

Council,
November 29, 1962.

have had meetings with City Staff, Mr. George Currie of Urwick, Currie Limited, and with Mr. A. R. Harrington and other Officers of the Nova Scotia Light and Power Company Limited. Mr. Harrington will be bringing a re-statement of his Company's position to remove the possibility of misunderstanding which could arise from previous communications on the matter. He asked for this privilege and I agreed that this should be done. Tonight you have on your desks part of a statement which he has made available to us and in addition, a letter which I only received this afternoon. It will be mimeographed and circulated to all members of Council immediately.⁸⁰

His Worship the Mayor referred to the fact that if the Transit System were City owned and operated, it would not be liable to the diesel fuel tax of 27¢ per gallon under the regulations made pursuant to the Gasoline Tax Act and many reasons exist to support the contention that a City operated Transit System should not be liable for a tax on the diesel fuel required for motor bus operation confined to City streets. The proposed system, in the initial stages, would in the main, be confined to the City of Halifax. Apart from a modest Provincial Grant of \$200.00 per mile for street and maintenance and some other limited assistance, the City does not receive a share of the gas tax or motor vehicle licenses. He then requested permission of Council to seek from the Provincial Government, a policy statement on the tax question which would substantially affect the financial implications of transit operation by the City. If the City were exempt from the diesel fuel tax, as he strongly believed it should be, the fuel costs for a complete diesel bus system would be reduced by approximately \$120,000.00 per year. This is a figure which the City Manager and Mr. George Currie worked out with His Worship and they discovered this position. In effect, the City operates a diesel bus transit system as opposed to operation by a commission or a private enterprise. The hazards of deficits would not only be eliminated, but a reasonable operating profit could be forecast, not indefinitely, but for the foreseeable future.

Alderman O'Brien requested His Worship the Mayor in seeking a policy statement from the Province that it also include an exemption if the system should be run by a commission so that the Council would be free to choose the method of operation, to which His Worship the Mayor stated he would.

Alderman Lane stated she would not be able to attend the meeting on

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Wednesday evening because of contractual obligations and when asked by Alderman O'Brien what her views would be if she were present, she stated that she was against the City operating a Transit System as there are other avenues which could be explored before the Council decides that the City shall take over what is an obsolete and almost defunct system.

In replying to a question from Alderman O'Brien, His Worship the Mayor stated that there were other alternatives of operation which could be considered: (1) a management agreement with the Company, and (2) a separate Company in which the City would put up bonds for the purchase of new equipment and hold 100% of the common stock. He assured the Alderman that all alternative proposals would be submitted to the meeting scheduled for next week which the best the authorities could suggest.

Alderman Healy suggested that the City seek legislation to permit the profits from the Electrical Utility to be used against the losses of the Transit Operation.

His Worship the Mayor stated that this matter would be taken into consideration and he referred to the fact that some of the history pertaining to this matter had been distributed to the members of Council this evening by the Company so that all the information possible would be in the hands of Council prior to the meeting scheduled to discuss the Transit Operations.

In reply to a question from Alderman Macdonald, His Worship the Mayor stated that any member of Council could submit a written statement to the meeting even though he would not be present and that this procedure was proper.

It was agreed to reschedule the Transit Meeting for Thursday, December 6, 1962, at 7:30 p.m., on motion of Alderman LeBlanc, seconded by Alderman Trainor.

Alderman Butler stated that if the Company could save the tax on diesel fuel as a result of a change in policy by the Province of Nova Scotia, it might continue to operate the system.

MOVED by Alderman O'Brien, seconded by Alderman Butler, that His Worship the Mayor be authorized to seek from the Provincial Government a policy statement with respect to the diesel fuel tax question. Motion passed unanimously.

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Alderman Wyman - Completion of Bright Street

Alderman Wyman asked what progress had been made with respect to the completion of Bright Street through to Lady Hammond Road.

The Commissioner of Works stated that a meeting had been held with the Traffic Engineer, Planning Director and himself attending, and they recommend that Bright Street be closed between Lady Hammond Road and Normandy Drive but there are other factors which require further study such as title searches of properties. He said it was intended to again report to the Town Planning Board before a final decision is reached but their attitude is (1) because of the closeness to Memorial Drive and High Street, and (2) because traffic cannot circulate without the need of extending Bright Street, it should be closed.

NOTICE OF MOTION - HALIFAX NATAL DAY, 1963

Alderman LeBlanc gave notice that at the next meeting of Council he would move that Halifax Natal Day be celebrated on Wednesday, July 31, 1963.

DEVELOPMENT PROPOSALS - DECEMBER 12, 1962

His Worship the Mayor stated that the closing date for receipt of proposals for the Central Redevelopment Area is 3:00 p.m., December 12, 1962, and that the proposals will be received by the City Manager and opened in the Council Chamber. He extended an invitation to all members of Council to attend the opening. He also stated that he was calling a special meeting of Council for 4:00 p.m. on that date to permit Council to make any decisions that may be necessary and to permit consideration of any proposals that may be received.

ACCOUNTS OVER \$500.00

A report was submitted from the City Manager recommending the payment of the following Accounts over \$500.00:

<u>Vendor</u>	<u>Purpose</u>	<u>Amount</u>
National Cash Register Company of Canada	Accounting Machine	\$ 7,345.00
R. A. Quinn & Company	Supplying & installing Vinyl Tile at Basinview Home	898.55
Royal Print & Litho	Personal Guide Booklets	5,292.43
		<u>\$13,535.98</u>

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

APPLICATION TO ZONE AND REZONE LAND - LYNCH STREET TO R-3 ZONE

Referred to the Town Planning Board for a report.

LETTER OF APPRECIATION - SALVATION ARMY FOR \$75,000. GRANT

A letter was submitted from the Salvation Army expressing appreciation to City Council for its grant in the amount of \$75,000.00 towards the construction of the new Social Service Centre on Barrington Street.

FILED.

