

Item No. 5
Halifax Regional Council
February 9, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Cathie O'Toole, CGA, Director of Finance & Chief Financial Officer

DATE: January 25, 2010

SUBJECT: Petition - Northwest Cove Cottage Association

INFORMATION REPORT

ORIGIN

At the December 15, 2009 meeting of Halifax Regional Council, Councillor Streach submitted a petition with 54 names on behalf of the Northwest Cove Cottage Association requesting \$75,000 in financial assistance from HRM towards the construction of an access road from Hwy #7 to Northwest Cove on Lake Charlotte (Item 9.2.2).

BACKGROUND

The property owners represented by the Northwest Cove Cottage Association (Registry of Joint Stock Companies ID 3238460) are attempting to have an access road constructed linking Hwy# 7 at Jeddore to Northwest Cove on Lake Charlotte. Property owners have expressed a number of concerns with the lack of road access. There is currently no way for emergency vehicles to access the properties on Northwest Cove. Emergency evacuation of persons requiring medical assistance must occur by boat over Lake Charlotte, and fire protection is very difficult to provide. There are also no municipal services such as garbage collection, and no designated area to park vehicles. The Association states in the covering letter with it's petition that they have acquired the necessary right of ways for the properties over which the road would travel. They are now requesting \$75,000 from HRM and \$75,000 from the Province to construct the approximately 5 kms of road required to access their properties. The road would remain privately owned and the Association would be responsible for its construction and ongoing maintenance.

DISCUSSION

HRM has not provided funding for the construction of private roads. In 2009/10, HRM budgeted \$22.3 million in the Capital Budget for roads and streets. Since there are several hundred private roads located within HRM, this request to provide funding for the construction of a private road could set a very expensive precedent for HRM, or possibly result in limited capital funding being spread even more thinly over a substantially larger number of roads. There is also a concern with providing public funds to be spent on private property.

There is only one situation in the past in which HRM has provided financial assistance to owners of private roads. In three cases (By-Law L-116: Kings Road, Wellington, By-Law L-119: Rockwood Hills Drive, Timberlea and By-Law L-131: Clearwater Drive, Timberlea), HRM provided a Local Improvement Charge for the repair of private bridges because of an emergency safety issue. Heavy Fire trucks could not travel over those bridges. However, it is important to note that in those cases, HRM did not provide any funding. The total cost was borne by the property owners. HRM simply acted as a “banker” in providing financing assistance to the property owners through the use of a Local Improvement Charge.

The situation with the private bridges differs from that of the Northwest Cove Cottage Association in one important respect. The properties on Kings Road, Rockwood Hills Drive and Clearwater Drive had fire protection and other municipal services to begin with and therefore the owners of those properties would have had an expectation that those services would continue when they acquired those properties. On the other hand, the properties on Northwest Cove are 5 kms from the nearest road and therefore the owners of those properties would have known of the limitations in accessing emergency services at the time they acquired the properties. However, this does not preclude Council from providing the LIC financing mechanism to owners of property on private roads where access to emergency services is an issue.

By-Law P-1100, Respecting Charges for Private Road Maintenance, clearly states with respect to Capital Improvements that "Recovery for costs related to the construction or capital improvements of private roads is not provided for in this by-law." However, if in the future the Northwest Cove Cottage Association is successful in having an access road constructed, they are entitled to request consideration under By-law P-1100 for a private road maintenance fee to be included on their property tax bills.

BUDGET IMPLICATIONS

There are no budget implications associated with this information 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

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: Gordon Roussel, Financial Consultant, 490-6468

Report Approved by:



Paul Fleming, Manager, Budget & Financial Analysis, 490-7203