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## MEMORANDUM

TO: The Chair and Members of the Appeals Standing Committee  
CC: John Traves, Q.C., Director of Legal, Insurance and Risk Management  
Joshua Judah, Senior Solicitor, HRM Legal Services  
Tanya Phillips, Manager, By-Law Standards, Planning & Development  
FROM: Karen E. MacDonald  
Senior Solicitor, Legal Services  
DATE: January 20, 2015  
**SUBJECT: Issuance of Orders to Remedy to Federal or Provincial Properties  
re: the Metropolitan Regional Housing Authority**

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At the Appeals Standing Committee on January 8, 2015 the Committee was provided with an Information Report submitted by John Traves, Q.C., Director of Legal, Insurance and Risk Management Services. The Report was with respect to the ability of HRM to enforce orders to remedy against Provincial or Federal lands. The conclusion reached by staff was that there is no ability of HRM to enforce orders to remedy against Provincial or Federal lands, as neither the Provincial Government of Nova Scotia nor the Federal Government of Canada were subject to the *Halifax Regional Municipality Charter*. The question was asked at the meeting on January 8 of whether this applied to the Metropolitan Regional Housing Authority.

It is staff's opinion that HRM does not have the ability to enforce orders to remedy against the Metropolitan Regional Housing Authority, as it would likely be considered an agent of the Crown. As an agent of the Crown, it is not subject to the *Halifax Regional Municipality Charter*.

The Metropolitan Regional Housing Authority was created by a Provincial Order-in-Council dated January 3, 1995. The power to create a Regional Housing Authority is set out in sections 22 and 24 of the *Housing Act*, R.S.N.S. 1989, c.211. Under section 25 of the *Housing Act*, the Minister of Community Services has the general management, supervision and authority over any housing authority and may make any order for the proper management or operation of the housing authority.

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### Legal Services

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In the June, 2007 Report of the Auditor General of Nova Scotia it was noted that the Housing Authorities manage the day-to-day operations of public housing. However, their Boards are not responsible for providing strategic direction, oversight and control, as Boards traditionally do for an organization. The Housing Authorities receive direction and guidance from the Department of Community Services and function similarly to a division of the Department.

The Metropolitan Regional Housing Authority is also listed as a Government Unit under Housing Nova Scotia, within Schedule 10 of Volume 1 of the Consolidated Financial Statements for the fiscal year ending March 31, 2014.