REPORT FROM STAFF RE: 1243-45 HENRY STREET
AND 87 CHARLES STREET

Reports were submitted from the City Manager and Chief of Police pertaining to the above properties and the same were referred to a later meeting of the Town Planning Board on motion of Alderman Lane, seconded by Alderman Abbott.

Alderman Meagher asked if any further inspections had been carried out to make sure that the practices had been discontinued to which the Commissioner of Works advised that definite action has been taken and the owners have been ordered to desist from using the buildings for practices which violate the provisions of the City Charter and Zoning By-Laws.

At the request of Alderman Connolly, the same type of report was requested for the property No. 268 Fuller Terrace as was submitted for Henry and Charles Streets.

The Commissioner of Works and Chief of Police were directed to report on this property if circumstances warranted it.

BORROWING \$30,000.00 - BRANCH LIBRARY

As no further report had been submitted by the Library Board, this matter was further deferred.

SPECIAL BORROWING - \$1,000,000.00

A report was submitted from the Finance and Executive Committee concurring in a recommendation from the Commissioner of Finance that the City borrow the sum of \$1,000,000.00 at an interest rate of 5 $\frac{1}{4}$ % for a period of 90 days under the authority of Section 332 of the City Charter.

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A Formal Resolution, as prepared by the City Solicitor, was submitted.

WHEREAS the City requires money for current commitments;

AND WHEREAS by Section 332 of the City Charter, the City is authorized by resolution of the Council to borrow money in anticipation of the collection of the taxes of the year in which such money is borrowed;

BE IT THEREFORE RESOLVED under the authority of said Section 332 of the City Charter, that the City do borrow from The Eastern Trust Company the sum of One Million Dollars (\$1,000,000.00) of lawful money of Canada, the said sum to be repaid in ninety days from the date of the borrowing of the same, with interest thereon at the rate of five and one-quarter percentum per annum.

AND BE IT FURTHER RESOLVED that the sum so borrowed be repaid out of the taxes assessed and collected in respect of the year 1962 or from any other bank or account where funds are available.

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

Meeting Adjourned: 10:00 p.m.

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R. H. STODDARD,
CITY CLERK.

J. E. LLOYD,
MAYOR & CHAIRMAN.

CITY COUNCIL
MINUTES

Council Chamber,
City Hall,
Halifax, N. S.,
December 3, 1962,
2:30 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 Abbott, Breen, Lane, Macdonald, Butler, O'Brien, Healy and Greenwood.

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

The meeting was called specially for the purpose of holding a Public Hearing in connection with the revised City Charter.

One citizen only was present in the gallery, Mr. A. A. Robertson.

MOVED by Alderman Greenwood, seconded by Alderman Abbott, that Council convene as a Committee of the Whole. Motion passed.

2:35 P. M. Council convened to meet as a Committee of the Whole.

At the request of His Worship the Mayor, the City Solicitor informed the meeting that the redrafting of the entire City Charter has not, as yet, been completed, but that only the Concordance, the Section dealing with the Interpretation (definitions) and the first six parts had been considered by the City Charter Committee; and these parts were being presented for consideration today. He stated that he hoped to have the draft of the remaining parts of the Charter completed by the end of December, 1962 and also that it would be possible to present the next five parts, dealing with Finance, to Council before the end of December.

It was agreed to follow the procedure of considering each Section separately and permitting Mr. Robertson to make any comments on the various Sections.

2:50 P. M. Aldermen Meagher and Wyman arrive.

INTERPRETATION

Sections 1 and 2:

MOVED by Alderman O'Brien, seconded by Alderman Meagher, that Sections 1 and 2 be approved, subject to any review that may be necessary as the various parts of the Charter are considered. Motion passed.

PART I

THE CORPORATION

CONSTITUTION OF THE CORPORATION - Sections 3 and 4:

MOVED by Alderman Abbott, seconded by Alderman O'Brien, that Sections 3 and 4 be approved. Motion passed.

SEAL - Section 5:

MOVED by Alderman Butler, seconded by Alderman Macdonald, that Section 5 be approved. Motion passed.

ARMORIAL ACHIEVEMENT AND FLAG - Section 6:

MOVED by Alderman O'Brien, seconded by Alderman Healy, that Section 6 be approved. Motion passed.

PART II

CITY BOUNDARIES, WARDS AND THEIR ALTERATIONS

CITY BOUNDARIES - Section 7:

MOVED by Alderman O'Brien, seconded by Alderman Butler, that Section 7 be approved, subject to the descriptions being checked for accuracy by Staff. Motion passed.

ALTERATION OF CITY BOUNDARIES - Section 8:

MOVED by Alderman O'Brien, seconded by Alderman Butler, that Section 8 be approved.

Mr. Robertson stated that any enlargement of the City's boundaries would affect all citizens, and he stated that it would be more democratic to provide for a plebiscite should any change in the boundaries be proposed.

His Worship the Mayor assured Mr. Robertson that the Charter contains provisions for a plebiscite in another part.

The motion was passed.

WARDS AND BOUNDARIES - Section 9:

MOVED by Alderman O'Brien, seconded by Alderman Butler, that Section 9 be approved, subject to the description of the Wards being checked for accuracy by Staff. Motion passed.

ALTERATION OF BOUNDARIES OF WARDS - Section 10:

MOVED by Alderman Butler, seconded by Alderman O'Brien, that Section 10 be approved. Motion passed.

PART III

THE COUNCIL, COMMITTEES, BOARDS AND COMMISSIONS

COMPOSITION OF COUNCIL AND WARD SYSTEM - Section 11:

Mr. Robertson again pointed out that there is no provision for holding a plebiscite in this connection.

His Worship the Mayor pointed out that Council has the power to hold a plebiscite, but that it is not mandatory. He pointed out, however, that the Ordinance must receive the approval of the Minister of Municipal Affairs which he considered to be adequate protection for the citizens.

At the suggestion of Alderman Wyman, it was agreed to delete the words "elected for such terms not exceeding three years" in Lines 7 and 8 of Section 11 (1).

MOVED by Alderman O'Brien, seconded by Alderman Butler, that Section 11, as amended, be approved. Motion passed.

ELECTION OF MAYOR, DEPUTY MAYOR AND ALDERMEN - Sections 12, 13, 14 and 15:

Mr. Robertson pointed out that the term of Mayor proposed in Section 12 (1) had been turned down by the Legislature on two other occasions and he predicted that without the addition of any new factor the Legislature would again reject it until after the results of a plebiscite. He expressed the opinion that the present system has worked out very well and that the one-year term serves the purpose of a "recall" provision; and if any policy were not justified, the citizens would recall by vote.

Alderman Breen pointed out that the Council could ask for the resignation of the Mayor if necessary.

Alderman O'Brien stated that the logic of Mr. Robertson's remarks is that there should be a Federal and Provincial election every year and that the Aldermen should be elected every year. He contended that the voters are in a better position to judge their civic representatives than they are their Federal and Provincial representatives; and, therefore, the Mayor's term should be as long as the Federal or Provincial representatives and certainly as long as the term of the Aldermen.

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His Worship the Mayor pointed out that if the Legislature feels the Section should be amended, the Council would have no objection. Referring to the tradition of alternating the Mayors according to religious convictions, he said that upon examination it may be found that there is justification for changes today; and he pointed out that the proposed Section 12 makes no change in the basic condition except for the one-year term.

Alderman O'Brien expressed the opinion that a three-year term for Mayor is too short and suggested that a compromise arrangement would be for two, three-year terms if a maximum is required. He further contended that the tradition is one that need not be carried on for ever and that there is no valid connection between religion and politics.

Alderman Wyman expressed agreement with Alderman O'Brien's opinion that the term of Mayor is too short and does not provide the proper incentive to attract the best possible candidate. Referring to tradition, he expressed the view that the Mayor should be elected for three years and should be permitted to be re-elected for one further term as he could see no reason why the convention could not work on a six-year basis as well as on a three-year basis.

Alderman Greenwood contended that with a strong system of Council-Manager Government, the compromise arrived at is the proper one and would serve to further strengthen the Council-Manager form of Government.

Alderman Healy stated that he was in favor of the three-year term for Mayor to obviate the necessity of a Mayor having to face an election every year, but he contended that most of the citizens would like to see "the tradition" perpetuated. He further stated that it is an honor for a man to be Mayor of the City, but he felt that no person should make a "career" of the office.

Alderman Butler stated that the continuity which the City Manager provides is something that did not exist in the past. He felt that the compromise on the term of office of the Mayor should be adequate for the present time.

It was agreed to approve Section 12 as submitted.

It was agreed to approve Sections 13, 14 and 15 as submitted.

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REMUNERATION OF MAYOR, DEPUTY MAYOR AND ALDERMEN - Section 16:

The City Solicitor referred to the term "administrative order" contained in this Section and explained that the administrative order is similar to an ordinance, but does not require the approval of the Minister of Municipal Affairs, thus making for a more efficient operation. He advised that administrative orders will also be formulated to cover Staff functions.

Mr. Robertson questioned the policy of the Council members deciding what their own remuneration will be and the City Solicitor explained that this provision is similar to the provision in the present City Charter which policy has been in effect since 1959.

It was agreed to approve Section 16 as submitted.

QUALIFICATIONS OF MAYOR AND ALDERMEN - Section 17:

Alderman O'Brien referred to Clause 17 (1)(e) and he contended that the same is entirely out of order as it disqualifies certain types of businessmen and poll tax payers who pay rent.

MOVED by Alderman O'Brien that the City Solicitor be requested to redraft Section 17 so that any elector would be qualified to stand for Mayor or Alderman in the same way that an elector is qualified to stand for the Legislative Assembly of Nova Scotia or the Parliament of Canada.

His Worship the Mayor explained that this question had been thoroughly discussed last year when it was felt that if the City were going to proceed to the universal franchise, the Charter should require that any member of Council should be qualified by reason of being a business or property taxpayer.

Alderman O'Brien stated that if this is sound judgment on the part of Council, the Legislature should be asked to grant a universal franchise to the City. If it is denied, Council can hold the Province responsible; but it should not be presumed that the Legislature will make a decision which is wrong.

His Worship the Mayor stated that the fear was expressed that since Council can commit the City and the property owners to a heavy mortgage on real estate by the amount of bonded indebtedness that it assumed, without the

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benefit of a plebiscite of the ratepayers, the qualifications for membership in Council should be on the basis of business or property tax payment as it is conceivable that the Council could be made up entirely of poll tax payers, which is an obvious inconsistency.

Alderman O'Brien advanced the argument that the Council could conceivably be composed entirely of business and property landlords with a disproportionate number of tenants in the City, and he suggested that this is the time to make any change to cure the inequities which exist.

Alderman Butler stated that this may be one of those items that is in the field of compromise which he would support at this time.

There was no seconder to the motion of Alderman O'Brien.

Alderman O'Brien referred to Clause (2)(a) of Section 17 which he stated disqualifies school teachers from qualifying for the office of Mayor and Alderman. He felt that this disqualification should not be written into the legislation.

His Worship the Mayor pointed out that there are practical difficulties which make it difficult for civic employees, such as school teachers, to qualify for Council membership, such as conflict of interest and difficulty in attending Council and Committee meetings.

It was agreed to approve Section 17 as submitted.

DISQUALIFICATION OF MAYOR AND ALDERMEN - Section 18:

It was agreed to approve Section 18 as submitted.

RESIGNATION OF MAYOR AND ALDERMEN - Section 19:

It was agreed to approve Section 19 as submitted.

ELECTION TO FILL VACANCY - Section 20:

It was agreed to approve Section 20 as submitted.

MEETINGS AND PROCEEDINGS OF COUNCIL - Section 21:

It was agreed to amend Section 21 as follows: Line 18 - delete the word "its" after the word "after" and before the word "Election" and add the word "Day" after the word "Election".

It was agreed to approve Section 21 as amended.

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Sections 22 and 23:

It was agreed to approve Sections 22 and 23 as submitted.

COMMITTEES, BOARDS AND COMMISSIONS - Section 24:

Alderman O'Brien contended that Section 24 should be deleted as he felt that the appointment of a Safety Committee should not be mandatory, but would depend upon whether or not the control of the Police and Fire Departments was vested in the Safety Committee or in the City Manager.

Alderman Lane asked if there are any changed circumstances which might affect the decision with respect to control of the Police and Fire Departments and she asked what the attitudes of the respective Chiefs were.

The Chief of Police stated that he had no reason to change his views already expressed.

The Acting Chief of the Fire Department stated that he had no reason to change the views expressed by the Fire Chief last year.

Alderman Wyman pointed out that consideration could not be given to eliminating the Safety Committee before making a change in the responsibility of such Committee.

Alderman Magdonald suggested that the matter be deferred until the draft Charter is again considered by Council to give the members of Council an opportunity to consider it more fully.

Alderman Lane suggested that the Section, as drafted, be approved; and if Council decided to change it a year hence, an amendment could be sought. In the meantime she suggested that the City Manager confer with the Chiefs of the Police and Fire Departments and a survey be made to determine the policy with respect to these Departments in other Canadian cities and a report rendered before the end of 1963 to assist Council in determining a policy.

MOVED by Alderman Lane, seconded by Alderman Meagher, that Section 24, as submitted, be approved. Motion passed with Alderman O'Brien voting against.

Sections 25, 26, 27 and 28:

It was agreed to approve Sections 25, 26, 27 and 28 as submitted.

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PART IV
ELECTIONS

Sections 29 to 129:

It was agreed to approve Sections 29 to 129 as submitted.

PLEBISCITE PROCEDURE - Section 130:

It was agreed to amend Section 130 (1) by adding the words "passed by the affirmative majority vote of the total number of aldermen" after the word "resolution" and before the word "to" in Line 8.

It was agreed to approve Section 130 as amended.

Sections 131 to 137:

It was agreed to approve Sections 131 to 137, inclusive, as submitted.

PART V
POWERS AND DUTIES OF THE COUNCIL

Sections 138 to 153:

It was agreed to approve Sections 138 to 153, inclusive, as submitted.

PART VI
OFFICERS, DIRECTORS AND EMPLOYEES

Sections 154 to 182:

It was agreed to approve Sections 154 to 182, inclusive, as submitted.

MOVED by Alderman Wyman, seconded by Alderman Lane, that the Concordance, the Interpretation Section and Parts I to VI of the draft City Charter, as amended, be recommended to Council for approval. Motion passed.

5:20 P. M. Meeting of the Committee of the Whole adjourned.

5:21 P. M. Council reconvened, the following members being present:

Aldermen Abbott, Breen, Lane, Macdonald, Butler, Meagher, O'Brien, Healy, Greenwood and Wyman.

RECOMMENDATION - COMMITTEE OF THE WHOLE COUNCIL.

MOVED by Alderman Wyman, seconded by Alderman Lane, that the recommendation of the Committee of the Whole be approved. Motion passed.

5:22 P. M. Meeting adjourned.

J. E. Lloyd,
MAYOR AND CHAIRMAN.

R. H. Stoddard,
CITY CLERK.

CITY COUNCIL
MINUTES

Council,
December 6, 1962.
Council Chamber,
City Hall,
Halifax, N. S.,
December 6, 1962,
7:30 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, Healy, Wyman, Connolly, O'Brien and Greenwood.

Also present were Messrs. P. F. C. Byars, L. Mitchell, R. H. Stoddard, W. J. Clancey, L. M. Romkey, K. Munnich, A. R. Howard of staff and Messrs. George Curry of Urwick, Currie Limited, A. R. Harrington, President and General Manager of the Nova Scotia Light and Power Company Limited and G. S. Cowan, Q. C., and H. B. Rhude, solicitors representing the Nova Scotia Light and Power Company Limited.

The meeting was called specially to consider the following items:

- (1) A letter from the Nova Scotia Light and Power Company Limited Re: Transit System.
- (2) Recommendation of the whole Council.

7:35 P. M. Council adjourned to meet as a Committee of the Whole on motion of Alderman Connolly, seconded by Alderman Meagher.

7:35 P. M. Alderman Trainor and Alderman Macdonald arrive.

His Worship the Mayor submitted and read the following report:

Office of the Mayor,
City Hall,
Halifax, N. S.,
December 6, 1962.

To: The Members of City Council:

Dear Aldermen: Re: Halifax Transit System

This meeting was convened to establish an effective policy under which all residents of the City of Halifax would be served with an improved and efficient public transit system.

You will recall the events leading up to our present position. In a letter dated February 6, 1962, Nova Scotia Light and Power Company Limited informed the Council the Company had experienced deficits in its transit operations and forecast more serious deficit positions in the future. They proposed three alternatives to overcome their financial problems.

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- (1) Substantially increase fares and curtail service, which the Company did not recommend.
- (2) The City subsidize the transit operations.
- (3) The City purchase the transit system and thus relieve the Company of that service obligation.

The first proposal, to substantially increase fares and curtail the service, would have resulted in ultimate abandonment of the Company's service. Such a policy would have resulted in subsequent costly capital outlays by the City, compelled to maintain a public transit system.

The second proposal for a subsidy from public funds to a private corporation is less desirable when public ownership and operation is a feasible alternative.

For all practical purposes, the only alternative under the February 6th, 1962, proposals was the purchase of the Company's transit system. Faced with that possibility, Council decided to have an independent survey of the management of the existing system, the condition of equipment, route patterns, etc., to ensure a prudent acquisition policy. The survey was essential to develop an overall program of rehabilitation and extension of the transit facilities.

Urwick, Currie Limited were engaged for that purpose and completed their assignment in October of this year. The attitude of the Company appeared to the consultants and to the City staff to be oriented to withdrawal from transit operations. There is ample evidence in the consultants' report to support this contention.

Council decided on October 30, 1962, to hold a public hearing on the proposed acquisition of the transit system from Nova Scotia Light and Power Company Limited. The hearing was held on November 27, 1962.

While some criticism of the take-over proposal was made no consensus of opinion was expressed against such a policy. Divergent opinions were stated as to how the take-over should be accomplished.

At the public hearing, Mr. Harrington was questioned on his Company's position in the event that legislation was obtained to permit the Company to subsidize transit operations from the earnings of its electrical operations. Mr. Harrington replied that such a proposal was worthy of consideration and had distinct possibilities.

It should be noted that if the Company continued transit operations and sustained deficits and the Company was satisfied to finance any deficits from its electricity net earnings no amending legislation is necessary. It is obvious that in his reply to the question Mr. Harrington assumed it implied that legislation would be obtained permitting the Company to include its present and future investment in transit with the electrical rate base. The end result of such a change in legislation might be an increase in power rates to offset a deficit in transit.

Subsequent to the hearing I advised Council that should the City operate transit it might be successful in obtaining rebates of the Provincial Diesel Fuel gallonage tax of 27¢ per gallon. Upon full conversion to diesel buses this would mean a reduction in expenses of \$120,000.00 per year over those forecast in the Urwick, Currie report.

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In its letter of November 29, 1962, the Company restated its position on transit operations and proposed a new alternative, viz:

"That the Company will maintain and extend the transit system if the City will obtain an amendment to those sections of the Public Utilities Act, which were promoted by the City in 1943. This would permit the Board of Commissioners of Public Utilities to treat the Electric Division of the Company, or even a Section thereof, and the Transit Division as one unit in determining rate base and regulating earnings. We feel that the City is the proper party to seek a revision of this legislation since they were instrumental in having it enacted originally."

(His Worship the Mayor interrupted the reading of his report at this point to make the following comment: "This may be a sectional treatment and if you are going to expose the electric system to transit operations it isn't unlikely that the Provincial Government would want to confine it to the section of the system which is being served by the Transit System; and I would hope that the legislation that would be eventually developed might provide this same opportunity for other municipalities to do the same thing should a similar system be operated on a wider basis outside the City of Halifax.")

He then continued with the reading of the report.

Recognizing that Council would require certain assurances as to the Company's intention under this new proposal, I wrote to Mr. Harrington on December 6, 1962, as per the copy attached hereto.

It is expected that a reply will be forthcoming at this Council meeting. If that reply is satisfactory to Council the new proposal offers the following advantages to the City:

- (1) The City achieves its main objective, that the service will be improved and the routes extended.
- (2) The capital required will be provided by the Company; thus the City's debt will not be increased.
- (3) The City does not run the risk of having to meet present or future transit operating deficits from increased real property taxation.
- (4) The City staff will not be burdened with the task of implementing the improvements outlined in the Urwick, Currie report.

I respectfully recommend to Council that we accept the Company's latest proposal to continue transit operations under the conditions proposed in their letter of November 29, 1962, and of mine of December 6, 1962, and provided that the amending legislation contains a reasonable limitation on the amount of transit deficits that may be recovered from increased electricity rates.

JOHN E. LLOYD, MAYOR

December 6, 1962.

Mr. A. R. Harrington,
President and General Manager,
Nova Scotia Light and Power Company Limited,
HALIFAX, N. S.

Dear Mr. Harrington:

Thank you for clarifying the alternatives offered to the City in connection with the transit system, as set out on page 2 of your letter of November 29, 1962. Following our meeting with you on Monday, December 3, 1962, we have been directing our attention to alternative #3, and the purpose of this letter is to request further clarification of this alternative.

Of prime concern to the City is the establishment and continuance of a first-class transit system for the citizens of Halifax. Should it be decided by all concerned to accept alternative #3, and apply for

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the necessary enabling legislation, we require assurances that the Nova Scotia Light and Power Co. Ltd. will take those steps necessary to establish and maintain an improved transit system.

Specifically, we wish to be assured that it is the declared policy of the Company to operate and maintain an improved transit system providing adequate service to all areas of the City of Halifax, as recommended in the Urwick, Currie report of October 1962.

More particularly, we would like to receive a statement of your intentions to proceed as follows:

- (1) to carry out a comprehensive study of the transit market in the City of Halifax, including an origin and destination survey, and any other studies necessary to determine the transit needs for the City. (P.36, III, B, of Urwick, Currie report);
- (2) to develop and introduce an improved route pattern for the Halifax transit system, (P.36, III, C1);
- (3) to purchase a fleet of new motor buses (P.39, III C2c). At this stage it is impossible to predict the exact number of motor buses that will be required. However, the intention should be to provide the nucleus of a motor bus fleet and not merely a token representation of a few buses. This probably means of the order of 16 to 25 motor buses.
- (4) to construct a new terminal building, or modify the existing facilities, to provide adequate motor bus and trolley coach maintenance and repair facilities, bus storage garages, and office accommodation. If it is decided to modify existing facilities rather than construct new buildings then the modifications shall provide for efficient layout and adequate fire protection, (P.40, III C3a);
- (5) to adopt management policies which provide for the appointment of a sufficient number of competent administrators to manage all phases of the transit system, (P.42, III, C6a; P.44, III, C7a; P.50, III, D4);
- (6) to provide all capital funds required to implement the foregoing, (P.45, III, C8);
- (7) to draw up a plan for the eventual replacement of the depreciable assets of the system (particularly trolley coaches) and to prepare a 10-year capital budget for the system. We request that a copy of this budget be made available to the City.

If this alternative is finally selected, it is understood that the City will seek from the Provincial Government an amendment to those sections of the Public Utilities Act having to do with the compartmentation theory of utility legislation. This will have the effect of permitting the Board of Commissioners of Public Utilities to treat the electric division and the transit division of the Company as one unit in determining rate base and regulating earnings.

At our meeting earlier this week, it was suggested that implementation of this alternative would be facilitated if the City agreed to the following proposals:

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- (1) Henceforth the transit division would be required to pay to the City real property taxes only, but not business taxes nor any of the special taxes previously imposed. (P. 28, II, 13).
- (2) City to assume responsibility for all snow clearing and salting operations and the painting of coach stop curbs in yellow. (P.13, II, E1; P.28, II; P.42, III, C5).
- (3) The City to cooperate with the transit division by regulating traffic in such a manner as to facilitate coach movement. (P.28,II,12).
- (4) The City to support the transit division in any appeal made to the Provincial Government for the elimination, or rebate, of gallonage tax on diesel fuel oil used in transit buses operating on City streets.
- (5) The City to support the transit division in any appeal made to the Provincial Government seeking the establishment of a nominal licensing fee for motor buses used in transit service and operating on City streets. It is understood that the trolley coach license fee of \$1.00 per vehicle per year.

The adoption of alternative #3 by City Council will require the drafting of a new agreement between the City and the Company. It is anticipated that such an agreement would include provisions as outlined in this letter. It is our understanding that should City Council decide to accept alternative #3 you are prepared to proceed immediately to implement the improved transit service as outlined above.

May we have your reply to these proposals in time for consideration by City Council at its meeting as a Committee of the Whole on Thursday, December 6, 1962, at 7:30 p.m.

Yours very truly,

JOHN E. LLOYD, MAYOR.

His Worship the Mayor stated that the following reply had been received from the Company:

December 6, 1962.

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

Dear Mr. Mayor:

In reply to your letter of December 6th, asking the Company to make a statement with respect to our intentions to proceed according to seven specific points in your letter, we are pleased to make an over-all statement, that

"Should it be decided by all concerned to accept Alternative #3 of the Company's letter of November 29, 1962, and apply for the necessary enabling legislation, that the Company will then be able to completely change its policy with respect to transit operations, and extend and maintain an aggressive, efficient transit operation in the City of Halifax, which we feel will provide adequate service to the citizens of Halifax."

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As to the particular points raised in your letter,

1. Immediately the City of Halifax agrees to accept alternative 3 in our letter of November 29, 1962, we will make arrangements to carry out a comprehensive study of the transit market in the City of Halifax, including an origin and destination survey, and any other studies necessary to determine the transit needs for the City.

2. We would develop and introduce an improved route pattern indicated by the survey in item 1.

3. We would agree to purchase a fleet of new motor buses and as you state, "it is impossible to predict the exact number of motor buses", we would not wish to tie ourselves to the specified quantities of between 16 and 25, but rather state that we will purchase the necessary motor buses to implement #1 and #2, and certainly this means that we are not looking to only supply a token number of motor buses.

4. Certainly to implement #1, #2 and #3, existing facilities at the Terminal Building will require considerable change. We could not commit ourselves at this time as to whether we would modify existing facilities or construct new buildings, but certainly in order to implement #1, #2 and #3 such modification or new construction will provide for efficient lay-out and adequate fire protection.

5. In line with the general statement at the start of this letter, the Company would now, of course, be able to change its existing management policies, made necessary because of the difficulty of raising funds for a transit operation; and would now be prepared to strengthen the management group for an aggressive transit operation.

6. The matter of providing capital funds for the implementation of the foregoing has, of course, been the major problem of the Company throughout the whole of our negotiations. The suggested change in legislation would remove this difficulty and the Company would then provide all necessary capital funds for the extended programme.

7. Under the Public Utilities Act the Company would, with their approval, be required to set up a depreciation reserve. This reserve must be set up on an original cost basis and with rising prices might not necessarily be sufficient for future replacements, however, the Company is indicating that it is prepared at this time to operate a transit system as far as it can see into the future, and cannot of course make commitments with respect to unforeseen circumstances that may arise through dramatic changes in the whole area at some far future date. With respect to a ten year capital budget for the system, we could certainly prepare a plan indicating the proposed life and replacement of the equipment to be used in the restructured transit system, but would not be prepared to present a budget with respect to earnings beyond a five-year period as it is felt projections beyond that period are not very accurate or effective.

With respect to that part of your letter summarizing the suggestions made at our meeting earlier this week regarding the areas that the City could cooperate and assist an adequate transit system, your summary Items #1 to #5 inclusive cover the matters discussed in a manner satisfactory to the Company.

We would be prepared to negotiate a new agreement incorporating these points and giving effect to the other matters referred to in your letter of December 6th, and this letter to such extent as may be necessary.

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If the Council should agree to proceed on this basis we would also appreciate a ruling as early as possible with respect to the Company's proposed extension into the Halifax Shopping Centre, it being understood of course that in making such an extension the Company would not be requesting any financial assistance from the City, as explained in the letter from the Company to the City Manager of September 21, 1962.

Yours very truly,

A. R. Harrington,
President and General Manager.
NOVA SCOTIA LIGHT AND POWER
COMPANY LIMITED.

His Worship the Mayor: "I am satisfied in general terms, after having examined this letter, that the Company is making a sincere effort to commit itself to attempting a new orientation on the matter of the transit system; they are making commitments to do every thing in their power to improve upon and extend the transit system under a change in the existing legislation.

"You have my recommendation and the matter is before Council."

Alderman Lane expressed her appreciation to the Mayor for the extremely workmanlike presentation of the whole matter to Council and for having put it in a form which is perfectly comprehensive.

MOVED by Alderman Lane, seconded by Alderman Healy, that the recommendation of His Worship the Mayor be approved.

Alderman O'Brien asked Mr. Harrington if should a vacancy occur in the franchise covering the transit operation in the western suburbs of Halifax or Dartmouth; his Company would be interested in operating an integrated metropolitan transit system.

Mr. Harrington: "The Company would be prepared under this new change in legislation, if the municipalities concerned (other than the City of Halifax) requested that they do so, to cooperate and actively consider the extension of service to the areas but would not extend into an area now being served by another operator."

Alderman O'Brien stated that he understood from a recent press release that Mr. Harrington was quoted as saying that he anticipated being able to avoid an increase in power rates; and he asked if Mr. Harrington could tell Council how this is possible in the light of previous transit deficits.

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Mr. Harrington: "Looking at this, there is a formula that the Public Utility Board operates under in regulating the earnings of the Company, and the terms of the Act, as near as I can remember them, are that the Company will be allowed to earn a just and reasonable return on rate base. Now, it is a matter of percentages. The rate base of the electric division of the Company is at present approximately \$50,000,000.00. The rate base that would apply to the Halifax section of the Company, if you made some arbitrary split on this, would be in the order of \$25,000,000.00 to \$30,000,000.00. This is increasing year by year. For instance we estimate that by 1965, the rate base of the Company would be in the order of \$75,000,000.00 and the Halifax section proportion would again go up.

"Mr. Currie has reported to City Council that he feels that a revitalized transit system can be run at a break even, or at a small profit. I am not quite so optimistic. I am a little more concerned because and it is because of my past experience in transit, where I feel that may not be necessarily so, but certainly I would say that the loss would never exceed \$150,000.00. Now, a loss of \$150,000.00 affecting the earnings which are a percentage of \$50,000,000.00, or \$75,000,000.00, or figures in this amount, would never in themselves be the factor that would cause an increase in rates. Don't misunderstand me. I do not promise, or cannot promise, that electric rates may never change. Nor can I promise, nor do I promise that transit fares may never change, but I think a balance can be kept, and I say this with all sincerity, between transit fares and electric rates in line with transit fares as they move across the Continent, which is an indicator of inflation, and so on, and the general economic conditions, and that this in itself being so small, because we can't budget our earnings or even attempt to set electric rates that are that close that we can measure to a \$150,000.00 a year - - - it is just not possible. A little extra rain, a little bit of dryness - - - all these factors are beyond our control to the extent that our earnings vary by far more than that on a year-to-year basis."

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Alderman O'Brien: "Then, the projected deficit, before the Urwick, Currie report, was not really a serious thing from the point of view of the Company but because of the compartmentation theory you felt that there was a legal point that made it necessary to take this action; but the Company really could have carried on if it had not been for the separation of the utilities under the legislation?"

Mr. Harrington: "Mainly, so! There were two factors:

There was the matter that the Transit Division needs new capital. This was one real problem that was of real concern and difficulty to the Company. As far as the earnings, and there has been a lot of forecast on deficits and we should be a little careful how we treat these forecasts on deficits because some were made on the basis that there be no general modification of fares, or anything. Now, on this basis your deficit becomes fairly large and I don't think anybody, even if you couldn't find a better way, would ever allow it to get that deep in a deficit position without a modification of fares. Now, I say modification - - - I don't mean change on basic fares. And, I would suggest and, perhaps, should be on record, and I think it is mentioned in the Urwick, Currie report - - - that with a revitalized system, I think there are certainly some areas in the fare structure on transit that should be modified, and modified at such a time when we can offer a better service so that the people will see what they are getting for this.

"These are the general things that have bothered us - - - and the legal point very definitely, where the Board of Public Utilities has certainly criticized the actions of the Company in trying to do its best with the transit operation, perhaps at the expense of electric energy."

Alderman O'Brien: "Does the Company agree to the point in the Mayor's report to Council tonight in which he says that one condition of his proposal is that there be a limitation on the amount of transit deficit which could be covered by power rates; and, perhaps, at the same time we might ask whether they have in mind a figure in the range of this \$150,000.00 that Mr. Harrington speaks of?"

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Mr. Harrington: "Not only do I agree to it, but I think it is a good thing. Now, I think at this point we should be very careful to say that this be \$150,000.00, or what it should be, because this has all come pretty fast and we have purposely tried not to dot i's and cross t's. The matter of the legislation will be up to the Provincial Government. I think our suggestion to the Council, if it adopts the Mayor's recommendation, is that our Counsel and the Company would like to work with a small group from the City, to work with the Provincial Government who must bring forth the legislation."

Alderman O'Brien asked what Mr. George Currie's views were on the proposal submitted by the Nova Scotia Light and Power Company Limited, and if he felt there was any risk of the City having to take over the transit system eventually in less advantageous circumstances than those which exist at the present time, if Council accept the new recommendation.

Mr. Currie: "In answer to the first part of Alderman O'Brien's question, I did prepare a memorandum which I did address to the Mayor. As you can appreciate I have been working quite closely with the Mayor and Mr. Harrington during the past few days; and after a great deal of thought and soul-searching, I do think that this is the best course of action for the City to take. I set out my reasons which I don't think are worth reading to you or going over in detail because many of the points that I made are similar points to what the Mayor has made in his recommendation to you, tonight.

"I do believe, and I so say in this memorandum, that I think that the alternative of Council acquiring the system, now, is a perfectly viable and reasonable proposition; but I also point out that there have been two significant changes since our report was submitted to you at the end of October — the first being the fact that the compartment theory of the utility legislation has for the first time been seriously challenged, and I believe Alderman O'Brien was the one who asked the question, first, at the public hearing.

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"The second factor which changed the situation is a modified stand by the Company in providing to Council this new alternative; and I have tried to carefully weigh the pros and cons of this new situation and, on balance, have come to the point of view for the reasons contained in the Mayor's submission to you - - - the four advantage points that he lists in his submission to you - - - that Council would be advised to accept this proposal.

"Now, to answer the second part of the question, you need even more soul-searching because you ask the question; In spite of this, might there come a day when the City would be required to take over transit? After all we look across the United States and across Canada and we see that this is the trend - - - we see this policy being followed in municipality after municipality. You, now, certainly have an opportunity to acquire the transit system at a modest, reasonable price. Is it conceivable that the day might come when you would have to take it over, anyway, and not under nearly such favorable terms? This is, of course, the thing I have been trying to wrestle with for the last few days - - - to decide, and I must frankly say this could conceivably happen. Transit deficits can be very substantial, and the Provincial Government might not pass the legislation that you are seeking. We had a meeting this week with the Premier, and he wouldn't give any commitment on this. So, for a variety of reasons, it could be that you might some day be faced still, with having to buy this system; and I dare say that it would cost a good deal more then, than it would now.

"My judgment is that this gamble, this slight gamble, if you want to call it that, is worth taking and that in spite of that possibility, I do think that the City would be well advised to take advantage of the new alternative at this time. I don't think I can answer it more specifically than that."

Alderman O'Brien asked His Worship the Mayor whether proposal (1) on page 3 of his letter to Mr. Harrington dated December 6, 1962, proposes something different than what is already in effect.

His Worship the Mayor stated that it is different in that the Company would not be required to pay the business tax, which in 1961 amounted to \$10,000.00. He pointed out that if the Company is compelled to add to its terminal and other facilities, the City would gain by reason of

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the increased assessment for real property tax purposes on this new construction which could be substantial.

Alderman O'Brien stated that he would support the motion as he contended that the opportunity should be given to the management of private enterprise to continue the transit operation if it is financially feasible, and they are willing to undertake the task.

He also stated that in his opinion the report of Urwick, Currie Limited was the best "piece of work by an outside firm" the City has had done since the Stephenson Report, and its strong recommendations have made it possible to bring the matter to a head in a way which most people will approve.

The motion was put and passed unanimously.

TROLLEY COACH SERVICE - HALIFAX SHOPPING CENTRE

December 6, 1962

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

At a meeting of the Committee on Works, held on December 6, 1962, it was agreed to recommend that authority be granted to the Nova Scotia Light and Power Company Limited to install the necessary poles and overhead wiring to facilitate left turn 'entrance' movements and right turn 'exit' movements for trolley coaches from Bayers Road into the Halifax Shopping Centre. This arrangement to be on a temporary basis only with the understanding that if further traffic complications are brought about by this left turning movement, and as a result, that Council should decide to prohibit left-hand turns into the Centre, the Company will abide by such decision and not ask for special favours.

Respectfully submitted,

R. H. STODDARD,
CITY CLERK.

MOVED by Alderman Greenwood, seconded by Alderman Connolly, that the report be approved.

Aldermen Butler and O'Brien suggested other methods of servicing the Shopping Centre but His Worship the Mayor stated that these constituted substantial changes in the transit routings and such changes would be considered by the Company when revitalizing the system.

His Worship the Mayor then asked the Traffic Authority if he would be opposed to the proposed action by Council to permit left-hand turns into the

Centre on a temporary basis to which Mr. Howard replied in the negative.

The motion was then put and passed with Aldermen LeBlanc, Trainor and O'Brien voting 'against'.

TERMINATION OF SERVICES - URWICK, CURRIE LIMITED

MOVED by Alderman Wyman that the Members of Council express their thanks and appreciation to Urwick, Currie Limited for the excellent report submitted by them and for the assistance they have given to the Mayor and all concerned in the consideration of this transit matter; and that as of this date Urwick, Currie Limited be relieved of further responsibility in the matter.

The motion was seconded by Alderman Butler who stated that the part played by Urwick, Currie Limited contributed greatly in assisting Council in arriving at the solution to the problem in cooperation with the Nova Scotia Light and Power Company Limited and Mr. George Currie.

His Worship the Mayor conveyed to Mr. George Currie his personal thanks for his assistance, particularly during the last few days, and for the quality and excellence of his Company's report.

The motion was put and passed unanimously.

Meeting adjourned: 8:40 p.m.

HEADLINES

Decision - Transit System	702
Trolley Coach Service - Halifax Shopping Centre	713
Termination of Services - Urwick, Currie Limited	714

Manager to report:

The City Manager reported that with the development proposal has been received the same being from The Woking Group of Woking, Surrey, England, and he read the following which accompanied the proposal.

J. E. LLOYD,
MAYOR AND CHAIRMAN.

R. H. STODDARD,
CITY CLERK.

The Mayor & Corporation of the
City of Halifax, Nova Scotia,
The Central Mortgage & Housing Corporation,
Gentlemen,

Development Proposal Halifax Central
Inducement Area to be known as
The 'Cornwallis Centre'

**CITY COUNCIL
MINUTES**

Council Chamber,
City Hall,
Halifax, N. S.,
December 12, 1962,
4:10 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, Lane, Macdonald, Butler, Meagher, LeBlanc, Trainor, Healy, Connolly, Wyman, O'Brien and Greenwood.

Also present were Messrs. P. F. C. Byars, L. Mitchell, R. H. Stoddard, W. J. Clancey, L. M. Romkey, R. B. Grant, G. F. West, K. M. Munnich, W. A. Gray of City Staff, Messrs J. A. Houston and H. W. Schaven of Central Mortgage and Housing Corporation and Mr. D. J. Osborne representing The Woking Group of Woking, Surrey, England.

The meeting had been called specially to consider the development proposals for the Central Redevelopment Area.

4:15 p. m. Council adjourned to meet as a Committee of the Whole on motion of Alderman Lane, seconded by Alderman Healy.

His Worship the Mayor reported that at 3:00 p. m., this date, at a meeting attended by Mr. Houston, City Manager and himself and several members of Council a tender opening procedure was followed and he asked the City Manager to report.

The City Manager reported that only one development proposal had been received the same being from The Woking Group of 17 Commercial Road, Woking, Surrey, England, and he read the following letter of transmittal which accompanied the proposal.

The Woking Group,
17 Commercial Road,
Woking, Surrey,
England,
11 December, 1962.

The Mayor & Corporation of the
City of Halifax, Nova Scotia,
The Central Mortgage & Housing Corporation.

Gentlemen,

Development Proposal Halifax Central
Redevelopment Area to be known as
The 'Cornwallis Centre'