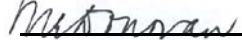


Item No. 5

**Halifax Regional Council
October 30, 2007**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
M. E. Donovan, Director, Legal Services

DATE: October 24, 2007

SUBJECT: **Appeal of Decision of Regional Council to approve a development agreement with United Gulf Developments Ltd. for mixed use development on former Texpark Property**

INFORMATION REPORT

ORIGIN

Appeal by Heritage Trust, Federation of Nova Scotian Heritage, Heritage Canada Foundation, Peninsula South Community Association of a decision of Regional Council on March 21, 2006 to approve a development agreement with United Gulf Developments Ltd. for mixed-use development containing a hotel and residential towers, commercial uses and underground parking located on property commonly referred to as the former Texpark property.

BACKGROUND

On March 21, 2007 Regional Council approved the entering into of a development agreement with United Gulf Developments Ltd. for a mixed-use development containing a hotel and residential towers and commercial uses on the northern part of the block bounded by Granville, Hollis and Salter Streets. The decision of Council was appealed to the Nova Scotia Utility and Review Board ("Board") by Heritage Trust, Federation of Nova Scotian Heritage, Heritage Canada Foundation, and Peninsula South Community Association. The Board heard the appeal over several days, February 5-9, 12-16, 2007 and March 22 and 23, 2007. On September 13, 2007, the Board rendered its decision. The Board dismissed the appeals and upheld the decision of Council to enter into the development agreement.

**Appeal of Decision of Regional Council
Former Texpark Site**

October 30, 2007

DISCUSSION

The Utility and Review Board Act provides a right of appeal to the Nova Scotia Court of Appeal on a question of law or jurisdiction. An appeal must be filed within 30 days after the issuance of the order of the Board. The 30 day appeal period expired on October 15, 2007. No appeals have been filed. The decision of Council which approved the development stands.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

None.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Karen L. Brown, Senior Solicitor, 490-6477