment of "The Cove" by the City of Halifax is \$23,500.00, which places the business far in excess of the \$9,500.00 maximum assessment for small corner grocery stores which can remain open in the evening, Sundays and holidays.

We have been unable to find any other businesses similar to "The Cove" in the old City or in the annexed areas. The telephone directory lists two "general stores" in the annexed areas, however both of these businesses are primarily grocery stores and are both assessed under \$9,500.00 for business occupancy. One of these businesses has never opened in the evening or on Sundays.

It is most difficult to find assessments for all the grocery stores in the City of Halifax as the assessment department does not have a separate list of businesses or a breakdown into types of business. In regard to solely grocery businesses it would be a safe assumption to suggest that there would be very few grocery stores assessed between the limit of \$9,500.00 for the small corner store type of operation and the larger chain store type of grocery business which would be assessed at least \$50,000.00 for business occupancy.

There are really no comparisons available as "The Cove" is an unique type of operation. If in fact one related the percentage of grocery business done by



"The Cove" to the total business occupancy assessment, that is 40%, one could find a business occupancy assessment relating to the grocery business of \$9,400.00 less than the required maximum. This is not realistic of course and is only used to suggest that all things should be considered.

VI

SUBMISSIONS

It is respectfully suggested that the City Council of the City of Halifax amend the Ordinances concerned to create a new type of business description which would cover the type of business carried on by "The Cove". It is suggested that this new defined type of business would be that of a "general store", whose prime business would be the joint sale of groceries, hardware, small wares and varieties.

This type of amendment could be passed by the City Council subject to the approval of the Minister of Municipal Affairs and would in fact merely confirm the existence of a type of business which heretofore had not been considered by City Council.

Accordingly, it is respectfully submitted that Section 5 of Ordinance 121 "The Retail Shop Closing Ordinance" be amended by adding thereto the following sub-section:

"5. (s) a general store whose prime business is the joint sale of groceries, hardware, small wares and varieties, when the business occupancy assessment is Thirty Thousand Dollars or less".

Further it is respectfully submitted that Ordinance 109, the "Lord's Day Ordinance", be amended by adding to Section 3, Sub-Section 1, the following: